

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
THE STATE OF OHIO, <i>et al.</i>,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1-02-CV01080-EGS
)	
BRISTOL-MYERS SQUIBB COMPANY))	
)	
Defendant.)	
_____)	

ORDER

WHEREAS the fifty States of the United States, American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the United States Virgin Islands, through their Attorneys General, and the District of Columbia, through its Corporation Counsel, (collectively, "Plaintiff States") filed on March 23, 2004 a Motion For an Order Authorizing Distribution of Settlement Proceeds and Free Taxol® to Consumers; and,

WHEREAS the Court has read and considered the Plaintiff States' Motion For an Order Authorizing Distribution of Settlement Proceeds and Free Taxol® to Consumers, the Memorandum in Support thereof, and the exhibits submitted in connection with this Motion;

THEREFORE, the Court finding that good cause has been demonstrated, approves Plaintiff States' Motion and;

HEREBY ORDERS AS FOLLOWS:

1. Consumer claims for cash recovery filed by members of the Settlement Group shall be deemed timely submitted to the settlement administrator if received through May 14, 2004;
2. Plaintiff States shall direct the settlement administrator, beginning May 31, 2004, to pay claimants for valid claims in the following manner:
 - (a) All valid claims shall be paid at \$525 for insured claimants, and \$438 per infusion for claimants who paid the entire cost of Taxol® or paclitaxel treatments out of pocket.
 - (b) All pending claims and all future claims received through May 14, 2004, that are subsequently deemed validated by the settlement administrator, shall be paid in the same amounts as specified in number 2(a) above.
 - (c) All claimants who document that they paid for a portion of some treatments while insured and paid the entire cost out of pocket for other treatments while uninsured shall be paid \$525, plus \$438 for each infusion paid entirely out of pocket.
 - (d) Claimants who document payment of the entire cost of treatment out of pocket for one infusion shall be paid \$525.
 - (e) Claimants who submitted provider verification as support for fifteen or more infusions paid out of pocket shall be paid \$438 for each infusion documented by the provider's re-verification, or if no re-verification is received, \$438 per infusion for the number

submitted in the original verification.

- (f) Claimants whose claims were supported solely by affidavit shall be paid only to the extent the claim does not exceed eight infusions; provided, however, if further documentation received in response to a request for verification supports payment for more than eight infusions, the claim shall be paid in accordance with such further valid documentation.

3. Plaintiff States are authorized to make additional payments, not to exceed \$451,456 over and above the original \$294,510 estimate, to the settlement administrator from the Consumer Fund to pay for additional claims administration expenses.

4. Plaintiff States are authorized to pay from the Consumer Fund a sum not to exceed \$125,000 to implement the distribution to medically indigent consumers of 13,000 vials of Taxol® to be supplied free of charge by defendant Bristol-Myers Squibb Company pursuant to the Settlement Agreement and as approved by the Court's Order of November 19, 2003.

5. A Final Hearing is scheduled for March 31, 2005 at 10:30 a.m. in Courtroom One.

Signed: Emmet G. Sullivan
United States District Judge
March 31, 2004