

If you rely upon one particular Echocardiogram to show a diagnosis of FDA Positive or mild mitral regurgitation by January 3, 2003, and a different Echocardiogram to show a Matrix-Level condition, then you must mail the Trust a completed and signed GRAY Form for the first Echocardiogram and a completed and signed GREEN Form for the Matrix-Level Echocardiogram. If you obtained your Echocardiogram in the Trust's Screening Program, then you do not have to send in the GRAY Form yourself because the Trust will obtain that GRAY Form directly from the cardiologists participating in the Screening Program.

If you register your claim by mailing the Trust a BLUE Form on or before May 3, 2003, and can show that you were diagnosed by a qualified physician as FDA Positive or as having mild mitral regurgitation on or before January 3, 2003 (or, on or before July 3, 2003, in the Trust's Screening Program, as described in Section B.2.c above), and you then reach a Matrix-Level condition in the future, you can then seek Matrix-Level Benefits by mailing the Trust a completed and signed **GREEN Form postmarked no later than December 31, 2015**. A Representative Claimant and each Derivative Claimant seeking payment also must mail a completed and signed GREEN Form to the Trust postmarked no later than December 31, 2015. If you qualify for and are paid a Matrix-Level Benefit, then you preserve your right to receive incremental payments in the future if your condition worsens and the change places your claim on a higher level of the payment matrix, even after December 31, 2015, although as noted above, you will need to submit a new, completed GREEN Form along with appropriate medical records each time you seek an incremental payment based upon a change in your medical condition that you believe qualifies you for Matrix-Level Benefits at a higher Matrix-Level condition.

**GENERAL WARNING about Matrix claims (other than those based on Endocardial Fibrosis): if you fail to meet the January 3, 2003 (or July 3, 2003, if applicable) deadline for FDA Positive or mild mitral regurgitation diagnosis or the May 3, 2003 deadline for mailing the BLUE Form, you will never be able to make a claim for compensation for damages arising from the use of Pondimin® or Redux™, either from the Trust or through an independent lawsuit, even if you now have or later develop a Matrix-Level condition.**

### **3. Matrix Claims Based on Endocardial Fibrosis**

**D**iet Drug Users who have the medical condition known as Endocardial Fibrosis, as defined in Section I.21 of the Settlement Agreement, have deadlines for seeking Matrix-Level Benefits that differ from Diet Drug Users with valvular heart disease. The May 3, 2003 deadline for registering for Matrix-Level Benefits does not apply to claims based on Endocardial Fibrosis.

Instead, **a Diet Drug User can seek Matrix-Level Benefits for Endocardial Fibrosis if he or she is diagnosed by a qualified physician as having Endocardial Fibrosis on or before September 30, 2005**. To seek payment, the Diet Drug User must register with the Trust by mailing the Trust a BLUE Form **postmarked no later than January 31, 2006**. To complete the claim the Diet Drug User also must supply the Trust with a completed and signed GREEN Form and hospital reports and other medical records relating to the condition claimed.

A Representative Claimant of a deceased or incapacitated Diet Drug User who was diagnosed with Endocardial Fibrosis on or before September 30, 2005, can submit a claim to the Trust for Matrix-Level Benefits based on that diagnosis and must also register that claim with the Trust by mailing the Trust a BLUE Form

**postmarked no later than January 31, 2006.** The Derivative Claimants of such a Diet Drug User whose claim has been registered by January 31, 2006 can present their own claims and must file a completed and signed GREEN Form to seek payment.

Although you should complete the BLUE Form in its entirety to facilitate the processing of your claim, it is the Trust's position that you must at least provide your name, address, and Social Security Number in Question 1, sign the Form, and answer Question 7, 8, or 9 to be treated by the Trust as having registered your claim. If your BLUE Form does not contain at least this information, the Trust will take the position that your claim is not registered and that you cannot receive any benefits under the Settlement Agreement.

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***WARNING: Class Members seeking payment for Endocardial Fibrosis who do not meet these September 30, 2005 and January 31, 2006 deadlines will forever waive their rights to these Matrix-Level Benefits.***

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#### **4. Processing of Matrix Claims**

On November 26, 2002, the Trial Court issued Memorandum and Pretrial Order No. 2662, which affects the processing of all Matrix claims that have not yet been paid by the Trust. The Trial Court ordered the Trust to audit every unpaid claim for Matrix-Level Benefits. If the Trust determines a Matrix claim to be complete, it will forward the claim to an independent physician, called an Auditing Cardiologist, with Level 3 training in echocardiography and Board Certification in cardiology. Each Auditing Cardiologist has been retained by the Trust to review complete Matrix claims to determine if there was a reasonable medical basis for the representations made by the physician who completed Part II of the GREEN Form. The Auditing Cardiologist will review the Echocardiogram

tape or disk to determine if the Echocardiogram study was conducted in accordance with the standards specified in the Settlement Agreement, and where possible, will confirm the presence or absence of certain medical conditions relevant to the Matrix claim. The Auditing Cardiologist also will review the medical records filed in support of the claim. If the Auditing Cardiologist finds a reasonable medical basis for the claim, the Trust will process the claim further in accordance with the requirements of the Settlement Agreement. If the Auditing Cardiologist determines that there was no reasonable medical basis for the representations made by the physician who completed the GREEN Form, the Trust will not process the claim for payment but will apply to the Trial Court as required under the terms of the Settlement Agreement, for an order to show cause why the claim should be paid. In that proceeding, the Class Member will be required to prove to the Trial Court that there was a reasonable medical basis for the representations made in the GREEN Form. You may read and download a copy of the Rules governing the audit of Matrix claims at [www.settlementdietdrugs.com](http://www.settlementdietdrugs.com).

The Trial Court issued another Pretrial Order affecting the processing of Matrix claims filed by certain law firms and involving certain physicians. In Pretrial Order No. 2640, issued on November 14, 2002, the Trial Court ordered the Trust not to pay, and granted the Trust full authority to audit each and every Echocardiogram and GREEN Form of, any claims of Class Members: 1) submitted by certain law firms and any attorneys affiliated or associated in any way with these law firms, regardless of the identity of the cardiologist who certified the Matrix-Level condition in Part II of the GREEN Form on behalf of the Class Member; and 2) certified by certain cardiologists. You may read a copy of this Pretrial Order and Memorandum at [www.settlementdietdrugs.com](http://www.settlementdietdrugs.com).