

## E-FEROL CLASS ACTION

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December 6, 2016

Re: CA-7-03-CV-102-R  
*Victoria Klein, et al v. O'Neal f/k/a O'Neal Jones & Feldman  
Pharmaceuticals, et al*

Dear Members of the E-Ferol Class Action:

On December 2, 2016, U.S. District Judge Sidney A. Fitzwater granted Class Plaintiffs' Motion for Summary Judgment against Federal Insurance Co., the last of the insurance companies insuring Defendant Revco D.S., Inc. and Carter Glogau Laboratories, Inc. (now Retrac, Inc.), thus, awarding the Class the \$15 million held in escrow since approval of the E-Ferol settlement in 2010. (Memorandum Opinion and Order, Pacer doc. no. 834, filed 12/06/16)

The Defendant, Federal Insurance Co., may appeal this ruling to the Fifth Circuit Court of Appeals. An appeal would likely take one to two years to complete. No money can be distributed until an appeal is completed and this decision upheld. If there is no appeal, the Court will schedule another hearing in the spring of 2017 to determine reasonable attorney's fees, costs, and modification of the settlement agreement, after which, distribution would begin.

**PLEASE DO NOT CALL OUR OFFICE OR THE CLERK'S OFFICE.** WE WILL POST ON THIS WEBSITE THE CURRENT STATUS OF THIS MATTER AS SOON AS WE RECEIVE INFORMATION ON THESE MATTERS.

THIS WILL BE THE LAST DISTRIBUTION SINCE ALL OTHER MATTERS HAVE BEEN RESOLVED.

WE WILL KEEP YOU POSTED ON DEVELOPMENTS IN THIS MATTER AS WE HAVE INFORMATION. PLEASE MAKE SURE TO INFORM US OF ANY CHANGE IN ADDRESS.

Have a Merry Christmas, Happy Holidays, and a Prosperous New Year!

E-Ferol Class Counsel  
Art Brender - The Brender Law Firm and Staff  
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AB/mg