

b. Reimbursement for the Costs of Certain Privately-Obtained Echocardiograms

The Settlement originally provided three possible ways that you might get reimbursed for an Echocardiogram and doctor visit you obtain on your own outside the Trust's Screening Program. The deadline for seeking one type of reimbursement has passed. Two methods remain available:

- (i) First, if you took Pondimin[®] or Redux[™] for 61 days or more, were not diagnosed as FDA Positive before September 30, 1999, and had an Echocardiogram after March 30, 2000, but before January 3, 2002, you are entitled to reimbursement from the Trust of up to \$850 for the actual amount you paid out-of-pocket for the Echocardiogram and any associated physician visit regardless of the results of the Echocardiogram. You cannot receive this reimbursement if you filed an AIO PINK Form or if you receive a free Echocardiogram and doctor visit in the Trust's Screening Program.
- (ii) Second, if you took Pondimin[®] or Redux[™] for 60 days or less, were not diagnosed as FDA Positive before September 30, 1999, had an Echocardiogram on or after January 4, 2002, and no later than January 3, 2003, and if a qualified physician diagnoses you as FDA Positive based on that Echocardiogram, you are entitled to reimbursement from the Trust of up to \$850 for the actual amount you pay out-of-pocket for the Echocardiogram and any associated physician visit.

These two Echocardiogram reimbursement benefits are available to eligible Diet Drug Users but not Representative Claimants or Derivative Claimants. To seek either of these two benefits, you must mail the Trust your **BLUE Form and WHITE Form postmarked on or before May 3, 2003**. Your WHITE Form must be completed in its entirety. Although you should com-

plete 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.

You cannot be paid for more than one Echocardiogram outside the Trust's Screening Program. For this benefit, your out-of-pocket costs are what you actually paid for the Echocardiogram and physician visit. You cannot be reimbursed by the Trust for any amounts your insurance carrier or any other third party paid for the Echocardiogram or physician visit.

WARNING: If you fail to meet the deadlines and other filing criteria for the BLUE and WHITE Forms described above, you will forever give up your rights to these reimbursement benefits.

To complete the file on your claim for any of these two Echocardiogram reimbursement benefits and be paid, you will also have to supply the Trust with: (1) your prescription records documenting your use of Pondimin[®] and/or Redux[™] and how long you took the drugs as described in the BLUE Form; (2) a copy of the written report of the Echocardiogram upon which your claim is based; (3) if the Echocardiogram was performed on or after September 30, 1999, a GRAY Form completed and signed by a qualified cardiologist; (4) the tape or disk from the Echocardiogram; (5) the invoice for the Echocardiogram and any associated physician visit; and (6) proof of your out-of-pocket payment for the Echocardiogram, such as a cancelled check, and statements showing amounts paid by any insurance carrier or other party.

The GRAY Form is not subject to the May 3, 2003 deadline for filing your BLUE Form. However, you are encouraged to have a GRAY Form completed and signed by a qualified cardiologist and to file it with the Trust as soon as possible after receiving the results of your Echocardiogram. The Trust will notify you of any deadline set for the GRAY Form in the future.

c. Provision of the Trust's Screening Program Benefit

One of the Fund A benefits provided in the Settlement is the right to receive a free Echocardiogram and interpretive visit with a cardiologist in the Trust's **Screening Program**. Class Members seeking this benefit had to register by mailing a PINK Form or a BLUE Form to the Trust by August 1, 2002. The **Screening Period** ended on January 3, 2003.

On December 10, 2002, the Trial Court issued Memorandum and Pretrial Order No. 2677, approving the Fifth Amendment to the Settlement Agreement, in which the Parties agreed to extend, for qualifying Class Members only, the date by which the Trust shall provide the Screening Program benefit. A Class Member qualifies for this extension only if he or she timely registered for benefits by August 1, 2002, but did not obtain an Echocardiogram in the Trust's Screening Program by January 3, 2003. Such Class Member may obtain this benefit after the end of the Screening Period (if the Class Member meets the other eligibility criteria), but all such Echocardiograms must be conducted no later than July 3, 2003. If you received notice from the Trust that you are eligible for the Screening Program benefit, you must exercise diligence and schedule your Screening Program Echocardiogram as soon as possible. For more information on the consequences of failing to make a timely appointment, see Frequently Asked Question No. 7 in Section F of this Notice. You may read a copy of Pretrial Order No. 2677 at www.settlementdietdrugs.com.

A Class Member who is eligible to receive an Echocardiogram provided by the Trust in the Screening Program and who receives the Echocardiogram in the Screening Program on or after January 4, 2003, and no later than July 3, 2003, will be considered to have been diagnosed during the Screening Period for all purposes under the Settlement Agreement.

3. Processing of Fund A Claims

The Settlement Agreement establishes certain deadlines for the Trust's processing of Fund A claims. Faced with a large number of Forms filed on or before August 1, 2002, the Trust asked the Trial Court to suspend certain deadlines for the processing of Fund A Claims until May 1, 2003. On December 3, 2002, the Trial Court issued Memorandum and Pretrial Order No. 2663, which granted the Trust's request. The Trust must assign a unique identifying number to each claim and inform the Class Member, in writing, of this claim number within thirty days of receipt of the claim. However, the Trial Court suspended the Trust's deadline for reviewing the claim to determine if it is complete, as well as other claims processing activity relating to Fund A benefits, until May 1, 2003. Specifically, the Trial Court suspended the time periods of Sections VI.C.3.a(2)-(3), VI.C.3.g-l, VI.C.3.n, and parts of VI.C.3.a(4) of the Settlement Agreement until May 1, 2003. You may read a copy of Pretrial Order No. 2663 at www.settlementdietdrugs.com.