



**MAKE A  
TAX-EXEMPT\*  
INCOME STREAM  
PART OF YOUR  
VIOXX SETTLEMENT**

\*Subject to structured settlement annuity for personal physical injuries as defined in IRS Sec. 104 (a)(2) and assigned under Section 130.



866.68.FORGE  
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## FINAL PAYMENTS FOR STROKE CLAIMANTS

Vioxx claims are wrapping up now. The final payments for MI (heart attack) claimants are currently being processed and IS (stroke) claimants are expected to be paid near the end of March 2010. As the first settlement planning firm in the country to successfully navigate and complete a claimant structured settlement through the Vioxx settlement program, we often field questions on the claims process and planning options for claimants.

We are happy to assist you and all referring counsel to properly represent your clients.

**Q** Can my client still plan for his/her needs-based government benefits through the Vioxx settlement process?

**A** Yes. By utilizing the Vioxx 468B Holding Settlement Sub-Fund ("Sub-Fund") at BrownGreer and following the procedures in place, your client can sort out planning needs without taking constructive receipt through your escrow account.

**Q** Can my clients still consider a structured settlement annuity with their Vioxx awards?

**A** Yes. While it may be too late for MI (heart attack) claimants, IS (stroke) claimants can still structure their awards.

**Q** What is the latest date that a claimant can do a structured settlement under the IS (stroke) class?

**A** Final payments under the IS (stroke) class are expected near the end of the first quarter of 2010. The claims administrator, BrownGreer, has not provided a definitive cut off date for clients interested in structuring. To preserve the opportunity to structure, the primary counsel must submit a completed Form V4151 to BrownGreer prior to the final award disbursement.

(Form V4151 is available at <http://www.browngreer.com/vioxxsettlement/forms.htm>)

**Q** What if my client "may" be interested in structuring part or all of his/her final payment under the IS (stroke) class but isn't sure and doesn't want to commit to anything?

**A** The only way to preserve a claimant's ability to structure any portion of a final payment is to submit Form V4151 to BrownGreer before the award is paid out to the escrow account of the primary counsel. There is no requirement that claimants must structure if monies are moved into the Vioxx 468B Holding Settlement Sub-Fund ("Sub-Fund"), but it is the only method to preserve the ability to structure. BrownGreer must receive the completed Form V4151 from the primary attorney prior to the automatic disbursement scheduled for March 2010. You or your client should contact someone familiar with the process.

(Form V4151 is available at <http://www.browngreer.com/vioxxsettlement/forms.htm>)

**Q** How are attorney fees and expenses affected if a claimant decides to structure part or all of his/her final payment?

**A** If a claimant wants to structure part or all of his/her award, the entire award recovery (including attorney fees and expenses) must be transferred into the Vioxx 468B Holding Settlement Sub-Fund ("Sub-Fund"). The transfer will likely occur near the end of March 2010. Once the final plan is in place, primary counsel will request final disbursement by submitting Form V4152 to BrownGreer.

(Form V4152 is available at <http://www.browngreer.com/vioxxsettlement/forms.htm>)

**Q** Can attorneys structure their fees through the Vioxx settlement program?

**A** No. While structuring attorney fees is normally a viable alternative for attorneys to avoid single lump sum payments of their fees, it is not an option in this settlement program. Attorney fees and expenses are to be paid to the primary counsel with the name of the claimant included in the payee line. Please see BrownGreer's website for a detailed explanation of payee options.

**Q** Do I need to inform my Vioxx clients of their payout options including structured settlements or should I assume that they want a lump sum cash payout?

**A** While this question must be answered by individual attorneys, the Model Rules of Professional Conduct for attorneys clearly states that attorneys must take appropriate steps to help clients make informed decisions and assist to make sure his/her objectives are accomplished. It is also important that proper diligence is administered to make sure clients are not adversely affected by the passage of time. The ability to consider structured settlement annuities and related planning only exists before award recoveries are paid to the escrow account of the primary attorney. This transfer will occur automatically, and is expected near the end of March 2010.

Call Forge Consulting today if you would like further assistance with any of your Vioxx clients.



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