

**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**

TWENTY-EIGHTH REPORT OF THE SPECIAL MASTER/TRUSTEE

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

Your Special Master/Trustee respectfully presents his twenty-eighth periodic report, covering activities from November 15, 2007 to April 2, 2008. This report is submitted fifteen days prior to the status hearing before the Court scheduled for April 17, 2008.

I. TRUSTEES

Your Special Master/Trustee, Peter J. Strauss, Esq., sadly reports to the Court that the Honorable Robert L. Black, Jr., passed away on February 7, 2008.

II. PATIENT BENEFIT FUND

A. Supervisory Panel. The patient studies with the ACES device at The Ohio State University have been concluded and a final report was received in May, 2007. The imaging and acoustics committee was favorably impressed with the ACES work and has made a recommendation to the full panel for continued studies. The panel has considered the results of the ACES work and agrees that there is sufficient promise in the technology to pursue additional work. A ten-week research project proposal for ACES to study BSCC heart valve sound

recordings made on patients who participated in the imaging studies at Stanford, Beaumont and Glasgow was recently recommended by the panel. The panel is also considering a short-term study by Michigan State University to complete in-vitro examination of the valve which had been implanted in a sheep at BioSurg, but was mis-classified.

With regard to BioQuantetics, Dr. Edmond Rambod reported that the clinical trials at Cedars Sinai Medical Center were completed. The trials were done without the sponsorship or funding of the Trustees. Dr. Rambod has informed the panel that he will complete a report and will send the panel a summary. Efforts by the panel to obtain this report have been unsuccessful.

The panel has been working with Pfizer and Medic Alert in an effort to see if it is possible for Medic Alert to expand its services to other countries. To date, the discussions are ongoing and it has not yet been determined if this expansion can be accomplished.

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.

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 ten imaging sessions for six implantees who may qualify for valve replacement surgery. One implantee was imaged three times and two implantees were imaged two times during this period.

E. Repository. The Supervisory Panel maintains a publicly accessible repository of certain documents and information concerning the BSCC heart valve. The repository contains hard copy printouts of various items including, but not limited to, certain reports on the status and 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 currently located at the Trustees' office.

In addition, the Trustees have made many of the documents in the repository available electronically in a database. Some of the information, such as published articles, however are not available for review on line due to copyright and other intellectual property concerns. The repository is currently being updated. To access the on-line repository, once it is updated, an individual need only contact the Trustees' office for the website address and a password.

F. Website. The Supervisory Panel's website continues to be found at 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 2007 Guidelines, the Settlement Agreement, Trustee Reports and a bibliography of relevant articles as well as other important information. The panel recently completed work on a summary of key studies which is intended to provide a more user-friendly bibliography. The user-friendly bibliography will be added to the website soon. 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 and outlet strut fracture. Some of the claimants have elected other courses of action rather than to receive the Settlement benefits.

Since the date of the last Trustees' report on November 15, 2007, Pfizer Inc paid \$820,000 for qualifying strut fracture benefits for two claims processed by the Claims Administrator. These benefit payments relate to claims for outlet strut fractures that occurred

prior to November 15, 2007. Also, since the last Trustees' report there has been confirmation of the occurrence of a single leg fracture of the outlet strut of one BSCC heart valve.

From the beginning there have been 98 (74 foreign) qualified outlet strut fracture claims and 99 (39 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.

III. FINANCIAL INFORMATION

At February 29, 2008, the total balance of cash and cash equivalents was \$22,656,581. This amount takes into account net interest earned from January 28, 1992 through February 29, 2008 in the aggregate amount of \$26,709,979.

Attached as Appendix 3 are the following: an unaudited balance sheet as of February 29, 2008 and an unaudited statement of income and funds balance for the two months ended February 29, 2008 (which includes the budgeted amounts for expenses for the administrative office for the period January 1, 2008 through December 31, 2008).

Attached as Appendix 4 are the following: an unaudited balance sheet as of December 31, 2007 and an unaudited statement of income and funds balance for the year ended December 31, 2007 (which includes the budgeted amounts for expenses for the administrative office for the year ended December 31, 2007.)

IV. 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.

V. 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,



Peter J. Strauss, Esq.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this Twenty-Eighth Report of the Special Master/Trustee Covering Period from November 15, 2007 to April 2, 2008, has been electronically sent to the following this April 2, 2008:

Stanley M. Chesley, Esq.
Fay E. Stilz, Esq.
Waite, Schneider, Bayless & Chesley Co., LPA
1513 PNC Tower
5 West Fourth Street
Cincinnati, OH 45201

Brian Wolfman, Esq.
Public Citizen
1600 20th Street, NW
Washington, D.C. 20009-1001

Jack B. Harrison, Esq.
Frost Brown Todd LLC
2200 PNC Center
201 East Fifth Street.
Cincinnati, OH 45202

James T. Capretz, Esq.
5000 Birch Street
Suite 2500
Newport Beach, CA 92660

John T. Johnson, Esq.
55 Waugh Drive, Suite 505
Houston, TX 77007

Gregory Wallance, Esq.
Kaye Scholer LLP
425 Park Avenue
New York, NY 10022

/s/ Nancy A. Lawson
Nancy A. Lawson

APPENDIX

1

Trustees for the Bowling-Pfizer Heart Valve Settlement Funds
Supervisory Panel Research Projects Initiated After January 31, 2005

Continuing Operation Plan Future Projects	Termination Date	Contract Amounts			Billed Through 2/29/2008	Remainder 2/29/2008	
		Projected	Actual	Savings		Committed Unbilled	Completed Cost Savings
Committed							
Michigan State University							
EMAT System	11/12/2006	\$1,000,000	\$982,686	\$17,314	\$361,597	(1)	\$621,089
Sheep Study	6/30/2005	40,000	35,125	4,875	34,547		578
EMAT System Testing		30,000	30,000				30,000
BioQuantetics							
Ultrasound Burst-Spect.	12/31/2005	600,000	589,928	10,072	579,365		10,563
April 2005 Interim Funding	4/30/2005		25,535	(25,535)	24,918		617
January 2006 Interim Fund.	1/31/2006		50,827	(50,827)	50,818		9
March 2006 Addendum	4/30/2006		181,950	(181,950)	168,890		13,060
December 2006 Order	9/28/2006		280,008	(280,008)	230,008	(2)	50,000
ACES							
Passive Accoustics	8/31/2005		5,259	(5,259)	5,259		
UCSD							
Maintain Research Sheep			21,809	(21,809)	21,809		
Cleveland Clinic & STS							
Guidelines Data		20,000	68,044	(48,044)	68,044		
BioSurg		100,000	230,120	(130,120)	176,107		54,013
International Epidem. Inst.			35,000	(35,000)	25,487		9,513
Hershey Imaging		79,831	79,831		79,831		
ACES							
Passive Accoustics	1/31/2007	500,000	499,675	325	499,675	(3)	
First Addendum			6,394	(6,394)	6,394		
Guidelines Notification		192,419	192,419		192,419		
Total		\$2,562,250	\$3,314,610	(\$752,361)	\$2,525,168		\$789,442
Not Yet Committed							
Hershey Imaging		80,169				(1)	Savings listed includes the purchase of equipment from the Trustees by Michigan State (\$13,000) and Sonic Tech (\$1,450)
Pilot Test		262,250					
Testing Center		1,597,500				(2)	Savings listed is the purchase of equipment by Bio Quantetics (\$20,000) and Poly Tech (\$30,000).
Guidelines Notification		207,581					
Total		\$2,147,500				(3)	Professional discount to date of \$123,530.93.
Total		\$4,709,750					

APPENDIX

2

