

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION  
(Electronically Filed)

ARTHUR RAY BOWLING, ET AL., :  
 : No. C-1-91-256  
 PLAINIFF, :  
 :  
 v. : JUDGE HERMAN J. WEBER,  
 : SENIOR JUDGE  
 PFIZER, INC. ET AL., :  
 :  
 DEFENDANT. :  
 :

**NOTICE OF FILING OF THE THIRTY-SECOND REPORT OF THE  
SPECIAL MASTER/TRUSTEE COVERING THE PERIOD  
FROM OCTOBER 15, 2009 TO MAY 19, 2010**

NOTICE IS HEREBY GIVEN to all counsel of record that the THIRTY-SECOND REPORT  
OF THE SPECIAL MASTER/TRUSTEE COVERING THE PERIOD FROM OCTOBER 15, 2009  
TO MAY 19, 2010 is hereby filed with the Court.

Respectfully submitted,

s/ Nancy A. Lawson  
Nancy A. Lawson (0012699)  
DINSMORE & SHOHL LLP  
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*Attorney for Special Master/Trustee*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION  
(Electronically Filed)**

**IN RE:** : **Case No. C-1-91-256**  
:  
**BOWLING-PFIZER LITIGATION** : **Judge Herman J. Weber,**  
: **Senior Judge**

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**THIRTY-SECOND REPORT OF THE SPECIAL MASTER/TRUSTEE  
COVERING THE PERIOD FROM OCTOBER 15, 2009 TO MAY 19, 2010**

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**SPECIAL MASTER/TRUSTEE**

**James A. Higgins, Esq.**

**AGENDA**

**THIRTY-SECOND REPORT OF THE SPECIAL MASTER/TRUSTEE**

In Re: Bowling-Pfizer Litigation

Case No. C-1-91-256

June 3, 2010

1:00 P.M.

Hon. Herman J. Weber, Senior Judge

1. Introductory remarks by Judge Weber.
2. Report of the Special Master/Trustee.
3. Comments from Counsel:
  - Class Counsel.
  - Counsel for Defendants.
4. Questions and comments from those in attendance.
5. Request for date of next report of Trustee.
6. Closing remarks of Judge Weber.

**TABLE OF CONTENTS**

- A. Thirty-Second Report of the Special Master/Trustee
- B. Appendices to Court Report
  - 1. Summary of Research.
  - 2. "Hit Report" regarding the Supervisory Panel's Website.
  - 3. Unaudited balance sheet as of April 30, 2010 and an unaudited statement of income and funds balance for the four months ended April 30, 2010.
  - 4. Unaudited balance sheet as of December 31, 2009 and an unaudited statement of income and funds balance for the year ended December 31, 2009.

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

**IN RE:** : **Case No. C-1-91-256**  
:   
**BOWLING-PFIZER LITIGATION** : **Judge Herman J. Weber,**  
: **Senior Judge**

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**THIRTY-SECOND REPORT OF THE SPECIAL MASTER/TRUSTEE**

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

Your Special Master/Trustee respectfully presents his thirty-second periodic report, covering activities from October 15, 2009 to May 19, 2010. This report is submitted fifteen days prior to the status hearing before the Court scheduled for June 3, 2010.

**I. PATIENT BENEFIT FUND**

A. Supervisory Panel. The final report on the project, "Outlet strut vibratory response study of BSCC valves at disc-strut closure impact" was submitted and all expenses related to the project have been paid. The Hershey Imaging Program Agreement expired on October 28, 2009 and was not renewed. Hence, there are no active research projects.

The Panel has had some preliminary discussions about uses for any remaining funds in the Patient Benefit Fund. We are considering developing a survey of class members to determine their needs so we have a more informed opinion of how to use any remaining settlement funds for the benefit of the class. We are also doing preliminary work on the development of a manuscript on the current status of the BSCC heart valve problem. If completed, the manuscript will be submitted to a widely distributed medical journal for publication.

The Panel is aware that Class Counsel and Counsel for Pfizer may move to amend the Settlement Agreement. The Panel is reluctant to devote a lot of time to the issue of uses of remaining funds until a determination is made regarding a possible amendment to the Settlement Agreement.

B. Guidelines. Drs. Harrison, Ibrahim and Ivey regularly monitor the pertinent world-wide literature and review reported events occurring to class members to ensure that any issues which may impact the guidelines are detected and considered by the full panel. The Guidelines Committee is in the first stages of discussion about the possibility of the need for revision to the 2007 Amended Guidelines.

C. Research. Our report on the status of the research program of the Supervisory Panel is set out in the attached Appendix 1.

D. Imaging. Since the imaging program at Penn State resumed again, effective April 26, 2005, there have been fourteen imaging sessions for seven implantees who may qualify for valve replacement surgery. One implantee was imaged four times, one implantee was imaged three times and two implantees were imaged two times during this period.

E. Repository. The Supervisory Panel maintains a repository of certain documents and information concerning the BSCC heart valve. The repository contains reports on the results of research sponsored by the Supervisory Panel, minutes of meetings of the Supervisory Panel, a bibliography of published literature regarding the BSCC heart valves, certain unpublished reports prepared by Dr. Ron Brookmeyer of his statistical analysis, the Bowling Settlement Agreement, and other information. The repository is available electronically in a database. Some of the information, such as published articles are not available for review due to copyright and other intellectual property concerns.

F. Website. The Supervisory Panel's website continues to be found at [www.bowling-pfizer.com](http://www.bowling-pfizer.com). It provides basic information on the parties involved (biographies, addresses, telephone numbers, email, etc.), certain orders of the Court including the Guidelines, the Settlement Agreement, Trustee Reports and a bibliography of relevant articles as well as other important information. The panel prepared a summary of key studies which is intended to provide a more user-friendly bibliography. This user-friendly bibliography is available on the website. A copy of the most recent "hit report" of the Supervisory Panel's website is attached to this Report as Appendix 2.

G. Valve Replacement Surgery Claims and Fracture Claims.

The Claims Administrator continues to receive and process claims for valve replacement surgery. There have not been any recent outlet strut fracture claims. Some of the claimants have elected other courses of action rather than to receive the Settlement benefits.

Since the last Trustees' report, there has been confirmation of one qualified valve replacement surgery that occurred on March 11, 2010. The processing of this claim is in progress.

From the beginning, there have been 98 (74 foreign) qualified outlet strut fracture claims and 101 (40 foreign) qualified valve replacement surgery claims other than single leg fracture claims. In addition, there have been 39 (16 foreign) single leg fracture claims.

The office of the Claims Administrator continues to fulfill requests to calculate estimated annual fracture rates under the 2007 Guidelines and to respond to other inquiries from and on behalf of Class Members.

**II. FINANCIAL INFORMATION**

At April 30, 2010, the total balance of cash and cash equivalents was \$20,184,206.

Attached as Appendix 3 are the following: an unaudited balance sheet as of April 30, 2010

and an unaudited statement of income and funds balance for the four months ended April 30, 2010 (which includes the budgeted amounts for expenses for the administrative office for the year ended December 31, 2010).

Attached as Appendix 4 are the following: an unaudited balance sheet as of December 31, 2009 and an unaudited statement of income and funds balance for the year ended December 31, 2009 (which includes the budgeted amounts for expenses for the administrative office for the year ended December 31, 2009).

The field work for the audit for the year ended December 31, 2009 has been completed by Deloitte, but the audit report has not yet been received.

### **III. COMMUNICATIONS**

Communications remain open, whether with physicians, Class Members, other BSCC heart valve implantees, Class Counsel, Special Counsel, Defendant's Counsel, or Counsel for Public Citizen.

### **IV. APPROVALS**

Your honor, the Special Master/Trustee requests that the Court:

- Approve this Report, and
- Approve, or provide guidance with respect to, each of the Appendices to this Report, and
- Provide guidance with respect to any duty of the Special Master/Trustee, and
- Fix the date for the next Report.

Respectfully submitted,

  
\_\_\_\_\_  
James A. Higgins, Esq.



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of this Thirty-Second Report of the Special Master/Trustee Covering Period from October 15, 2009 to May 19, 2010, has been electronically sent to the following this 19<sup>th</sup> day of May, 2010.

Stanley M. Chesley, Esq.  
Fay E. Stilz, Esq.  
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s/ Nancy A. Lawson

Nancy A. Lawson

**APPENDIX**

**1**

**SUPERVISORY PANEL SUMMARY OF RESEARCH PROJECTS (as of May 1, 2010)**

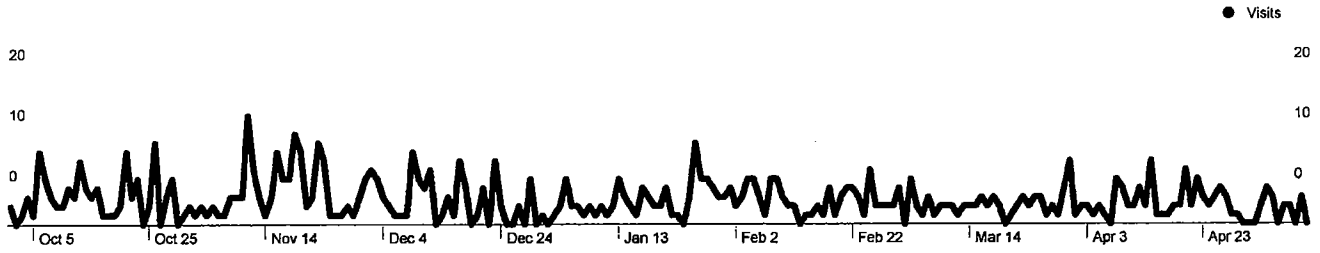
<b>A. Current Epidemiology Projects</b>		<b>Effective Date</b>	<b>Termination Date</b>	<b>Description of Project</b>	<b>Current Status</b>	<b>Contract Amount</b>	<b>Billed To Date</b>
None							
<b>B. Current Imaging &amp; Acoustic Projects</b>		<b>Effective Date of Contract</b>	<b>Termination Date</b>	<b>Description of Project</b>	<b>Current Status</b>	<b>Contract Amount</b>	<b>Billed To Date</b>
None							
<b>C. Projects Completed Since Last Report</b>							
1.	Hershey Imaging	4/27/09	10/28/09	Radiographic Imaging to Detect SLS		\$160,000	\$114,485
2.	Hennelab Cardiovascular	12/10/08	8/9/09	Study of second harmonic in BSCC valves.		€75,000	€75,000
<b>D. Approved Research Projects Pending Contract</b>							
None							
<b>E. Proposed Research Projects</b>							
None							

**APPENDIX**

**2**

www.bowling-pfizer.com  
**Dashboard**

**Oct 1, 2009 - May 11, 2010**  
 Comparing to: Site



**Site Usage**

**604 Visits**

**55.63% Bounce Rate**

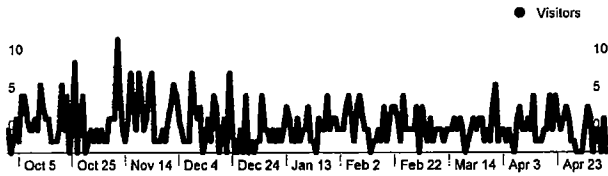
**1,658 Pageviews**

**00:02:02 Avg. Time on Site**

**2.75 Pages/Visit**

**74.17% % New Visits**

**Visitors Overview**

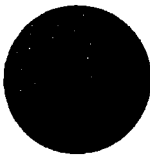


**Visitors**  
**451**

**Map Overlay**



**Traffic Sources Overview**



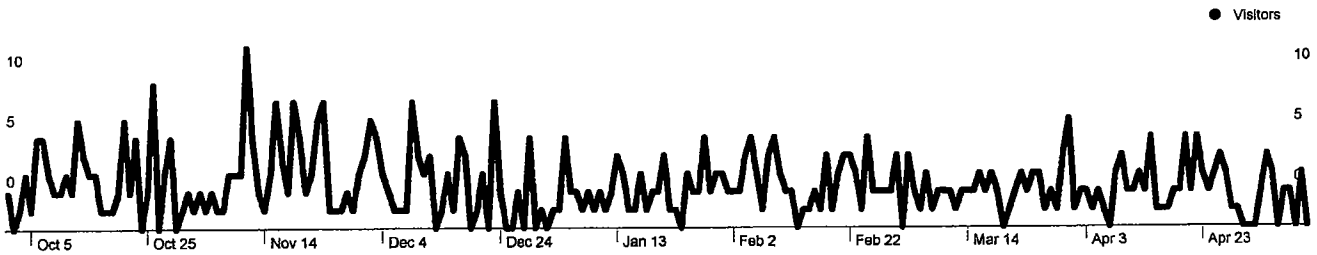
- **Direct Traffic**  
263.00 (43.54%)
- **Search Engines**  
241.00 (39.90%)
- **Referring Sites**  
100.00 (16.56%)

**Content Overview**

Pages	Pageviews	% Pageviews
/	520	31.36%
/index.shtml	170	10.25%
/reports.shtml	125	7.54%
/documents.shtml	124	7.48%
/photos.shtml	105	6.33%

www.bowling-pfizer.com  
**Visitors Overview**

**Oct 1, 2009 - May 11, 2010**  
 Comparing to: Site



**451 people visited this site**

**604 Visits**

**451 Absolute Unique Visitors**

**1,658 Pageviews**

**2.75 Average Pageviews**

**00:02:02 Time on Site**

**55.63% Bounce Rate**

**74.17% New Visits**

**Technical Profile**

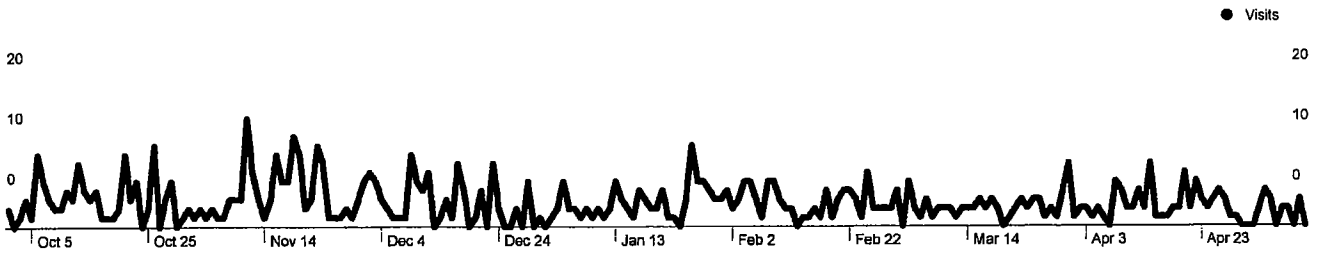
Browser	Visits	% visits	Connection Speed	Visits	% visits
Internet Explorer	340	56.29%	Unknown	164	27.15%
Firefox	111	18.38%	DSL	163	26.99%
Opera	79	13.08%	T1	163	26.99%
Mozilla	27	4.47%	Cable	109	18.05%
Safari	20	3.31%	Dialup	4	0.66%

www.bowling-pfizer.com

# Traffic Sources Overview

Oct 1, 2009 - May 11, 2010

Comparing to: Site

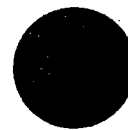


All traffic sources sent a total of 604 visits

43.54% Direct Traffic

16.56% Referring Sites

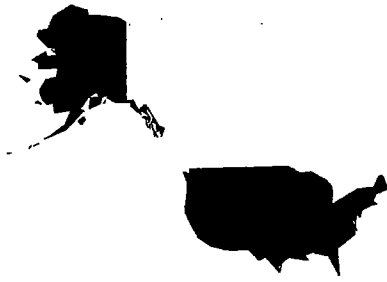
39.90% Search Engines



- Direct Traffic  
263.00 (43.54%)
- Search Engines  
241.00 (39.90%)
- Referring Sites  
100.00 (16.56%)

## Top Traffic Sources

Sources	Visits	% visits	Keywords	Visits	% visits
(direct) ((none))	263	43.54%	bacc heart valve	29	12.03%
google (organic)	187	30.96%	bowling pfizer	23	9.54%
capretz.com (referral)	38	6.29%	www.bowling-pfizer.com	13	5.39%
yahoo (organic)	35	5.79%	pfizer.com	12	4.98%
bing (organic)	16	2.65%	bowling pfizer settlement fund	8	3.32%



**604 visits came from 41 countries/territories**

Site Usage						
Visits	Pages/Visit	Avg. Time on Site	% New Visits	Bounce Rate		
<b>604</b>	<b>2.75</b>	<b>00:02:02</b>	<b>74.34%</b>	<b>55.63%</b>		
% of Site Total: 100.00%	Site Avg: 2.75 (0.00%)	Site Avg: 00:02:02 (0.00%)	Site Avg: 74.17% (0.22%)	Site Avg: 55.63% (0.00%)		
Country/Territory	Visits	Pages/Visit	Avg. Time on Site	% New Visits	Bounce Rate	
United States	361	2.91	00:01:53	81.72%	48.48%	
Slovakia	79	1.57	00:00:27	2.53%	93.67%	
United Kingdom	17	4.59	00:06:02	100.00%	23.53%	
Canada	16	3.56	00:01:38	93.75%	37.50%	
Netherlands	12	3.25	00:01:37	91.67%	33.33%	
Italy	12	2.75	00:03:01	83.33%	41.67%	
Germany	11	1.45	00:00:55	100.00%	72.73%	
France	9	1.44	00:00:06	100.00%	88.89%	
India	7	1.43	00:00:08	100.00%	85.71%	



Singapore

6

1.00

00:00:00

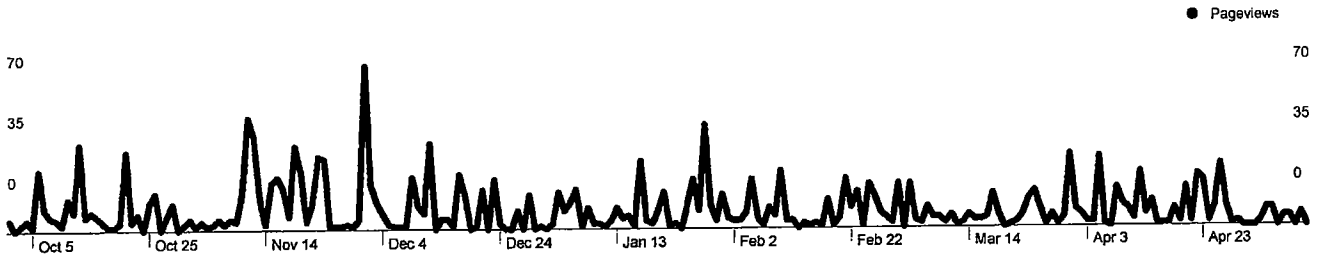
100.00%

100.00%

1 - 10 of 41

www.bowling-pfizer.com  
**Content Overview**

**Oct 1, 2009 - May 11, 2010**  
Comparing to: Site



**Pages on this site were viewed a total of 1,658 times**

**1,658 Pageviews**

**1,285 Unique Views**

**55.63% Bounce Rate**

### Top Content

Pages	Pageviews	% Pageviews
/	520	31.36%
/index.shtml	170	10.25%
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/documents.shtml	124	7.48%
/photos.shtml	105	6.33%

**APPENDIX**

**3**

**TRUSTEES FOR THE BOWLING-PFIZER**  
**HEART VALVE SETTLEMENT FUNDS**

BALANCE SHEET

AS OF APRIL 30, 2010

UNAUDITED

**ASSETS**

CASH	\$	46,841
U.S. TREASURY BILLS		20,137,365
OTHER ASSETS		<u>6,238</u>
		<u>\$ 20,190,444</u>

**LIABILITIES AND FUNDS BALANCE**

ACCOUNTS PAYABLE AND ACCRUED EXPENSES	\$	69,837
FUNDS BALANCE		<u>20,120,607</u>
		<u>\$ 20,190,444</u>

**TRUSTEES FOR THE BOWLING-PFIZER**  
**HEART VALVE SETTLEMENT FUNDS**

STATEMENT OF INCOME AND FUNDS BALANCE

FOR THE FOUR MONTHS ENDED APRIL 30, 2010

UNAUDITED

INVESTMENT INTEREST INCOME	\$ 11,200
LITIGATION ATTORNEYS - FEES & EXPENSES	41,365
EXPENSES:	
Supervisory Panel	44,587 (1)
Trustees' fees	13,845
Professional fees	40,890
Administrative office	151,562 (1)
Total	250,884
NET CHANGE IN FUNDS BALANCE	(281,049)
FUNDS BALANCE, DECEMBER 31, 2009	20,401,656 (2)
FUNDS BALANCE, APRIL 30, 2010	\$ 20,120,607

(1) - See Schedule 1 herewith.

(2) - This amount is different than the balance in the audited financial statements due to accruing certain expenses on the unaudited financial statements to more currently reflect the financial condition of the Settlement Funds.

Schedule 1

**TRUSTEES FOR THE BOWLING-PFIZER**  
**HEART VALVE SETTLEMENT FUNDS**

**SCHEDULE OF EXPENSES**  
**UNAUDITED**

	<u>BUDGET</u>	<u>ACTUAL</u>
	<u>1/1/10-12/31/10</u>	<u>1/1/10- 4/30/10</u>
<b>SUPERVISORY PANEL:</b>		
Panel members' compensation		\$ 42,960
Miscellaneous		<u>1,627</u>
Total		<u>\$ 44,587</u>
 <b>ADMINISTRATIVE OFFICE:</b>		
Rents	\$ 75,000	\$ 23,266
Office payroll	388,000	99,084
Payroll taxes	30,000	12,735
Employee benefits	47,000	12,552
Outside services	12,000	109
Printing and postage	6,000	600
General insurance	2,000	1,000
Telephone	9,000	2,218
Office supplies and expense	6,000	478
Miscellaneous	6,000	162
Administrative services income		<u>(642)</u>
Total	<u>\$ 581,000</u>	<u>\$ 151,562</u>