

ability to add a party (if a party is added to the case), remove a party (if a party is dismissed), add an additional attorney from a registered firm, and substitute an attorney. This is only an electronic change request. At the end of the request, the registered user must attach any supporting documentation that confirms the request. For example, to substitute an attorney, the Court order permitting the substitution must be attached.

PLC and DLC continue to provide Lexis/Nexis with a current service list of counsel in the Vioxx MDL. PLC and DLC also continue to provide Lexis/Nexis with a list of all new cases transferred to, removed to, or filed in the MDL on a weekly basis. Additionally, as a courtesy, PLC continues to serve the plaintiffs' service list of attorneys. The parties will be prepared to discuss this further at the monthly status conference on July 19, 2005.

II. TRIAL SETTINGS

The *Ernst* case, set for trial in Texas District Court, Brazaoria County, on July 11, 2005, has commenced and the trial is in progress. DLC further advises that the *Humeston* case is set for trial in New Jersey Superior Court, Atlantic County, on September 12, 2005; the *Guerra* case is set for trial in Texas District Court, Hidalgo County, on September 19, 2005; the *Zajicek* case is set for trial in Texas District Court, Jackson County, on September 26, 2005;¹ and, the *Tomlin* case is set for trial in Florida Circuit Court, St. Lucie County, during the term commencing October 3 to December 30, 2005.

¹ DLC advises that the parties have agreed to continue this trial date until the first quarter of 2006, and have contacted the Court to see if the Court wants a formal joint motion.

III. SELECTION OF CASES FOR EARLY TRIAL

The parties continue to meet and confer to discuss a trial plan for cases to be tried in the MDL and will be prepared to discuss this issue further at the monthly status conference on July 19, 2005.

IV. CLASS ACTIONS

The PSC is continuing its review of the one hundred nineteen (119) filed class action complaints in order to group the complaints by certain categories, which include geography, class definitions, legal issues and similarity in claims. PLC will furnish to DLC prior to the conference a proposed Master Complaint(s) relating to class actions. The Master Complaint(s) is due to be filed August 1, 2005. The parties will be prepared to discuss this further at the monthly status conference on July 19, 2005.

V. MASTER DISCOVERY DIRECTED TO MERCK

On June 7, 2005, PLC served upon DLC a First Set of Interrogatories and Requests for Production of Documents directed to defendant Merck & Co., Inc. ("Merck"). Members of the PSC and representatives of Defendants have had several teleconferences concerning the discovery request. DLC advises that Defendants are currently reviewing the discovery requests and identifying documents for production requested by the PSC that have not previously been produced in the New Jersey Vioxx litigation. The parties will be prepared to discuss this further at the monthly status conference on July 19, 2005.

VI. PRE-TRIAL ORDER GOVERNING INDIVIDUAL CASES

On June 21, 2005, the Court entered Pre-Trial Order No. 17 Regarding Discovery and Motion Practice in Individual Cases. The Pre-Trial Order is located at <http://vioxx.laed.uscourts.gov>.

VII. PSC REQUEST FOR PRODUCTION OF FACTS DATABASE

On July 8, 2005, the Court entered a Minute Entry scheduling a feasibility hearing regarding Merck's production of the Vioxx-related information from the FACTS database. That hearing is currently scheduled for Tuesday, August 2, 2005, at 1:30 p.m. PLC and DLC are attempting to coordinate deposition dates for both fact and expert witnesses in connection with that hearing. The parties will be prepared to discuss this further at the monthly status conference on July 19, 2005.

VIII. DISCOVERY DIRECTED TO THE FDA

Since the June meeting with the FDA, the FDA has begun its preliminary rolling production of certain "redacted" documents on a rolling basis. DLC and PLC have signed the Protective Order requested by the FDA and it is anticipated that the FDA production of the first wave of actual production will occur within the next few weeks. The PSC will be in communication with the FDA to discuss the production. The parties will be prepared to discuss this further at the monthly status conference on July 19, 2005.

IX. DISCOVERY DIRECTED TO THIRD PARTIES

PLC has issued third party discovery to thirteen (13) people or entities. The production of documents responsive to the discovery requests are due at various times in August,

2005. PLC will continue to advise the Court regarding the status of discovery directed to third parties. Additionally, more third party discovery will be issued shortly by the PSC.

X. VIOXX PROFESSIONAL REPRESENTATIVES

On July 7, 2005, DLC advised that Merck had approximately 9,803 professional representatives who had recorded calls on doctors with respect to Vioxx. DLC is investigating whether a shorter list of representatives could be provided to PLC that would be less burdensome on Merck and would provide information relevant to plaintiffs' request. PLC has requested that DLC advise further with respect to what is intended by a shorter list. The parties will be prepared to discuss this further at the monthly status conference on July 19, 2005.

XI. DEPOSITION SCHEDULING

The depositions of Jan Weiner scheduled on July 26, 2005 and Charlotte McKinnis scheduled on August 3, 2005 in the consolidated New Jersey proceedings have been cross-noticed in the MDL pursuant to Pre-Trial Order No. 12. Additionally, PLC and DLC have communicated regarding the setting of depositions in connection with the hearing on the discovery in connection with the Merck employee information/FACTS database matter.

XII. PLAINTIFF PROFILE FORM AND MERCK PROFILE FORM

The Plaintiff Profile Form and Merck Profile Form are finalized. Liaison Counsel for the parties met and conferred regarding an Order for individual cases with reference to the Plaintiff Profile Form and Merck Profile Form, and are unable to agree. The two principal issues are the response time period for Merck to respond with a Merck Profile Form and the availability

of Plaintiff Profile Forms to defendants other than Merck. The parties will be prepared to discuss this further at the monthly status conference on July 19, 2005.

XIII. MEDICAL RECORDS FROM HEALTHCARE PROVIDERS

The parties have reached agreement on posting of medical records received by Merck in response to the authorization forms attached to Plaintiff Profile Forms. That procedure is part of the Pre-Trial Order governing the procedure for the Individual Cases.

XIV. CONTACT WITH CLAIMANTS' HEALTHCARE PROVIDERS

A hearing on Plaintiffs' motion to modify the June 6, 2005 Order took place on June 23, 2005.

XV. PLAINTIFFS' DEPOSITORY

The Plaintiffs' New Orleans Depository located at Place St. Charles, 201 St. Charles Avenue, Suite 4310, New Orleans, Louisiana, is up and running and reviewers/coders are actively working. On June 29, 2005, Judge Fallon visited the depository and his staff toured the facility. Reviewers/coders have been actively reviewing the FDA initial production and other documents at the depository. PLC will be prepared to discuss this further at the monthly status conference on July 19, 2005.

XVI. REMAND ISSUES

Several remand motions have been filed with the Court. The Court has indicated that it will deal with remand motions as a group in accordance with procedures to be established in the future. Further, Joe Escobedo, Jr., with the law firm of Hockema, Tippit & Escobedo,

L.L.P. (Texas) has filed a request for an emergency hearing to remand the Garza case, No. 05-2586. The Court will consider this matter following the status conference on July 19, 2005.

XVII. TOLLING AGREEMENT

On June 9, 2005, PLC and DLC filed with the Court a Notice of Filing of Tolling Agreement. Attached to the Notice and the Tolling Agreement are Exhibits A, B, and C. The Tolling Agreement and Exhibits A, B, and C are available on the Court's website located at <http://vioxx.laed.uscourts.gov>. Thus far, 233 Notices (Exhibit "C") and 6 Exhibits A and B (Claimant Profile Forms and Authorizations) have been received from plaintiffs' counsel.

XVIII. LOUISIANA MASTER COMPLAINT

Since the enforceability of a tolling agreement is questionable under Louisiana law, the PSC has proposed a procedure whereby Vioxx claimants in Louisiana can interrupt or suspend the statute of limitations without the expense and inconvenience of filing individual civil actions in the MDL. The DLC has proposed a procedure to permit joint filing of cardiovascular event cases that would mirror the procedure in place under the Tolling Agreement and that makes clear that the contemplated Louisiana Master Complaint is not intended as a vehicle for joint multi-plaintiff trials. The PSC has proposed a procedure similar to that used in the Propulsid MDL which involves a Louisiana Master Complaint filed as a mass joinder under one civil action with discovery as to those claimants held in abeyance. The parties have discussed these proposals. The parties will be prepared to discuss this further at the monthly status conference on July 19, 2005.

XIX. STATE/FEDERAL COORDINATION -- STATE LIAISON COMMITTEE

Representatives of the PSC and the State Liaison Committee have had several communications. The parties will be prepared to discuss this further at the monthly status conference on July 19, 2005.

XX. DIRECT FILING INTO THE MDL

Since May 18, 2005, when the Court entered Pre-Trial Order No. 11, several issues regarding the procedure for filing these cases have been raised. The parties will be prepared to discuss this further at the monthly status conference on July 19, 2005.

XXI. PRO SE CLAIMANTS

The Court has issued additional Orders directing PLC to take appropriate action regarding filings made by various *pro se* individuals. PLC has continued to communicate with the various *pro se* claimants and advise them of attorneys in their respective states and other pertinent information regarding the MDL. PLC will be prepared to discuss this further at the monthly status conference on July 19, 2005.

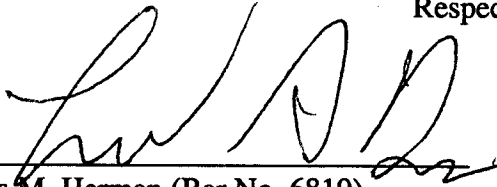
XXII. MDL ASSESSMENT

PSC's Petition for an Order Securing an Equitable Allocation of Counsel Fees and Costs for MDL Administration and Common Benefit Work is set for hearing on July 19, 2005.

XXIII. NEXT STATUS CONFERENCE

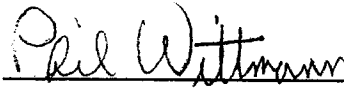
PLC and DLC will be prepared to schedule the status conference in August on a date to be selected by the Court.

Respectfully submitted,



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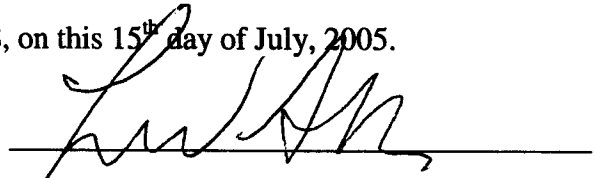


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CERTIFICATE

I hereby certify that the above and foregoing Notice of Filing of Tolling Agreement has been served upon all parties by uploading the same to Lexis/Nexis File & Serve Advanced in accordance with Pre-Trial Order No. 8, on this 15th day of July, 2005.



- X. Vioxx Professional Representatives
- XI. Deposition Scheduling
- XII. Plaintiff Profile Form and Merck Profile Form
- XIII. Medical Records From Healthcare Providers
- XIV. Contact with Claimants' Healthcare Providers
- XV. Plaintiffs' Depository
- XVI. Remand Issues
- XVII. Tolling Agreement
- XVIII. Louisiana Master Complaint
- XIX. State/Federal Coordination -- State Liaison Committee
- XX. Direct Filing into the MDL
- XXI. *Pro Se* Claimants
- XXII. MDL Assessment
- XXIII. Next Status Conference