

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 COUNTY OF LOS ANGELES
3

4) CASE NO. JCCP No. 4247
5 Coordination Proceeding) Assigned to the Honorable Victoria G. Chaney
6 Special Title (Rule 3.550(c))) -- Department 324
7 *Vioxx*® Cases) ORDER REGARDING REGISTRATION OF
8) CLAIMS
9 This Document Applies to All)
10 Individual VIOXX® Cases)

11
12 The Court hereby orders as follows with respect to the registration of claims:

13 (1) The Court hereby orders the registration of claims as follows:

14 (a) All Counsel of Record in this proceeding shall be responsible for
15 designating Primary Counsel for any claim pending in this coordinated proceeding in
16 which they have an Interest (as defined below in paragraph 5) and that Primary Counsel
17 shall register such claims in accordance with this Order.
18

19 (b) All Counsel of Record with claims pending in this proceeding shall
20 register (or ensure that other attorneys register) all claims in which they have an Interest
21 (as defined below in Paragraph 5) that are pending in any court or other tribunal in the
22 United States.
23

24 (c) All persons who represent themselves *pro se* in this proceeding shall
25 register their claims in accordance with Paragraph 4 below.
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1 (2) The registration of claims by counsel shall be provided in the form of a
2 Registration Affidavit and its Exhibit 1, altogether set forth as Exhibit A to this Order. Counsel
3 shall provide the information required by Exhibit A completely and accurately. The form shall
4 provide the information required as of (a) October 1, 2007, (b) November 9, 2007, and (c) the
5 date on which the Registration Affidavit is served and filed. The Registration Affidavit shall be
6 filed no later than January 15, 2008.
7

8 (3) Registration Affidavits, along with their exhibits, shall be served on
9 Defendant Merck & Co., Inc. ("Merck"), the Executive Committee to the Plaintiffs' Steering
10 Committee ("PEC"), and the Claims Administrator.
11

12 (4) Persons who represent themselves *pro se* in this proceeding shall complete
13 the *Pro Se* Registration Affidavit attached hereto as Exhibit B and shall serve Defendant Merck,
14 the PEC, and the Claims Administrator by no later than January 15, 2008.
15

16 (5) Counsel shall be deemed to have an "Interest" in the claim of a Plaintiff if
17 Counsel or any person affiliated with, or related in any way to, Counsel: (a) has an engagement
18 or retainer agreement with such Plaintiff; (b) is listed as the counsel of record for such Plaintiff
19 in filed pleadings related to Vioxx; (c) has entered an appearance for such Plaintiff in any legal
20 action related to Vioxx; (d) would benefit directly or indirectly from any payment to settle any
21 claim of such Plaintiff connected with Vioxx; or (e) otherwise has any financial interest of any
22 kind whatsoever in any claim of such Plaintiff connected with Vioxx.
23

24 (6) Primary Counsel shall file the Registration Affidavit and its Exhibit 1 in the
25 manner applicable in this coordinated proceeding for filing documents with the Court under seal.
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1 *Pro Se* Claimants shall do likewise with respect to their *Pro Se* Registration Affidavit. Primary
2 Counsel shall also serve the Registration Affidavit and its Exhibit 1 on Merck, the PEC, and the
3 Claims Administrator via electronic mail. Specifically, Primary Counsel shall attach three files
4 to a single electronic mail message—(i) the executed Registration Affidavit in Adobe pdf
5 format; (ii) Exhibit 1 to the Registration Affidavit in Excel format; and (iii) a certification of
6 service in Adobe pdf format—and send that message to the following addresses:
7
8

- 9 1. For Merck: registration@hugheshubbard.com
- 10 2. For the PEC: tgirardi@girardikeese.com
- 11 3. For the Claims Administrator: claimsadmin@browngreer.com

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15 (7) The subject line in the email should state: “Registration Affidavit and
16 Exhibit 1 for [insert name of firm]. *Pro Se* Claimants shall serve their Registration Affidavits on
17 Merck, PEC and the Claims Administrator at the above email addresses. In that case, the
18 Plaintiff shall send the Registration Affidavit via U.S. Mail postmarked no later than January 8,
19 2008 to:
20

21
22 Claims Administrator
23 115 S. 15th Street
24 Suite 400
25 Richmond, VA 23219-4209
26 Main Number: 804.521.7200
27
28

1 (8) Primary Counsel and *Pro Se* Claimants must certify in lieu of oath
2 [pursuant to 28 U.S.C. § 1746] that the information contained in the Registration Affidavit is
3 true and correct to his or her knowledge. Intentionally incomplete or misleading responses shall
4 subject Primary Counsel and *Pro Se* Claimants to sanctions.
5

6
7 (9) Primary Counsel shall serve a revised Registration Affidavit and Exhibit 1
8 when he or she acquires or loses his or her Interest in a Plaintiff's claim, when he or she
9 becomes Primary Counsel or ceases to be Primary Counsel, or when because of changed
10 circumstances his or her Registration Affidavit otherwise becomes materially untrue, in whole
11 or in part. In such instances, Primary Counsel must serve a true and correct Registration
12 Affidavit within 30 days of the changed circumstances. The revised Registration Affidavit shall
13 identify all Plaintiffs in whose claims Primary Counsel has an Interest as of the date that he or
14 she executes the Registration Affidavit. This obligation shall terminate on September 1, 2008.
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18 (10) The Court expects all Counsel and all *Pro Se* Plaintiffs to comply with this
19 Order. Failure to meet the requirements of this Order by the deadlines set herein will subject
20 non-compliant Counsel to a show cause hearing as to why they have not complied with this
21 Order and as to why claims in which they have an Interest should not be dismissed.
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25 November, this 9 day of November, 2007.
26 Victoria G. Chaney
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28 Honorable Victoria G. Chaney

Judge of the Superior Court

Exhibit A

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1 **Registration Affidavit**

2 I, _____, hereby certify [pursuant to 28 U.S.C. § 1746] as
3 follows:
4

5 I am an attorney in good standing who is admitted to practice law in the State of
6 _____ . The name and address of my law firm are:
7

8 _____
9 Law Firm

10 _____
11 Street

12 _____
13 City

14 _____
15 State

16 _____
17 Zip Code

18 I make this certification pursuant to Pretrial Order No. ____ entered in [the current
19 coordinated proceeding].

20 Exhibit A to this certification contains a true and complete list of all of the
21 Plaintiffs in which I have an "Interest" and for whom I am "Primary Counsel" (as those terms
22 are defined in paragraphs 2 and 3 of PTO ____) along with a notation of all firms with an Interest
23 in Each Claim as of November 1, 2007.
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25 I certify under penalty of perjury that the foregoing is true and correct.
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Primary Counsel

Sign ONE of the statements below:

1. I, _____, on behalf of myself and all other counsel with an Interest in the cases listed in Exhibit 1, agree to the terms of the MSA and will recommend all Plaintiffs listed on Exhibit 1 should enroll in the Program.

OR

2. I, _____, do not agree to the terms of the MSA and will not recommend that any of the Plaintiffs listed on Exhibit 1 enroll in the Program.

DATED: _____

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Exhibit B

Pro Se Registration Affidavit

*COMPLIANCE TO
COURT ORDER*

I, _____, hereby certify as follows:

**I represent myself in the following lawsuit which is presently before the Law
Division of the Superior Court of New Jersey in Atlantic County:**

Case Caption

Docket Number

Date Filed

I understand that my lawsuit is coordinated with many other lawsuits before the Honorable Carol E. Higbee, P.J. Cv., in In Re Bextra / Celebrex / Vioxx Litigation, Case No. 273.

I make this certification pursuant to the November __, 2007 Order regarding registration of plaintiffs that Judge Higbee entered in Case No. 273.

My date of birth, social security number, and current residential address are:

Date of Birth: ___/___/___

Social Security Number: _____

Current Address: _____

Street

City

State

Zip Code

Country

1
2 **I claim that I sustained a personal injury as a result of taking Vioxx. I have marked**
3 **the category of my injury and specified the date and place of my injury below:**

4 Myocardial Infarction or Sudden Cardiac Death

5
6 Ischemic Stroke (not a hemorrhagic stroke or a transient ischemic attack)

7
8 All other Injuries

9
10 Date of the specified injury: ____/____/____

11
12 Place of Injury: _____

13
14 **I took Vioxx before my claimed injury. I have specifically checked the category**
15 **below that corresponds to my duration of Vioxx use:**

16 Duration of use up until the specified injury of 12 months or less

17
18 Duration of use up until the specified injury of more than 12 months

19
20
21
22 I certify that the foregoing statements made by me are true. I am aware that if any of the
23 foregoing statements made by me are willfully false, I am subject to punishment.

24
25
26
27 _____
28 *Pro Se Claimant*