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November 3, 2014

VIA ECF

The Honorable Alvin K. Hellerstein
United States District Court,
Southern District of New York
500 Pearl Street Room 1050
New York, NY 10007

Re: *Mary K. Jones v. Pfizer Inc., et al.*
Civil Action No. 1:10-cv-03864-AKH

Dear Judge Hellerstein:

I write in response to Mr. Rosen's letter dated today regarding briefing on Defendants' Motions for Summary Judgment and Motion to Exclude Plaintiffs' Expert Steven Feinstein.

As Mr. Rosen acknowledged at last week's hearing, both the summary judgment motions and the *Daubert* motion are potentially dispositive of this case. *See* Tr. 19 (The Court: "So if I hold that this expert ... can't be testifying, that kills your case? Mr. Rosen: If I have to admit that again, Your Honor, yes, that's correct."). In fact, Judge Swain recently granted dismissal of another securities class action (involving Pfizer) upon her exclusion of the plaintiff's causation and damages expert. *See In re Pfizer Inc. Sec. Litig.*, No. 4-CV-9866-LTS-HBP, 2014 WL 3291230 (S.D.N.Y. July 8, 2014). The court excluded the expert's testimony on grounds substantially similar to those advanced by Defendants in this case.

There are seven summary judgment motions, one for each Defendant in the case. There is just one case-dispositive *Daubert* motion, filed on behalf of all Defendants, and the supporting memorandum is only 25 pages long. Defendants respectfully submit that briefing on the *Daubert* motion should be accomplished expeditiously in accordance with Your Honor's standard deadlines, as it would potentially moot the remaining motions. *See* Tr. 19 (The Court:

The Honorable Alvin K. Hellerstein
November 3, 2014
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“Unless you want me to advance this because it has an implication on all kinds [of] expenses, I wouldn’t plan to.”).

Defendants filed and served their motions on October 30, 2014, less than one week after the last expert deposition in this matter. Under the rules, Plaintiffs’ oppositions to these motions would be due on November 17, 2014. Defendants have offered Plaintiffs an extension until November 26, 2014 to file their summary judgment oppositions, on the condition that they file their *Daubert* opposition on November 18, 2014 (27 days and 19 days, respectively, after the filing of Defendants’ motions). This proposed schedule would allow for the *Daubert* motion to be fully briefed before Thanksgiving.

Defendants further respectfully request that the Court convene a hearing on their case-dispositive *Daubert* motion in the first two weeks of December.

Respectfully submitted,

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From: NYSJ_ECF_Pool@nysd.uscourts.gov
Sent: Monday, November 03, 2014 10:00 PM
To: CourtMail@nysd.uscourts.gov
Subject: Activity in Case 1:10-cv-03864-AKH Jones et al v. Pfizer, Inc. et al Response to Motion

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U.S. District Court

Southern District of New York

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Case Name: Jones et al v. Pfizer, Inc. et al
Case Number: [1:10-cv-03864-AKH](#)
Filer: Pfizer, Inc.
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Docket Text:

LETTER RESPONSE to Motion addressed to Judge Alvin K. Hellerstein from STEVEN M. FARINA dated 11/3/2014 re: [281] LETTER MOTION for Extension of Time to File addressed to Judge Alvin K. Hellerstein from Henry Rosen dated November 3, 2014. . Document filed by Pfizer, Inc.. (MacDonald, Amanda)

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