

Claims Administration Procedure (“CAP”)			
CAP Number	5	Effective Date	6/3/15
Subject	PART B Extraordinary Injury Fund (“EIF”) Interim Payments for All Matrix Levels		

1. **Purpose.** This Procedure promulgates the judgment of the SOC and Team to issue interim payments for eligible PART B EIF claims. Capitalized terms not defined in this CAP shall have the same meaning given to such terms in the Settlement Agreement.

2. **Responsibility for the PART B Extraordinary Injury Fund.** As set forth in Section 8.2.1 of the Settlement Agreement, the Team and SOC are entirely responsible for the administration, allocation and budgeting of funds for eligible PART B EIF claims.

3. **Determining Interim EIF Award Payments.** Section 10.2.3 of the Settlement Agreement allows the Claims Processor to issue interim PART B EIF Award payments provided that the Parties, in consultation with the Team, agree on the conditions, circumstances and amounts of the interim payments. Having consulted with the Team, the Parties agree to permit the Team to make interim payments for 60% of the amount stated in the PART B Award Schedule for eligible EIF claims, provided the following conditions are met:
 - (a) The Claims Processor has assessed the maximum number of potential eligible EIF claims that were timely submitted for consideration and has also calculated a maximum award amount for each Matrix Level, based on the potential value of claims submitted;
 - (b) The Claims Processor has evaluated the number of claimants who could potentially file a Future Claim in one of the Matrix Levels;
 - (c) The Team and SOC have considered the maximum potential value of these claims in determining the appropriateness of interim payments;
 - (d) The Team and SOC have catalogued and assessed the potential value of claims filed in Matrix Level II (Miscellaneous) and Matrix Level VII. The amounts to be awarded to claimants in these categories are subject to the discretion of the Team.
 - (e) Interim payments may be made for claims qualifying under any Matrix Level, but can only be made on PART B EIF Awards that are final, Non-Appealable, and not subject to audit;
 - (f) The Claims Processor is prepared to issue Preliminary Determinations or Incompleteness Notices on the majority of the non-discretionary claims filed in the EIF, subject only to the requirements of the random audit, timeliness assessments, or a decision on the reduction for Future Matrix claims;

- (g) The Team and SOC have calculated the amount of DePuy's PART B funding obligations based on the current number of QUSCs, eligible Bilateral Claims, Spousal Payments, and Reductions from PART A claims transferred to the PART B Fund;
- (h) The Team and SOC have determined that the aggregate amount of the projected initial PART B Awards (Bilateral, Spouse, and interim EIF awards) does not exceed 75% of the sum of (i) DePuy's Maximum PART B Payment Obligation and (ii) the aggregate of any additions paid to the PART B Program from those reductions in the PART A Base Award Program transferred to the PART B Program under the terms of the Agreement.

In accordance with the Settlement Agreement and PART B Award Schedule, the Claims Processor and Claims Administrator will evaluate EIF claims and, if eligible, assign dollar values as set forth in these documents. Eligible claimants will receive interim payments equal to 60% of the amount stated for their claims, provided the other conditions for the making of interim payments set forth above exist. The Claims Processor will issue additional payments at the direction of the Team and SOC, including the application of any pro rata reductions necessary to enforce the Maximum PART B Payment Obligation.

- 4. ***Duration of the CAP.*** This CAP shall apply to all claims processed after the Effective Date stated above and shall terminate only upon cancellation or modification by its signatories.

APPROVED:

Claims Administrator

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Vorys, Sater, Seymour & Pease, LLP

By: /s/ James J. McMonagle

Date: 6/3/15

Claims Processor

Lynn C. Greer, Esq.
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By: /s/ Lynn C. Greer

Date: 6/3/15

DePuy Orthopaedics, Inc.

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Date: 6/3/15

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