

# 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: January 30, 2017

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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 54 Status Reports to the Court summarizing the progress and status of planning for implementation of the Medical Panel Protocols, most recently on January 17, 2017.

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 99,052.

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 January 27, 2017, which sets out in detail the current number of Program participants (6,666 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 January 24, 2017, by CPT Code.

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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 Program. As of January 27, 2017 a total of 5,944 Registrants have been deemed eligible for medical monitoring.

The Director convenes a bi-weekly status call with the parties during which the Director informs the parties of any new developments. The Director is currently working with the Medical Panel to provide it with data from the Medical Monitoring Program that the Panel deems necessary to continue its work evaluating the need for further monitoring. On December 7, 2016, the Administrator's technical team, the Medical Director, and the Medical Panel conferred to discuss the format of the data for transfer to the Medical Panel. On December 19, 2016, the Panel was sent all of the requested data points. On January 12, 2017, the Panel was sent sample reports containing de-identified information for ten class members. Upon the Panel's approval of the form of the sample reports, all requested data will be sent to the Panel after all personal information has been removed. It is anticipated that it will take approximately two weeks to prepare and de-identify the requested data after the Medical Panel's approval.

The Director has advised the parties that the Panel has also deemed it essential for its further analysis that it be provided access to certain data from the C-8 Health Project, currently held by West Virginia University ("WVU"). The parties and the Director agreed 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 could not be accessed without further Court order or consent of the individual participants. The Director, after discussion with and review by the Parties and WVU, sent cover letters and consent forms to each registrant who has participated in the Program requesting his or her consent to release their 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 continues to receive signed consents from program participants. As of today, the Director has received 1,588 consent forms. These forms have been sent to WVU to allow production to the Director of the data. The Director continues to work with WVU regarding a time line for its production.

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

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## WEEKLY SUMMARY REPORT

For the week ended January 27, 2017

### POTENTIAL PARTICIPANTS

	TOTAL PARTICIPANTS
Potential Participants Sent Notice Packet	99,052
Registrations Received*	6,666
a. Eligible for Medical Monitoring	5,944
b. Duplicate Registrations	328
c. Ineligible (see page 2 for details)	108
d. Deficient (see page 2 for details)	259
e. Under Review	27
Affidavit of Class Membership Mailed	466
a. Affidavits Received	251
b. Affidavits Incomplete or Invalid	16
Physician Appointments Made by Eligible Class Members	2011
Physician Appointments Scheduled after 1/27/2017	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

	WEEK ENDING 1/27/2017	CUMULATIVE TO DATE
Number of Approved CPT Code Services	1	10,387
Total Amount Approved for Payment	\$68.38	\$854,896.75
Total Amount of Funds Disbursed to HealthSmart	\$4,930.82	\$854,828.37
Balance in DuPont Medical Monitoring Escrow Account (as of 11/30/2016)	\$0.00	\$653,578.99

### C-8 HEALTH STUDY PARTICIPANTS

	WEEK ENDING 1/27/2017	CUMULATIVE REGISTRANTS TO DATE
Participant	0	6,104
Non-Participant	0	562

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

	WEEK ENDING 1/27/2017	CUMULATIVE REGISTRANTS TO DATE
Little Hocking Water Association	0	1,387
Lubeck Public Service District	0	1,508
City of Belpre	0	1,002
Mason County Public Service District	0	1,413
Tuppers Plains - Chester Water District	0	1,332
Village of Pomeroy	0	457
Private Water Source	0	352
Water District Not Identified by Registrant	0	356

*\*Registrant may indicate multiple Water Districts / Sources.*

## REGISTRANT DEFICIENCY REASONS

	TOTAL PARTICIPANTS
Deficient Registrants**	259
Registrants with only Administrative Deficiencies	45
Registrants with Documentation Deficiencies ***	214
Documentation not provided	43
Documents submitted do not establish a period of one year prior to December 4,	48
Documents Submitted are not Legible	6
Documents with No Identification that Connects to Registrant	0
Documents with No Matching Eligible Address	117

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

*\*\*\*20 Registrants with Documentation Deficiencies also have Administrative Deficiencies*

## INELIGIBLE REGISTRANTS

	TOTAL PARTICIPANTS
Ineligible Registrants	108
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	104
Under Review: Intake/Data Entry	0

## CALL CENTER ACTIVITY

	WEEK ENDING 1/27/2017	CUMULATIVE CALLS TO DATE
Calls Received	4	7,740
a. Interactive Voice Response ("IVR") Only	1	1,692
b. Live Operator	3	6,048

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## WEBSITE ACTIVITY

	WEEK ENDING 1/27/2017	CUMULATIVE TO DATE
Unique Visitors	43	9,979
Page Views	70	22,091

## TIME TO APPOINTMENTS

	TOTAL
7 days or less	384
8-15 days	478
16-24 days	287
More than 24 days	862

## APPOINTMENTS BY MEDICAL MONITORING PARTICIPANT LOCATION

ZIP CODE	TOTAL
45714	171
26101	161
26181	84
45750	75
25550	75
45723	74
26104	72
25123	66
45769	66
45742	60
26105	57
45771	54
45784	42
25515	31
25253	30
45760	30
45724	28
45735	27
26150	26
45701	25
45772	25
45778	24
25241	24
25502	22
25287	19
25271	19
26164	19
45729	19
26187	18
45743	17
45631	17

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25541	16
25260	16
25082	16
26142	16
45779	14
25503	14
26133	13
25265	10
26184	10
45710	9
25520	9
26180	9
45775	9
25239	8
45786	8
32164	6
25264	6
33870	5
35953	5
45764	5
34759	5
44077	5
25187	5
26103	5
43105	4
43787	4
80227	4
45711	4
25560	4
25314	4
25705	4
26143	4
25801	4
25106	4
45620	4
25504	4
45720	4
43068	3
43725	3
45770	3
26170	3
25064	3
25177	3
26138	3
25248	3
45745	3
43701	3

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45768	3
40409	3
25526	3
43130	3
33919	3
43947	3
45744	3
25312	3
45783	3
29715	3
25275	3
26346	2
43056	2
45669	2
85718	2
25414	2
28273	2
45686	2
26426	2
45782	2
32162	2
43731	2
34788	2
26362	2
45623	2
25213	2
25701	2
34429	2
44140	2
45177	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
43204	2

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45712	2
36602	2
31305	2
33542	2
45373	2
45740	2
63139	1
27051	1
28412	1
26141	1
91325	1
43081	1
45344	1
52246	1
43123	1
26161	1
29461	1
45741	1
15357	1
23123	1
43228	1
25311	1
43082	1
48503	1
45781	1
43230	1
25559	1
41858	1
29579	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



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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
45648	1
73012	1
45674	1
20686	1
43149	1
43021	1
19446	1
92648	1
43229	1
85365	1
40601	1
45331	1
35901	1
37075	1
45695	1
25243	1
26421	1
45614	1
45713	1
23322	1
43231	1
33947	1
45383	1
15108	1
29909	1
32766	1
45773	1
43160	1
41005	1
32958	1
43140	1
25303	1
45788	1
28462	1
26554	1

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33625	1
45039	1
38501	1
29526	1
25302	1
20141	1
23112	1
45385	1
26178	1
26146	1
45766	1
26330	1
28117	1
46408	1
32720	1
40242	1
26508	1
29587	1
31632	1
35758	1
21401	1
25033	1

**CPT Code Summary Report**

**TOTAL SERVICES APPROVED FOR PAYMENT AS OF January 24, 2017**

CPT Code	Code Description	CPT Code Total
810	Anesthesia for lower intestinal endoscopic procedures, endoscope introduced distal to duodenum	18
36415	Routine Venipuncture	1298
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	2
74177	CT Scan of the abdomen and pelvis with Contrast	9
74181	MRI of the abdomen without contrast	12
74182	MRI of the abdomen with contrast	29
76700	Ultrasound, abdominal, real time with image documentation, complete	9
76870	Ultrasound, scrotum and contents	36
76870-26	Ultrasound, scrotum and contents	5
80061	Serum Lipid panel	672
81001	Urinalysis, by dip stick with microscopy	465
81003	Urinalysis, by dip stick without microscopy	815
81015	Microscopic Exam of Urine	8
82270-QW	Occult Blood Feces	2
82274	Assay Test for Blood Fecal	124
82542	C-8 (PFOA) Test	1819
84439	Thyroxine; free	445
84443	Thyroid Stimulating Hormone (TSH)	1074
85025	Complete CBC w/AUTO DIFF WBC	319
85051	RBC SED RATE NONAUTOMATED (Manual)	1
85652	RBC SED Rate Automated	238

86140	C-Reactive Protein	129
86141	C-Reactive Protein HS	80
86300	Immunoassay Tumor CA 15-3	27
86301	Immunoassay Tumor CA 19-9	32
86304	Immunoassay Tumor CA 125	26
86376	Microsomal antibodies (thyroid or liver kidney)	317
86900	Histologic cell type	15
87493	Infectious agent detection by nucleic acid (DNA or RNA); Clostridium difficile, toxin gene(s), amplified probe technique	75
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.	679
99203-25	Office/outpatient visit new presenting problems are of moderate severity. Physicians typically spend 30 minutes face to face.	11
99204	Office/outpatient visit new presenting problems are of moderate to high severity. Physicians typically spend 45 minutes face to face.	137
99205	Office/outpatient visit new presenting problems are of moderate to high severity. Physicians typically spend 60 minutes face to face.	63
99211	Established patient- Minimal Eval.	1
99212	Established patient- Problem Focused	75
99213	Office/outpatient visit EST presenting problems are of low to moderate. Physicians typically spend 15 minutes face to face.	636
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.	323
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.	51
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	39
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
99386	This code approved by director incident to monitoring visit.	1

99395	This code approved by director incident to monitoring visit.	3
99396	This code approved by director incident to monitoring visit.	8
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
A9577	This code approved by the director incident to MRI	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 or MRI	3
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	2
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>10,387</b>
<b>Total Amount Approved Payment</b>		<b>\$854,896.75</b>