

Merck Settles Thousands of Vioxx Claims for \$4.85 Billion

For immediate release

New Orleans, Louisiana (November 9, 2007) - Merck & Co., Inc. has agreed to pay \$4.85 billion to resolve Vioxx-related claims in which a claimant has suffered a heart attack, sudden cardiac death, or stroke.

The litigation involving product liability claims related to the pain reliever, Vioxx, has been ongoing for over five years. It is estimated that thousands of personal injury lawsuits have been filed. Discovery has been ongoing in consolidated cases throughout the country since 2001. Over 50 million pages of documents have been produced and reviewed. More than 2005 general depositions have been taken thus far. Thousands of motions have been filed and considered. Hundreds of experts in cardiology, pharmacology, neurology and other disciplines have been consulted. Moreover, over 19 trials have taken place between August 2005 and September 2007 with mixed results, including defense verdicts, plaintiff's verdicts, hung juries, and retrials.

More than 11 months ago in December 2006, Judge Eldon E. Fallon of the Federal Court in New Orleans in consultation with coordinating Judges Victoria Cheney of the Los Angeles Superior Court, Judge Carol Higbee of the New Jersey Superior Court and Judge Randy Wilson of the Harris County, Texas District Court directed Merck and Plaintiffs to begin continuous and frequent confidential negotiations.

For Plaintiffs, the Judges appointed a six-member negotiating committee which included representatives from each coordinating state, the MDL Executive Committee and a member of the MDL Steering Committee at large.

Merck designated a like number of negotiators, and the two groups were directed to seek a potential resolution of filed and tolled cases in which folks alleged that they or loved ones had suffered heart attacks, ischemic strokes or sudden cardiac death as a result of Vioxx ingestion.

Negotiating teams met in more than 50 sessions in New Orleans, Montgomery, Washington D.C., New York, Philadelphia, Los Angeles, St. Louis and Houston. Several hundred phone conferences augmented face-to-face negotiations.

The coordinating Judges, during frequently scheduled meetings and phone calls, monitored the progress of the negotiations while at the same time managing dockets of thousands of cases.

From the plaintiffs' perspective many lawyers who were involved in conducting discovery about Vioxx, developing the science liability case, and trying cases before juries demonstrated great tenacity and excellence in their efforts to secure compensation for plaintiffs who suffered injuries which we believe are a result of Vioxx.

The resulting \$4.85 billion resolution is a resolution which was hard-fought and portended risks for all parties. In light of significant costs and delay that would result in protracted litigation, the Settlement Program will ensure that those who suffered injuries as a result of Vioxx are compensated fairly and efficiently.

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