

NOTICE TO ALL BJORK-SHILEY CONVEXO-CONCAVE ARTIFICIAL HEART VALVE IMPLANTEES AND THEIR SPOUSES WHO ARE MEMBERS OF THE SETTLEMENT CLASS IN *BOWLING v. PFIZER*, SOUTHERN DISTRICT OF OHIO CASE NO. C-1-91-256:

The *Bowling/Pfizer* Settlement Class includes anyone who was implanted with a Bjork-Shiley Convexo-Concave (“BSCC”) artificial heart valve on or before January 23, 1992 and is still alive, and that person’s spouse if married to the implantee on January 23, 1992, and still married to him or her. The Class Action Settlement Agreement, signed on January 23, 1992, set up a “Patient Benefit Fund” to support a range of programs, including valve-related medical research aimed at developing a non-invasive medical device that would diagnose fracture-prone BSCC valves. In accordance with the Settlement Agreement, the Supervisory Panel has determined that research no longer would be useful and that the remaining funds should be devoted to other uses beneficial to the Class. The Court has approved this determination. Therefore, no active research programs are underway, and the Court must decide what to do with the remainder of the Patient Benefit Fund, which contains approximately \$18,641,257.

As it currently reads, the Settlement Agreement prohibits the Court from distributing money in the Patient Benefit Fund to the Settlement Class. The attorneys representing the Settlement Class (“Class Counsel”) and the attorneys representing Defendant Pfizer have agreed on a proposed Amendment to the Settlement Agreement that would authorize a cash distribution to the Class.

If the Court approves the proposed Amendment, Class Counsel also ask the Court to approve a direct distribution to class members of the money in the Patient Benefit Fund (the “distribution”), minus an amount sufficient to cover the ongoing and future costs of administering the settlement, including enough to pay claims by eligible Settlement Class members for reimbursement of the uninsured costs of qualifying valve replacement surgeries (the “hold-back”). The total amount of

the distribution Class Counsel propose is \$17,021,422; the total amount of the hold-back they propose is \$1,619,835. The Special Master/Trustee appointed by the Court concurs with these recommendations. If the Court approves the proposed distribution, each living implantee-class member and each living spouse of an implantee-class member who was married to that implantee as of January 23, 1992 and who is still married to that implantee would be eligible to receive a share of the distribution. In all likelihood, each qualifying implantee would receive approximately \$3,700 and each qualifying spouse would receive approximately \$500.

If the Amendment is approved, Pfizer's other obligations under the Settlement Agreement would remain the same, which means that Pfizer would continue to compensate Class members for their individual valve-fracture claims and would continue to pay the alternative or additional benefits authorized under the original settlement of this case. Those benefits are described on the settlement website: www.bowling-pfizer.com

The Court has preliminarily approved the proposed Amendment and scheduled a hearing on final approval of it as well as the proposed distribution. The hearing will take place on October 29, 2015 at 10:00 a.m. in Courtroom #1, Eighth Floor, Room 805, Potter Stewart United States Courthouse, 100 East Fifth Street, Cincinnati, Ohio 45202. Any Class member wishing to object to the proposed Amendment and/or the proposed distribution may do so by letter to Class Counsel on or before October 8, 2015. Such letters should be sent to Paul M. De Marco, Bowling-Pfizer Settlement Class Counsel, Markovits, Stock & DeMarco, LLC, 119 East Court Street, Suite 530, Cincinnati, Ohio, 45202. *You do not need to object to, or otherwise comment on, the proposed Amendment or the proposed distribution to benefit from the proposed distribution. You also do not need to object to, or otherwise comment on, the proposed Amendment or the proposed distribution in order to attend this*

hearing. But if you intend to attend the hearing and address the Court regarding the proposed Amendment and/or the proposed distribution, you are asked to send notice of such intention to Class Counsel (at the address above) on or before October 15, 2015.

If the implantee has died, or if the implantee's spouse as of January 23, 1992 has died or they have been divorced, or if there has been a change of address, please advise the Settlement Administrator immediately by one of the following means:

By mail: Bowling-Pfizer Settlement Administrator
 c/o CAC Services Group, LLC
 1601 Southcross Dr. W
 Burnsville, MN 55306

By e-mail: register@bowling-pfizer.com

On the website: www.bowling-pfizer.com

By telephone (toll-free): 1-800-977-0779

SPECIAL NOTICE TO PERSONS WHO ARE REGISTERED ONLY THROUGH MEDIC ALERT AND NOT THROUGH THE SETTLEMENT ADMINISTRATOR: You must establish your (and, if applicable, your spouse's) class membership to receive a share of the proposed distribution.

Richard W. Nagel
Clerk of Court