

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARY K. JONES, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

-vs-

PFIZER INC, et al.,

Defendants.

Civil Action No. 10-cv-03864

Honorable Alvin K. Hellerstein

ECF Case

Electronically Filed

**NOTICE OF MOTION OF DEFENDANT ALLEN WAXMAN'S
MOTION FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE, that Defendant Allen Waxman will move this court, before the Honorable Alvin K. Hellerstein, United States District Judge, at a date and time to be set by the Court, for an Order pursuant to Federal Rule of Civil Procedure 56 granting Defendant Waxman summary judgment dismissing the claims against him in the above-captioned case. Pursuant to this Court's Individual Rule 2(C), we have attached hereto a table of contents for Defendant Waxman's motion.

PLEASE TAKE FURTHER NOTICE, that Defendant Waxman will and hereby does join and adopt the concurrently filed Motions for Summary Judgment of Defendants: Pfizer Inc; Frank D'Amelio; Jeffrey B. Kindler; Alan G. Levin; Henry A. McKinnell; and Ian C. Read.

Dated: New York, New York
October 30, 2014

Respectfully submitted:

O'MELVENY & MYERS LLP

By: /s/ Ross Galin

Ross B. Galin
Stuart Sarnoff
Howard Heiss
7 Times Square
New York, New York 10036
Telephone: (212) 326-2000
Fax: (212) 326-2061
E-mail: rgalin@omm.com

Attorneys for defendant Allen Waxman

| <u>TABLE OF CONTENTS PURSUANT TO RULE 2(C)</u> | |
|---|---|
| <u>Document</u> | <u>Description</u> |
| Notice Of Motion Of Defendant Allen Waxman's Motion For Summary Judgment | |
| Defendant Allen Waxman's Statement of Undisputed Material Facts Pursuant to Local Rule 56.1 | |
| Memorandum Of Law In Support Of Defendant Allen Waxman's Motion For Summary Judgment | |
| Declaration Of Ross B. Galin In Support Of Defendant Allen Waxman's Motion For Summary Judgment | |
| Exhibit A-W | Email with attachments from Lawrence Fox to Hank McKinnell, et al., dated February 17, 2006 (PFE-JONES 00032601-15). |
| Exhibit B-W | Email from Lawrence Fox to Allen Waxman, et al., dated October 17, 2006 (PFE-JONES 00046686-88). |
| Exhibit C-W | Email from Lawrence Fox to Allen Waxman, dated January 22, 2007 (PFE-JONES 00041545-46). |
| Exhibit D-W | Douglas Lankler Sub-Certifications Compendium, dated October 30, 2006 to February 25, 2008 (PFE-JONES 00046036; PFE-JONES 00046053; PFE-JONES 00046065; PFE-JONES 00046076; PFE-JONES 00046087; PFE-JONES 00046113 & PFE-JONES 00046094). |
| Exhibit E-W | Margaret Foran Sub-Certifications Compendium, dated October 31, 2006 to February 21, 2008 (PFE-JONES 00046033; PFE-JONES 00046050; PFE-JONES 00046063; PFE-JONES 00046064; PFE-JONES 000460; PFE-JONES 00046073; PFE-JONES 00046083-84; PFE-JONES 00046092-93.) |
| Exhibit F-W | Kim Dadlani Sub-Certifications Compendium, October 31, 2006 to February 25, 2008 (PFE-JONES 00046032; PFE-JONES 00046049; PFE-JONES 00046026; PFE-JONES 00046071; PFE-JONES 00046081; PFE-JONES 00046091). |

| <u>TABLE OF CONTENTS PURSUANT TO RULE 2(C)</u> | |
|---|--|
| <u>Document</u> | <u>Description</u> |
| Exhibit G-W | Email from Lawrence Fox to Allen Waxman, dated September 6, 2006 (PFE-JONES 00037387). |
| Exhibit H-W | Letters from Allen Waxman to Senior Litigation Attorneys Compendium, dated April 28, 2007 to February 21, 2008 (PFE-JONES 00037387; PFE-JONES 00046062; PFE-JONES 00046072; PFE-JONES 00046072; PFE-JONES 00036898). |
| Exhibit I-W | Annual Corporate Compliance Review, dated September 20, 2006 (PFE DERIV A 00004054-66). |
| Exhibit J-W | Email from Douglas Lankler to Carlton Wessel, July 18, 2007 (PFE-JONES 00059564). |
| Exhibit K-W | Pfizer Disclosure Committee Charter (PFE-JONES 00036746-48). |
| Exhibit L-W | Email from Lawrence Fox to Alan Levin, dated February 14, 2007 (PFE-JONES 00041257-58). |
| Exhibit M-W | Allen Waxman's Sub-Certification for Pfizer Inc's 2006 Form 10-K, dated February 26, 2007 (PFE-JONES 00046046). |
| Exhibit N-W | Letter from Michael Sullivan and Sara Bloom to Pfizer regarding the Tolling Agreement on Statute of Limitations, dated May 1, 2007 (PFE-JONES 00104621-24). |
| Exhibit O-W | Press Release, U.S. Attorney's Office District of Massachusetts, Pfizer Subsidiary Agrees To Plead Guilty For Offering Kickback And Pay \$19.68 Million Criminal Fine, dated April 2, 2007 (PFE-JONES 00028884-85). |
| Exhibit P-W | Excerpts of Letter from U.S. Attorney Michael J. Sullivan to Ethan M. Posner, dated March 27, 2007 (PFE-JONES 00028845-28882). |
| Exhibit Q-W | Press Release, Pfizer, Inc, Pharmacia Subsidiaries Reach \$34.7 Million Settlement with DOJ; Resolve Allegations of Improper Activities Prior to Acquisition by Pfizer, dated April 2, 2007. |
| Exhibit R-W | Intentionally left blank. |

| <u>TABLE OF CONTENTS PURSUANT TO RULE 2(C)</u> | |
|---|---|
| <u>Document</u> | <u>Description</u> |
| Exhibit S-W | Email from Heidi Chen to Hugh Donnelly, dated November 11, 2006 (PFE-JONES 00005987-97). |
| Exhibit T-W | Independent Review Organization Report, Price Waterhouse Coopers, dated September 30, 2005 (PFE DERIV 00064326-395) |
| Exhibit U-W | of Independent Review Organization Report, Price Waterhouse Coopers, dated September 26, 2007 (PFE-DERIV 00064987-064). |
| Exhibit V-W | Independent Review Organization Report, Price Waterhouse Coopers, dated September 28, 2009 (PFE DERIV 00065804-833). |
| Exhibit W-W | Disclosure Committee Minutes Compendium from the Class Period (Various Bates). |
| Exhibit X-W | Memorandum from Ian Read to Pfizer Audit Committee, dated March 16, 2007 (PFE DERIV A 00003833-36). |
| Exhibit Y-W | Email from Douglas Lankler to Carlton Wessel, October 16, 2007 (PFE-JONES 00047115). |
| Exhibit Z-W | Memorandum from Paul Brockie to Sandra Phillips and Kim Dadlani, Reserving and Settlement Procedures, dated June 20, 2007 (PFE-JONES 00038023). |
| Exhibit A-2-W | Minutes of the Financial Executive Litigation Meeting, dated October 22, 2007 (PFE-JONES 00032448). |
| Exhibit B-2-W | KPMG Memorandum, Pfizer Inc 2007 Earnings Release Agenda - Meeting with CFO, dated January 22, 2008 (PFE-JONES 00039437-42). |
| Exhibit C-2-W | Memorandum regarding SEC Certification, dated April 28, 2006 (PFE-JONES 00045986-001). |
| Exhibit D-2-W | Excerpts from the 2009 Pfizer Settlement Agreement, dated August 31, 2009. |
| Exhibit E-2-W | Disclosure Committee Meeting Minutes, dated January 19, 2007 (PFE-JONES 00036609-10). |
| Exhibit F-2-W | Excerpts from Oxford English Dictionary, at 11-12 (1933). |

| <u>TABLE OF CONTENTS PURSUANT TO RULE 2(C)</u> | |
|---|--|
| <u>Document</u> | <u>Description</u> |
| Exhibit G-2-W | Memorandum regarding Certifications by Messrs. Kindler and Levin Filed With 2006 Form 10-K (PFE-JONES 00036636-37). |
| Exhibit H-2-W | Memorandum regarding Certifications by Messrs. Kindler and Levin Filed With the First Quarter 2007 Form 10-Q (PFE-JONES 00036902-03). |
| Exhibit I-2-W | Memorandum regarding Certifications by Messrs. Kindler and Levin Filed With the Second Quarter 2007 Form 10-Q ((PFE-JONES 00036974-75). |
| Exhibit J-2-W | Memorandum regarding Certifications by Messrs. Kindler and D'Amelio Filed With the Third Quarter 2007 Form 10-Q (PFE-JONES 00034611-12). |
| Exhibit K-2-W | Memorandum regarding Certifications by Messrs. Kindler and D'Amelio Filed With 2007 Form 10-K (PFE-JONES 00036996-97). |
| Exhibit L-2-W | Email from Lawrence Fox to Allen Waxman, Dennis Block and various recipients regarding Legal Proceedings Disclosure, dated February 21, 2007 (PFE-JONES 00041470-87). |
| Exhibit M-2-W | Email from Douglas Lankler to Lawrence Fox regarding the Legal Proceedings Disclosure for 2005 Financial Report, dated January 11, 2006 (PFE JONES 00046906-08). |
| Exhibit N-2-W | Department of Health and Human Services, Office of Inspector General's Compliance Program Guidance for Pharmaceutical Manufacturers, 68 Fed. Reg. 23731, 23732, dated May 5, 2003. |
| Exhibit O-2-W | <i>In re Questcor Securities Litigation</i> , No. SA CV 12-01623 DMG, 2013 WL 5486762 (C.D. Cal. Oct. 1, 2013). |
| Exhibit P-2-W | <i>SEC v. Carter</i> , No. 10 C 6145, 2011 WL 5980966, at *1-2 (N.D. Ill. Nov. 28, 2011). |
| Exhibit Q-2-W | <i>Kerr v. Exobox Technologies Corp.</i> , 2012 WL 201872, at *11 (S.D. Tex. Jan. 23, 2012). |

Regan Karstrand

From: NYSJ_ECF_Pool@nysd.uscourts.gov
Sent: Thursday, October 30, 2014 11:56 AM
To: CourtMail@nysd.uscourts.gov
Subject: Activity in Case 1:10-cv-03864-AKH Jones et al v. Pfizer, Inc. et al Motion for Summary Judgment

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 Galin, Ross on 10/30/2014 at 11:55 AM EDT and filed on 10/30/2014

Case Name: Jones et al v. Pfizer, Inc. et al

Case Number: [1:10-cv-03864-AKH](#)

Filer: Allen Waxman

Document Number: [255](#)

Docket Text:

MOTION for Summary Judgment . Document filed by Allen Waxman.(Galin, Ross)

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

Alexander C Drylewski alexander.drylewski@skadden.com

Amanda M. MacDonald amacdonald@wc.com

Brant Duncan Kuehn brantkuehn@quinnemanuel.com

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

Cynthia Margaret Monaco cmonaco@cynthiamonacolaw.com, cmmonaco@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 henryr@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 coljamesrharper@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

Sidney Bashago sidney.bashago@dpw.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=10/30/2014] [FileNumber=13804013
-0] [70b0310649b748fbf6ccfe1137b3dac319134ab145d1a2ba0334fbe66db2e7969
e003f71f9e37ecb415e73e8762935115477ef8b64fb306223300644b41a4e2b]]