### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION

IN RE: : Case No. C-1-91-256

BOWLING-PFIZER LITIGATION : (Judge Weber)

SUPPLEMENT TO THE FOURTEENTH REPORT OF THE SPECIAL MASTERS/
TRUSTEES COVERING PERIOD FROM DECEMBER 13, 2000 TO JUNE 20, 2001

SPECIAL MASTERS/ TRUSTEES

Hon. Robert L. Black, Jr. Peter J. Strauss, Esq.

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## SUPPLEMENT TO THE FOURTEENTH REPORT OF THE SPECIAL MASTERS/ TRUSTEES

To the Honorable Herman J. Weber, Judge, United States District Court:

At the status conference on June 20, 2001, the Court requested that the Special Masters/Trustees provide it with an amendment to their Fourteenth Periodic Report covering activities from December 13, 2000 to June 20, 2001. The Special Masters/Trustees respectfully present the following information amending and/or supplementing their Fourteenth Periodic Report:

### II. Patient Benefit Fund

### A. 2000 Amended Guidelines

### 1. Class Counsel's Motion Requesting Documents

On June 28, 2001, Class Counsel filed a Motion Requesting an Order of Production for Certain Documents. The Special Masters/ Trustees responded to the Motion stating that most of the requested documents and information had already been provided to Class Counsel and their consultants. Additional documents and information were subsequently provided to Class

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 Counsel. Class Counsel recently filed a reply memorandum indicating that it is satisfied with the Production of Documents.

### 2. July 16, 2001 Meeting of Experts

As the Fourteenth Periodic Report indicates, it was agreed that the consultants engaged by Class Counsel would meet with the Supervisory Panel's expert consultants on July 16, 2001, in Cincinnati for a discussion of the scientific models used in the Guidelines. That meeting took place at the office of Class Counsel and lasted several hours. The meeting was very productive and informative. Dr. Ron Brookmeyer, one of the Supervisory Panel's expert consultants, began the meeting by providing Class Counsel's consultants with an overview of the 2000 Amended Guidelines and the methodology behind the Guidelines. Dr. Brookmeyer also responded to questions by Class Counsel's consultants. The two sets of consultants and certain members of the Supervisory Panel concluded the meeting by engaging in an open dialogue about 2000 Amended Guidelines and its methodology. Copies of overheads utilized during Dr. Brookmeyer's presentation and other materials were subsequently provided to Class Counsel.

### E. Web Site

As discussed in the Fourteenth Periodic Report, the Supervisory Panel has developed a plan to establish a web site using the services of DinsNet Technologies, LLC, a subsidiary of Dinsmore & Shohl LLP. At the status

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conference on June 20, 2001, Class Counsel and others expressed some reservation about this undertaking. The concern was over the content of the web site. It should be stressed that the web site will be basic in design providing information on the parties involved (biographies, addresses, telephone numbers, email, etc.), certain orders of the Court including the 2000 Amended Guidelines, and links to other web sites which may have pertinent information (i.e., the Food and Drug Administration Web site). To assure Class Counsel and others, the Supervisory Panel has agreed to provide information intended for publication on the web site to Class Counsel, Special Counsel, Pfizer, Public Citizen, and the Trustees fifteen (15) days prior to publication. Additionally, the Supervisory Panel will consider input from all parties as to content on the web site so long as the proposed information is relevant, objective, and consistent with the basic purposes of the web site.

### F. Valve Replacement Surgery Claims and Fracture Claims

The first sentence of Paragraph 2 on page 8 of the Fourteenth Periodic Report should be amended to read as follows:

Since the Trustees' report on December 13, 2000, there has been confirmation of 6 qualified outlet strut fractures (2 of these fractures occurred since December 13, 2000 and 4 occurred prior to that date) and 11 qualified valve replacement surgeries (8 of these surgeries were since December 13, 2000,

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and 3 were prior to that date) including 2 previous nonqualifying replacement surgeries that now qualify under the 2000 Amended Guidelines.

Respectfully submitted,

Robert L. Black (by NAL)

Hon. Robert L. Black, Jr.

Peter J. Strauss (by MAL)

Peter J. Strauss, Esq.

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