

# ROZEN LAW FIRM, LLP

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## MEMORANDUM

TO: The Honorable Alan D. Moats (via email & FedEx)  
and All Parties (via email)

FROM: Michael K. Rozen, Director of Medical Monitoring

RE: Status Report of the Director  
*Jack Leach, et al. v. E.I. du Pont de Nemours and Co.,*  
C-8 PFOA Medical Monitoring Program

DATE: August 29, 2016

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On November 20, 2012, the Court appointed Michael K. Rozen, Esq. as Director of Medical Monitoring (the "Director") in the above-referenced matter to oversee the implementation of the Medical Panel Protocols for the Medical Monitoring Program (the "Program"). The Director has previously submitted 43 Status Reports to the Court summarizing the progress and status of planning for implementation of the Medical Panel Protocols, most recently on August 15, 2016.

The Program was launched with a mailing of notice packets to approximately 98,000 potential Class Members in the beginning of September 2014 and Class Members have been registering, making appointments for monitoring and receiving monitoring pursuant to the Medical Panel Protocols. Since September 2014, additional notice packets have been mailed to potential Class Members upon request bringing the total number of mailings to 99,041.

Each week the Director submits to the parties a Weekly Summary Report with detailed Program Statistics. Attached hereto is the Weekly Summary Report for the week ending August 26, 2016, which sets out in detail the current number of Program participants (6,652 Registrations to date) and their demographics, as well as, among other information, the number of scheduled physician monitoring appointments, the number of approved services, and the total amount approved for payment. Also attached is a CPT Code Summary Report setting forth the total services approved for payment by the Director through August 23, 2016, by CPT Code.

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The Honorable Alan D. Moats and All Parties  
August 29, 2016

By agreement of the parties, the Director mails an Affidavit of Settlement Class Membership to all Registrants with insufficient documentation, along with a letter which explains that a completed and notarized Affidavit will be accepted as proof of Class Member status and eligibility to participate fully in the C-8 Medical Monitoring Program. As of August 26, 2016 a total of 5,896 Registrants have been deemed eligible for medical monitoring.

The Director convenes a bi-weekly status call with the parties where the Director informs the parties of any new developments. The Director has informed the parties that he is currently working to transmit to the Medical Panel de-identified data from the Medical Monitoring Program requested by the Panel. The Director has also informed the parties that the Panel has stated that access to data from the C-8 Health Project, currently held by West Virginia University, is essential for its further analysis of the duration of the Medical Monitoring Program. The parties and the Director concur that as a result of the Court's January 25, 2013 Order to File C8 Science Panel Data and Establishing Criteria for Future Use of Data, the data may not be accessed without further Court order or consent of the individual participants. The Director, after discussion with and review by the Parties, will send a letter to each registrant who has participated in the Medical Monitoring Program requesting his or her consent to release his or her confidential data to the Medical Director solely for the purpose of allowing the Medical Panel to review de-identified data in order to inform the Panel's recommendations for further medical monitoring under the Program. The Director is currently working with West Virginia University to develop a consent form for this purpose.

The parties continue to work with the Director, his team, and each other in good faith.

**WEEKLY SUMMARY REPORT**

*For the week ended August 26, 2016*

**POTENTIAL PARTICIPANTS**

|   | <b>TOTAL PARTICIPANTS</b> |
|---|---------------------------|
| Potential Participants Sent Notice Packet                       | 99,041                    |
| Registrations Received*   | 6,652                     |
| a. Eligible for Medical Monitoring                              | 5,896                     |
| b. Duplicate Registrations                                      | 328                       |
| c. Ineligible (see page 2 for details)                          | 97                        |
| d. Deficient (see page 2 for details)                           | 308                       |
| e. Under Review   | 23                        |
| Affidavit of Class Membership Mailed                            | 460                       |
| a. Affidavits Received  | 185                       |
| b. Affidavits Incomplete or Invalid                             | 7                         |
| Physician Appointments Made by Eligible Class Members           | 2000                      |
| Physician Appointments Scheduled after 8/26/2016                | 1                         |
| Physician Appointments Requested with Non HealthSmart Providers | 4                         |

*\*If confirmed as a participant in the C-8 Health Study, the Program will use documentation on hand to confirm eligibility for Medical Monitoring.*

**PAYMENTS**

|  | <b>WEEK ENDING<br/>8/26/2016</b> | <b>CUMULATIVE<br/>TO DATE</b> |
|--|----------------------------------|-------------------------------|
| Number of Approved CPT Code Services                                     | 50                               | 10,060                        |
| Total Amount Approved for Payment  | \$2,971.72                       | \$829,902.03                  |
| Total Amount of Funds Disbursed to HealthSmart                           | \$830.78                         | \$828,613.75                  |
| Balance in DuPont Medical Monitoring Escrow Account<br>(as of 7/29/2016) | \$0.00                           | \$678,317.81                  |

**C-8 HEALTH STUDY PARTICIPANTS**

|                 | <b>WEEK ENDING<br/>8/26/2016</b> | <b>CUMULATIVE<br/>REGISTRANTS<br/>TO DATE</b> |
|-----------------|----------------------------------|---|
| Participant     | 1                                | 6,095   |
| Non-Participant | 0                                | 557   |

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## WATER DISTRICTS / SOURCES (AS REPORTED BY REGISTRANT)\*

|   | WEEK ENDING<br>8/26/2016 | CUMULATIVE<br>REGISTRANTS<br>TO DATE |
|---|--------------------------|--------------------------------------|
| Little Hocking Water Association            | 1                        | 1,382                                |
| Lubeck Public Service District              | 0                        | 1,506                                |
| City of Belpre                              | 0                        | 998                                  |
| Mason County Public Service District        | 0                        | 1,404                                |
| Tuppers Plains - Chester Water District     | 0                        | 1,330                                |
| Village of Pomeroy                          | 0                        | 456                                  |
| Private Water Source                        | 0                        | 348                                  |
| Water District Not Identified by Registrant | 0                        | 357                                  |

\*Registrant may indicate multiple Water Districts / Sources.

## REGISTRANT DEFICIENCY REASONS

|  | TOTAL<br>PARTICIPANTS |
|--|-----------------------|
| Deficient Registrants**  | 308                   |
| Registrants with only Administrative Deficiencies                              | 43                    |
| Registrants with Documentation Deficiencies ***                                | 265                   |
| Documentation not provided   | 49                    |
| Documents submitted do not establish a period of one year prior to December 4, | 52                    |
| Documents Submitted are not Legible  | 6                     |
| Documents with No Identification that Connects to Registrant                   | 0                     |
| Documents with No Matching Eligible Address                                    | 158                   |

\*\* Each Registrant may be deficient for one or more reasons

\*\*\*28 Registrants with Documentation Deficiencies also have Administrative Deficiencies

## INELIGIBLE REGISTRANTS

|   | TOTAL<br>PARTICIPANTS |
|---|-----------------------|
| Ineligible Registrants  | 97                    |
| Previously Opted-Out of the Class                                     | 0                     |
| Registrant Born on or After December 4, 2003                          | 4                     |
| Registrants Whose Private Water Sources Tested Below 0.05 ppb of PFOA | 0                     |
| Registrations Filed on behalf of Deceased Individuals                 | 93                    |
| Under Review: Intake/Data Entry                                       | 0                     |

## CALL CENTER ACTIVITY

|  | WEEK ENDING<br>8/26/2016 | CUMULATIVE<br>CALLS TO DATE |
|--|--------------------------|-----------------------------|
| Calls Received                             | 8                        | 7,551                       |
| a. Interactive Voice Response ("IVR") Only | 1                        | 1,644                       |
| b. Live Operator                           | 7                        | 5,907                       |

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## WEBSITE ACTIVITY

|                 | WEEK ENDING<br>8/26/2016 | CUMULATIVE TO<br>DATE |
|-----------------|--------------------------|-----------------------|
| Unique Visitors | 37                       | 9,103                 |
| Page Views      | 73                       | 20,481                |

## TIME TO APPOINTMENTS

|                   | TOTAL |
|-------------------|-------|
| 7 days or less    | 376   |
| 8-15 days         | 475   |
| 16-24 days        | 287   |
| More than 24 days | 862   |

## APPOINTMENTS BY MEDICAL MONITORING PARTICIPANT LOCATION

| ZIP CODE | TOTAL |
|----------|-------|
| 45714    | 169   |
| 26101    | 161   |
| 26181    | 82    |
| 45750    | 75    |
| 45723    | 74    |
| 25550    | 73    |
| 26104    | 70    |
| 25123    | 68    |
| 45769    | 68    |
| 45742    | 60    |
| 26105    | 57    |
| 45771    | 51    |
| 45784    | 41    |
| 25515    | 33    |
| 25253    | 30    |
| 45760    | 28    |
| 45735    | 27    |
| 45724    | 25    |
| 45701    | 25    |
| 45772    | 25    |
| 26150    | 25    |
| 25241    | 24    |
| 45778    | 24    |
| 25502    | 22    |
| 25287    | 19    |
| 26164    | 19    |
| 45729    | 19    |
| 25271    | 18    |
| 45631    | 18    |
| 26187    | 18    |
| 45743    | 17    |
| 25082    | 16    |

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|       |    |
|-------|----|
| 25260 | 16 |
| 26142 | 16 |
| 25541 | 16 |
| 25503 | 14 |
| 26133 | 13 |
| 45779 | 13 |
| 25265 | 10 |
| 26184 | 10 |
| 45710 | 9  |
| 25520 | 9  |
| 45775 | 9  |
| 26180 | 9  |
| 45786 | 8  |
| 25239 | 8  |
| 32164 | 6  |
| 25264 | 6  |
| 33870 | 5  |
| 35953 | 5  |
| 45764 | 5  |
| 34759 | 5  |
| 26143 | 5  |
| 44077 | 5  |
| 25187 | 5  |
| 43787 | 5  |
| 26103 | 5  |
| 80227 | 4  |
| 45711 | 4  |
| 45720 | 4  |
| 43105 | 4  |
| 25314 | 4  |
| 25560 | 4  |
| 25705 | 4  |
| 25801 | 4  |
| 25106 | 4  |
| 45620 | 4  |
| 25504 | 4  |
| 45770 | 4  |
| 26170 | 3  |
| 43068 | 3  |
| 43725 | 3  |
| 25064 | 3  |
| 25177 | 3  |
| 26138 | 3  |
| 25248 | 3  |
| 45745 | 3  |
| 43701 | 3  |
| 45768 | 3  |
| 40409 | 3  |

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|       |   |
|-------|---|
| 25526 | 3 |
| 45783 | 3 |
| 29715 | 3 |
| 25275 | 3 |
| 33919 | 3 |
| 43947 | 3 |
| 43130 | 3 |
| 25312 | 3 |
| 45744 | 3 |
| 85718 | 2 |
| 25414 | 2 |
| 43056 | 2 |
| 28273 | 2 |
| 45686 | 2 |
| 45669 | 2 |
| 45728 | 2 |
| 26426 | 2 |
| 32162 | 2 |
| 45782 | 2 |
| 43731 | 2 |
| 34788 | 2 |
| 26346 | 2 |
| 26362 | 2 |
| 45623 | 2 |
| 25213 | 2 |
| 45177 | 2 |
| 25701 | 2 |
| 34429 | 2 |
| 44140 | 2 |
| 44805 | 2 |
| 45694 | 2 |
| 45767 | 2 |
| 74959 | 2 |
| 89130 | 2 |
| 24185 | 2 |
| 40517 | 2 |
| 43138 | 2 |
| 43055 | 2 |
| 16063 | 2 |
| 26102 | 2 |
| 23089 | 2 |
| 45056 | 2 |
| 43147 | 2 |
| 78028 | 2 |
| 26169 | 2 |
| 31305 | 2 |
| 33542 | 2 |
| 45373 | 2 |

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C-8MedicalMonitoringProgram.com

|       |   |
|-------|---|
| 45740 | 2 |
| 43204 | 2 |
| 45712 | 2 |
| 36602 | 2 |
| 26161 | 1 |
| 29461 | 1 |
| 26415 | 1 |
| 43082 | 1 |
| 45741 | 1 |
| 15357 | 1 |
| 48503 | 1 |
| 45781 | 1 |
| 43230 | 1 |
| 25559 | 1 |
| 27051 | 1 |
| 28412 | 1 |
| 91325 | 1 |
| 26141 | 1 |
| 43081 | 1 |
| 45344 | 1 |
| 52246 | 1 |
| 43123 | 1 |
| 41858 | 1 |
| 27703 | 1 |
| 43119 | 1 |
| 25362 | 1 |
| 25545 | 1 |
| 43754 | 1 |
| 23456 | 1 |
| 45776 | 1 |
| 32931 | 1 |
| 27513 | 1 |
| 43213 | 1 |
| 15061 | 1 |
| 32724 | 1 |
| 45069 | 1 |
| 46311 | 1 |
| 43026 | 1 |
| 25143 | 1 |
| 26288 | 1 |
| 43050 | 1 |
| 25313 | 1 |
| 27301 | 1 |
| 45732 | 1 |
| 48572 | 1 |
| 29440 | 1 |
| 45739 | 1 |
| 43209 | 1 |



|       |   |
|-------|---|
| 43219 | 1 |
| 39564 | 1 |
| 44127 | 1 |
| 45229 | 1 |
| 45255 | 1 |
| 45171 | 1 |
| 19446 | 1 |
| 92648 | 1 |
| 43229 | 1 |
| 85365 | 1 |
| 45648 | 1 |
| 73012 | 1 |
| 45674 | 1 |
| 20686 | 1 |
| 43149 | 1 |
| 43021 | 1 |
| 40601 | 1 |
| 45331 | 1 |
| 35901 | 1 |
| 37075 | 1 |
| 45695 | 1 |
| 25243 | 1 |
| 26421 | 1 |
| 26508 | 1 |
| 29587 | 1 |
| 43160 | 1 |
| 35758 | 1 |
| 21401 | 1 |
| 25033 | 1 |
| 45614 | 1 |
| 45713 | 1 |
| 23322 | 1 |
| 26554 | 1 |
| 43231 | 1 |
| 15108 | 1 |
| 29909 | 1 |
| 32766 | 1 |
| 45773 | 1 |
| 33947 | 1 |
| 45383 | 1 |
| 41005 | 1 |
| 32958 | 1 |
| 43140 | 1 |
| 25303 | 1 |
| 45788 | 1 |
| 28462 | 1 |
| 33625 | 1 |
| 28117 | 1 |
| 45777 | 1 |
| 25302 | 1 |

# C-8MedicalMonitoringProgram.com

C-8MedicalMonitoringProgram.com

|       |   |
|-------|---|
| 20141 | 1 |
| 46408 | 1 |
| 32720 | 1 |
| 26178 | 1 |
| 26146 | 1 |
| 45766 | 1 |
| 25703 | 1 |
| 26330 | 1 |
| 43228 | 1 |
| 45039 | 1 |
| 38501 | 1 |
| 29526 | 1 |
| 23112 | 1 |
| 45385 | 1 |

**CPT Code Summary Report**

**TOTAL SERVICES APPROVED FOR PAYMENT AS OF August 23, 2016**

| CPT Code | Code Description   | CPT Code Total |
|----------|--|----------------|
| 810      | Anesthesia for lower intestinal endoscopic procedures, endoscope introduced distal to duodenum | 18             |
| 36415    | Routine Venipuncture   | 1259           |
| 45378    | Colonoscopy , diagnostic   | 53             |
| 45380    | Colonoscopy with biopsy, single or multiple  | 7              |
| 45384    | Colonoscopy with removal of tumor(s)polyps by hot biopsy forceps or cautery                    | 2              |
| 45385    | Colonoscscopy with removal of tumors, polyp(s),or other lesion(s)by snare technique            | 4              |
| 71010    | Chest X-ray, single view, frontal  | 1              |
| 71020    | Chest X-ray, 2 views, frontal and lateral  | 13             |
| 74150    | CT Scan of the abdomen without Contrast  | 36             |
| 74160    | CT Scan of the abdomen with Contrast   | 14             |
| 74176    | CT Scan of the abdomen and Pelvis without Contrast   | 1              |
| 74177    | CT Scan of the abdomen and pelvis with Contrast  | 8              |
| 74181    | MRI of the abdomen without contrast  | 12             |
| 74182    | MRI of the abdomen without contrast  | 27             |
| 76700    | Ultrasound, abdominal, real time with image documentation, complete                            | 9              |
| 76870    | Ultrasound, scrotum and contents   | 33             |
| 76870-26 | Ultrasound, scrotum and contents   | 4              |
| 80061    | Serum Lipid panel  | 653            |
| 81001    | Urinalysis, by dip stick with microscopy   | 459            |
| 81003    | Urinalysis, by dip stick without microscopy  | 790            |
| 81015    | Microscopic Exam of Urine  | 8              |
| 82270-QW | Occult Blood Feces   | 2              |
| 82274    | Assay Test for Blood Fecal   | 117            |
| 82542    | C-8 (PFOA) Test  | 1784           |
| 84439    | Thyroxine; free  | 436            |
| 84443    | Thyroid Stimulating Hormone (TSH)  | 1048           |
| 85025    | Complete CBC w/AUTO DIFF WBC   | 307            |
| 85051    | RBC SED RATE NONAUTOMATED (Manual)   | 1              |
| 85652    | RBC SED Rate Automated   | 227            |

|          |   |     |
|----------|---|-----|
| 86140    | C-Reactive Protein  | 123 |
| 86141    | C-Reactive Protein HS   | 76  |
| 86300    | Immunoassay Tumor CA 15-3   | 26  |
| 86301    | Immunoassay Tumor CA 19-9   | 31  |
| 86304    | Immunoassay Tumor CA 125  | 25  |
| 86376    | Microsomal antibodies (thyroid or liver kidney)   | 312 |
| 86900    | Histologic cell type  | 14  |
| 87493    | Infectious agent detection by nucleic acid (DNA or RNA); Clostridium difficile, toxin gene(s), amplified probe technique              | 70  |
| 88305    | Level IV - Surgical pathology, gross and microscopic examination  | 22  |
| 88307    | Surgical Pathology, gross and microcopic examination  | 1   |
| 99201    | New patient- Problem Focused  | 1   |
| 99202    | New patient-Expanded Problem Focused  | 24  |
| 99203    | Office/outpatient visit new presenting problems are of moderate severity. Physicians typically spend 30 minutes face to face.         | 667 |
| 99203-25 | Office/outpatient visit new presenting problems are of moderate severity. Physicians typically spend 30 minutes face to face.         | 6   |
| 99204    | Office/outpatient visit new presenting problems are of moderate to high severity. Physicians typically spend 45 minutes face to face. | 136 |
| 99205    | Office/outpatient visit new presenting problems are of moderate to high severity. Physicians typically spend 60 minutes face to face. | 62  |
| 99211    | Established patient- Minimal Eval.  | 1   |
| 99212    | Established patient- Problem Focused  | 67  |
| 99213    | Office/outpatient visit EST presenting problems are of low to moderate. Physicians typically spend 15 minutes face to face.           | 588 |
| 99213-25 | Office/outpatient visit EST presenting problems are of low to moderate. Physicians typically spend 15 minutes face to face.           | 1   |
| 99214    | Office/outpatient visit EST presenting problems are of moderate to high severity. Physicians typically spend 25 minutes face to face. | 311 |
| 99214-25 | Office/outpatient visit EST presenting problems are of moderate to high severity. Physicians typically spend 25 minutes face to face. | 2   |
| 99215    | Office/outpatient visit EST presenting problems are of moderate to high severity. Physicians typically spend 40 minutes face to face. | 49  |
| 99215-25 | Office/outpatient visit EST presenting problems are of moderate to high severity. Physicians typically spend 40 minutes face to face. | 2   |
| 99242    | Office Consult.Problem low in severity, 30 minute face to face  | 28  |
| 99243    | Office consult for a New or Established patient. Problems moderate in severity. 40 minute face to face.                               | 4   |
| 99244    | Office consult for a New or Established patient. Problems moderate to high in severity. 60 minute face to face.                       | 5   |
| 99245    | Office consult for a New or Established patient. Problems moderate to high in severity. 80 minute face to face.                       | 3   |
| 99385    | This code approved by the director as a physician visit for monitoring  | 1   |
| 99395    | This code approved by director incident to monitoring visit.  | 3   |

|  |  |                     |
|--|--|---------------------|
| 99396  | This code approved by director incident to monitoring visit.                   | 7                   |
| 93000  | This code approved by the director as a special exception                      | 3                   |
| 80048  | This code approved by the director as a special exception                      | 2                   |
| 80076  | This code approved by the director as a special exception                      | 1                   |
| 81002  | This code approved by the director as a special exception                      | 1                   |
| 86901  | This code approved by the director as a special exception                      | 1                   |
| 93005  | This code approved by the director as a special exception                      | 1                   |
| A9578  | This code approved by the director incident to MRI                             | 1                   |
| A9585  | This code approved by the director incident to MRI                             | 3                   |
| G0121  | This code approved by the director incident to colonoscopy                     | 1                   |
| J1170  | This code approved by the director incident to colonoscopy                     | 1                   |
| J2405  | This code approved by the director as a special exception                      | 3                   |
| J2250  | This code approved by the director incident to colonoscopy                     | 6                   |
| J3010  | This code approved by the director incident to colonoscopy                     | 1                   |
| J3490  | This code approved by the director incident to colonoscopy                     | 1                   |
| Q9967  | This code approved by the director as a special exception incident to CT scan. | 10                  |
| 250  | This code approved by the director incident to colonoscopy                     | 5                   |
| 258  | This code approved by the director incident to colonoscopy                     | 3                   |
| 270  | This code approved by the director incident to CT scan                         | 1                   |
| 271  | This code approved by the director incident to colonoscopy                     | 1                   |
| 272  | This code approved by the director incident to colonoscopy                     | 2                   |
| 301  | This code approved by the director incident to CT Scan                         | 1                   |
| 490  | This code approved by the director as a special exception                      | 1                   |
| 255  | This code approved by the director as a special exception incident to CT scan. | 4                   |
| 710  | This code approved by the director incident to colonoscopy                     | 2                   |
| no code provided                                     | Incident of colonoscopy approved by director as a special exception            | 3                   |
| <b>Total Number of Services Approved for Payment</b> |  | <b>10,060</b>       |
| <b>Total Amount Approved Payment</b>                 |  | <b>\$829,902.03</b> |