

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

**IN RE: LIPITOR (ATORVASTATIN
CALCIUM) MARKETING, SALES
PRACTICES AND PRODUCTS LIABILITY
LITIGATION**

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MDL No. 2:14-mn-02502-RMG

This Document Relates to All Actions

JOINT STATUS REPORT FOR STATUS CONFERENCE ON JULY 18, 2014

Pursuant to this Court's Case Management Orders Nos. 2 and 6, the parties provide this joint status report in advance of the status conference scheduled for July 18, 2014.

(a) A summary of the discovery conducted since the last status conference:

Pfizer's Production of Custodial Files: On June 30, Pfizer produced a supplement to each of the 11 previously produced custodial files with bates-number suffixing requested by Plaintiffs. It also re-produced, for each of the 11 custodial files, non-responsive attachments consistent with the requirements of Case Management Order ("CMO") No. 6A. Pfizer is currently preparing to produce by July 18 an additional supplement for the 11 previously produced custodial files based on its application of the new search terms pursuant to CMO 6.

Pfizer's Production of Clinical Trial Materials: Since the last conference, Pfizer has also produced additional clinical trial materials and participated in several discussions with Plaintiffs' counsel, including a conference on July 2, 2014 with Plaintiffs' bio-statistics expert, regarding previously produced clinical trial SAS datasets and codebooks. On June 24, Pfizer produced revised aggregated clinical trial data for the original NDA submission, which

supplements the data previously produced on February 6, 2014, as well as additional codebook documentation specific to the original NDA submission dataset.

Pfizer's Production of Review Committee Materials: Pfizer produced on July 11 approximately 375,000 pages of Review Committee marketing materials pursuant to CMO 4.

Deposition Notices: On June 3, 2014, the PSC served a notice of deposition of a 30(b)(6) witness and various document requests relating to foreign labeling and regulatory matters. Pfizer timely served a response and objections, and the parties met and conferred and reached the following agreement: Pfizer will provide to Plaintiffs by July 11 a written response regarding certain of the information requested in the deposition notice and Plaintiffs will determine thereafter whether they will continue to seek the deposition and if so, whether they will seek the deposition before September. Pfizer reserves its objections as to scope and timing of any such deposition.

On June 25, 2014, the PSC served a notice of a 30(b)(6) deposition directed to pharmacovigilance. Pfizer advised that it believed the notice was untimely under CMO 4, but it agreed to meet and confer about the notice on June 30. Pfizer has served a response and objections to the notice and the parties have continued to confer about discovery related to adverse event reports.

Discovery From Plaintiffs: During the last conference and in CMO 9, this Court set a June 18 deadline for Plaintiffs to provide outstanding Plaintiff Fact Sheets and correct material deficiencies in previously served Plaintiff Fact Sheets. Pursuant to CMO 9, on June 19, Pfizer submitted a report to the Court on the status of such discovery, and on June 27, Pfizer submitted a follow up report. Plaintiffs have continued to serve original and supplemental Fact Sheets and mandatory disclosures and Pfizer continues to review them, identify any deficiencies to counsel

in each case, and identify cases in which Fact Sheets or required documents have not been provided.

(b) Updates about related federal cases not yet transferred to this District:

The parties have continued to systematically tag for transfer by the JPML other related federal cases that have been filed around the country and the JPML has issued Conditional Transfer Orders (“CTOs”) 1 through 32, many of which have been finalized.

There are also six cases that were removed from state court to federal court and are subject to CTOs issued by the JPML. Plaintiffs have moved to vacate the applicable CTOs, and the JPML has noticed the motions in five of the cases for its next hearing on July 31, 2014.

(c) Updates about related state cases:

There are several related cases pending in various state courts, all in their initial stages of litigation. The cases are identified below:

Case Name, Court, and Judge	Plaintiffs’ Counsel	Number of Plaintiffs	Case Status
<i>Almond, et al. v. Pfizer Inc.</i> , No. 13-C-59, W. Va. Cir. Ct. (McDowell Cty.) Judge Rudolph J. Murensky, II	Richardson, Patrick, Westbrook & Brickman, LLC	40 Plaintiffs	Removed and remanded to state court. The parties are due to file supplemental briefing by July 11, 2014, on Pfizer’s motion for referral to West Virginia Mass Torts Panel.
<i>Jackson, et al. v. Pfizer Inc.</i> , No. 1322-CC09218, 22nd Jud. Cir. Ct. of Mo. (St. Louis Cty.) Judge John Garvey	Simmons Browder Gianaris Angelides & Barnerd LLC (“Simmons”)	70 Plaintiffs	Removed and remanded to state court. A scheduling conference was held on June 30, 2014, and the parties are working to submit a joint proposed scheduling order.
<i>Jennings v. Pfizer Inc.</i> , No. 1422-CC00091, 22nd Jud. Cir. Ct. of Mo. (St. Louis Cty.)	Simmons	94 Plaintiffs	Removed and remanded to state court. Conference not yet set.

Case Name, Court, and Judge	Plaintiffs' Counsel	Number of Plaintiffs	Case Status
<i>Lovett, et al. v. Pfizer Inc.</i> , No. 1422-CC00225, 22nd Jud. Cir. Ct. of Mo. (St. Louis Cty.), Judge John Garvey	Simmons	89 Plaintiffs	Removed and remanded to state court. A scheduling conference was held on June 30, 2014, and the parties are working to submit a joint proposed scheduling order.
<i>Davood, et al. v. Pfizer Inc.</i> , No. 1422-CC00463, 22nd Jud. Cir. Ct. of Mo. (St. Louis Cty.)	Goldenberg Heller Antognoli & Rowland, P.C.	13 Plaintiffs	Removed and remanded to state court. Conference not yet set.
<i>Maus v. Pfizer Inc.</i> N.Y. Sup. Ct. 1360862 (Not yet assigned)	Hanly Conroy Bierstein Sheridan Fisher & Hayes LLP ("Hanly Conroy")	1 Plaintiff	Status conference not yet scheduled.
<i>Montgomery v. Pfizer Inc.</i> N.Y. Sup. Ct. 1360863 (Not yet assigned)	Hanly Conroy Simmons	1 Plaintiff	Status conference not yet scheduled.

(d) Any issues that the parties wish to raise to the Court, and (e) if the parties have differing views on issues raised to the Court, their respective positions on these issues:

Pfizer expects to raise with the Court the issue of outstanding and deficient Plaintiff Fact Sheets and mandatory disclosures. At this time, Pfizer's review indicates that there remain numerous cases in which Plaintiff Fact Sheets and disclosures, including appropriate authorizations, remain outstanding or materially deficient. Pfizer will provide an updated report on these deficiencies before the conference on July 18.

Plaintiffs expect to raise the following issues:

- 1) Document Production – Custodial files.
- 2) Code Book Issues – Plaintiff's need to review clinical trial data.
- 3) Japanese Label Change.
- 4) Motions to Dismiss without Prejudice.

- 5) AER/Pharmacovigilance Discovery Issues
 - A) AER Source File Documentation.
 - B) AER Database/AER Search Terms and Fields.
 - C) MedWatch Forms/Adverse Event Monitoring Forms production in native format.

Plaintiffs' position on the above issues will be set forth under separate cover.

Pfizer reserves the right to respond to Plaintiffs' submission as appropriate and also notes that it continues to respond to inquiries raised by Plaintiffs' counsel in connection with Pfizer's previous productions of clinical trial data and has agreed to consider requests for certain additional discovery related to adverse event reports.

DATED: July 11, 2014

Respectfully submitted,

By: /s/ H. Blair Hahn
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Counsel for Defendant Pfizer Inc.

CERTIFICATE OF SERVICE

I hereby certify that, this 11th day of July, 2014, I have electronically filed a copy of the above and foregoing with Clerk of the Court using the ECF system, which sent notification of such filing to counsel of record.

s/ Rachel Passaretti-Wu