

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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

Plaintiff,

v.

PFIZER INC., et al.,

Defendants.

Civil Action No. 1:10-cv-03864-AKH

Hon. Alvin K. Hellerstein

ECF Case

**MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION *IN LIMINE* NO. 10 TO
EXCLUDE PHYSICIAN SURVEYS AND SALES REPRESENTATIVE "CALL NOTES"**

TABLE OF CONTENTS

I. REPORTS OF PHYSICIAN SURVEYS ARE INADMISSIBLE HEARSAY1

II. BOTH SURVEY REPORTS AND “CALL NOTES” ARE UNFAIRLY
PREJUDICIAL, AND WOULD CREATE COLLATERAL ISSUES AT TRIAL.4

CONCLUSION.....7

TABLE OF AUTHORITIES

CASES

City of New York v. Pullman Inc., 662 F.2d 910 (2d Cir. 1981).....6

Evans v. Port Auth. of N.Y., 192 F. Supp. 2d 247 (S.D.N.Y. 2002)2

Hardy v. Town of Greenwich, 629 F. Supp. 2d 192 (D. Conn. 2009)6

In re September 11 Litig., No. 21 MC 97(AKH), 2007 WL 3036439 (S.D.N.Y. Oct. 17, 2007) (Hellerstein, J.).....5

Park West Radiology v. CareCore Nat’l LLC, 675 F. Supp. 2d 314 (S.D.N.Y. 2009)6

Romano v. Howarth, 998 F.2d 101 (2d Cir. 1993)3

Schering Corp. v. Pfizer Inc., 189 F.3d 218 (2d Cir. 1999).....4

Schering Corp. v. Pfizer Inc., No. 98 Civ. 7000(LMM), 2000 WL 718449 (S.D.N.Y. June 5, 2000).....4

OTHER AUTHORITIES

Fed. R. Evid. 4034, 5

Fed. R. Evid. 8012

Fed. R. Evid. 8053

Plaintiffs have included on their proposed exhibit list numerous examples of two categories of documents: reports of physician surveys conducted by third-party survey companies, and “call notes” written by Pfizer sales representatives. These documents, described below, are inadmissible hearsay, sometimes containing multiple layers of such hearsay. Moreover, the introduction of these documents would sidetrack the trial into a host of tangential issues, transforming a securities case about Pfizer’s disclosures and accounting judgments relating to a government investigation into a wide-ranging inquiry into (1) the accuracy of dozens of sales representatives’ memories and narrations, or the methods of third-party survey companies, and (2) the (extensive) compliance training that Pfizer required of its representatives.¹ For the reasons discussed below, Plaintiffs should be barred from using any of these documents, including those contained on their list of exhibits, for any purpose at trial.²

I. REPORTS OF PHYSICIAN SURVEYS ARE INADMISSIBLE HEARSAY.

Plaintiffs propose to introduce at trial a number of reports of physician surveys (colloquially known in the pharmaceutical industry as “verbatim reports”) or other documents containing results from such surveys. These surveys (an example of which is attached as Exhibit FF-4 to the December 10, 2014 MacDonald Declaration) were conducted by third-party companies that pay a small number of physicians a fee to participate; the companies interview the participating physicians and ask them to recall which pharmaceutical companies’ sales representatives visited their offices to promote products over a span of time, which products were promoted, and what they recall was said in the conversations. The survey companies then

¹ For the reasons expressed in Defendants’ separately filed Motion *In Limine* No. 5 To Exclude Evidence Related to Alleged Off-Label Promotion of Drugs, all of these documents are irrelevant to this securities case. The arguments made in conjunction with that motion are incorporated fully herein; for the sake of brevity, this memorandum will cover only the additional reasons that justify the exclusion of these particular materials.

² See, e.g., Pls.’ Exs. 388, 432, 433, 464, 481, 619, 620, 747, 800-833.

compile the physicians' responses in a report, and sell them to pharmaceutical companies and others. As multiple witnesses testified, the colloquial term "verbatim" is thus a misnomer, because the survey companies' reports do not (and do not purport to) capture exactly what was said by whom, or when, in these conversations.³ Indeed, Plaintiffs have not developed any foundation in the record for what sampling methods were used in the surveys from which they draw their selected reports, nor have they shown how much time passed between sales representatives' detailing of the physicians and the physicians' attempt to recall the content of that detailing.⁴ At most, these documents reflect a surveyor's brief summation of a statement by a doctor, who in turn was attempting to remember and restate what a Pfizer sales representative had said some indeterminate amount of time, possibly weeks or months, before. Simply describing the nature of these documents should make clear why they are inadmissible: they constitute double or triple hearsay, are unreliable, and are inadmissible under Federal Rules of Evidence 403, 801 and 802.

The surveys are hearsay because they are statements made out of court and Plaintiffs seek to introduce them for the truth of the matter asserted, *i.e.*, to attempt to prove that Pfizer sales representatives actually made certain statements to physicians.⁵ *See* Fed. R. Evid. 801(c). For example, in Plaintiffs' opposition to Defendants' summary judgment motions, Plaintiffs cited

³ Dec. 10, 2014 Declaration of Amanda M. MacDonald In Support of Defendants' Motions *In Limine* Ex. FF-2 (Gavigan (May 10, 2013) Dep. 239:4-244:13); Dec. 10, 2014 MacDonald Decl. Ex. PP-2 (Waxman (Sept. 2, 2010) Dep. 140:11-142:25). One of Plaintiffs' proffered experts, Jerry Avorn, acknowledged that these reports did not contain verbatim records of "everything that was said between a doctor and a sales rep." Dec. 10, 2014 MacDonald Decl. Ex. WW-1 (Avorn (Aug. 7, 2014) Dep. 192:2-193:11).

⁴ Plaintiffs, as the proponents of this evidence, bear the burden of establishing its admissibility. *See Evans v. Port Auth. of N.Y.*, 192 F. Supp. 2d 247, 263 n.121 (S.D.N.Y. 2002).

⁵ The provision of Rule 801, which provides that statements made by an "agent or employee" of a party are not hearsay, Fed. R. Evid. 801(d)(2)(D), is inapplicable here. A third-party survey company is not an agent of Pfizer and, even beyond that problem, this provision cannot apply to statements *made by physicians* to the third-party survey company. The physicians likewise are not agents or employees of Pfizer.

one such survey for the proposition that Pfizer improperly promoted Lyrica.⁶ In fact, these reports are a classic example of inadmissible hearsay within hearsay, in that they contain one person's description of what another person (a physician) said regarding what still another person (a sales representative) said. Fed. R. Evid. 805.

The Second Circuit's decision in *Romano v. Howarth*, 998 F.2d 101 (2d Cir. 1993), is instructive. In that case, the defendant sought to introduce a nurse's notes that recorded a statement that the plaintiff had made to a correctional officer, which the officer in turn reported to the nurse. *See id.* at 103. As in this case, there were three steps in the chain: the plaintiff's statement to the officer, the officer's statement to the nurse, and the nurse's record of that statement in her notes. The Second Circuit concluded that the second of the three steps—the officer's statement to the nurse—was inadmissible hearsay covered by no exception to the hearsay rule. *See id.* at 107-08. Here, there are three steps as well: the sales representative's purported statement to the doctor, the doctor's statement to the survey company in which he or she attempted to recall the sales representative's statement at some later date, and the surveyor's recording of the doctor's statement. As in *Romano*, the middle link in this chain—the statement by the physician to the surveyor—plainly falls within no hearsay exception. *See Romano*, 998 F.2d at 108.

Even outside of the hearsay-within-hearsay issue, the circumstances surrounding the creation of these reports attest to their fundamental unreliability. These physicians were attempting to recall interactions with Pfizer sales representatives well after those interactions

⁶ Pls.' Opp. at 12, ECF No. 304 (asserting that "the Company's sales force detailed [Lyrica] for the treatment of general neuropathic pain" in part because of a physician survey stating "the most common detailing message recalled by doctors" was that Lyrica was a "new option" for neuropathic pain). Plaintiffs now seek to offer the same document cited for this proposition into evidence at trial. *See* Dec. 10, 2014 MacDonald Decl. Ex. FF-4 (Oct. 19, 2005 memorandum regarding recall surveys) (Pls.' Ex. 619).

occurred, rendering their statements vulnerable to the very risks of “faulty perception,” “faulty memory,” and “faulty narration” that the hearsay rule is intended to combat. *See Schering Corp. v. Pfizer Inc.*, 189 F.3d 218, 232 (2d Cir. 1999). Compounding any error in the physicians’ recollection, the surveyors then wrote down a summary of what the physicians said, rendering it possible for their own misunderstanding of the physicians’ statements or use of inaccurate terminology to introduce additional errors. Indeed, it is difficult to conceive of a better example of a statement that would be more likely to suffer from errors of faulty memory or narration than these survey reports. They are classic inadmissible hearsay that should be excluded.⁷

II. BOTH SURVEY REPORTS AND “CALL NOTES” ARE UNFAIRLY PREJUDICIAL, AND WOULD CREATE COLLATERAL ISSUES AT TRIAL.

In addition to third-party surveys, Plaintiffs also seek to introduce “call notes,” which are Pfizer sales representatives’ brief, shorthand notes regarding their interactions with physicians, for substantially the same purpose. An example of a “call note” is attached as Exhibit GG-4.

The Court may exclude evidence “if its probative value is substantially outweighed by a danger of . . . undue prejudice, confusing the issues, misleading the jury, . . . or needlessly

⁷ In *Schering*, the Second Circuit vacated and remanded a decision to exclude certain survey reports, but for reasons not present here. First, unlike in *Schering*, Plaintiffs’ purpose for introducing the surveys is to prove what sales representatives said, rather than the state of mind of the doctors; in *Schering*, a number of surveys were admitted under Rule 803(3) because the doctors’ impressions themselves were at issue. *See* 189 F.3d at 228-30. Second, these surveys cannot satisfy the residual hearsay exception. In *Schering*, the record showed that four of the five surveys were performed within a day of detailing, and the other was performed within a week. *See id.* at 236; *Schering Corp. v. Pfizer Inc.*, No. 98 Civ. 7000(LMM), 2000 WL 718449, at *7 (S.D.N.Y. June 5, 2000) (“It seems clear that, the longer the time between the detailing and the physician’s response to the survey, the greater the risk of faulty memory.”). There are no such indicia of trustworthiness in this case, where Plaintiffs have not shown what length of time passed between the interactions and the surveys they seek to use. Also in contrast to *Schering*, Pfizer has not adopted the statements in the surveys; indeed, as Pfizer’s former general counsel Allen Waxman has noted, “a common caveat of any physician verbatim or recall [is] that often what occurs is not really what was said.” Dec. 10, 2014 MacDonald Decl. Ex. PP-2 (Waxman (Sept. 2, 2010 Dep.) 141:9-11). Finally, the central issue in *Schering* was alleged false advertising under the Lanham Act, so sales representatives’ statements to doctors were directly at issue. That is obviously not true in this securities case, in which the issue is Defendants’ statements to investors.

presenting cumulative evidence.” Fed. R. Evid. 403; *see also In re September 11 Litig.*, No. 21 MC 97(AKH), 2007 WL 3036439, at *2 (S.D.N.Y. Oct. 17, 2007) (Hellerstein, J.).

Both survey reports and call notes could easily mislead or confuse a jury because the very nature of these documents makes them extremely difficult, if not impossible, to parse. Plaintiffs’ own purported compliance expert, Kevin O’Brien, described call notes as “cryptic version[s]” of “what took place in conjunction with the detailing.”⁸ For example, since sales representatives typically detailed Celebrex and Bextra together, and the former medication had a general acute pain indication, it is impossible to tell from the face of some notes whether the discussion of acute pain concerned Celebrex alone. *See, e.g.*, Dec. 10, 2014 MacDonald Decl. Ex. HH-4 (Plaintiffs’ Exhibit 481, including a June 17, 2002 call note stating, “Detailed Celebrex and Bextra. Focused on acute pain.”). As Chuck Mooney, one of Pfizer’s internal auditors, put it, “what was written in the call notes by the sales reps was sometimes very vague”⁹ and “it is very hard for an independent person to look at those call notes and . . . make a good conclusion on what’s going on here.”¹⁰ The head of Pfizer’s internal audit team “thought very little was gained from [auditing call notes]” because “you get into discussions about text that really takes you nowhere,”¹¹ and explained that a documentation issue with a given call note “doesn’t translate into an occurrence or a violation at all.”¹² It can also be difficult to tell from the face of a call note whether a sales representative made any off-label statements at all, or whether the doctor

⁸ Dec. 10, 2014 MacDonald Decl. Ex. LL-2 (O’Brien (July 25, 2014) Dep. 20:24-21:2).

⁹ Dec. 10, 2014 MacDonald Decl. Ex. KK-2 (Mooney (May 31, 2013) Dep. 158:11-16).

¹⁰ Dec. 10, 2014 MacDonald Decl. Ex. KK-2 (Mooney (May 31, 2013) Dep. 229:14-230:2).

¹¹ Dec. 10, 2014 MacDonald Decl. Ex. DD-2 (Donnelly (Aug. 14, 2013) Dep. 144:1-10); *see also id.* at 158:18-159:3 (“I don’t think it could be a very effective monitor. Sales reps are liable to use those call notes for any purpose . . . but the way it gets characterized could be misinterpreted.”).

¹² Dec. 10, 2014 MacDonald Decl. Ex. DD-2 (Donnelly (Aug. 14, 2013) Dep. 278:15-279:2).

raised a medication's off-label use in an unsolicited fashion. *See, e.g.*, Dec. 10, 2014 MacDonald Decl. Ex. GG-4 (Plaintiffs' Exhibit 817, an April 11, 2005 note, stating, "Using Zoloft in a patient up to 250 mg. Also talked about how Geodon works for depression and anxiety."). Indeed, Pfizer's compliance personnel "definitively concluded, after many attempts at trying it, that call notes were not a helpful source of information with respect to trying to determine whether inappropriate off-label conduct was occurring."¹³ The difficulty of interpreting these descriptions, and the parties' dispute on that subject, would divert a disproportionate share of the jury's attention to this issue, an issue that is not even close to the core of whether Pfizer misled its investors in its SEC filings.

In fact, if these documents were admitted, Defendants likely would have to put on evidence disputing the accuracy of the statements transcribed in them and demonstrating how Pfizer trained its employees or former employees about the policies that expressly forbid off-label promotion. This securities case would then devolve into a "multi-ringed sideshow of mini-trials on collateral issues pertaining to the conduct and relationships of third parties that may have only tangential bearing, if at all, to the issues and claims disputed in this case." *Park W. Radiology v. CareCore Nat'l LLC*, 675 F. Supp. 2d 314, 326 (S.D.N.Y. 2009) (internal quotation marks omitted); *see also City of New York v. Pullman Inc.*, 662 F.2d 910, 915 (2d Cir. 1981) (report was inadmissible in part because it "would have been likely to protract an already prolonged trial with an inquiry into collateral issues regarding the accuracy of the report and the methods used in its compilation"); *Hardy v. Town of Greenwich*, 629 F. Supp. 2d 192, 197 (D. Conn. 2009) (denying admissibility of civilian complaints, "some of which are undoubtedly valid and some of which are not," to avoid trial being "sidetracked by several mini-trials on the

¹³ Dec. 10, 2014 MacDonald Decl. Ex. HH-2 (Lankler (Jan. 22, 2014) Dep. 116:24-117:3).

veracity” of each complaint’s assertions). Under Rule 403, these documents should therefore be excluded from trial.

CONCLUSION

For the reasons stated above, the Court should exclude any use of or reference to physician survey reports or sales representative “call notes.”

Date: Washington, D.C.
December 10, 2014

Respectfully submitted,

WILLIAMS & CONNOLLY LLP

By: /s/ Joseph G. Petrosinelli
Joseph G. Petrosinelli (admitted *pro hac vice*)
Steven M. Farina (admitted *pro hac vice*)
George A. Borden
Amanda M. MacDonald (admitted *pro hac vice*)
725 Twelfth Street, N.W.
Washington, D.C. 20005
Telephone: (202) 434-5000
Facsimile: (202) 434-5029
sfarina@wc.com
jpetrosinelli@wc.com
gborden@wc.com
amacdonald@wc.com

Counsel for Defendant Pfizer Inc.

SKADDEN, ARPS, SLATE, MEAGHER &
FLOM LLP

By: /s/ Scott D. Musoff
Scott D. Musoff
Four Times Square
New York, New York 10036
Telephone: (212) 735-3000

Facsimile: (212) 735-2000
scott.musoff@skadden.com

Jennifer L. Spaziano (*pro hac vice* pending)
Michael S. Bailey (*pro hac vice* pending)
1440 New York Avenue NW
Washington, DC 20005
Telephone: (202) 371-7000
Facsimile: (202) 393-5760
Email: Jen.Spaziano@skadden.com
Email: Michael.Bailey@skadden.com

Counsel for Henry A. McKinnell

DAVIS POLK & WARDWELL LLP

By: /s/ James P. Rouhandeh
James P. Rouhandeh
Charles S. Duggan
450 Lexington Avenue
New York, New York 10017
Telephone: (212) 450-4000
james.rouhandeh@davispolk.com
charles.duggan@davispolk.com

Counsel for Defendant Jeffrey B. Kindler

GOODWIN PROCTER LLP

By: /s/ Richard M. Strassberg
Richard M. Strassberg
Daniel Roeser
The New York Times Building
620 Eighth Avenue
New York, NY 10018
Tel.: 212.813.8800
Fax: 212.355.3333
rstrassberg@goodwinprocter.com
droeser@goodwinprocter.com

Counsel for Defendant Frank D'Amelio

SKADDEN, ARPS, SLATE, MEAGHER &
FLOM LLP

By: /s/ Jay B. Kasner

Jay B. Kasner
Gary J. Hacker
Alexander C. Drylewski
Four Times Square
New York, New York 10036
Telephone: (212) 735-3000
Facsimile: (212) 735-2000
jay.kasner@skadden.com
gary.hacker@skadden.com
alexander.drylewski@skadden.com

Counsel for Defendant Alan G. Levin

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By: /s/ Michael B. Carlinsky

Michael B. Carlinsky
Sheila Birnbaum
Brant Duncan Kuehn (*pro hac vice* pending)
51 Madison Avenue
New York, New York 10010
(212) 849-7000

Lori Alvino McGill
777 6th Street, NW
Washington, DC 20001
(202) 538-8000

Counsel for Defendant Ian C. Read

O'MELVENY & MYERS LLP

By: /s/ Ross B. Galin

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

Counsel for Defendant Allen Waxman

CERTIFICATE OF SERVICE

I hereby certify that, on this 10th day of December, 2014, the foregoing Memorandum in Support of Defendants' Motion *In Limine* No. 10 To Exclude Physician Surveys and Sales Representative "Call Notes" was filed with the Court through the CM/ECF system and thereby served to all parties of record.

/s/ Lauren K. Collogan

Lauren K. Collogan
Williams & Connolly LLP
725 Twelfth Street, N.W.
Washington, D.C. 20005
Telephone: (202) 434-5000
Facsimile: (202) 434-5029
lcollogan@wc.com

Regan Karstrand

From: NYSD_ECF_Pool@nysd.uscourts.gov
Sent: Wednesday, December 10, 2014 9:19 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 of Motion

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 Collogan, Lauren on 12/10/2014 at 9:18 PM EST and filed on 12/10/2014

Case Name: Jones et al v. Pfizer, Inc. et al
Case Number: [1:10-cv-03864-AKH](#)
Filer: Frank D'Amelio
Jeffrey B. Kindler
Alan G. Levin
Henry A. McKinnell
Pfizer, Inc.
Ian C. Read
Allen Waxman

Document Number: [368](#)

Docket Text:

MEMORANDUM OF LAW in Support re: [367] MOTION in Limine No. 10 To Exclude Physician Surveys and Sales Representative "Call Notes". . Document filed by Frank D'Amelio, Jeffrey B. Kindler, Alan G. Levin, Henry A. McKinnell, Pfizer, Inc., Ian C. Read, Allen Waxman. (Collogan, Lauren)

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, mgruetzmacher@motleyrice.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, efileingnotice@sidley.com, nyefiling@sidley.com

Lauren Kristina Collogan lcollogan@wc.com

Leigh R. Lasky lasky@laskyrifkind.com

Lori McGill lorialvinomcgill@quinnemanuel.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, lisachen@omm.com, mochoa@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 (SANDIEGO)
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=12/10/2014] [FileNumber=13989811-0] [3ff7d62802412664aaba747f5c434246341b9234f999c70265be3bc18bf60de0cbe1540445fdc24379d5555bd76758ae2397b8eab6a447ad3fd5c223de277c42]]