

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

_____	X	
MARY K. JONES, Individually and on Behalf	:	Civil Action No. 1:10-cv-03864-AKH
of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff	:	
	:	SUPPLEMENTAL MEMORANDUM OF
vs.	:	LAW IN SUPPORT OF REQUEST TO
	:	COMPEL TESTIMONY
PFIZER INC., et al.,	:	
	:	
Defendants.	:	
_____	X	

## I. INTRODUCTION

The parties' joint letter dated October 15, 2014 presented the Court with a dispute concerning plaintiffs' request to compel former Pfizer Inc. ("Pfizer" or the "Company") Regional Manager, Mary Holloway, to answer questions regarding her awareness of Pfizer's misbranding (more commonly known as "off-label promotion") of the drug Bextra. As the joint letter demonstrates, the basic facts here are not in dispute: (1) Pfizer stopped marketing Bextra over nine years ago; (2) Ms. Holloway stopped working for Pfizer over five years ago; (3) on June 29, 2009, following a guilty plea, Ms. Holloway was convicted of and sentenced for a one-count misdemeanor violation of the Food, Drug and Cosmetic Act, 21 U.S.C. §§331(a), 333(a)(1) and 352(f), relating to her role in Pfizer's off-label promotion of Bextra; (4) Ms. Holloway's conviction became final on or about July 13, 2009; (5) Ms. Holloway previously appeared for a deposition in this matter and refused to answer any questions about her past employment at Pfizer, including her activities related to the promotion of Bextra; and (6) through counsel, Ms. Holloway has indicated her intention to persist in her Fifth-Amendment invocation as she did before.

Pursuant to the Court's Order Regulating Witness' Invocation of 5<sup>th</sup> Amendment (Dkt. No. 230), on October 24, 2014, plaintiffs provided Ms. Holloway with a list of subjects on which they propose to question her. Plaintiffs attached to this list 43 documents about which they propose to question Ms. Holloway. The government possessed all of these documents by the time Ms. Holloway was sentenced for her role in Pfizer's off-label promotion of Bextra. Plaintiffs have assured Ms. Holloway that Bextra is the only drug about which they will ask any questions. As for the documents that plaintiffs provided to Ms. Holloway, she or her counsel authored all but a few of them. Most of these documents are emails that Ms. Holloway sent or received about 10 years ago, and plaintiffs have assured Ms. Holloway that their questions concerning these documents will be

limited to the portions relating to Bextra. One of the most important documents about which plaintiffs wish to question Ms. Holloway is her own sentencing memorandum, which she filed publicly on June 12, 2009, attached hereto as Ex. 1.

Given the passage of time, the finality of Ms. Holloway's Bextra-related conviction, and plaintiffs' agreement to limit their examination of Ms. Holloway to Bextra-related questions and Bextra-related documents that the government possessed when Ms. Holloway was sentenced over five years ago, Ms. Holloway has no reasonable basis to fear that her answers to plaintiffs' questions will expose her to new criminal liability. Accordingly, plaintiffs respectfully request that the Court compel Ms. Holloway to answer questions concerning the subjects and documents that plaintiffs provided to her on October 24, 2014.

## **II. RELEVANT FACTS**

The list of subjects plaintiffs provided to Ms. Holloway on October 24, 2014 consisted of the following:

Beyond very brief and basic background questions regarding her positions with Pfizer and her responsibilities as Regional Manager (including the Pfizer employees below and above her in her chain of command), we intend to limit our questioning of Ms. Holloway to Bextra-related questions. As you know, Bextra has been off the market for over nine years, and we will not ask Ms. Holloway any questions about any other drugs.

Specifically, we will ask Ms. Holloway about Bextra promotional methods (*e.g.*, treating DVT, adding to hospital/surgical protocols, using Pfizer-paid doctors, etc.), Bextra-related document deletion and alteration (*e.g.*, what and how she learned about it, to whom she reported it, Pfizer's response to her, etc.), the substance of her interviews with Pfizer's lawyers concerning Bextra (*e.g.*, what they asked, what she disclosed, etc.), and the termination of her employment with Pfizer (*e.g.*, whether Pfizer's explanation included any mention of Bextra, severance package, etc.).

All of our substantive questions will relate to documents, most of which were authored or received by Ms. Holloway. Rather than summarize each document, I am attaching them for your review and confirmation that you have had most of them for over a year (two (Exs. 419 and 425) are missing attachments, which I will send later if we have them; if you notice any other missing attachments, please let me know).

These documents should provide all the detail you need regarding the subjects of our questions for Ms. Holloway. For example, in Ms. Holloway's sentencing memorandum, she informed the Court *inter alia* that all of her Bextra-related actions (e.g., instructing others to promote Bextra for DVT and for hospital/surgical protocols) were consistent with instructions and guidance that she had received from Pfizer. We would like to ask about this and about her disclosure to Pfizer regarding her Bextra-related activities and guidance to her own subordinates. To put it bluntly, we have yet to see any indication that Ms. Holloway concealed from Pfizer any of her Bextra-related activities, and that is something we want to confirm. To the extent the attached documents include subjects that are not related to Bextra, we will not be questioning Ms. Holloway about those non-Bextra-related subjects or drugs.

As mentioned above, one of the most important documents about which plaintiffs wish to question Ms. Holloway is the sentencing memorandum that she publicly filed on June 12, 2009. A few brief quotes from this sentencing memorandum demonstrate the importance of Ms. Holloway's testimony to this case and the implausibility of her assertion of the privilege against self-incrimination regarding these statements (which are fully corroborated by other documents in this matter):

- "Ms. Holloway has the distinction of being one of the first five females at Pfizer to be promoted to the position of Regional Sales Manager. In that capacity, she supervised approximately 100 sales representatives, district managers and others in the Northeast Region of Pfizer's Powers Division." *See* Ex. 1 at 2.
- "In November 2001, the Food and Drug Administration ('FDA') approved Bextra to treat the signs and symptoms of osteoarthritis, adult rheumatoid arthritis, and primary dysmenorrhea, an acute premenstrual pain condition." *See id.* at 3.
- "The benefit to a company in having its product on a protocol or standing order is obvious, because the product becomes the medicine of choice for all patients to whom the instructions apply. The implementation of a marketing plan to obtain Bextra protocols and standing orders was a company-wide initiative, not a Northeast Region initiative, and certainly not a Mary Holloway initiative." *See id.* at 6-7.
- "In 2003, regional managers were required to track protocols obtained in their territory and report back to the Company. As such, and no differently from any other, Ms. Holloway's region dutifully reported Bextra protocols attained for orthopedic, podiatry, urology, ob/gyn, ENT and dental indications, where much of the usage was off-label. Corporate tracked this information, and at no time did it inform Ms. Holloway that any of the reported protocols were inappropriate. Instead, the instruction was to get more protocols. Indeed, to ensure compliance with its corporate message, Pfizer sales representatives and sales managers were

evaluated based on their ability to obtain protocols, and regions received positive recognition and public praise at Plan of Action ('POA') sales meetings for having obtained such protocols in their territory." *See id.* at 7.

- "[A]s part of her segment [at a national sales meeting], Ms. Holloway spoke about Bextra protocols in the perioperative setting, which included off-label uses. As a clear sign of corporate endorsement, two of Ms. Holloway's superiors complimented her for the presentation. Moreover, one Pfizer Medical Director in attendance wrote to another Medical Director that 'Mary Holloway was awesome' at the meeting. In accordance with Pfizer practice, Ms. Holloway forwarded adopted protocols to her regional sales force. This collection and dissemination of protocols was not limited to Ms. Holloway's Northeast region, but took place across the various sales regions. It was part of the Pfizer culture." *See id.* at 8.

Rather than inundate the Court with the remaining 42 documents about which plaintiffs wish to question Ms. Holloway, plaintiffs will bring to the October 30, 2014 hearing on this issue a full set of these documents for the Court's consideration.

### **III. ARGUMENT**

#### **A. Plaintiffs Wish to Limit Their Examination to the Same Facts, Circumstances and Crime Underlying Ms. Holloway's Spring and Summer 2009 Prosecution and Conviction**

Plaintiffs are not looking to explore any areas with Ms. Holloway that were not part of her prior plea and conviction – and well known to the government at that time. It simply is not reasonable to suggest that answers to questions concerning the same exact information about which the government was aware, including information that Ms. Holloway herself provided, at the time of Ms. Holloway's plea and conviction could be used against her in a completely new prosecution based on the identical facts. Such a suggestion goes from unreasonable to completely implausible when one accounts for the passage of time since Ms. Holloway's acts (2002-2005), since her employment with Pfizer ended (2008), since Pfizer stopped marketing Bextra (2005) and since Ms. Holloway's Bextra-related conviction became final (July 2009). In light of the limited areas of inquiry for which plaintiffs seek to compel answers, it is apparent that the statute of limitations for any criminal prosecution has run:

It is true as a general proposition that “if a prosecution for a crime, concerning which the witness is interrogated, is barred by the statute of limitations, he is compellable to answer.” *Brown v. Walker*, 161 U.S. 591, 598 (1896). See *The Pillsbury Company v. Conboy*, 459 U.S. 248, 266 n.1 (1983) (Marshall, J., concurring); *Hale v. Henkel*, 201 U.S. 43, 67 (1906) (“If the testimony relate to criminal acts long past, and against the prosecution of which the statute of limitations has run, or for which he has already received a pardon or is guaranteed an immunity, the amendment does not apply”); *In Re Master Key Litigation*, 507 F.2d 292, 293 (9th Cir. 1974); *United States v. Stewart*, 445 F.2d 897, 900-01 (8th Cir. 1971); *United States v. Goodman*, 289 F.2d 256, 259 (4th Cir. 1961) (“Of course, if by reason of the statute of limitations there remains *no possibility* that a prosecution of the witness could result from or be assisted by his answers to questions, he is not justified in refusing to answer”) (emphasis in original), *vacated on other grounds*, 368 U.S. 14 (1961); *United States v. Miranti*, 253 F.2d 135, 138 (2d Cir. 1958); *United States v. Rosen*, 174 F.2d 187, 191-92 (2d Cir. 1949), *cert. denied*, 338 U.S. 851 (1949).

*United States v. Clark*, No. 86-0288T, 1988 U.S. Dist. LEXIS 16868, at \*14-\*15 (W.D.N.Y. July 19, 1988).

It is the very nature of the Fifth Amendment itself that limits it so as to provide no shelter where the running of the statute of limitations eliminates the risk of prosecution for crimes related to a particular line of inquiry. “The interdiction of the Fifth Amendment operates only where a witness is asked to incriminate himself – in other words, to give testimony which may possibly expose him to a criminal charge. But if the criminality has already been taken away, the Amendment ceases to apply.’ *Hale v. Henkel*, 201 U.S. 43, 67 [(1906)].” *Ullmann v. United States*, 350 U.S. 422, 430-31 (1956). Because plaintiffs will not be eliciting any new information from Ms. Holloway and the statute of limitations has run on any crimes related to the old information, answers to plaintiffs’ questions will not possibly expose her to a new criminal charge. Accordingly, the Fifth Amendment does not apply here.

**B. An Order Compelling Ms. Holloway's Testimony Will Ensure that Her Testimony Cannot Be Used Against Her in Any Criminal Proceeding**

An order compelling Ms. Holloway to testify is the ultimate backstop to ensure that her testimony will not be used against her in a criminal proceeding:

As we reaffirmed last Term, a defendant's compelled statements, as opposed to statements taken in violation of *Miranda*, may not be put to any testimonial use whatever against him in a criminal trial. "But *any* criminal trial use against a defendant of his *involuntary* statement is a denial of due process of law." (Emphasis in original.) *Mincey v. Arizona*, 437 U.S. 385, 398 [1978].

*New Jersey v. Portash*, 440 U.S. 450, 459 (1979). As explained above, the lack of any new areas of inquiry and the running of the statute of limitations as to any crimes related to these old areas of inquiry eliminate any possibility of criminal exposure for Ms. Holloway due to her testimony. But if the Court wants to add suspenders to this amply secure belt, an order compelling her testimony will certainly get the job done. As the Supreme Court confirmed in *Portash*, a witness's compelled statements may not be put to any testimonial use whatever against her, including even impeachment. *Id.* Moreover, "the Fifth Amendment privilege against compelled self-incrimination extends to the exclusion of derivative evidence, *see United States v. Hubbell*, 530 U.S. 27, 37-38, 120 S. Ct. 2037, 147 L. Ed. 2d 24 (2000) (recognizing 'the Fifth Amendment's protection against the prosecutor's use of incriminating information derived directly or indirectly from . . . [actually] compelled testimony'); *Kastigar v. United States*, 406 U.S. 441, 453, 92 S. Ct. 1653, 32 L. Ed. 2d 212 (1972)." *United States v. Patane*, 542 U.S. 630, 646 (2004). Accordingly, an order compelling her testimony will assure that Ms. Holloway's testimony is never used against her in violation of the Fifth Amendment.

**IV. CONCLUSION**

For all the foregoing reasons, plaintiffs respectfully request that the Court compel Ms. Holloway to respond to questions limited to the subjects and documents set forth above and provided to Ms. Holloway on October 24, 2014.

DATED: October 28, 2014

Respectfully submitted,

ROBBINS GELLER RUDMAN  
& DOWD LLP  
MICHAEL J. DOWD  
HENRY ROSEN  
TRIG R. SMITH  
JASON A. FORGE  
RYAN A. LLORENS  
IVY T. NGO

s/ JASON A. FORGE

---

JASON A. FORGE

655 West Broadway, Suite 1900  
San Diego, CA 92101  
Telephone: 619/231-1058  
619/231-7423 (fax)  
miked@rgrdlaw.com  
henryr@rgrdlaw.com  
trigs@rgrdlaw.com  
jforge@rgrdlaw.com  
ryanl@rgrdlaw.com  
ingo@rgrdlaw.com

ROBBINS GELLER RUDMAN  
& DOWD LLP  
SAMUEL H. RUDMAN  
58 South Service Road, Suite 200  
Melville, NY 11747  
Telephone: 631/367-7100  
631/367-1173 (fax)  
srudman@rgrdlaw.com

ROBBINS GELLER RUDMAN  
& DOWD LLP  
WILLOW E. RADCLIFFE  
DANIEL J. PFEFFERBAUM  
MATTHEW S. MELAMED  
Post Montgomery Center  
One Montgomery Street, Suite 1800  
San Francisco, CA 94104  
Telephone: 415/288-4545  
415/288-4534 (fax)  
willowr@rgrdlaw.com  
dpfefferbaum@rgrdlaw.com  
mmelamed@rgrdlaw.com

Lead Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2014, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 28, 2014.

s/ JASON A. FORGE

JASON A. FORGE

ROBBINS GELLER RUDMAN  
& DOWD LLP

655 West Broadway, Suite 1900

San Diego, CA 92101-8498

Telephone: 619/231-1058

619/231-7423 (fax)

E-mail: [jforge@rgrdlaw.com](mailto:jforge@rgrdlaw.com)

## Mailing Information for a Case 1:10-cv-03864-AKH

### Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Michael Scott Bailey**  
michael.bailey@skadden.com
- **Sheila L. Birnbaum**  
sheilabirnbaum@quinnemanuel.com
- **George Anthony Borden**  
gborden@wc.com
- **Kevin Anthony Burke**  
kaborke@sidley.com,nyefiling@sidley.com,efilingnotice@sidley.com
- **Michael Barry Carlinsky**  
michaelcarlinsky@quinnemanuel.com,brantkuehn@quinnemanuel.com,jomairecrawford@quinnemanuel.com
- **Michael Joseph Dowd**  
miked@rgrdlaw.com,e\_file\_sd@rgrdlaw.com,tome@rgrdlaw.com,e\_file\_sf@rgrdlaw.com
- **Alexander C Drylewski**  
alexander.drylewski@skadden.com
- **Charles S. Duggan**  
charles.duggan@dpw.com,ecf.ct.papers@davispolk.com
- **Steven M.. Farina**  
sfarina@wc.com
- **Jason A. Forge**  
jforge@rgrdlaw.com,tholindrake@rgrdlaw.com,e\_file\_SD@rgrdlaw.com
- **Ross Bradley Galin**  
rgalin@omm.com,neverhart@omm.com
- **Gary John Hacker**  
ghacker@skadden.com
- **James R. Harper**  
coljamesrharper@me.com
- **Howard E. Heiss**  
hheiss@omm.com,#nymanagingattorney@omm.com
- **Paul T. Hourihan**  
phourihan@wc.com
- **James M. Hughes**  
jhughes@motleyrice.com,kweil@pacernotice.com,erichards@motleyrice.com,kweil@motleyrice.com
- **Jay B. Kasner**  
jkasner@skadden.com

- **Joe Kendall**  
administrator@kendalllawgroup.com,jkendall@kendalllawgroup.com,hindley@kendalllawgroup.com
- **Leigh R. Lasky**  
lasky@laskyrifkind.com
- **Hamilton Philip Lindley**  
hlindley@deanslyons.com,mgoens@deanslyons.com
- **Ryan A. Llorens**  
ryanl@rgrdlaw.com,nbear@rgrdlaw.com,kirstenb@rgrdlaw.com
- **Amanda M. MacDonald**  
amacdonald@wc.com
- **Matthew Melamed**  
mmelamed@rgrdlaw.com
- **Donald Alan Migliori**  
dmigliori@motleyrice.com
- **Eugene Mikolajczyk**  
genem@rgrdlaw.com
- **Seema Mittal**  
smittal@wc.com
- **Cynthia Margaret Monaco**  
cmonaco@cynthiamonacolaw.com,cmmonaco@gmail.com
- **Juliana Newcomb Murray**  
juliana.murray@davispolk.com,ecf.ct.papers@davispolk.com
- **Scott D. Musoff**  
smusoff@skadden.com,david.carney@skadden.com
- **Danielle Suzanne Myers**  
dmyers@rgrdlaw.com
- **William H. Narwold**  
bnarwold@motleyrice.com,vlepine@motleyrice.com,ajanelle@motleyrice.com
- **Ivy T. Ngo**  
ingo@rgrdlaw.com,e\_file\_sd@rgrdlaw.com
- **Joseph G. Petrosinelli**  
jpetrosinelli@wc.com
- **Willow E. Radcliffe**  
willowr@rgrdlaw.com,ptiffith@rgrdlaw.com
- **Joseph F. Rice**  
jrice@motleyrice.com
- **Darren J. Robbins**  
e\_file\_sd@rgrdlaw.com



**David**

**C. Walton**

Robbins Geller Rudman & Dowd LLP (SAN DIEGO)  
655 West Broadway  
Suite 1900  
San Diego, CA 92101

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____ )	
UNITED STATES OF AMERICA )	
)	
v. )	Case Number: 09-cr-10089-JGD
)	
MARY HOLLOWAY, )	
)	
Defendant. )	
_____ )	

**MARY HOLLOWAY’S SENTENCING MEMORANDUM**

**Introduction**

Mary Holloway (“Ms. Holloway”) respectfully submits this memorandum in support of the government and her joint recommendation of a probationary sentence and fine for her misdemeanor violation of the Food, Drug and Cosmetic Act. As the Court is aware, the charge against her is based on the sale and marketing of Bextra, a pain relief medication, in a manner inconsistent with its FDA-approved indications. As explained herein, Ms. Holloway believed at all times that her actions in this regard as a Regional Sales Manager at Pfizer were lawful and indeed consistent with how Pfizer wanted her to promote and sell the product.

**Personal Background Information**

Ms. Holloway grew up in a middle-class suburb of Cleveland, Ohio, the sixth of seven girls in the family. She had a happy and stable childhood, with one notable exception; Ms. Holloway’s younger sister Janet, with whom she was very close, died of brain cancer at age 10. The death of her sister had a formative impact on Ms. Holloway’s career. After graduating college, Ms. Holloway’s first full-time job was working for the American Cancer

Society. Ms. Holloway's belief in the curative and life-enhancing power of drugs led her in 1988 to a pharmaceutical job. She has remained in that industry for the last two decades.

Ms. Holloway and her husband Dennis recently celebrated their twenty-first wedding anniversary, and enjoy spending time with their close family members and friends. In particular, Ms. Holloway feels very close with her seventeen-year old niece, whom Ms. Holloway recently cared for while she recovered from a traumatic brain injury. Both Ms. Holloway and her husband have also developed close ties in their New Jersey community, where they have lived for more than twelve years, and where Ms. Holloway currently volunteers at a local hospital.

Ms. Holloway takes great pride in her achievements as a pharmaceutical company sales representative and sales manager. In one period of seven years at Pfizer, she received four promotions, the last of which elevated her to Regional Sales Manager. In fact, Ms. Holloway has the distinction of being one of the first five females at Pfizer to be promoted to the position of Regional Sales Manager. In that capacity, she supervised approximately 100 sales representatives, district managers and others in the Northeast Region of Pfizer's Powers Division. She became a standout at Pfizer not only for her knowledge of Pfizer's products and leadership skills, but also for her concern for her employees and willingness to mentor them. In particular, Ms. Holloway served as a role model for women who were striving to succeed in their career while maintaining balance in their lives. By all accounts Ms. Holloway was a model employee and leader, praised for her job performance and appreciated for her guidance. Attached as Exhibit A to this memorandum is a sampling of the praise and expressions of

gratitude that Ms. Holloway has received over the years from superiors, peers and subordinates.

### **Sale and Marketing of Bextra**

Bextra is Pfizer's trade name for the drug valdecoxib, a COX-2 inhibitor. COX-2 inhibitors relieve pain and inflammation without the negative gastrointestinal side effects of nonsteroidal anti-inflammatory drugs ("NSAIDs") such as aspirin and ibuprofen. In November 2001, the Food and Drug Administration ("FDA") approved Bextra to treat the signs and symptoms of osteoarthritis, adult rheumatoid arthritis, and primary dysmenorrhea, an acute premenstrual pain condition.

Doctors routinely prescribe medications for unapproved, so-called "off-label" uses where such a prescription would be beneficial to the patient. Although Bextra was approved by the FDA for only the three above-noted indications, physicians had good reasons to prescribe Bextra for a variety of off-label uses. For one reason, although Merck's competing COX-2 inhibitor Vioxx was approved for treatment of acute pain and Bextra was not, Bextra's FDA-approved labeling arguably reflected a safer cardiovascular profile than Vioxx's.<sup>1</sup>

The instant Information focuses on three courses of conduct related to promoting unapproved uses and dosages of Bextra: promoting Bextra to prevent blood clots known as deep vein thromboses ("DVT") (§§34-37); promoting Bextra for surgical pain with protocols and standing orders (§§27-33); and using Medical Inquiry Letters to promote unapproved uses

---

<sup>1</sup> For example, Bextra's label stated that the incidence of hypertension in arthritis patients taking 40 mg of Bextra is not statistically different from that in arthritis patients taking 1,000 mg of the NSAID naproxen. In contrast, the Vioxx label stated that the incidence of hypertension was twice as high in arthritis patients taking Vioxx at 25 mg. (a dose comparable to Bextra's 10 mg. dose) as in arthritis patients taking 1,000 mg. of naproxen.

and dosages (¶¶38-41). Only one of these courses of conduct, the so-called “DVT Message,” was initiated by Ms. Holloway, and the DVT Message had a sound medical basis.

1. Promotion of Bextra to prevent blood clots, known as deep vein thromboses

The DVT Message was responsibly developed after consultation with prominent clinicians, including a Pfizer consultant. In April 2002, Pfizer, through Ms. Holloway, presented a \$100,000 research grant to a consultant whose Pfizer-sponsored research focused on the use of COX-2 inhibitors, instead of narcotics, for postoperative pain control in joint replacement patients. The underlying rationale for his study was that the sedative side effects of narcotics prevented joint replacement patients from early mobilization and ambulation after surgery. The inability to walk in turn promoted the occurrence of blood clots. By replacing narcotics with COX-2’s, the consultant aimed to reduce the administration of potentially hazardous medications and to increase patient ambulatory and rehabilitation potentials.

During a meeting, the consultant explained to Ms. Holloway the science underlying the study, and the benefits of incorporating COX-2 inhibitors into an overall DVT prophylaxis regimen. Shortly after this discussion, Ms. Holloway prepared a “DVT Backgrounder” that summarized the information gleaned from the meeting and internally circulated the document to her sales team. The Backgrounder covered general background information about DVT, such as common risk factors and prophylactic regimens, and explained how, as part of a multi-modal treatment plan, Pfizer’s COX-2 portfolio could help orthopedic surgeons reduce the risk of DVT in their joint replacement patients.

After her initial exposure to the DVT Message, Ms. Holloway initiated further contact with the Pfizer consultant to make sure she understood it. She also met with another

orthopedic surgeon for validation. Then, to ensure that the message was properly taught to her district managers and hospital representatives, Ms. Holloway arranged for the consultant to lecture them directly on the topic. As is evident, at all times, Ms. Holloway acted in good faith and with the clear intent to convey a truthful and scientifically grounded message.

In addition to being championed by medical experts, the DVT Message was consistent with medical literature. Total joint replacement procedures are frequently used to repair arthritic joints. By 2002, it was recognized that orthopedic surgical patients have an extremely high risk of developing DVT. At least one study concluded that patients undergoing a total joint replacement are particularly prone to thromboembolic complications with potentially life-threatening consequences.<sup>2</sup> Further studies have shown that, without preventive treatment, as many as 80 percent of orthopedic surgical patients would develop DVT.<sup>3</sup> Clearly, DVT is a significant issue for orthopedic surgeons and joint replacement patients.

Stripped to its essence, the DVT Message was an early ambulation message. The message was not that Bextra or Celebrex treated or prevented the DVT disease state. Rather, the message was simply that incorporating COX-2 inhibitors into a prophylactic regimen helped address stasis by reducing pain and thereby getting frequently arthritic joint replacement patients out of bed.

Indeed, the company publicized such findings. In February 2002, Pfizer issued a press release boasting that a new study suggested that Bextra was an effective morphine-sparing analgesic in knee replacement surgery. That same day, another Pfizer regional sales manager

---

<sup>2</sup> Thomas P. Sculco, *Prophylaxis Against Thromboembolytic Disease in Patients Having a Total Hip or Knee Arthroplasty*, 84 J. of Bone and Joint Surgery, 466 (2002).

<sup>3</sup> See American Academy of Orthopaedic Surgeons, *Deep Vein Thrombosis*, available at: <http://orthoinfo.aaos.org/topic.cfm?topic=a00219> (last visited June 1, 2009).

circulated a copy of the press release to Ms. Holloway, among others. The study referenced in the press release claimed that Bextra can be used successfully as part of a multimodal treatment strategy for pain management following knee replacement surgery, reducing opioid use, while providing improved pain relief and increasing patient satisfaction with analgesic treatment.<sup>4</sup> Even more recently, a New York Times article published in January of this year highlighted the devastating consequences that often result from lack of ambulation after surgery.<sup>5</sup>

Ms. Holloway believed at the time, and the evidence she gathered indicated, that surgical patients could derive significant health benefits from taking Bextra before and after surgery. While she understands and accepts fully her responsibility for the impropriety of her conduct, Ms. Holloway highlights that she sought to help disseminate what she believed was a salutary message from the medical community. As such, she respectfully requests that the Court consider in imposing her sentence the overall context in which the DVT Message was disseminated.

## 2. Use of pain management protocols and standing orders

The circumstances surrounding Ms. Holloway's instructions with regard to hospital protocols are likewise worthy of the Court's attention. Protocols and standing orders are written instructions to physicians or other healthcare professionals that are not specific to a single patient. The benefit to a company in having its product on a protocol or standing order is obvious, because the product becomes the medicine of choice for all patients to whom the instructions apply. The implementation of a marketing plan to obtain Bextra protocols and

---

<sup>4</sup> Lowell Reynolds, *The Cox-2 Specific Inhibitor, Valdecoxib, Is An Effective, Opioid-Sparing Analgesic in Patients Undergoing Total Knee Arthroplasty*, *Journal of Pain and Symptom Management*, Vol. 25, No.2 (Feb. 2003) at p. 140 (emphasis supplied).

standing orders was a company-wide initiative, not a Northeast Region initiative, and certainly not a Mary Holloway initiative.

Pfizer actively promoted the use of protocols as a means to grow market share. No later than 2002, Pfizer had instructed its regional managers to use protocols as a means to increase COX-2 sales. In 2003, regional managers were required to track protocols obtained in their territory and report back to the Company. As such, and no differently from any other, Ms. Holloway's region dutifully reported Bextra protocols attained for orthopedic, podiatry, urology, ob/gyn, ENT and dental indications, where much of the usage was off-label. Corporate tracked this information, and at no time did it inform Ms. Holloway that any of the reported protocols were inappropriate. Instead, the instruction was to get more protocols. Indeed, to ensure compliance with its corporate message, Pfizer sales representatives and sales managers were evaluated based on their ability to obtain protocols, and regions received positive recognition and public praise at Plan of Action ("POA") sales meetings for having obtained such protocols in their territory.

At one such meeting, Ms. Holloway and another Regional Manager gave a presentation that included a discussion of protocols and standing orders adopted by various medical practices and hospitals. (Notably, the majority of the protocols were from Portland, Oregon -- far from Ms. Holloway's region.) The packet of protocols was called "COX 2 Protocols and Standing Orders - Best Practices." Ms. Holloway did not create the protocols, nor did she instruct anyone to obtain off-label protocols during her presentation. In fact, every single page of the packet was clearly marked "not for detail," i.e. not to be used as sales material.

---

<sup>5</sup> Gina Kolata, *A Tactic to Cut I.C.U. Trauma: Get Patients Up*, N.Y. Times, Jan. 11, 2009.

However, as part of her segment, Ms. Holloway spoke about Bextra protocols in the peri-operative setting, which included off-label uses.

As a clear sign of corporate endorsement, two of Ms. Holloway's superiors complimented her for the presentation. Moreover, one Pfizer Medical Director in attendance wrote to another Medical Director that "Mary Holloway was awesome" at the meeting. In accordance with Pfizer practice, Ms. Holloway forwarded adopted protocols to her regional sales force. This collection and dissemination of protocols was not limited to Ms. Holloway's Northeast region, but took place across the various sales regions.<sup>6</sup> It was part of the Pfizer culture.

In following this practice, Ms. Holloway occasionally forwarded a protocol with off-label uses. The Information describes one such occasion in which Ms. Holloway praised the employee who obtained the protocol. (Information ¶33). However, Ms. Holloway was actually praising the employee's initiative in obtaining a protocol for multiple areas of surgery, not the fact that these uses were off-label.

Ms. Holloway did not prepare any of the forwarded protocols and had no control over the content. Rather, in adopting a protocol, each medical professional presumably exercised independent professional judgment to develop appropriate practices and procedures. Such professional judgment included the ability to legally prescribe a drug, such as Bextra, in an off-label manner.

---

<sup>6</sup> According to one POA slide deck, Pfizer reported that as of January 2003, 42 protocols had been obtained in Dallas and another 137 protocols were obtained in the Great Lakes region. Furthermore, Pfizer produced a 36-page presentation of sample and actual protocols, most of which were obtained from the Portland, Oregon territory. Other protocols from Pennsylvania and Florida have also been identified.

Based on the foregoing and other interactions with senior management and in-house Pfizer physicians, Ms. Holloway believed that her territory's protocol efforts were consistent with the corporate strategy. In pursuing protocols, Ms. Holloway did so as a middle manager following corporate direction. At all times, she believed it was appropriate for her representatives to solicit protocols from health care professionals, and for her and other sales managers to circulate them.

### 3. Dissemination of Medical Inquiry Letters

"Medical Inquiry Letters" at Pfizer are descriptions of on-label and off-label product usage and disease states that are prepared by health care professionals and scientists. The Information alleges that Ms. Holloway caused her sales force to send unsolicited Medical Inquiry Letters to physicians containing information about off-label uses of Bextra. (Information ¶¶38-41). In particular, the charging document focuses upon a statement in a slide deck that "Every Vioxx Loyalist" should receive the "Medical Letter..." (*Id.* ¶40; *see also id.* ¶39.).

The slide deck at issue was a collective presentation of six Pfizer sales divisions, and the slide quoted in the Information may not even relate to Bextra. Moreover, the Information does not allege that Ms. Holloway played any role in creating the company's Medical Inquiry Letters, or that these letters contained false or misleading information about Bextra and its uses. The PowerPoint slide quoted in the Information states the following:

"Every Vioxx Loyalist Gets the Medical Letter

(Specialty = Pro/Powers/Searle, P C = Alta, Upjohn, Roerig)

Place in team notes when completed."

Pro, Powers, Searle, Alta, Upjohn and Roerig were all divisions within Pfizer at the time. Ms. Holloway was Regional Sales Manager for only one of these divisions, the Powers Division.

While Ms. Holloway does not recall how this particular slide deck was created, the practice for such regional presentations was that the regional managers of the various divisions would collectively adapt the company-wide message into a coordinated regional message. For consistency, one regional manager would act as a scrivener and prepare three or four slides summarizing the group message. Each regional manager would then comment on the slides and the group would eventually agree on a final slide deck. Therefore, the substance of any slide cannot fairly be attributed solely to Ms. Holloway.

Moreover, given the timing of the presentation and the content of the slide, the medical letter referenced in the slide was probably a Celebrex letter, not a Bextra letter. Unlike Bextra, Celebrex had FDA approval at the time for treatment of acute pain. Therefore, comparisons of Vioxx and Celebrex for the treatment of acute pain were not even inherently off-label.

The Information does not allege that any Medical Inquiry Letter created for Bextra contained false or misleading information. On the contrary, these letters provided important medical and scientific information to doctors. While FDA rules explicitly allow the dissemination of fair, balanced information about off-label uses only in response to unsolicited requests by medical professionals, one can fairly question whether this sentencing on a misdemeanor conviction can or should be the forum to decide to prohibit the dissemination of

accurate medical and scientific information, regardless of whether a health care professional initiates the request.

These three courses of conduct represent the basis for the instant Information. The parties stipulated to an adjusted offense level of 4: a base level of 6 and a two-level reduction under USSG § 3E1.1 for Ms. Holloway's prompt acceptance of personal responsibility for the actions described above. Pursuant to the Sentencing Guidelines in effect as of November 1, 2008, the fines for individual defendants facing an offense level of 4 should fall between \$250 and \$5,000. The maximum fine allowed by statute is \$100,000. Ms. Holloway agreed to a stipulated fine of \$75,000.

#### **Cooperation With The Government**

There is some irony in the fact that to date, Ms. Holloway has been singled out as the lone Pfizer sales manager to be charged with off-label promotion of Bextra. When Ms. Holloway heard in September 2004 that three sales representatives in one of her districts had deleted information from their computers, she immediately reported this information to her direct superior. Indeed, Ms. Holloway's good-faith action in reporting to her supervisor that employees in her region had allegedly deleted information from their computers likely led to the government investigation that focused on her region. This may be one reason why Ms. Holloway was ultimately singled out for off-label sales and marketing activity, although Ms. Holloway was not the only Pfizer employee engaged in this activity. Similarly, while represented by prior counsel, Ms. Holloway voluntarily testified before the federal grand jury investigating the Bextra case, without requesting immunity. Even after the government

focused on her, Ms. Holloway readily signed each tolling agreement requested by the government.

Unfortunately for Ms. Holloway, her cooperation did not dissuade the government from charging her in this misdemeanor case. However, this cooperation should be considered by this Court in imposing an appropriate sentence.

Respectfully submitted,  
MARY HOLLOWAY  
By her attorneys,

*/s/ Robert L. Ullmann*

---

Robert L. Ullmann, Esq. (BBO No. 551044)  
Maya L. Sethi, Esq. (BBO No. 664128)  
Nutter McClennen & Fish, LLP  
155 Seaport Blvd.  
Boston, MA 02210-2604  
P: (617) 439-2000  
F: (617) 310-9262  
E-mail: rullmann@nutter.com

- and -

*/s/ Walter F. Timpone*

---

Walter F. Timpone, Esq.  
McElroy, Deutsch, Mulvaney & Carpenter, LLP  
1300 Mt. Kemble Avenue, P. O. Box 2075  
Morristown, NJ 07962-2075  
P: 973-425-8701  
F: : 973-425-0161  
E-mail: wtimpone@mdmc-law.com

CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2009, a true copy of the above document was electronically served on attorneys for the government and was served by hand on the U.S. Probation Office.

/s/ Robert L. Ullmann

Robert L. Ullmann

1834417.1

## EXHIBIT A

# **DIRECT SUPERVISORS**

Powers Rx Division  
Pfizer Inc  
235 East 42nd Street 235/16/22  
New York, NY 10017  
Tel 212 733 6125 Fax 212 309 4320  
Email jake.friedman@pfizer.com



## Pfizer Pharmaceuticals Group

J. E. Friedman  
Vice President - Sales  
Powers Rx Division

Dear Mary,

After just three short years, I never thought I would be writing you a letter of appreciation as I move to another job position in Pfizer. Although the time has been brief, I have never felt a part of a better team in all of Pfizer. I can honestly say that the last three years have been the best in all of my 24 years with Pfizer. I want to sincerely thank you for your receptivity to my leadership and your willingness to listen to my perspective. The prospect of following Rice Bruch as the Powers' VP was a bit overwhelming at first, but the quality of the Powers RM team made my transition more gratifying than I could ever have expected!

Mary, it has been a true pleasure to work with you and benefit from your skills as a Powers Regional Manager.

→

Powers Rx Division  
Pfizer Inc  
235 East 42nd Street 235/16/22  
New York, NY 10017  
Tel 212 733 6125 Fax 212 309 4320  
Email jake.friedman@pfizer.com



---

## Pfizer Pharmaceuticals Group

J. F. Friedman  
Vice President - Sales  
Powers Rx Division

Your passion is combined with an unsurpassed level of strategic perspective and job knowledge. NO ONE WANTS SUCCESS AS MUCH AS YOU AND NO ONE DESERVES IT MORE! Your championship year will come and, although I will be at the back of the room, I will truly relish your achievement in a vicarious sense of pride! My time with you surely helped me grow and develop as a leader... THANK YOU FOR THAT OPPORTUNITY.

Although I leave Powers, I can only hope that the last three years will serve as a lasting bond of respect, support and friendship. It is difficult for me to leave and I can assure you that your contributions to my life will never be forgotten!

With warm thanks,

JAKE

**LETTERS OF  
RECOMMENDATION  
(DIRECT REPORTS/COLLEAGUES)**

Pfizer Inc  
20 RiverBend Road  
Upton MA 01568  
Call 508 259 4076  
Voice Mail 800 662 4543 ext 48338



---

## Arthritis, Pain & Metabolic

To Whom It May Concern:

I am pleased to write this letter of recommendation for Mary Holloway. I have worked with Mary for the last 10 years as a sales representative and a District Sales Manager. I consider Mary a role model and a mentor.

Mary has many valuable qualities; she is very goal oriented, has a keen strategic business mind and is a team player. Mary always created a positive work environment while challenging her managers to become better coaches. She took great pride in her work and on the personal front she modeled a positive work life balance. Mary demonstrated from early in her tenure that she was a leader. She earned both trust and respect from her management team and was a role model for our company values.

Mary was well known and respected amongst our Key Opinion Leaders. They often sought her advice with product positioning and formulary placement. Her depth of knowledge and ability to deliver that knowledge in a logical format to physicians placed her well above her peers. She had an uncanny ability to look at the materials and form a clear, concise story that usually met with positive feedback in acceptance and consequently sales.

She led us through successful product launches as well as some very challenging times when products were removed from the market. She never shied away from a challenging situation, but rather sought a solution that would create a win/win on both sides.

Mary will be an asset to any corporation looking for a business minded, hard working, leader who brings out the best in people. In closing, let me say that I would have no hesitation in recommending Mary Holloway for any executive level position in sales. I feel confident she would be a great asset to your organization and only better all the colleagues around her.

A handwritten signature in dark ink, appearing to read "Greg Morrill".

Greg Morrill  
Pfizer APM District Manager  
Boston/New Hampshire

Pfizer Inc  
23 Lynn Drive  
Coventry, RI 02816  
Tel 401 823 4979 Fax 401 823 9090  
Cell 401 487 0999  
Voice Mail 800 662 4543 ext 47948



---

## Arthritis, Pain & Musculoskeletal

December 4, 2006

To Whom It May Concern:

I would like to strongly recommend Mary Holloway to your organization. I have known Mary for 10 years. Mary was my Regional Manager for 9 years where I reported directly to her as a manager between 1997 and 2005.

While working as a District Manager under Mary, my success has been a direct result of her strong leadership. Mary gave me very targeted direction in the following areas:

- How to hire the best people
- How to develop people
- How to coach positive performance
- How to coach poor performance
- How to persevere through challenges.

Mary's ability to coach her people when faced with a challenging situation is unprecedented. She is one of the most dedicated, hard working managers I have ever worked for in my twenty-four years of selling pharmaceuticals. One thing that I admire most about Mary is her availability to her people.

I was fortunate to have won the Pfizer Situational Leadership Award. This award is given to the one manager nationally who best demonstrates matching his/her leadership style with those of his team. My ability to win this award was a direct result of working and learning under Mary Holloway's leadership.

In conclusion, I highly recommend Mary for this position, as she would be a great asset to any team. Feel free to contact me at anytime.

Sincerely,

A handwritten signature in black ink, appearing to read "John Giusti, Jr." with a stylized flourish at the end.

John Giusti, Jr.

District Manager

Pfizer APM Division

[John.b.giusti@pfizer.com](mailto:John.b.giusti@pfizer.com)

Pfizer Inc  
30 S Rockingham Way  
Amherst, NY 14228  
Tel/Fax 716 639 8486  
Voice Mail 800 662 4543 ext 48940  
Email [ronald.p.staggs@pfizer.com](mailto:ronald.p.staggs@pfizer.com)



---

## Arthritis, Pain & Metabolic

**Ron Staggs**  
District Manager

January 8, 2007

Letter of Recommendation for Mary Holloway

Dear Sir or Madam:

It is with great pleasure that I write this letter of recommendation for Mary Holloway. I have known Mary Holloway for 5 years. One of those years I was one of her direct reports.

Mary has been a regional manager for 10 years and has a strong history of performance and a reputation for getting results. As one of Mary's newest district managers, I have been extremely motivated and have been able to get up to speed quickly with a challenged district as a direct result of Mary's leadership. She is goal oriented, results driven, strategically brilliant, and people focused.

Mary is a very optimistic leader who is always professional and has a way of turning any challenge into a winning opportunity. She doesn't make excuses but rather develops solutions. Her expertise is sought after by her peers, subordinates, superiors, and customers. Often just one meeting with Mary would turn a skeptical and challenging customer into a success story.

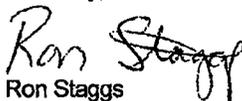
One of Mary's greatest assets is her ability to inspire trust and develop loyalty among her teams. Mary is the type of leader who truly cares about those who work for her and she continually provides selfless dedication to each and every one. Because of this, everyone will run through walls and work extra hard to not only please Mary, but to make her successful. She has excellent communication skills and is very strategic, but the loyalty and trust she builds on her teams is what truly puts Mary's leadership above other high performing managers.

In summary, Mary is the type of leader that makes the difference between a good organization and a great one. She displays the qualities that make any executive level manager, Vice President, or Director of Sales extremely successful. Mary Holloway will be a huge asset to any corporation who is performance based and results driven.

I can confidently recommend Mary Holloway for any executive level position in management, sales, marketing, new business development or any other position for which she might apply.

If I may provide you with any further information in your consideration of Mary Holloway, please feel free to contact me at 716-639-7297 or [staggski@adelphia.net](mailto:staggski@adelphia.net).

Sincerely,

  
Ron Staggs

Pfizer Inc  
19102 Big Timber Road  
Tyler, TX 75703  
Cell 903 262 6843  
Voice Mail 800 662 4543 ext 47945  
Email james.d.anderson@pfizer.com



---

## Arthritis, Pain & Musculoskeletal

December 5, 2006

Dave Anderson  
District Manager

To Whom It May Concern:

I am writing you to let you know of my full fledged and unconditional support for Mary Holloway for your position. Mary has been a colleague and a friend for the last ten years. In fact she promoted me into management as one of her Pfizer district managers ten years ago. I worked closely with Mary for five years and observed both her leadership and business acumen from close up.

Mary is the hardest working and most dedicated regional manager I have worked for. Her word is gold. On numerous times I witnessed her go to the wall for her people and for her company. Her business savvy and understanding of what needs to get done to impact business are two of her strengths. However, if I were to pick out the traits that I most admire in Mary Holloway, it would be her dedication to doing what was right and her straight forward communication style.

Mary's integrity is without question. She does what she says she is going to do and no promise is ever left unfulfilled. That in itself is a rare trait in people these days. But, this exemplifies who Mary Holloway is. Secondly, she is a master communicator. You are never left guessing what Mary expects. Too often, subordinates are left trying to interpret their leader's desires. Mary is able to communicate strategies, tactics, the positives and the negatives in a clear manner that allows all of us to perform at our highest level.

In summary, as someone who went from working for Mary in a subordinate role to someone who is now a friend, I can easily and without reservation tell you that she is a can't miss candidate for your position. I will be willing to talk to anybody at anytime who would like to hear more about her from me. Please feel free to contact me at anytime.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Anderson".

Dave Anderson  
Pfizer Inc. District Manager  
Cell: 903-262-6843

20 Dec 2006

To Whom It May Concern:

If you are reading this, you are considering the addition of Mary Holloway to the workforce of your enterprise. Allow me to say that choosing to add Mary would be an excellent idea.

I have known Mary Holloway for almost 20 of my 25+ years with Pfizer. I first knew of Mary as a peer, a sales representative in the Philadelphia area. I got to know Mary best during the 5 years that she was my District Manager. Mary singularly stands out among the 13 managers that I have had for the reasons below.

As an administrator, Mary was the most knowledgeable and strategic at understanding exactly how the sales reporting system worked at Pfizer and then translating that into specific actions that we, as representatives, needed to accomplish in order to be successful. We were so successful that in the short time we were together as a district, we were the top district in the company twice. This achievement was largely due to Mary's skill at analyzing data and determining the most productive path forward. The majority of managers that I have had could read the numbers and plot a path on a spreadsheet. Only Mary was able to see the path and to figure out how to improve the curve.

As an actual leader of people, Mary was, by far, the most skilled. Mary has the capacity to take a group of diverse individuals, all employed for the same purpose, and to truly unify them as a team. Mary saw each of us, as a sales representative but then looked deeper. She found in each person a unique quality that, with her nurturing and reinforcement, became a resource for all of the others. Some of us were more creative; some more sales skill proficient, some more clinically competent. Mary made us better as a whole by getting each of us to contribute his individual talents for the benefit of the group. The phrase, "the whole is greater than the sum of its parts" characterizes this talent of Mary's. Mary Holloway is the best I have ever seen at team building.

Lastly, Mary Holloway builds relationships, personal bonds that are sincere. Whether the person is someone working for or with Mary, or if the person is a customer, Mary Holloway invests her time in getting to know the person as a person. There are tons of business books about the value of building relationships with your customers. Everyone has encountered that superficial salesperson or manager who is only interested in you until you give him what he wants. Mary Holloway learned the details, remembered the details and asked about the details all the time. It is proof of the relationship that Mary built with me, that 10 years after she ceased being my manager, I am still a strong advocate for Mary Holloway.

If your company needs someone who can learn and master the business and at the same time develop people, you would do well to make Mary Holloway part of your team. Should there be any specific questions or concerns that I could answer for you, my contact information is below.

Sincerely,



Jay Burch

8 McCormick Drive, Landenberg, PA 19350

Phone: 302-354-4832 Email: jeb19350@comcast.net

December 18, 2006

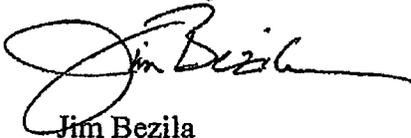
To Whom It May Concern:

It has been my privilege to have known Mary Holloway as a management colleague in the pharmaceutical industry during the past fifteen years. She and I have worked closely together and I have had the chance to observe and consult with her on a number of key performance and developmental related issues.

At all times I have found Mary to be timely, enthusiastic, hard working, reliable, creative and performance driven with respect to her work related behaviors and skills. Additionally, Mary is a quick learner and seeks out both positive and constructive feedback in and effort toward continuous improvement in her capabilities.

Mary would be an outstanding contributor to anyone seeking both an outstanding coach and a team player focused on doing things well and always doing the right thing! Please feel free to contact me should you require any further information regarding Mary's potential for employment.

Personal regards,

A handwritten signature in black ink, appearing to read "Jim Bezila", with a long horizontal flourish extending to the right.

Jim Bezila  
770-521-9955

**FEEDBACK FROM  
SUPERIORS AND HEADQUARTERS**

Powers Rx Division  
Pfizer Inc  
235 East 42nd Street 235/16/22  
New York, NY 10017  
Tel 212 733 6125 Fax 212 309 4320  
Email jake.friedman@pfizer.com



---

## Pfizer Pharmaceuticals Group

April 28, 2003

J. F. Friedman  
Vice President - Sales  
Powers Rx Division

Dear Mary,

I wanted to send you a brief note to express my thanks for all of your efforts during the Purvencia litigation. Even by Pfizer's high standards, the last few months stand out due to the intensity and non-negotiable nature of this, your unparalleled diligence, positive handling and accountability. Your 'can do' attitude is especially appreciated and never more so than for granted!

Be the Difference!

JF

RECEIVED

DEC 14 1992

MID-ATLANTIC REGION

**UK** UNIVERSITY OF KENTUCKY  
Chandler Medical Center

Department of Surgery

Division of General Surgery  
University of Kentucky  
Lexington, KY 40536-0084

December 9, 1992

Mr. Russ White  
Regional Manager,  
Mid-Atlantic Region  
Roerig Pfizer  
4360 Northeast Expressway  
Doraville, GA 30340

Dear Russ:

I have just heard from Mary Holloway that she is being promoted to a district manager's position in Wilmington, Delaware. Mary and I have worked together for the past 15 months regarding telenets for the Mid-Atlantic and Southern regions. In my five years of association with Roerig, Mary has easily been the most organized and imaginative of the assistant regional managers that I have dealt with throughout all of Roerig. We have been able to systematically turn the Mid-Atlantic and Southern region telenets into an educational process whereas, previously, they were simply haphazard in nature. Mary has been instrumental in allowing me to continue speaking programs since she set up the now infamous "Schwartz rules." She has also taken the liberty of sending those out to all the representatives in those regions so that the guidelines and rules are known before the representatives even call me.

In short, I've been extremely pleased with and impressed by Mary and feel certain that she will only continue to produce as she gets promoted further in the Roerig hierarchy.

Sincerely yours,



Richard W. Schwartz, M.D.  
Associate Professor of Surgery

RWS/gm

cc: Al Watson

**FEEDBACK FROM  
DISTRICT MANAGERS  
(DIRECT REPORTS)**

2/4/02

Mary

I wanted to be on the record with

this note before our transfer situation

becomes clear this week. I am so very

grateful for all you have done during the

5 years here has been with you. Should

we move on, I know the largest loss

for us ~~will~~ be losing you as Dave's

boss. I have always prayed for the

right ~~man~~ above all else - geographic

location means nothing if you cannot

thrive and grow professionally. You have

taught and inspired Dave to be a fair

and balanced manager. I appreciate  
your discernment of knowing when to  
boot him squarely and when to give him  
latitude! He ~~both~~ ~~can~~ ~~count~~ you as

a genuine friend and I have  
cherished the kindness you've displayed  
repeatedly for our family. Your heart  
of caring about our best - both  
personally and professionally - always  
underlies your decisions.

I am thankful for the efforts you  
have made in moving us; however,

Dear Mam,  
January 2004

Thank you so much for everything you have done and continue to do for me as I transition back from maternity leave. You truly helped to make what began as a complicated and uneasy situation very comfortable for me. The thought of managing a career and parenthood was not an easy concept to get my head around. Because you have been so supportive and understanding I am motivated to be the best coach and mom I can possibly be. I am looking forward to many more successful years with you as my coach and leader. I am proud to be on your team and part of what will prove to be the #1 management team for years to come. Thanks again. Fondly, Cassie

8-31-05

Mary,

I wanted to send you a note of thanks for every-  
you have done over the last 7 years for me + the district. I  
can easily say that because of your leadership and direction  
I am a better manager. I know we did not always see  
eye to eye on things, but usually those instances showed  
another way of doing things.

I want to make an extra emphasis on how much  
meant to me and to Brian Donnellan to have you helping  
us through the last 6 months. There are a few key  
points in every leaders career that show a illustrious  
o c

ALL IMAGES © ALL RIGHTS RESERVED; BY NEIL D. TROOST & SARAH E. CROSS

SEACOAST IMPRESSIONS, PORTSMOUTH, NH (603) 436-0865

what kind of a leader and person they are,  
your help with getting Brian placed was one  
of these moments.

Again, thank you for all that you  
have done for the last 7 years.

Your friend,

Stevens



FOR ENLARGEMENTS, CUSTOM FRAMING, OTHER INFORMATION  
OR TO CONTACT US, VISIT  
WWW.SEACOASTIMPRESSIONS.COM

**FEEDBACK FROM  
REPRESENTATIVES  
(WITHIN THE REGION)**

SEPTEMBER 2005

MARY,

THANKS FOR A FANTASTIC THREE YEARS IN THE POWERS DIVISION. I AM SO GRATEFUL FOR THE OPPORTUNITY YOU OFFERED ME AND THE GROWTH AND LEARNING I ACCOMPLISHED UNDER YOUR LEADERSHIP.

THE ANTI INFLUENT ENVIRONMENT WAS FORGIVEN TO ME BUT THE CHARISMA AND COACHING OF YOU AND JUIE ENABLED ME TO EXPERIENCE THE SUCCESS THAT I DID. OUTSIDE OF PRODUCTS AND MESSAGING YOU'VE TAUGHT AND COACHED ME A GREAT DEAL MORE WITH RESPECT TO LEADERSHIP AND SELF-CONFIDENCE. I WANT YOU TO KNOW THAT YOUR ADVICE AND THOUGHTS HAVE NOT FALLEN ON DEAF EARS - I CONTINUE TO WORK

AND THE TRAINING THAT YOU, JUIE, STEVEN AND I

HAVE DISCUSSED SO MANY TIMES IN THE PAST - LIKE A NICE WINE IT'S A WORK IN PROGRESS.

THANKS AGAIN MARY. I LOOK FORWARD TO FUTURE OPPORTUNITIES TO LEARN FROM YOU. THANKS FOR HELPING ME GET TO WHERE I AM AND WHERE I MAY BE IN THE FUTURE!

WITH SINCERE GRATITUDE,

JOHN SCOTT

**FEEDBACK FROM  
REPRESENTATIVES  
(DIRECT REPORTS)**

Mumy

what long after just  
I'm not quite sure your post &  
I did to deserve support, much &  
and consistent know help and  
had to let you know I have a  
appreciate all of your love  
concern. I feel like  
concern. I feel like

your conversation with you  
my conversation with you  
completely reduced my off  
helped me to  
and of my current situation  
level all of your support

for nothing

P.S. Kim has requested that I turn in my  
computer. So just in case, my email @ home: babbar@comcast.com

Thank you - and thank you!  
I love you!

You're the best!  
God of you and  
wishes to  
Dennis

Babbar

**FEEDBACK FROM  
PREVIOUS EMPLOYERS**



FORT WASHINGTON OFFICE

DATE: June 29, 1987

TO: Harry Roth

FROM: Melissa Peacock

RE: Mary Urycki

Harry -- I wanted you to know what a super job both my volunteers and I think Mary did for my fund-raising events during my absence. Conversations with volunteers, such as, Rosemary Murphy, Susie Wilson, Phil Royds and Gail Sklar, all confirm that she more than carried through on all of the staff responsibilities as well as doing "ACS work" on personal time. She took responsibility for writing thank-yous for crusade on her own time and has gone out of her way to be available to my residential chairs Dave Focer (WE-ARM) and Harry Johnston (NW) at their convenience. She attended the Night at the Races as the only staff representative spending personal time and dollars on the event.

Upon my return to work, her briefing was thorough and concise. There was little unfinished business for me to attend to. The accounting she kept on the Bike Ride is helpful to both me (for next year) and to the Bike Committee.

I appreciate her competence and thoroughness in attending to my responsibilities during a time of year when she is very busy with her own work.

cc: ✓ Bill Seeburger  
Bill Barlow

## Regan Karstrand

---

**From:** NYSJ\_ECF\_Pool@nysd.uscourts.gov  
**Sent:** Wednesday, October 29, 2014 12:16 PM  
**To:** CourtMail@nysd.uscourts.gov  
**Subject:** Activity in Case 1:10-cv-03864-AKH Jones et al v. Pfizer, Inc. et al Memorandum of Law in Support

**This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.**

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

### U.S. District Court

### Southern District of New York

#### Notice of Electronic Filing

The following transaction was entered by Forge, Jason on 10/29/2014 at 12:16 PM EDT and filed on 10/29/2014

**Case Name:** Jones et al v. Pfizer, Inc. et al  
**Case Number:** [1:10-cv-03864-AKH](#)  
**Filer:** Mary K. Jones  
Stichting Philips Pensioenfond  
**Document Number:** [241](#)

#### Docket Text:

**SUPPLEMENTAL MEMORANDUM OF LAW in Support . Document filed by Mary K. Jones(Individually), Stichting Philips Pensioenfond. (Attachments: # (1) Exhibit 1)(Forge, Jason)**

#### 1:10-cv-03864-AKH Notice has been electronically mailed to:

Alexander C Drylewski alexander.drylewski@skadden.com

Amanda M. MacDonald amacdonald@wc.com

Charles S. Duggan charles.duggan@dpw.com, ecf.ct.papers@davispolk.com

Cynthia Margaret Monaco cmonaco@cynthiamonacolaw.com, cmonaco@gmail.com

Daniel Prugh Roeser droeser@goodwinprocter.com

Danielle Suzanne Myers dmyers@rgrdlaw.com

Darren J. Robbins e\_file\_sd@rgrdlaw.com

David Avi Rosenfeld drosenfeld@rgrdlaw.com, e\_file\_ny@rgrdlaw.com, e\_file\_sd@rgrdlaw.com

Donald Alan Migliori dmigliori@motleyrice.com

Eugene Mikolajczyk genem@rgrdlaw.com

Gary John Hacker ghacker@skadden.com

George Anthony Borden gborden@wc.com

Hamilton Philip Lindley hlindley@deanslyons.com, mgoens@deanslyons.com

Henry Rosen henry@rgrdlaw.com, dianah@rgrdlaw.com

Howard E. Heiss hheiss@omm.com, #nymanagingattorney@omm.com

Ivy T. Ngo ingo@rgrdlaw.com, e\_file\_sd@rgrdlaw.com

James M. Hughes jhughes@motleyrice.com, erichards@motleyrice.com, kweil@motleyrice.com, kweil@pacernotice.com

James P. Rouhandeh james.rouhandeh@dpw.com, ecf.ct.papers@davispolk.com

James R. Harper coljamesharper@me.com

Jason A. Forge jforge@rgrdlaw.com, e\_file\_SD@rgrdlaw.com, tholindrake@rgrdlaw.com

Jay B. Kasner jkasner@skadden.com

Jennifer Lynn Spaziano jen.spaziano@skadden.com

Joe Kendall administrator@kendalllawgroup.com, hlindley@kendalllawgroup.com, jkendall@kendalllawgroup.com

John K. Villa jvilla@wc.com

Joseph F. Rice jrice@motleyrice.com

Joseph G. Petrosinelli jpetrosinelli@wc.com

Juliana Newcomb Murray juliana.murray@davispolk.com, ecf.ct.papers@davispolk.com

Keir Nicholas Dougall kdougall@dougallpc.com

Kevin Anthony Burke kaburke@sidley.com, efilenotice@sidley.com, nyefiling@sidley.com

Leigh R. Lasky lasky@laskyrifkind.com

Matthew Melamed mmelamed@rgrdlaw.com

Michael Barry Carlinsky michaelcarlinsky@quinnemanuel.com, brantkuehn@quinnemanuel.com,  
jomairecrawford@quinnemanuel.com

Michael Joseph Dowd miked@rgrdlaw.com, e\_file\_sd@rgrdlaw.com, e\_file\_sf@rgrdlaw.com,  
tome@rgrdlaw.com

Michael Scott Bailey michael.bailey@skadden.com

Mitchell M.Z. Twersky mtwersky@aftlaw.com

Paul T. Hourihan phourihan@wc.com

Richard Mark Strassberg rstrassberg@goodwinprocter.com, nymanagingclerk@goodwinprocter.com

Ross Bradley Galin rgalin@omm.com, neverhart@omm.com

Ryan A. Llorens ryanl@rgrdlaw.com, kirstenb@rgrdlaw.com, nbear@rgrdlaw.com

Samuel Howard Rudman srudman@rgrdlaw.com, e\_file\_ny@rgrdlaw.com, e\_file\_sd@rgrdlaw.com,  
mblasy@rgrdlaw.com

Scott D. Musoff smusoff@skadden.com, david.carney@skadden.com

Seema Mittal smittal@wc.com

Sheila L. Birnbaum sheilabirnbaum@quinnemanuel.com

Steven M. Farina sfarina@wc.com

Stuart Michael Sarnoff ssarnoff@omm.com

Trig Randall Smith trigs@rgrdlaw.com, e\_file\_sd@rgrdlaw.com, nhorstman@rgrdlaw.com

William E. Schurmann wschurmann@wc.com

William H. Narwold bnarwold@motleyrice.com, ajanelle@motleyrice.com, vlepine@motleyrice.com

Willow E. Radcliffe willowr@rgrdlaw.com, ptiffith@rgrdlaw.com

**1:10-cv-03864-AKH Notice has been delivered by other means to:**

Catherine J. Kowalewski  
Robbins Geller Rudman & Dowd LLP (San Diego)  
655 West Broadway  
Suite 1900  
San Diego, CA 92101

Daniel E. Hill  
Kendall Law Group, LLP  
3232 McKinney Avenue  
Suite 700  
Dallas, TX 75204

David C. Walton  
Robbins Geller Rudman & Dowd LLP (SAN DIEGO)  
655 West Broadway  
Suite 1900  
San Diego, CA 92101

Jamie J. McKey  
Kendall Law Group, LLP  
3232 McKinney Avenue  
Suite 700  
Dallas, TX 75204

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1008691343 [Date=10/29/2014] [FileNumber=13797909-0] [6e05408e95968ddd321b58852e61b1b3c101e842c660ae8586e20ebe9f35a08d8f04e3ac0cb5138c344cefbf2f8ea6decfb70926cd0e695aad150cc6351cc6d8]]

**Document description:**Exhibit 1

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1008691343 [Date=10/29/2014] [FileNumber=13797909-1] [20f7106ba7be7eca2e624ac5bf11ab411ba16967f9a9d45b16e0c82050308dc51765a3319a2f70c7170c836057d7d2eeb8c5cfe5c7b06fdc897b6b0da731f88a]]