

**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)))))))))))	MDL No. 2:14-mn-02502-RMG This Document Relates to All Actions
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JOINT STATUS REPORT FOR STATUS CONFERENCE ON OCTOBER 24, 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 October 24, 2014.

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

Pfizer’s Production of Custodial Files: On September 30, 2014, Pfizer produced custodial files for two new custodians. On October 1, Pfizer produced the custodial file for an additional custodian as well as supplements to six custodial files. On October 6 and 7, Pfizer produced the custodial files for two new custodians, completing its production of custodial productions for the witnesses as to whom Pfizer previously asserted apex objections with respect to custodial files (Pfizer retains the right to object to requests for depositions of these custodians). On October 13, Pfizer produced the custodial file for an additional new custodian, one week ahead of the deadline. Pfizer has now produced custodial files for all requested custodians, totaling 38 custodians and more than 8.6 million pages.

Pfizer's Production of Additional Non-Custodial Materials: On September 22, 2014, Pfizer produced an additional NDA document (the PADER for the 2002–2003 reporting period) and on October 8, Pfizer produced additional Standard Operating Procedure documents.

Pfizer's Production of Clinical Trial Materials: Since the last conference, Pfizer has produced additional clinical trial materials and communicated with Plaintiffs' counsel regarding additional inquiries related to previously-produced clinical trial SAS datasets and codebooks. On September 22, 2014, Pfizer produced additional data specific to the ASCOT clinical trial, and on September 26, Pfizer produced related codebook documentation. On September 26, Pfizer produced codebook documentation in connection with its September 18 production of supplemental data from the TNT clinical trial. On October 9, Pfizer provided an extensive, detailed written response to various questions Plaintiffs' counsel raised regarding the TNT clinical trial data. Pfizer is working to respond to additional inquiries Plaintiffs' counsel sent on October 1 and October 10 regarding the SPARCL, IDEAL, and TNT clinical trial data and to provide specific responses and/or produce additional data or documentation, where applicable, by the end of next week. To the extent Pfizer requires additional time, this will be promptly communicated to Plaintiffs. Plaintiffs requested additional information from Pfizer on October 16, 2014.

Pfizer's Production of Adverse Event Report Discovery Pursuant to CMO 14: The parties have continued to confer about Pfizer's August 28, 2014 production, pursuant to CMO 14, of adverse event source files and a database extract for 25 adverse event reports that Plaintiffs selected on August 11. Before the last conference, the parties conducted a telephonic meet and confer on September 15, and on September 17, Pfizer provided a response by letter to Plaintiffs' counsel's letter of September 10. On September 24, Plaintiffs served a notice of a

30(b)(6) deposition on Adverse Event Source Files and Databases, seeking a deposition on October 7, 2014. The parties subsequently conferred and agreed to conduct a telephonic conference during which Pfizer would make available Pfizer employees with knowledge of the AER databases at issue. The parties conducted the phone conference on October 9, and two Pfizer employees participated and responded to questions raised by Plaintiffs' counsel and their ESI consultant. The parties agreed to work cooperatively to provide follow-up questions and information informally and to confer about the nature and scope of any additional discovery in this area. Plaintiffs' counsel have re-noticed the 30(b)(6) deposition for November 12, 2014. Pfizer does not believe a deposition is necessary or appropriate at this time and it reserves its right to seek a protective order.

Discovery From Plaintiffs: 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, identify cases in which Fact Sheets or required documents have not been provided, and make motions where appropriate. On September 25, 2014, in connection with this Court's direction during the August 15, 2014 Status Conference and in CMO 18, requiring Plaintiffs in the Discovery Pool cases to provide a written response to Pfizer regarding how they searched for and collected responsive documents, Plaintiffs' Lead Counsel served a letter with written responses in each case. Pfizer has evaluated and will respond to that letter and identify certain continuing deficiencies in the discovery Plaintiffs provided and inadequacies in the discovery efforts Plaintiffs' counsel and Plaintiffs have described, including based on the production of responsive documents at or just before Plaintiffs' depositions.

Plaintiff and Non-Party Fact Witness Depositions: The parties have worked cooperatively to schedule the depositions of Plaintiffs and treating physicians in the Discovery

Pool cases. To date, Pfizer has taken depositions of Plaintiffs in 10 of the 14 cases and begun taking depositions of physicians. Additional depositions are scheduled to take place in the coming weeks.

Pfizer Current and Former Employee Depositions: The deposition of Pfizer concerning Japanese labeling was taken on September 25, 2014. Pursuant to CMO 19, the parties have been working to schedule additional depositions of current and former Pfizer employees to take place over the next three months. Currently, dates have been agreed upon or proposed for the depositions of 15 current or former Pfizer employees. Specifically, the parties have set dates for the depositions of the following fourteen Pfizer witnesses: Rana Fayyad on November 6, 2014, Vladyslav Bykoriz on November 12, 2014, Sean Aghen on November 13, 2014, Lisa Gulley on November 14, 2014, Rachel Laskey on November 14, 2014, Andrei Breazna on November 20, 2014, Donald Black on November 25, 2014, John Tsai on December 3, 2014, Lisa Tarasenko on December 9, 2014, Rajesh Aggarwal on December 10, 2014, Elizabeth DaSilva on December 11, 2014, David DeMicco on December 17, 2014, Julie Gallagher on December 18, 2014, and Rochelle Chaiken on January 21, 2015. In addition, Pfizer has provided a proposed date for another witness, James Sage, which Plaintiffs are considering. Pfizer will continue to work with Plaintiffs to schedule the depositions of Mr. Sage and additional witnesses for whom Plaintiffs have requested deposition dates, subject to Pfizer's right to assert apex objections where appropriate. In this regard, plaintiffs have stated that they will seek to depose the former Chief Medical Officer of Pfizer, Joseph Feczko, and the parties will discuss a process for briefing and presenting that issue to the Court.

(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 44, many of which have been finalized.

(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 (“Richardson Patrick”)	40 Plaintiffs	Removed and remanded to state court.
<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”)	68 Plaintiffs	Removed and remanded to state court. The parties have submitted a joint proposed scheduling order and discovery is ongoing. A status conference is scheduled for October 30, 2014.
<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.
<i>Lovett, et al. v. Pfizer Inc.</i> , No. 1422-CC00225, 22nd Jud. Cir. Ct. of Mo. (St. Louis Cty.), Judge John Garvey	Simmons	86 Plaintiffs	Removed and remanded to state court. The parties have submitted a joint proposed scheduling order and discovery is ongoing. A status conference is scheduled for October 30, 2014.
<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.

Case Name, Court, and Judge	Plaintiffs' Counsel	Number of Plaintiffs	Case Status
<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.
<i>Lipscomb v. Pfizer Inc.</i> N.Y. Sup. Ct. 14159076 (Not yet assigned)	Richardson Patrick	1 Plaintiff	Status conference not yet scheduled.
<i>Lombardo, et al. v. Pfizer Inc.</i> N.Y. Sup. Ct. 14159272 (Not yet assigned)	Richardson Patrick	1 Plaintiff	Status conference not yet scheduled.
<i>O'Connor v. Pfizer Inc.</i> N.Y. Sup. Ct. 14158862 (Not yet assigned)	Richardson Patrick	1 Plaintiff	Status conference not yet scheduled.
<i>Pasinski v. Pfizer Inc.</i> N.Y. Sup. Ct. 14159334 (Not yet assigned)	Richardson Patrick	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:

1. Plaintiffs' Assertion of Spousal Privilege

On October 9, 2014, Pfizer filed a letter brief requesting relief in connection with the assertion by Plaintiffs of a statutory spousal communication privilege, including in cases involving loss of consortium claims. The parties agreed to a briefing schedule that will allow the motion to be fully briefed and ripe for discussion during the October 24 Status Conference.

DATED: October 16, 2014

Respectfully submitted,

By: /s/ H. Blair Hahn

H. Blair Hahn
Plaintiffs' Lead Counsel
Richardson Patrick Westbrook & Brickman, LLC
1037 Chuck Dawley Blvd., Bldg. A
Mount Pleasant, SC 29464
Telephone: (843) 727-6500
Facsimile: (843) 727-6642
hahn@rpwb.com

Mark Charles Tanenbaum
Plaintiffs' Liaison Counsel
P.O. Box 20757
Charleston, SC 29413-0757
Telephone: (843) 577-5100
Facsimile: (843) 722-4688
mark@tanenbaumlaw.com

By: /s/ Mark S. Cheffo

Mark S. Cheffo
Rachel Passaretti-Wu
Mara Cusker Gonzalez
Quinn Emanuel Urquhart & Sullivan, LLP
51 Madison Avenue
New York, NY 10010
Telephone: (212) 849-7000
Facsimile: (212) 849-7100
MarkCheffo@quinnemanuel.com
RachelPassarettiWu@quinnemanuel.com
MaraCuskerGonzalez@quinnemanuel.com

Michael T. Cole
Nelson Mullins Riley & Scarborough LLP
151 Meeting Street/Sixth Floor
Post Office Box 1806 (29402-1806)
Charleston, South Carolina 29401
Telephone: (843) 853-5200
Facsimile: (843) 722-8700
mike.cole@nelsonmullins.com

David E. Dukes
Amanda S. Kitts
Nelson Mullins Riley & Scarborough LLP
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
Telephone: (803) 799-2000
Facsimile: (803) 256-7500
david.dukes@nelsonmullins.com
amanda.kitts@nelsonmullins.com

Counsel for Defendant Pfizer Inc.

CERTIFICATE OF SERVICE

I hereby certify that, this 16th day of October, 2014, I have electronically filed a copy of the above and foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to counsel of record.

s/ Rachel Passaretti-Wu