## 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 FIFTEENTH REPORT OF THE SPECIAL MASTERS/TRUSTEES

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

At the Report Conference on December 12, 2001, the Chairman of the Supervisory Panel told the Court about three instances in which significant action had taken place after November 26, 2001, the date of the Fifteenth Report, and the Court directed that these matters be stated in a supplemental report. Accordingly, the Special Masters/Trustees respectfully present the following supplement to their Fifteenth Report.

## II. PATIENT BENEFIT FUND

A. Guidelines. The Trustees and the Chairman received, just before the Report Conference started, a report from Class Counsel's consultants on their preliminary review of the current guidelines,

which has been distributed to the Supervisory Panel for consideration and discussion at its next meeting, which will be in January 2001 in Cincinnati, Ohio.

The Supervisory Panel's Guidelines Committee met in Cincinnati on November 27, 2001, and made the following recommendations to be considered by the Panel at its January 2001 meeting:

- Update the guideline risk factors according to the latest data, and report to the Panel;
- Develop a user-friendly executive summary of the Guidelines, to be distributed to physicians and patients (a draft was circulated to the Committee members); and
- Seek proposals from independent outside firms to survey patient and physician response and understandings of the Guidelines, to include implantees qualifying under the Amended 2000 Guidelines and an additional 200 implantees, with the goal of developing user-friendly guidelines and identifying the factors that influence patients and physicians in their responsiveness to the Guidelines.

B. Research. Although the Chairman reported to the Court that Class Counsel had not approved the collaborative studies of a finite element model by the Edison Welding Institute (EWI) of Columbus, Ohio, and the University of Sheffield in the United Kingdom, Class Counsel has now approved these collaborative

studies. The matter was resolved by mutual agreement reached on a conference call on December 18, 2001, between Class Counsel, the principal investigator and her assistant at the University of Sheffield, the Chairman, a Trustee, and Counsel for the Trustees.

Respectfully submitted,

Dated: December 19, 2001

Hon. Robert L. Black, Jr.

Peter J. Strauss, Esq.