

**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 APRIL 23, 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 April 23, 2015.

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

Pfizer's Document Production: Pursuant to the parties' agreement regarding additional adverse event discovery, Pfizer has agreed to produce approximately 380 source files, and it is currently working to collect, review, and prepare those documents for production. Pfizer has also produced additional documents and information related to sales and marketing in response to Plaintiffs' notice for a 30(b)(6) deposition. In addition, Pfizer has produced sales representative custodial files in the *Daniels* trial case and is in the process of completing that production and producing sales representative files in the *Hempstead* case.

Additional Discovery in Trial Cases: Both sides have served additional written discovery requests in *Daniels* and *Hempstead* and the parties are in the process of preparing responses. The parties are also scheduling and conducting the depositions of additional non-party fact witnesses in both cases. Additionally, as agreed upon, Pfizer has been producing on a

rolling basis the custodial files of a total of fourteen (14) individual sales representatives and managers in *Daniels* and *Hempstead*. Pfizer anticipates completing these productions by May 1, 2015. The parties recognize that completing eight (8) sales representative depositions before CMO 30's May 15, 2015 end-of-discovery deadline in the two trial cases is not realistically possible. Therefore, the parties, by mutual agreement, anticipate cooperating to schedule those depositions to be completed as soon as possible, albeit after the May 15, 2015 deadline.

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.

Plaintiffs' 30(b)(6) Notice: On February 11, 2015, Plaintiffs served a notice for a 30(b)(6) deposition related to sales and marketing, and on March 4, Plaintiffs served an amended notice for a later deposition date. Pfizer timely served responses and objections to the notices and agreed to produce certain additional documents in response to the notices without waiver of its objections to the deposition request. The parties conferred on March 31, and Pfizer has been producing various categories of additional documents. On April 8, Plaintiffs served a second amended notice of deposition, seeking a deposition on April 21. The parties conferred again on April 14. Plaintiffs declined to withdraw their notice and Pfizer intends to file a motion for a protective order by April 17.

Expert Discovery: On March 6, 2015, Plaintiffs served expert reports on general causation and liability. On April 10, 2015, Pfizer served expert reports on general causation and liability. The depositions of Plaintiffs' experts have been scheduled and the parties are currently working to schedule depositions of Pfizer's experts, to take place by June 5.

(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 54, 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 Hanly Conroy (“Simmons”)	67 Plaintiffs	Removed and remanded to state court. Discovery is ongoing and a scheduling order has been adopted, with a first trial to take place in February 2016. A status conference took place on March 2, 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. Removed and remanded to state court. Discovery is ongoing and a scheduling order has been adopted, with a first trial to take place in February 2016. A status conference took place on March 2, 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.), Judge Bryan L. Hettenbach	Goldenberg Heller Antognoli & Rowland, P.C.	13 Plaintiffs	Removed and remanded to state court. A scheduling order has been adopted, with a first trial to take place in January 2017.
<i>Bellomo v. Pfizer Inc.</i> , N.Y. Sup. Ct. 14161369 (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>Bulriss v. Pfizer Inc.</i> , N.Y. Sup. Ct. 15150333 (Not yet assigned)	Douglas & London, P.C. ("Douglas & London")	1 Plaintiff	Status conference not yet scheduled.
<i>Burt v. Pfizer Inc.</i> , N.Y. Sup. Ct. 15150199 (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	1 Plaintiff	Status conference not yet scheduled.
<i>Coppedge v. Pfizer Inc.</i> , N.Y. Sup. Ct. 15150490 (Not yet assigned)	Richardson Patrick	1 Plaintiff	Status conference not yet scheduled.
<i>Dann v. Pfizer Inc.</i> , N.Y. Sup. Ct. 15150492 (Not yet assigned)	Richardson Patrick	1 Plaintiff	Status conference not yet scheduled.
<i>Davis v. Pfizer Inc.</i> , N.Y. Sup. Ct. 15150101 (Not yet assigned)	Richardson Patrick	1 Plaintiff	Status conference not yet scheduled.
<i>Goodchild v. Pfizer Inc.</i> , N.Y. Sup. Ct. 15150226 (Not yet assigned)	Richardson Patrick	1 Plaintiff	Status conference not yet scheduled.
<i>Gravlin v. Pfizer Inc.</i> , N.Y. Sup. Ct. 15150230 (Not yet assigned)	Richardson Patrick	1 Plaintiff	Status conference not yet scheduled.
<i>Griffin v. Pfizer Inc.</i> , N.Y. Sup. Ct. 15151479 (Not yet assigned)	Simmons	1 Plaintiff	Status conference not yet scheduled.
<i>Hazlett v. Pfizer Inc.</i> , N.Y. Sup. Ct. 15150452 (Not yet assigned)	Richardson Patrick	1 Plaintiff	Status conference not yet scheduled.

Case Name, Court, and Judge	Plaintiffs' Counsel	Number of Plaintiffs	Case Status
<i>Hunter, et al v. Pfizer Inc.</i> , N.Y. Sup. Ct. 15151794 (Not yet assigned)	Richardson Patrick	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	1 Plaintiff	Status conference not yet scheduled.
<i>Levy v. Pfizer Inc.</i> , N.Y. Sup. Ct. 15151036 (Not yet assigned)	Richardson Patrick	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>Magrone, et al v. Pfizer Inc.</i> , N.Y. Sup. Ct. 15150796 (Not yet assigned)	Richardson Patrick	1 Plaintiff	Status conference not yet scheduled.
<i>Marconi, et al. v. Pfizer Inc.</i> , N.Y. Sup. Ct. 15151822 (Not yet assigned)	Richardson Patrick	1 Plaintiff	Status conference not yet scheduled.
<i>Mascari, et al. v. Pfizer Inc.</i> , N.Y. Sup. Ct. 15151889 (Not yet assigned)	Richardson Patrick	1 Plaintiff	Status conference not yet scheduled.
<i>Maus v. Pfizer Inc.</i> , N.Y. Sup. Ct. 1360862 (Not yet assigned)	Simmons	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	1 Plaintiff	Status conference not yet scheduled.
<i>McMichael v. Pfizer Inc.</i> , N.Y. Sup. Ct. 1515809 (Not yet assigned)	Richardson Patrick	1 Plaintiff	Status conference not yet scheduled.
<i>Montgomery v. Pfizer Inc.</i> , N.Y. Sup. Ct. 1360863 (Not yet assigned)	Simmons	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>Pais v. Pfizer Inc.</i> , N.Y. Sup. Ct. 15150149 (Not yet assigned)	Simmons	1 Plaintiff	Status conference not yet scheduled.

Case Name, Court, and Judge	Plaintiffs' Counsel	Number of Plaintiffs	Case Status
<i>Parham v. Pfizer Inc.</i> , N.Y. Sup. Ct. 15151919 (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>Pometto v. Pfizer Inc.</i> , N.Y. Sup. Ct. 1509202 (Not yet assigned)	Richardson Patrick	1 Plaintiff	Status conference not yet scheduled.
<i>Psareas v. Pfizer Inc.</i> , N.Y. Sup. Ct. 14161833 (Not yet assigned)	Simmons	1 Plaintiff	Status conference not yet scheduled.
<i>Rose v. Pfizer Inc.</i> , N.Y. Sup. Ct. 14160140 (Not yet assigned)	Douglas & London	1 Plaintiff	Status conference not yet scheduled.
<i>Russo, et al v. Pfizer Inc.</i> , N.Y. Sup. Ct. 15150892 (Not yet assigned)	Richardson Patrick	1 Plaintiff	Status conference not yet scheduled.
<i>Sloop v. Pfizer Inc.</i> , N.Y. Sup. Ct. 15151580 (Not yet assigned)	Richardson Patrick	1 Plaintiff	Status conference not yet scheduled.
<i>Smothers v. Pfizer Inc.</i> , N.Y. Sup. Ct. 15151943 (Not yet assigned)	Richardson Patrick	1 Plaintiff	Status conference not yet scheduled.
<i>Statnikova v. Pfizer Inc.</i> , N.Y. Sup. Ct. 15150326 (Not yet assigned)	Douglas & London	1 Plaintiff	Status conference not yet scheduled.
<i>Stone, et al v. Pfizer Inc.</i> , N.Y. Sup. Ct. 15150888 (Not yet assigned)	Richardson Patrick	1 Plaintiff	Status conference not yet scheduled.
<i>Szilagy, et al v. Pfizer Inc.</i> , N.Y. Sup. Ct. 15150828 (Not yet assigned)	Richardson Patrick	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.

(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 a Protective Order Quashing Plaintiffs' Notice for a 30(b)(6)

Deposition on Marketing and Sales: Pfizer intends to file by April 17, 2015, a motion requesting that the Court quash Plaintiffs' notice for a 30(b)(6) deposition on marketing and sales topics. Plaintiffs intend to file a response to the motion by April 21, and the parties will be prepared to address the motion during the April 23 status conference.

Disclosure of Documents Prior to Expert Depositions: The parties are currently conferring about a modification Pfizer has proposed to the provision set forth in paragraph 4 of CMO 18, which governs the disclosure of documents prior to a deposition. In light of the timing of expert depositions, Pfizer has proposed reducing the deadline to disclose documents from five days to two days prior to the deposition. The parties may seek the Court's assistance if they are unable to reach agreement on this issue before the status conference.

DATED: April 16, 2015

Respectfully submitted,

By: /s/ H. Blair Hahn

H. Blair Hahn

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CERTIFICATE OF SERVICE

I hereby certify that, this 16th day of April, 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