

SYNOPSIS OF REVISED SETTLEMENT PROGRAM

KEY FEATURES

- a "claims-made" settlement program being offered to domestic breast implant recipients with at least one Bristol, Baxter, or 3M implant (or, under certain conditions, a "post 8/84 McGhan" implant).
 - benefits are fixed in amount, calculated without regard to how many or how few other implant recipients accept the offer.
 - most benefits based on medical condition during 15-year period (until December 15, 2010).
 - offer does not include all implant recipients who were eligible under global settlement.
 - benefits are substantially less than specified in "Disease Compensation Schedule" grid of initial global settlement—although, for most eligible participants with only Bristol, Baxter, or 3M implants, greater than the severely "ratcheted" grid amounts that might have been submitted under the global settlement. Negotiations are pending to eliminate reimbursement and subrogation claims by most non-governmental health-care insurers against participants under the revised settlement program.
 - some benefits are based on the original disease and disability/severity schedule; other benefits are based on a new, more restrictive revised disease/symptomology schedule.
 - special benefit options and protections for those who timely submitted claims and documentation under the "Current Disease Compensation" program of global settlement.
 - potential for special benefits for "Current Claimants" in event of rupture of Bristol, Baxter, or 3M silicone-gel implants before December 16, 1996.
 - special explantation compensation in event of removal of Bristol, Baxter, or 3M implant between April 1, 1994, and December 15, 2010.
 - "advance payments" that may expedite partial payment of benefits and provide some compensation to those without other benefits.
 - compensation of privately-retained attorneys to be borne by individual participants, subject to some maximum limitations, and with no reduction in scheduled benefits for "common benefit" attorneys' fees and expenses or administrative costs.
- a person is eligible to participate in the revised settlement if she (1) is a domestic (non-foreign) breast implant recipient, (2) was implanted before June 1, 1993, with a Bristol, Baxter, or 3M implant (or, under certain conditions, with a "post 8/84 McGhan" silicone-gel implant), and (3) has neither settled with the settling defendants nor had her claims against such defendants resolved by final judgment.
- eligible class members are not required to participate in the revised settlement. They can reject the settlement offer, and the number of rejections does not affect scheduled benefits for those who accept the offer. They can wait to make this decision until they are sent a Notification of Status from the Claims Office regarding their eligibility and potential benefits under the revised settlement. Alternatively, they can make an immediate election to "opt out" and proceed with breast implant litigation if they are ready to do so. Settling defendants have no withdrawal rights based on number of opt-outs, and most of their obligations are not subject to any maximum limitations.

IMPORTANT DATES

- April 1, 1996: Deadline for Election Form to be filed with Claims Office by implant recipients who have not previously registered but want to preserve their "Second Opt-Out Right". (Election Form filed by such persons will constitute registration.)
- December 16, 1996: Deadline for Election and Proof of Manufacturer forms to be filed with Claims Office by participants wanting to preserve status as "Current Claimant." Also, deadline for filing Rupture Claim Form by Current Claimants seeking rupture benefits.

DECIDING WHAT FORM(S) TO USE

Before completing any form, you should review the Notice and the Question and Answer Booklet and consult with your own lawyer. If you do not have a lawyer, you can call 513-651-9770 to request legal advice or 800-938-7357 to learn about information meetings.

1. Determine whether you are eligible to participate in the revised settlement. (See Notice ¶10)
2. If you are eligible to participate, complete and return the Election Form (white), marking box 1A and either box 2A, box 2B, or box 2C.

Before completing the Election Form, decide whether you definitely want to accept the settlement offer (2B), or definitely want to reject the settlement offer (2C), or want to wait to make this decision until the Claims Office, after reviewing your forms and records, sends you a Notification of Status letter concerning your potential benefits under the settlement (2A).

The Court believes that box 2A will be the best choice for most eligible implant recipients, because they will know more about their potential benefits before deciding whether or not to accept the settlement.

Box 2B is primarily intended for implant recipients who do not expect to ever file a lawsuit and want the earliest possible payment of benefits under the settlement.

Box 2C is primarily intended for implant recipients who know they want to proceed with litigation rather than accept benefits under the settlement and who have already filed a separate lawsuit or are prepared to immediately file such a lawsuit. (If you mark this option, do not return any forms other than the Election Form.)

Unless you are rejecting the settlement (2C), you should also complete and return the following additional form(s), either along with the Election Form or later when information is available—

the Proof of Manufacturer Form (blue), to be filed with accompanying proof as soon as this information can be obtained (even if you previously provided manufacturer identification).

the Rupture Claim Form (green), to be filed with accompanying proof by December 16, 1996, if you can prove rupture of a Bristol, Baxter, or 3M implant.

the Explantation Claim Form (yellow), if you have a Bristol, Baxter, or 3M implant removed after April 1, 1994. This form with accompanying proof can be filed during 15-year period of settlement (until December 15, 2010).

3. If you don't know whether or not you're eligible, complete and return the Election Form (white), marking box 1C and either box 2A, 2B, or 2C. Follow above instructions as if eligible. (Or you may wait to complete the Election Form until you get more information about your manufacturer.)
4. If you are not eligible to participate, complete and return only the Election Form (white), marking box 1B and either box 3A or box 3B. Do not return the other forms.

The Court recommends that you not mark box 3A unless you have already filed a separate lawsuit or are prepared to immediately file such a lawsuit. By marking box 3B, you will have more time to decide whether to file a lawsuit and to make the necessary arrangements for filing such a lawsuit.

5. Persons who opted out of the global settlement need not return any form unless they are eligible to participate and want to rejoin the class and accept the revised settlement, which they can do by filing the Election Form (white), marking box 1A and box 2B.