

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

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<b>IN RE: LIPITOR (ATORVASTATIN CALCIUM) MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION</b>	) ) ) ) ) ) ) ) ) ) ) )	<b>MDL No. 2:14-mn-02502-RMG</b>          <b>This Document Relates to All Actions</b>
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**JOINT STATUS REPORT FOR STATUS CONFERENCE ON JANUARY 22, 2015**

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 January 22, 2015.

**(a) A summary of the discovery conducted since the last status report:<sup>1</sup>**

**Pfizer’s Document and Clinical Trial Data Productions:** Pfizer has produced additional supplemental custodial documents in the course of finalizing privilege logs as well as supplements to its clinical trial data production.

**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.

**Plaintiff and Non-Party Fact Witness Depositions:** The parties have continued to work cooperatively to schedule and conduct the depositions of Plaintiffs’ treating physicians and

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<sup>1</sup> For this report, the parties have provided an update since their last status report, on December 15, 2014, rather than the date of the last conference, which took place in November.

other non-party fact witnesses in the Discovery Pool cases. They are working to complete those depositions this month. The parties will keep the Court apprised of any difficulties in scheduling the remaining physician depositions.

**Pfizer Current and Former Employee Depositions:** To date, Plaintiffs have taken the depositions of two 30(b)(6) witnesses for Pfizer (on Japanese labeling and adverse event report discovery) and twelve current or former employees for Pfizer, namely Rana Fayyad, Vladyslav Bykoriz, Lisa Gulley, Andrei Breazna, Donald Black, Lisa Tarasenko, Rajesh Aggarwal, Elizabeth DaSilva, Halit Bander, David DeMicco, Julie Gallagher, and Barbara LePetri. Pursuant to CMO 19, the parties have worked to schedule additional depositions of current and former Pfizer employees to take place this month. Currently, the parties have agreed that the following three additional Pfizer witnesses will be deposed on January 29, 2015: Sean Aghen, Rachel Laskey, and Joseph Feczko. In addition, Plaintiffs have advised Pfizer that they will not take the depositions of the following witnesses for whom Plaintiffs had requested and Pfizer had provided deposition dates with the understanding that Plaintiffs may determine to not pursue the deposition: Amy Rudolph, Rochelle Chaiken, Gregg Larson, and Nilo Cater. Pfizer has also offered James Sage for deposition on February 13, 2015, with the understanding that Plaintiffs may determine to not pursue the deposition and will provide Pfizer with ten days' notice if they so determine. Finally, the parties are continuing to meet and confer with respect to Plaintiffs' earlier request for the deposition of Pfizer CEO Ian Read, as to which Pfizer has objected on apex grounds.

**(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 47, 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. A telephonic status conference was held on November 21, 2014, and the parties are working to submit a proposed schedule.
<i>Jackson, et al. v. Pfizer Inc.</i> , No. 1322-CC09218, 22nd Jud. Cir. Ct. of Mo. (St. Louis Cty.), Judge Steven Ohmer (transferred from Judge John Garvey)	Simmons Browder Gianaris Angelides & Barnerd LLC (“Simmons”)	67 Plaintiffs	Removed and remanded to state court. The parties have submitted a joint proposed scheduling order and discovery is ongoing. A status conference was held on January 13, 2015.
<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 Steven Ohmer (transferred from Judge John Garvey)	Simmons	85 Plaintiffs	Removed and remanded to state court. The parties have submitted a joint proposed scheduling order and discovery is ongoing. A status conference was held on January 13, 2015.

Case Name, Court, and Judge	Plaintiffs' Counsel	Number of Plaintiffs	Case Status
<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)	Simmons Hanly Conroy	1 Plaintiff	Status conference not yet scheduled.
<i>Montgomery v. Pfizer Inc.</i> N.Y. Sup. Ct. 1360863 (Not yet assigned)	Simmons Hanly Conroy	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.
<i>Mayfield, et al. v. Pfizer Inc.</i> N.Y. Sup. Ct. 14153980 (Not yet assigned)	Douglas & London, P.C.	1 Plaintiff	Status conference not yet scheduled.
<i>Jabeen v. Pfizer Inc.</i> N.Y. Sup. Ct. 14159823 (Not yet assigned)	Johnson Becker, PLLC  Simmons Hanly Conroy	1 Plaintiff	Status conference not yet scheduled.
<i>Toppi v. Pfizer Inc.</i> , N.Y. Sup. Ct. 14160169 (Not yet assigned)	Richardson Patrick	1 Plaintiff	Status conference not yet scheduled.
<i>Wilson v. Pfizer Inc.</i> , N.Y. Sup. Ct. 14161166 (Not yet assigned)	Richardson Patrick	1 Plaintiff	Status conference not yet scheduled.
<i>Bruce v. Pfizer Inc.</i> , N.Y. Sup. Ct. 14161284 (Not yet assigned)	Richardson Patrick	1 Plaintiff	Status conference not yet scheduled.
<i>Chamberlain v. Pfizer Inc.</i> , N.Y. Sup. Ct. 14161839 (Not yet assigned)	Simmons Hanly Conroy	1 Plaintiff	Status conference not yet scheduled.
<i>Psareas v. Pfizer Inc.</i> , N.Y. Sup. Ct. 14161833 (Not yet assigned)	Simmons Hanly Conroy	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's Motion for Judgment on the Pleadings in Cases Involving Texas Plaintiffs:**

**Parties' Position:** Pfizer's Motion for Judgment on the Pleadings in ten exemplar cases involving Texas Plaintiffs has been fully briefed and is ripe for resolution. The parties understand that the Court will hear oral argument on the motion during the January 22 conference.

**Plaintiffs' motion for an order compelling AER discovery:** On January 12, 2015, the PSC filed a letter brief moving to compel Pfizer to produce additional AER discovery.

**Parties' Position:** To expedite resolution and potentially avoid motion practice, the parties are willing to participate in a meet and confer with the Court present.

**Plaintiffs' Position:** Plaintiffs recognize that Pfizer's answer to the motion is due after the January 22<sup>nd</sup> conference. Plaintiffs do not believe additional meet and confers will be fruitful and request an expedited briefing schedule and a ruling from the Court as soon as possible.

**Pfizer's Position:** Pfizer is preparing to timely file an opposition to Plaintiffs' motion, which it believes is unwarranted and inconsistent with this Court's guidance and direction on these issues. Pfizer made clear that it was ready to meet and confer with Plaintiffs to discuss additional discovery and avoid unnecessary motion practice on these issues, but Plaintiffs instead filed a motion. Pfizer does not believe the motion is ripe for hearing or disposition at the conference.

DATED: January 15, 2015

Respectfully submitted,

By: /s/ H. Blair Hahn  
H. Blair Hahn

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**CERTIFICATE OF SERVICE**

I hereby certify that, this 15th day of January, 2015, 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