

## CLAIMS PACKAGE: REQUIRED PME RECORDS

**Section 1.3 and Exhibit 1.3.1 of the Settlement Agreement require each Claimant to submit certified Pharmacy, Medical, and Event Records (“PME Records”). Sections A through C of this table describe the required PME Records for each type of Eligible Event. Sections D through F describe requirements when the documents required in A through C are not available. Sections G and H provide information on the required Certifications for the PME Records.**

### A. Myocardial Infarction or Heart Attack Claim

1. Any Claimant who alleges an injury of myocardial infarction or heart attack (MI) shall submit:
  - a. Event Records;
  - b. Pharmacy Records from all pharmacies that dispensed any medication to the Vioxx User for the entire period of time spanning the first alleged use of Vioxx through three months after the Eligible Event; and
  - c. Medical Records from all cardiologists who provided care and treatment to the Vioxx User during the entire period of time spanning the date of the myocardial infarction or heart attack through one year after.

### B. Stroke Claim

2. Any Claimant who alleges an injury of stroke (IS) shall submit:
  - a. Event Records;
  - b. Pharmacy Records from all pharmacies that dispensed medication to the Vioxx User for the entire period of time spanning the first alleged use of Vioxx through 3 months after the Eligible Event;
  - c. Medical Records from all neurologists who provided care and treatment to the Vioxx User during the entire period of time spanning the date of the IS through one year after; and
  - d. Medical Records from all rehabilitation facilities (inpatient or outpatient) where the Vioxx User received care and treatment during the entire period of time spanning the date of the IS through one year after, if the Enrolled Program Claimant is seeking compensation for above IS Injury Level 5.

### C. Fatal Injury Claim

3. All fatal injury claims (whether MI/SCD or IS) require the submission of the following:
  - a. Event Records;
  - b. Pharmacy Records from all pharmacies that dispensed medication to the Vioxx User for the entire period of time spanning the first alleged use of Vioxx through three months after the Eligible Event;
  - c. Death Certificate;
  - d. Report of Autopsy, if one was performed; and
  - e. Medical Records from the Vioxx User’s primary care physician(s) for the three year period preceding the date of death.

### D. Records in Absence of Medical History or Satisfactory Medical History

4. Any Vioxx User who was unable to report his own medical history, or a complete medical history was not provided to the satisfaction of the Claims Administrator for the Vioxx User, at the time of his alleged Eligible Event as evidenced in the Event Records, shall submit the records required to be submitted in

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Paragraph 1 or 2 (depending on the Eligible Event) *plus* Medical Records from the Vioxx User’s primary care physician(s) for the three year period preceding the date of his/her Eligible Event.

### E. Additional Records Required where Samples Claimed to Prove Vioxx Ingestion

5. In addition to the above requirements, any Claimant who claims any use of samples to meet any requirement of the Program demonstrating that the Vioxx User ingested Vioxx (e.g., Proximity Gate, Duration Gate, Overall Duration—as defined in Exhibit 3.2.1 of the Agreement—and Consistency of Use—as defined in Exhibit 3.2.1) shall submit the Medical Records of:
- a. All physicians or other healthcare providers claimed to have dispensed the samples of Vioxx ingested for the entire time period spanning the alleged distribution of samples; and
  - b. Vioxx User’s primary care physician(s), to the extent not included in 5a for the three year period preceding the Eligible Event.

### F. Proof Required when Records Destroyed

6. In the event any Vioxx User’s pharmacy records no longer exist because those records were destroyed pursuant to a records retention policy, natural disaster, or some other reason independent of the Claimant, he/she must produce an affidavit or other notarized evidence from all applicable pharmacies that records evidencing the prescription of Vioxx for the Vioxx User no longer exist and stating the reason such records do not exist. An “applicable pharmacy” is a pharmacy for which evidence exists that Vioxx User previously filled his or her Vioxx prescriptions at that facility (e.g., references in insurance records, pill bottles, references in medical records; etc.). Claimant must provide other contemporaneous Medical Records documenting Vioxx User’s use and the amount of such usage shall be determined pursuant to Section 5(A) of Exhibit 2.2.2.

### G. Litigation Medical Records Depository Records and Certifications

7. If any PME Record is available through the Litigation Medical Records Depository (“LMRD”), Claimant’s counsel shall submit it (and the certification that accompanies the LMRD record) in the Claims Package. Even if you obtained the same record independently, you should submit the LMRD version, because records and accompanying certifications obtained from LMRD do not require any further certifications such as those described in Section H. To obtain records from LMRD, you must contact LMRD to obtain information on how to establish access to the records. For LMRD contact information, go to [www.browngreer.com/vioxxsettlement](http://www.browngreer.com/vioxxsettlement) and click on the box called “Contact Information for Litigation Medical Records Depository.”

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### H. Certifications Required when LMRD Records are not Available

- 8. Record Requests Made On or After November 9, 2007: Certification by Custodian of Records Required.** The following applies to any PME Record not available in LMRD where the initial request for the PME Records to the custodian of the records was made *on or after November 9, 2007*:
- Each PME Record submitted by an Claimant shall be produced with a dated and signed certification from the custodian of the records that swears to the following:
- a. That he or she is the duly authorized custodian of the records of the facility producing the records and has the authority to certify the records.
  - b. That the annexed records are true and correct copies of the complete file for the Vioxx User as kept in the ordinary course of business.
- 9. Record Requests Made Before November 9, 2007: Certification Permitted.** The following applies to any PME Record not available in LMRD where the initial request for the PME Record from the custodian of the records was made *before November 9, 2007*:
- Each PME Record submitted by an Claimant shall be produced with a certification from the custodian of the records, which complies with requirements above in Paragraph 8, or if such a certification (in whole or in part) does not exist, then a certification from Claimant's Counsel, that swears to the following:
- a. That the Counsel for the Claimant requested a complete set of requested records as kept in the ordinary course of business from the particular healthcare provider whose records are being produced.
  - b. That the initial request to that provider for the complete records was made before November 9, 2007.
  - c. That the produced records are true and correct copies of the complete set of the records as requested and/or received by the Claimant's Counsel for the Claimant and that Claimant's Counsel has not withheld or otherwise failed to provide any record in his/her possession relating to the Claimant.