

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

ANTONIO TOLBERT, *et al.*)
)
 Plaintiffs,)
)
 V.)
)
 MONSANTO COMPANY; AND)
 PHARMACIA CORPORATION,)
)
 Defendants.)

Civil Action Number
2:01-cv-1407-UWC

GERALDINE OLIVER, *et al.*)
)
 Plaintiff,)
)
 V.)
)
 MONSANTO COMPANY; AND)
 PHARMACIA CORPORATION;)
)
 Defendants.)

Civil Action Number
2:01-cv-1407-UWC

**ORDER DISQUALIFYING 7 ADDITIONAL ADULT CLAIMANTS
WHO HAVE NOT TIMELY SUBMITTED NECESSARY FORMS
OR INFORMATION TO THE CLAIMS ADMINISTRATOR**

On December 7, 2006, the Claims Administrator for the Tolbert Qualified Settlement Fund submitted to the Court a supplement to his May 9, 2006 Report with respect to deficient adult claimants.

The Claims Administrator relates that, after a diligent search, he is unable to locate the heirs of 6 deceased adult claimants who would otherwise be entitled to payment from the Settlement Fund.

In addition, one claimant has refused to acknowledge her Medicare status or to resolve Medicare's claim against her payment.

The Court, having reviewed the Claims Administrator's Report Supplement, and considered all other matters and things that are appropriate, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. The additional 7 deficient adult claimants who are identified in Exhibit A are hereby disqualified from receiving a personal injury payment other than the \$500 Advance Payment they have already received, subject to their final chance to qualify for payment described below and their right to appeal this decision to Kenneth O. Simon, Esq., the Appeals Special Master, as described below.

2. Each of the 7 deficient adult claimants shall be provided a written request by the Claims Administrator within ten days after the date of this Order that he or she complete and provide all missing forms or information to the Claims Administrator within thirty days after the notice letter is mailed to them by the Claims Administrator. A copy of this Order shall be provided with the letter. **Any deficient adult claimant who does not so timely provide such forms or information to the Claims Administrator shall be forever barred from receiving any further payments from this case and from any further participation in the Settlement herein.** Notwithstanding the foregoing, such barred deficient adult claimants who fail to submit the necessary forms or information in time shall continue to be barred from filing an additional claim against the Defendants or the Released Parties with respect to the matters that are settled herein. ___

3. Any deficient adult claimant listed in Exhibit A who is dissatisfied with his status as determined by this Order may, within thirty days after receipt of the Claims Administrator's above-

described notification letter transmitting this Order to the claimant, seek further review from the Appeals Special Master, Kenneth O. Simon. The Claims Administrator, in his letter to the deficient adult claimants in accordance with this Order, shall provide the adult claimant with simple instructions concerning how to seek further review of this Order by the Appeals Special Master such as by checking a box.

Any claimant seeking review by the Appeals Special Master shall be limited to the record of evidence submitted by the claimant to the Claims Administrator, with the Claims Administrator to give the claimant a reasonable time to submit such evidence to the Claims Administrator prior to submitting the claimant's file to the Appeals Special Master for appellate review. The Appeals Special Master may exercise the same degree of equitable discretion on such matters as has been exercised by the Claims Administrator. The Appeals Special Master shall normally issue a written determination on the merits of such an appeal within ninety days from receipt of the adult claimant's appeal. **All decisions of the Appeals Special Master shall be final. No appeals or reviews from such decisions shall be permitted. Appeals to the Court will not be considered.**

_____ Done the 18th day of December, 2006.



U.W. Clemon
United States District Judge

EXHIBIT A

Brown, Mary
Clay, Lucy
Davis, Patricia
McGruder, Lucille
Story, Gilbert
Stanford, Xerxes
Williams, Fontella