

# 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: September 26, 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 45 Status Reports to the Court summarizing the progress and status of planning for implementation of the Medical Panel Protocols, most recently on September 12, 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 99,043.

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 September 23, 2016, which sets out in detail the current number of Program participants (6,654 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 September 20, 2016, 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 September 23, 2016 a total of 5,899 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 has informed the parties that de-identified data from the Program requested by the Panel has been prepared and will be sent to the Panel shortly. The Director has also advised the parties that the Panel has deemed it essential for its further analysis regarding the duration of the Program that it be provided access to data from the C-8 Health Project, currently held by West Virginia University. 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 West Virginia University, last week sent a cover letter and a consent form 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 and the Administrator (Garden City Group) will be meeting with the Medical Panel on October 14, 2016 to discuss data issues. The Director will provide a full report of the meeting to the parties and to the Court in the next status report.

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

## WEEKLY SUMMARY REPORT

For the week ended September 23, 2016

### POTENTIAL PARTICIPANTS

	TOTAL PARTICIPANTS
Potential Participants Sent Notice Packet	99,043
Registrations Received*	6,654
a. Eligible for Medical Monitoring	5,899
b. Duplicate Registrations	328
c. Ineligible (see page 2 for details)	97
d. Deficient (see page 2 for details)	307
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	2002
Physician Appointments Scheduled after 9/23/2016	0
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 9/23/2016	CUMULATIVE TO DATE
Number of Approved CPT Code Services	21	10,167
Total Amount Approved for Payment	\$1,471.70	\$837,032.39
Total Amount of Funds Disbursed to HealthSmart	\$0.00	\$834,383.57
Balance in DuPont Medical Monitoring Escrow Account (as of 8/31/2016)	\$0.00	\$670,128.24

### C-8 HEALTH STUDY PARTICIPANTS

	WEEK ENDING 9/23/2016	CUMULATIVE REGISTRANTS TO DATE
Participant	1	6,097
Non-Participant	0	557

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

	WEEK ENDING 9/23/2016	CUMULATIVE REGISTRANTS TO DATE
Little Hocking Water Association	1	1,384
Lubeck Public Service District	0	1,506
City of Belpre	0	1,000
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	349
Water District Not Identified by Registrant	0	356

\*Registrant may indicate multiple Water Districts / Sources.

## REGISTRANT DEFICIENCY REASONS

	TOTAL PARTICIPANTS
Deficient Registrants**	307
Registrants with only Administrative Deficiencies	43
Registrants with Documentation Deficiencies ***	264
Documentation not provided	48
Documents submitted do not establish a period of one year prior to December 4, 2004	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 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 9/23/2016	CUMULATIVE CALLS TO DATE
Calls Received	16	7,586
a. Interactive Voice Response ("IVR") Only	3	1,652
b. Live Operator	13	5,934

## WEBSITE ACTIVITY

	WEEK ENDING 9/23/2016	CUMULATIVE TO DATE
Unique Visitors	31	9,381
Page Views	57	20,949

## TIME TO APPOINTMENTS

	TOTAL
7 days or less	377
8-15 days	476
16-24 days	287
More than 24 days	862

## APPOINTMENTS BY MEDICAL MONITORING PARTICIPANT LOCATION

ZIP CODE	TOTAL
45714	169
26101	161
26181	83
45750	75
45723	74
25550	73
26104	70
25123	68
45769	68
45742	60
26105	56
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
25271	19
26164	19
45729	19
45631	18
26187	18
45743	17
25082	16

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

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

45740	2
43204	2
45712	2
36602	2
26161	1
29461	1
26415	1
25311	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

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25302	1
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 September 20, 2016**

CPT Code	Code Description	CPT Code Total
810	Anesthesia for lower intestinal endoscopic procedures, endoscope introduced distal to duodenum	18
36415	Routine Venipuncture	1273
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 with contrast	28
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	661
81001	Urinalysis, by dip stick with microscopy	460
81003	Urinalysis, by dip stick without microscopy	797
81015	Microscopic Exam of Urine	8
82270-QW	Occult Blood Feces	2
82274	Assay Test for Blood Fecal	119
82542	C-8 (PFOA) Test	1794
84439	Thyroxine; free	437
84443	Thyroid Stimulating Hormone (TSH)	1056
85025	Complete CBC w/AUTO DIFF WBC	310
85051	RBC SED RATE NONAUTOMATED (Manual)	1
85652	RBC SED Rate Automated	230

86140	C-Reactive Protein	123
86141	C-Reactive Protein HS	78
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	72
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.	671
99203-25	Office/outpatient visit new presenting problems are of moderate severity. Physicians typically spend 30 minutes face to face.	10
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	72
99213	Office/outpatient visit EST presenting problems are of low to moderate. Physicians typically spend 15 minutes face to face.	605
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.	319
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.	50
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	30
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	2
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>10,167</b>
<b>Total Amount Approved Payment</b>		<b>\$837,032.39</b>