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 OF LAW IN SUPPORT OF DEFENDANTS' MOTION *IN LIMINE* NO. 12 TO PRECLUDE PLAINTIFFS FROM ARGUING AT TRIAL THAT THE ABANDONED STATEMENTS AND OMISSIONS SUPPORT ANY FINDING OF LIABILITY AGAINST ANY OF THE DEFENDANTS

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Pursuant to Federal Rule of Evidence 403, Defendants respectfully submit this memorandum of law in support of their motion to preclude Plaintiffs from arguing at trial that (1) the alleged misstatements that they have abandoned (the "Abandoned Statements") were false or misleading; (2) the alleged omissions that they have abandoned (the "Abandoned Omissions") were required to be disclosed; or (3) any of the Abandoned Statements or Omissions otherwise support any finding of liability against any of the Defendants.

BACKGROUND

The Abandoned Statements

Plaintiffs' First Amended Complaint and accompanying Exhibit B contain allegations concerning more than 100 allegedly false or misleading statements. Over the course of discovery, it became apparent that Plaintiffs were no longer pursuing claims on many of those statements. For example, Plaintiffs spent virtually no time during depositions inquiring about certain statements.[1] Then, Plaintiffs' experts (1) offered no opinions concerning certain statements; (2) conceded that certain statements could not be the basis for liability;[2] and (3) opined that certain statements did not contribute to Plaintiffs' alleged losses.[3]

On November 26, 2014, Plaintiffs filed their Opposition to Defendants' Motions for Summary Judgment and appended a "Chart of Defendants' Class Period False and Misleading Statements (FMS)." Plaintiffs stated: "For the sake of clarity, plaintiffs have attached a chart that identifies the specific statements that plaintiffs allege are false and misleading." Opp. at 52. Plaintiffs' FMS chart lists 44 statements. A comparison of the FMS chart to the allegations in

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1 *See, e.g.*, Compl. ¶¶ 58-64.

2 *See, e.g.*, Dec. 10, 2014 MacDonald Decl. Ex. AA-2 (Deposition Transcript of Edward Buthusiem, dated Aug. 1, 2014 ("Buthusiem Tr.") at 353:2-5); *see also* Compl. ¶¶ 58-64.

3 *See, e.g.*, Dec. 10, 2014 MacDonald Decl. Ex. VV-2 (Report of Professor Steven P. Feinstein, dated June 10, 2014, at ¶ 182); *see also* Compl. ¶ 81.

the First Amended Complaint, set forth in detail in Appendix A to this motion, shows that Plaintiffs no longer assert claims on statements identified in 52 paragraphs of the Complaint.[4] Those Abandoned Statements concern (*inter alia*):

1. Pfizer's dividend (Appendix A at 12);

2. Pfizer's internal controls over financial reporting (Appendix A at 6);

3. Pfizer's lawful and ethical practices in the promotion of its drugs. (Appendix A at 1-5, 22, 51);

4. Certain statements concerning the Government Investigations (Appendix A at 7-9);

5. Pfizer's settlement of personal injury claims (Appendix A at 10, 11);

6. Certain statements concerning the efficacy, sales performance, and revenues of Pfizer's drug Geodon (Appendix A at 13, 16, 18, 21, 23, 24, 26-28, 30, 32, 34-36, 48); and

7. Certain statements concerning the efficacy, sales performance, and revenues of Pfizer's drug Lyrica (Appendix A at 14, 15, 17, 19, 20, 23-25, 27, 29, 30, 31, 33-39, 41-50, 52).

The Abandoned Omissions

Plaintiffs' First Amended Complaint also contains references to certain alleged omissions that Plaintiffs asserted to be an independent basis for Defendants' liability. Over the course of discovery, Plaintiffs raised those and other alleged omissions through (for example) their questioning of witnesses. Those alleged omissions include (*inter alia)*:

1. Information about offers made or demands received by Pfizer's government investigations counsel during negotiations with the government concerning Bextra;[5]

2. Pfizer's receipt of a target letter from the government;[6]

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[4] *See* Appendix A, "Plaintiffs' Abandoned Claims of False or Misleading Statements" (hereinafter "Appendix A").

[5] *See, e.g.,* Dec. 10, 2014 MacDonald Decl. Ex. XX-1 (Deposition Transcript of Dennis Block, dated Sept. 16, 2013 ("Block Tr.") at 184:7-185:5).

3. Evidence provided by the government in support of its position in the Bextra investigation;[7]

4. Evidence of document destruction by Pfizer employees;[8]

5. Pfizer's consideration of the risk of debarment in connection with the Bextra investigation;[9] and

6. Any alleged significant deficiency or material weakness in Pfizer's internal controls over financial reporting.[10]

Plaintiffs neither include any of those alleged omissions in, nor connect them to, the specific statements that Plaintiffs allege are false or misleading in their Opposition and accompanying FMS chart. Therefore, Plaintiffs have abandoned any claims concerning those alleged omissions as well.[11]

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[6] *See, e.g.,* Dec. 10, 2014 MacDonald Decl. Ex. EE-2 (Deposition Transcript of Larry Fox, dated Sept. 26, 2013 ("Fox Tr.") at 138:15-17, 141:21-142:8).

[7] *See, e.g.,* Dec. 10, 2014 MacDonald Decl. Ex. EE-2 (Fox Tr. at 60:3-61:11).

[8] *See, e.g.,* Dec. 10, 2014 MacDonald Decl. Ex. EE-2 (Fox Tr. at 49:9 – 51:5).

[9] *See, e.g.,* Compl. ¶¶ 13, 16, 77(b), 77(d), 79(e)); Dec. 10, 2014 MacDonald Decl. Ex. XX-1 (Block Tr. at 124:20-25).

[10] *See, e.g.,* Dec. 10, 2014 MacDonald Decl. Ex. DD-2 (Deposition Transcript of Hugh Donnelly, dated Aug. 14, 2013 at 210:14-217:11).

[11] That is not surprising. Plaintiffs have offered no evidence that Pfizer was obligated to disclose any of the alleged omissions. Indeed, Plaintiffs' disclosure expert, Edward Buthusiem, expressly conceded that Pfizer ***was not required*** to disclose some of the alleged omissions. *See, e.g.,* Dec. 10, 2014 MacDonald Decl. Ex. AA-2 (Buthusiem Tr. at 91:22-25, 142:8-11) (demands, offers (whether prepared-to-recommend or final), and counteroffers in the context of negotiating a resolution with the government need not be disclosed in securities filings); *id.* at 368:9-14 (target letters need not be disclosed in securities filings unless "the contents would have somehow altered or modified . . . prior disclosures such as – so as to trigger a disclosure obligation").

ARGUMENT

I. THIS COURT SHOULD PRECLUDE PLAINTIFFS FROM ARGUING AT TRIAL THAT THE ABANDONED STATEMENTS AND OMISSIONS SUPPORT ANY FINDING OF LIABILITY AGAINST ANY OF THE DEFENDANTS.

Under Federal Rule of Evidence 403, this Court should preclude Plaintiffs from arguing at trial that (1) the Abandoned Statements were false or misleading; (2) the Abandoned Omissions were required to be disclosed; or (3) any of the Abandoned Statements or Omissions otherwise support any finding of liability against any of the Defendants. Such arguments would confuse and mislead the jury.

"[T]he term 'unfair prejudice' . . . 'speaks to the capacity of some concededly relevant evidence to lure the factfinder into declaring guilt on a ground different from proof specific to the offense charged.'" *United States v. Miller*, 641 F. Supp. 2d 161, 166 (E.D.N.Y. 2009) (quoting *Old Chief v. United States*, 519 U.S. 172, 180 (1997)); *accord United States v. Kaplan*, 490 F.3d 110, 122 (2d Cir. 2007) (finding that the district court erred in admitting evidence where its "slight probative value" was outweighed by the risk that the "jurors would render a decision on an improper basis"). To eliminate the risk that the jury finds Defendants liable based on statements ***that are not actually at issue*** in this case, this Court should preclude Plaintiffs from arguing that the Abandoned Statements or Omissions support any finding of liability against any of the Defendants. *See Manko v. United States*, 63 F. App'x 570, 573 (2d Cir. 2003) ("A trial judge has discretion to exclude evidence [that] is only slightly probative if its introduction would confuse and mislead the jury by focusing its attention on collateral issues." (internal quotation marks omitted)); *Summit Properties Int'l, LLC v. Ladies Professional Golf Assoc.*, No. 07 Civ. 10407, 2010 WL 4983179, at *5-8 (S.D.N.Y. Dec. 6, 2010) (holding that a plaintiff was precluded from "offering evidence or theories" at trial in connection with claims that "failed as a matter of law").

Moreover, any such arguments by Plaintiffs would lead to complex and lengthy "mini-trials" concerning the Abandoned Statements and Omissions. "To receive testimony concerning non-actionable statements . . . without permitting a trial of the truthfulness of the statements is unfairly prejudicial as well as confusing and misleading to the jury." *Fashion Boutique of Short Hills, Inc. v. Fendi USA Inc.*, No. 91-cv-4544, 2000 WL 987276, at *1 (S.D.N.Y. July 17, 2000) (excluding testimony regarding statements that the court had previously found inactionable). If Plaintiffs are allowed to argue that the Abandoned Statements are false or misleading, then Defendants must be allowed to offer evidence as to the truthfulness of the Statements. Similarly, if Plaintiffs are permitted to argue that Defendants had a duty to disclose the Abandoned Omissions, then Defendants must be allowed to offer evidence that such information was not required to be disclosed. The result would be to divert the time and resources of this Court and the jury and distract from the evidence concerning the statements still at issue.

It was Plaintiffs' choice to abandon these claims because they concluded that there was no basis to support them. Plaintiffs must live with that choice and should not be allowed, through misleading argument, to attempt to interject those Abandoned Statements and Omissions back into the case.

CONCLUSION

For the foregoing reasons, this Court should preclude Plaintiffs from arguing at trial that (1) the Abandoned Statements were false or misleading; (2) the Abandoned Omissions were required to be disclosed; or (3) any of the Abandoned Statements or Omissions otherwise support any finding of liability against any of the Defendants.

Date: December 10, 2014

Washington, D.C.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on this 10th day of December, 2014, the foregoing Memorandum of Law in Support of Defendants' Motion *In Limine* No. 12 to Preclude Plaintiffs From Arguing at Trial that the Abandoned Statements and Omissions Support any Finding of Liability Against any of the Defendants was filed with the Court through the CM/ECF system and thereby served on all parties of record.

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Appendix A

Plaintiffs' Abandoned Claims of False or Misleading Statements

	Date	Source	Statement Quoted in Plaintiffs' Amended Complaint	Complaint Reference
1	3/1/06; 3/16/06; 3/1/07; 3/15/07; 2/29/08; 3/14/08	Pfizer's Forms 10-K and Annual Proxy statements on Form 14A	The Company's annual proxy statements stated that "[a]ll of our employees, including our Chief Executive Officer, Chief Financial Officer and Principal Accounting Officer . . ., are required to abide by Pfizer's Policies on Business Conduct ***to ensure that our business is conducted in a consistently legal and ethical manner***." The proxy statements further characterized the Policies as "form[ing] the foundation of a comprehensive process that includes compliance with all corporate policies and procedures" and directed investors to "[t]he full texts of both Pfizer's Policies on Business Conduct and of the Code of Business Conduct and Ethics for our Directors are published on our website at http://www.pfizer.com/about/corporate_governance/board_policies.jsp." Additionally, the Forms 10-K filed with the SEC directed investors interested in "[i]nformation relating to corporate governance" to Pfizer's Policies.	Compl. ¶ 58
2	3/1/06; 3/16/06; 3/1/07; 3/15/07; 2/29/08; 3/14/08	Pfizer's Forms 10-K and Annual Proxy statements on Form 14A	The Pfizer Policies referenced in the Company's annual proxy statements and Forms 10-K filed on 3/1/06, 3/16/06, 3/1/07, 3/15/07, 2/29/08 and 3/14/08 also emphasized that the Company had a "***well-structured compliance system***," was specifically complying with applicable laws and FDA requirements, and did not engage in off-label marketing when exactly the opposite was true. Asserting that, "***Pfizer is committed to full healthcare law compliance globally***," Pfizer Policies assured investors that "[i]n ***the U.S., healthcare law compliance seeks to . . . eliminate the improper influence of financial incentives on medical judgment***." Pfizer's Policies further confirmed that "***[a]s Pfizer employee, you must comply with all laws relating to the conduct of business in the pharmaceutical industry***."	Compl. ¶ 60

	Date	Source	Statement Quoted in Plaintiffs' Amended Complaint	Complaint Reference
3	3/1/06; 3/16/06; 3/1/07; 3/15/07; 2/29/08; 3/14/08	Pfizer's Forms 10-K and Annual Proxy statements on Form 14A	Additionally, the Policies referenced in Pfizer's Forms 10-K and Forms 14A annual proxy statements filed with the SEC on 3/1/06, 3/16/06, 3/1/07, 3/15/07, 2/29/08 and 3/14/08 specifically addressed Pfizer's marketing practices. The Form 10-K and 14A confirmed that: ***Pfizer will compete lawfully and ethically in the marketplace. We will act responsibly in our relationships with healthcare professionals***, patients, hospitals, ***academics, governments, regulatory entities***, partners, customers, suppliers, and vendors. . . . ***To keep this promise to our customers and the marketplace, we will***: • ***follow all antitrust and competition laws***; • ***market products honestly, in accordance with laws and regulations***; • gather business intelligence properly; • ***comply will all healthcare law obligations and generally respect our regulatory requirements*** . . .	Compl. ¶ 62
4	3/1/06; 3/16/06; 3/1/07; 3/15/07; 2/29/08; 3/14/08	Pfizer's Forms 10-K and Annual Proxy statements on Form 14A	Pfizer's Policies referenced in Pfizer's Forms 10-K and Forms 14A annual proxy statements filed with the SEC on 3/1/06, 3/16/06, 3/1/07, 3/15/07, 2/29/08 and 3/14/08 also specifically addressed the anti-kickback laws, which defendants were then violating: In the United States, ***there is a special healthcare law (the Anti-kickback Law) that prohibits the offering of anything to a person that is intended to influence that person to recommend or purchase a healthcare products (including a prescription medication) or service that may be reimbursed by Medicare or Medicaid***. This is to ensure that a healthcare provider's decision about a choice of treatment or product for his or her patient not be influenced by motives of personal gain or enrichment. Please visit the Compliance web site at http://compliance.pfizer.com for more information.	Compl. ¶ 63

	Date	Source	Statement Quoted in Plaintiffs' Amended Complaint	Complaint Reference
5	5/15/05	Global Policy on Interactions with Healthcare Professionals	On 5/15/05, Pfizer issued to the media its Global Policy on Interactions with Healthcare Professionals ("Global Policy"), which also falsely assured investors that Pfizer complied with healthcare program regulations and FDA rules as follows: We recognize our interactions with healthcare professionals can give rise to apparent or actual conflicts of interest. We support the disclosure of financial and other interests and relationships that may create apparent or perceived conflicts of interest in research, education or clinical practice. * * * We promote our medicines to healthcare professionals by providing substantiated information about the usage, safety, effectiveness and other aspects of the clinical profile of our medicines. . . . When describing the uses, effectiveness, safety and other aspects of our medicines, Pfizer colleagues and retained healthcare professionals must take care to avoid promoting ***off-label*** uses directly, indirectly or through third parties. * * * In no instance will Pfizer provide financial support as an inducement for a healthcare professional to use, prescribe, purchase or recommend a Pfizer product or to influence the outcome of a clinical trial.	Compl. ¶ 64
6	3/1/06; 3/16/06; 3/1/07; 3/15/07; 2/29/08; 3/14/08	Pfizer's Forms 10-Q and Forms 10-K	Accompanying each of the Forms 10-Q and 10-K filed with the SEC during the Class Period were certifications executed by Pfizer executives which falsely represented that… 4. ***The registrant's other certifying officer and I are responsible for establishing and maintaining***	Compl. ¶ 65

	Date	Source	Statement Quoted in Plaintiffs' Amended Complaint	Complaint Reference
			disclosure controls and procedures (as defined in Exchange Act Rules 13a-15(e) and 15d-15(e)) . . . for the registrant and have: (a) ***Designed such disclosure controls and procedures, or caused such disclosure controls and procedures to be designed under our supervision, to ensure that material information relating to the registrant, including its consolidated subsidiaries, is made known to us by others within those entities, particularly during the period in which this report is being prepared***; * * * (c) Evaluated the effectiveness of the registrant's disclosure controls and procedures and presented in this report our conclusions about the effectiveness of the disclosure controls and procedures, as of the end of the period covered by this report based on such evaluation; and (d) Disclosed in this report any change in the registrant's internal control over financial reporting that occurred during the registrant's most recent fiscal quarter that has materially affected, or is reasonably likely to materially affect, the registrant's internal control over financial reporting; and 5. ***The registrant's other certifying officer and I have disclosed, based on our most recent evaluation of internal control over financial reporting, to the registrant's auditors and the audit committee of the registrant's board of directors*** (or persons performing the equivalent functions): (a) ***All significant deficiencies and material weaknesses in the design or operation of***	

	Date	Source	Statement Quoted in Plaintiffs' Amended Complaint	Complaint Reference
			internal control over financial reporting which are reasonably likely to adversely affect the registrant's ability to record, process, summarize and report financial information; and (b) ***Any fraud, whether or not material, that involves management or other employees who have a significant role in the registrant's internal control over financial reporting***.	
7	4/2/07	Pfizer Press Release	Pfizer discovered and promptly reported subsidiary's off-label marketing of Genotropin to Justice Department, other agencies.	Compl. ¶ 66
8	3/1/06	Pfizer's Form 10-K	We received a letter from the Office of the Attorney General of the State of New York in 2004 requesting documents and information concerning clinical trials of certain of our pharmaceutical products for indications other than those approved by the FDA and concerning possible promotion of those products for such indications. We also received a letter from the Office of the Attorney General of the State of Connecticut in 2004 requesting similar materials concerning Zoloft.	Compl. ¶ 69
9	3/1/07	Pfizer's Form 10-K	Since 2005, we have received requests for information and documents from the Department of Justice concerning certain physician payments budgeted to our prescription pharmaceutical products.	Comp. ¶ 70
10	10/17/08	Pfizer Press Release	On 10/17/08, Pfizer issued a release regarding the $894 million settlement of personal injury claims related to Bextra and Celebrex, a class action consumer fraud case involving Bextra and Celebrex, and claims brought by 33 states and the District of Columbia relating to Bextra promotional practices for $60 million. The press release provided "'***[i]t puts the substantial majority of the civil litigation the company is facing with regard to [Celebrex and Bextra] behind us***,' said Amy	Compl. ¶ 74

	Date	Source	Statement Quoted in Plaintiffs' Amended Complaint	Complaint Reference
			Schulman, senior vice president and General Counsel of Pfizer. 'And I think the view was, putting these matters substantially behind us was the right thing to do.'"	
11	11/7/08	Pfizer's Form 10-Q for 3Q08	A. Product Litigation – Celebrex and Bextra In October 2008, we reached agreements in principle to resolve the pending U.S. consumer fraud purported class action cases and more than 90% of the known U.S. personal injury claims involving Celebrex and Bextra, and ***we reached agreements to resolve substantially all of the cases and claims of state attorneys general involving Celebrex and Bextra***. In connection with these actions, we recorded litigation-related charges of approximately $900 million in Other (income)/deductions - net in the third quarter of 2008. Virtually all of this amount is included in Other current liabilities on the condensed consolidated balance sheet as of September 28, 2008. * * * The settlement agreements and agreements in principle and the charge to earnings do not apply to the other previously reported actions relating to Celebrex and Bextra, including the purported class actions alleging the violation of federal securities laws, the purported derivative actions alleging breach of fiduciary duty and the purported class actions alleging the violation of the Employee Retirement Income Security Act of 1974 (ERISA), nor do they apply to the pending investigation by the Department of Justice of the marketing of the Company's COX-2 medicines, particularly Bextra. The Department of Justice investigation could result in the payment of a substantial fine and/or civil penalty.	Compl. ¶ 76
12	3/5/08	Pfizer Analyst Meeting	[Tim Anderson:] And then Frank's question about the dividend, you said maintain it at least at current levels, and I'm just wondering what time period you're referring to and specifically I'm alluding to	Compl. ¶ 81

	Date	Source	Statement Quoted in Plaintiffs' Amended Complaint	Complaint Reference
			the period at which Lipitor goes away and are you suggesting that it stays all the way through that cliff period? * * * [D'Amelio:] ***So on the dividend, the way I framed it was, I'll call it significant unforeseen events aside. So what's a significant unforeseen event? Something that's significant that I'll call it has a big impact on our operating cash flow, so that aside, our intention is to continue to fund the dividend at least at current levels, and that's going forward.*** I said that was going forward in my comments.	
13	1/19/06	Pfizer Press Release	This mirrors the outstanding launch performance seen globally. On a worldwide basis, ***Geodon exhibited strong full-year growth of 26 percent***	Ex. B, ¶ 1; Compl. ¶ 84
14	1/19/06	Pfizer 4Q05 Earnings Conference Call	[Defendant McKinnell:] ***I'm pleased that our fourth quarter and full year results exceeded our earlier expectations of $1.92 to $1.94. There were two drivers of this better than expected performance. Human Health revenues were stronger than previously forecast, reflecting the early market success of Lyrica,*** better than anticipated performance in key markets such as Japan and Germany, better than planned performance in key markets such as Japan and Germany, better than planned performance in some key products such as Zyrtec and Norvasc, and an unanticipated two-week delay in the introduction of an azithromycin generic in the United States.	Ex. B, ¶ 2
15	1/19/06	Pfizer 4Q05 Earnings Conference Call	[Robert Hazlett – SuntTrust Robinson Humphrey - Analyst:] Regarding Lyrica – a couple of product questions I guess – Lyrica, a solid launch is underway there. We have seen a fairly significant amount of journal advertising focused on the pain indication. Can you give us breakdown of its use epilepsy versus pain if you can? * * * [Defendant Kelly:] On Lyrica it is important to note that the epilepsy market and the neuropathic	Ex. B, ¶ 3; Compl. ¶ 90

	Date	Source	Statement Quoted in Plaintiffs' Amended Complaint	Complaint Reference
			pain market are quite different in size. The epilepsy market, while very important from a medical need point of view, is quite small because there are not that many epileptic patients. However, ***there are an extraordinary number of patients with neuropathic pain, and many of which are not satisfied with the pain relief they are currently receiving. And thus have been responsible for a lot of the rapid uptake in Lyrica, because of the strong clinical benefit the product provides***. Again it is an unfair comparison to ask which is contributing more. Pain will always contribute more because it is a much larger market.	
16	02/10/06	Pfizer Analyst Meeting	[Defendant Kelly:] Now I'd like to highlight ***another fast-growing Pfizer product with plenty of growth potential left- Geodon.*** Geodon is approved in 81 countries for schizophrenia and 36 countries for bipolar mania, and in the U.S., ***it is performing quite well- 23% growth in total prescriptions over 2004 versus 4% growth in the market.*** In the U.S., market potential, as you can see, is quite large. Geodon is also outpacing market growth in all other regions worldwide. It was not always so rosy for Geodon. To remind you, Geodon was first deemed non-approvable in the United States. Then it was approved with restrictive labeling for only second-line use at lower doses. Over time, clinical trials and real-world use have proven that Geodon's profile requires dosing in the 120 to 160 mg dosage range to see real important effectiveness. ***In 2005, as you can see, the average does increased to greater than 120 mg per day. This we believe resulted in that market growth of more than five times the market. This growth is seen in both schizophrenia and in bipolar disorder. When dosed appropriately, clinicians and patients see the important clinical benefit of Geodon.*** ***To accelerate Geodon growth, we're encouraging psychiatrists to put on their white coats again and seek a treatment that allows them to optimize total patient outcomes***. This is	Ex. B, ¶ 4; Compl. ¶¶ 87, 88

	Date	Source	Statement Quoted in Plaintiffs' Amended Complaint	Complaint Reference
			especially important in the schizophrenia population, which has a higher rate of metabolic syndrome than the general population. Geodon is uniquely suited to meet this need with a balance of powerful efficacy and the best metabolic profile in its class. ***The CATIE trial, a landmark National Institute of Mental Health-sponsored comparative trial, studied five frequently used antipsychotic agents, including Geodon. Geodon was the only medicine of the five to effectively improve patients' psychiatric syndromes with comparable efficacy to established agents despite sub-optimal dosing while reducing weight, reducing cholesterol, reducing lipids and reducing measures of glucose.*** ***CATIE confirms our own Geodon trials, which allows us to offer Geodon as a solution to the total body and mind issues in schizophrenia. Patient surveys have shown that weight gain is a key reason these patients discontinue their anti-psychotic medicines. Geodon 's clinical profile means patients with schizophrenia, a chronic lifetime disorder, can stay on their medicines and clinicians can treat both the body and mind.*** ***We believe Geodon has room to grow even further because of an expansive clinical development program, a winning product profile*** and statements like this from Dr. [Steven Saul] at UCSD. Quote- the atypical that will be used the most will be the one whose efficacy is robust, dosing is clear, has evident mood-enhancing effects and whose side effects do not include sedation or weight gain. We believe the answer to Dr. Saul's question is Geodon.	
17	02/10/06	Pfizer Analyst Meeting	[Defendant Kelly:] ***Lyrica speaks for itself, and its early performance show that patients and physicians are clearly listening. The strong launch of Lyrica in the U.S. echoes its earlier strong launches in the EU. Weekly new and total prescription rates are soaring, as is our market share. Physicians understand the value of Lyrica,***	Ex. B, ¶ 5

	Date	Source	Statement Quoted in Plaintiffs' Amended Complaint	Complaint Reference
			as their prescribing rates in the U.S. show. When writing a new prescription for DPN or PHN, two of the most common forms of neuropathic pain, both primary care docs and neurologists are selecting Lyrica over all other agents.	
18	02/10/06	Pfizer Analyst Meeting	[Defendant Katen:] In 2006 alone, ... ***[w]e expect sales of Geodon to grow to $800 million and sales of the recently launched Lyrica to nearly triple to $900 million.***	Ex. B, ¶ 6
19	02/10/06	Pfizer Analyst Meeting	[Defendant McKinnell:] In the past few months, we've seen a string of affirming events, from the victories in Lipitor to ***the vast uptake of Lyrica ....*** * * * ***We do expect by 2007 the patent expirations to be more than offset by the introduction and continuing growth of new products, so we do expect to return to growth still, as we said a year ago in 2007.*** * * * [Defendant Kindler:] Just to reinforce Hank's point, if you take a look at what has transpired in terms of revenue growth and the key drivers across the recent past and what we are projected going forward, there is no doubt '05 was dominated by the loss of exclusivity. In the case of 2006, you are seeing it neutralize on the basis of the [T&Y] products and the new products. ***'07, you passed the mark. It takes over with the performance of the new products in particular, and we fully expect to see revenue growth in both 2007 and 2008. Those are the drivers and the dynamics, which are leading the performance of the Company and its expectations of the topline.***	Ex. B, ¶ 7
20	02/10/06	Pfizer Analyst Meeting	[Defendant Shedlarz:] Our new product roll has never been stronger. ***We launched four new products in the U.S., capped by the very successful launch of Lyrica.*** * * * ***Regarding our product portfolio, we expect***	Ex. B, ¶ 8

	Date	Source	Statement Quoted in Plaintiffs' Amended Complaint	Complaint Reference
			sustained growth from key in-line products with a large and increasing contribution from new products, which will increasingly offset the impact of loss of exclusivity over the next few years. * * * ***Knowing your keen interest in our expectations for 2006, let me get to that subject right away. We expect 2006 revenues to be comparable to those in 2005. Growth on in-line and new products will offset revenue declines from products losing exclusivity.*** * * * Revenue declines of $2.8 billion in 2005 from loss of exclusivity will widen to about $3 billion in 2006. ***But this will be offset by growth of in-line products, including Lipitor and Celebrex, and from new products like Lyrica.*** As a result, we expect revenues to be essentially unchanged in 2006, but importantly, we also expect that Pfizer will return to revenue growth in 2007.	
21	02/10/06	Pfizer Analyst Meeting	[Carl Seiden – UBS – Analyst:] Carl Seiden, UBS. Two topics, if I could. One, ***in talking about the growth potential for two products,*** Celebrex and ***Geodon, you talked about a variety of product attributes. But I believe you are pretty limited on actually being able to promote any of those attributes today.*** Specifically for Celebrex, you talked about its relative cardiovascular profile, its relative GI profile and its relative pain benefits. Are any of these things that you can actually promote today? And if not, when do you think you will be able to and how? And similarly for Geodon, although here I'm less clear, ***what exactly can you promote on the dose response efficacy?*** * * * [Defendant McKinnell:] ***I certainly hope we didn't say anything today on Celebrex or Geodon or any other product we talked about which was outside label. If that had happened, we would have had lawyers beating on us on the script here.*** But Pat, why don't you talk a little bit about where that data comes from, where it is [and	Ex. B, ¶ 9; Compl. ¶ 88

	Date	Source	Statement Quoted in Plaintiffs' Amended Complaint	Complaint Reference
			the latest]? [Defendant Kelly:] ***All the data that I showed on*** both Celebrex and ***Geodon were actually captures from our current promotional materials that are in the field right now being used by our representatives to promote the products. So again, they are clearly on label and have been assessed as such***. The only place where that was divergent was when I was talking about future indications that we are filing for or pursuing. ***Those we are clearly not promoting at this point, so that is part of the future growth opportunity.***	
22	02/10/06	Pfizer Analyst Meeting	[David Schwartzman- US Trust- Analyst:] David Schwartzman, US Trust. I heard an earlier comment about changing the advertising, consumer advertising. I was wondering if you could characterize what was objectionable about the advertising, and then what you plan to do differently? And then are there any major budget implications to that in your overhead? [Defendant Katen:] Well, we have all heard the criticism of direct to-consumer advertising by consumers and by advocacy groups. Most of the criticism was really leveled at the tone, the frequency, the lack of balance of risk and benefit, and pharma as an industry has taken on guidelines for direct-to-consumer to promote education, which, in fact, really deals with all those issues. The ubiquitous presence on Super Bowl and of VD ads, for example, that has come under a lot of criticism. That was really the flashpoint on DTC. ***So the pharma industry has adopted DTC guidelines. Pfizer has created our own guidelines in conjunction with those, and that is designed to improve the tone to return the science and the medical quality to advertising.*** I think it is fair to say that it became fairly trivial in the way we were treating these important medicines, and we try to (technical difficulty) because, of course, as you all	Ex. B, ¶ 10

	Date	Source	Statement Quoted in Plaintiffs' Amended Complaint	Complaint Reference
			know, there is risk and benefit with every medicine that is available. And we have - it is our obligation to explain that balance of risk and benefit in a language that consumers can understand. We also have a large push towards health literacy and plain English description (technical difficulty) in our direct-to-consumer education program. ***So all those changes are being put into place.***	
23	4/19/06	Pfizer Press Release	First-Quarter Portfolio Highlights ***Pfizer expects that the performance of key products*** – including Lipitor, Celebrex, ***Lyrica, and Geodon – will continue to drive overall performance for Pfizer Human Health.*** * * * ***Worldwide first-quarter 2006 Geodon sales of $182 million represent a 32-percent increase over the prior year. Geodon growth is due to the improved perception among clinicians of its efficacy, increased benefits from optimal dosing, and its favorable metabolic profile, as confirmed by the Clinical Antipsychotic Trials of Intervention Effectiveness (CATIE) trial. As the only antipsychotic that demonstrates efficacy ... positioned to allow psychiatrists to treat mental health "with the body in mind."*** The U.S. Patent and Trademark Office granted a five-year extension to the Geodon U.S. patent, extending its exclusivity to 2012. We continue to expect full-year 2006 Geodon revenues of about $800 million. In only its second year on the market, ***Lyrica continues to be one of the most successful pharmaceutical market entries, with first-quarter 2006 worldwide revenues of $192 million. We now expect Lyrica to achieve full-year revenues of at least $900 million.*** In the first quarter of 2006, Lyrica achieved a significant milestone- more than 1 million patients have now been prescribed Lyrica since its introduction.	Ex. B, ¶ 11; Compl. ¶¶ 84, 88

	Date	Source	Statement Quoted in Plaintiffs' Amended Complaint	Complaint Reference
24	4/19/06	Pfizer 1Q06 Earnings Conference Call	[Defendant McKinnell:] During the first quarter, ***we saw good results from our in-line medicines*** and increasing contributions from new products. ***Among our key in-lines,*** our worldwide revenue for Celebrex grew 19%, ***and Geodon 32%. Lyrica continued to deliver exceptional results, and we now expect Lyrica to achieve $900 million or more in sales this year.***	Ex. B, ¶ 12
25	4/19/06	Pfizer 1Q06 Earnings Conference Call	[Chris Schott- Banc of America- Analyst:] And the second question is on Lyrica, in terms of the uptick we're seeing for that product. Can you just kind of walk-through within the different indications where you are seeing kind of the greatest traction thus far? * * * [Defendant Katen:] ***On Lyrica,*** as you point out, it has had extraordinarily successful launches in every market it's been introduced. . . . [M]ore than 1 million patients have now been prescribed Lyrica since we launched it. ***The market share in the US is growing nicely. It's the agent of choice already for diabetic peripheral neuropathy and postherpetic neuralgia. So it has great acceptance in the primary care marketplace.*** We also have seen that market, DPN/PHN, grow by 21% in terms of new prescriptions during the first three months following the Lyrica launch. So it has created market for these patients and, as a result, has grown substantially. * * * [Defendant McKinnell:] ***One of the most successful launches ever.***	Ex. B, ¶ 13
26	4/19/06	Pfizer 1Q06 Earnings Conference Call	[Jami Rubin- Morgan Stanley- Analyst:] On Geodon, I was wondering if there was a dual eligible benefit that you could help to quantify this quarter, because sales do look to have accelerated from sequential quarters. * * * [Defendant Feczko:] ***When you look at the recent data on Geodon, I think I think there's a couple of things going on. The CATIE data***	Ex. B, ¶ 14

	Date	Source	Statement Quoted in Plaintiffs' Amended Complaint	Complaint Reference
			actually, when you get down underneath it, was very positive, we feel, for Geodon. Because, one, the efficacy looked comparable to the other [typical] anti-psychotics, even though we know that it really was not dosed at the most effective dose because, again, we have a dose titration in our label to get up to really the most effective dose. But even within that, about 40% of the patients at baseline had what would loosely be defined as sort of metabolic syndrome with the obesity, hypertension and what have you. ***And Geodon was the only drug within that category that actually had a positive impact, as far as weight reduction, triglyceride reduction, LDL reduction. So I think it was reinforcing a lot of the things we had said about Geodon in the past, as far as its good impact on metabolic effects in schizophrenics.*** And I think the other thing that is happening right now is that I think ***people are getting more comfortable with the safety profile of Geodon and are pushing the dose higher.*** We have always been hampered a little bit, I think, with the initial label and the fear of QTc changes, so there was a dose titration. ***And we knew also from our clinical studies that*** ***there was much better efficacy at the higher doses than the lower doses. And so I think psychiatrists are just getting more comfortable pushing the dose higher.***	
27	5/2/06	Deutsche Bank Securities 31st Annual Healthcare Conference	[Defendant Shedlarz:] 2006 for Pfizer began with a good first-quarter set of results. We are on target for the full-year performance we outlined for you at our February analyst meeting. We have confirmed our previous guidance for 2006 – revenues to be comparable to the prior year and for adjusted diluted earnings per share to be about $2. ***Key products*** ***such as Lyrica, Celebrex, and Geodon contributed strong revenue growth during the first quarter. New products like Lyrica are increasingly compensating for revenues lost to patent***	Ex. B, ¶ 15; Compl. ¶¶ 84, 87

	Date	Source	Statement Quoted in Plaintiffs' Amended Complaint	Complaint Reference
			expirations and loss of marketing exclusivity. * * * ***The performance of our key in-line products including Lipitor, Celebrex, Lyrica, and Geodon will continue to drive overall performance. . . . With Lyrica being one of the most successful pharmaceutical launches ever, we now expect Lyrica to achieve full-year revenues of at least $900 million.*** ***We expect full-year 2006 Geodon revenues of about $800 million. Geodon's strong performance is due to the improved perception among clinicians of its efficacy, increased benefits for optimal dosing and its favorable metabolic profile. Geodon is uniquely positioned to allow physicians to treat mental health with the body and mind.***	
28	5/8/06	Pfizer Form 10-Q for 1Q06	***Geodon growth is due to the improved perception among clinicians of its efficacy, increased benefits from optimal dosing, and its favorable metabolic profile, as confirmed by the Clinical Antipsychotic Trials of Intervention Effectiveness (CATIE) trial. The CATIE schizophrenia study,*** supported by the National Institute of Mental Health and published in the *New England Journal of Medicine,* ***confirms that Geodon is an effective anti-psychotic and is less likely to worsen weight, lipids, and glucose metabolism than other agents. In fact, Geodon was associated with some improvement in these metabolic parameters.*** These findings are noteworthy because of the higher prevalence of metabolic issues among patients with schizophrenia and are consistent with previous Pfizer-sponsored clinical trials involving Geodon.	Ex. B, ¶ 16; Compl. ¶ 84
29	7/20/06	Pfizer Press Release	Lipitor, the largest-selling medicine in the world, achieved 9-percent revenue growth in a very dynamic market, as we continued to demonstrate the medical and economic benefits of Lipitor derived from its excellent efficacy and safety	Ex. B, ¶ 17

	Date	Source	Statement Quoted in Plaintiffs' Amended Complaint	Complaint Reference
			profile. Ms. Katen said that the performance of new products in the second quarter of 2006 is demonstrating the company's success in creating the foundation for Pfizer's next-generation portfolio. "The performances of many of our new products exceeded expectations," she said. The product is on track to exceed its original revenue target, with worldwide revenues now expected to be more than $1 billion in 2006. ***Lyrica continues to perform strongly*** in markets around the world, with a 13-percent share of total anti-epileptic-drug sales in Europe as of April 2006 (IMS).	
30	7/20/06	Pfizer 2Q06 Earnings Conference Call	[Defendant McKinnell:] As we noted in our media release today, ***Pfizer delivered strong second-quarter results, driven largely by the performance*** of Lipitor, ***Geodon***, Celebrex and ***Lyrica***. Our performance exceeded your consensus estimates and our expectations. Our outlook for the year improved, and consequently we are raising our estimate of 2006 adjusted diluted earnings per share.	Ex. B, ¶ 18
31	7/20/06	Pfizer 2Q06 Earnings Conference Call	[Defendant Katen:] ***Lyrica has been very well-received by both physicians and patients, because of its ability to relieve debilitating neuropathic pain.***	Ex. B, ¶ 19; Compl. ¶ 90
32	8/11/06	Pfizer Form 10-Q for 2Q06	***Geodon growth is due to the improved perception among clinicians of its efficacy, increased benefits from optimal dosing, and its favorable metabolic profile, as confirmed by the Clinical Antipsychotic Trials of Intervention Effectiveness (CATIE) trial. The CATIE schizophrenia study***, supported by the National Institute of Mental Health and published in the *New England Journal of Medicine*, ***confirms that Geodon is an effective anti-psychotic and is less likely to worsen weight, lipids, and glucose***	Ex. B, ¶ 20

	Date	Source	Statement Quoted in Plaintiffs' Amended Complaint	Complaint Reference
			metabolism than other agents. In fact, Geodon was associated with some improvement in these metabolic parameters. These findings are noteworthy because of the higher prevalence of metabolic issues among patients with schizophrenia and are consistent with previous Pfizer-sponsored clinical trials involving Geodon.	
33	10/19/06	Pfizer Press Release	Pfizer's Chief Executive Officer Jeffrey B. Kindler said, ***"We had a solid quarter, with our in-line products performing well*** in a tough operating environment and many of our new products making important contributions as well. We will continue to be aggressive and focused in maximizing the performance of these products. We remain on track to meet financial goals for the year." * * * ***The favorable U.S. performance in the third quarter of 2006 was driven in part by the continued success of Lyrica;*** the recent launches of Sutent and Chantix; ***and the strong performance of core in-line products.*** * * * ***Lyrica worldwide sales reached $340 million in the third quarter of 2006. Lyrica has achieved success in all markets where it has been launched, with patients and healthcare providers recognizing its outstanding benefits, including strong efficacy and a favorable safety profile.*** Lyrica is now approved in more than 60 countries and available to patients in more than 35 markets.	Ex. B, ¶ 21
34	10/19/06	Pfizer 3Q06 Earnings Conference Call	[Defendant Shedlarz:] Today, ***we reported a solid third quarter with continued growth in our in-line and new products which will help you to partially offset the significant loss of exclusivity*** in some of our major products.	Ex. B, ¶ 22
35	1/22/07	Pfizer Analyst Meeting	As we reported this morning, pharmaceutical revenues in 2006 were $35.1 billion, representing 2% growth over the previous year. While loss of exclusivity continues to impact sales growth, there	Ex. B, ¶ 23

	Date	Source	Statement Quoted in Plaintiffs' Amended Complaint	Complaint Reference
			is something to keep in mind. ***Sales of our underlying portfolio - that is revenue excluding products that have lost or are losing exclusivity - grew by 9%.*** ***This reflects solid performance of Lipitor, Celebrex, Lyrica, Geodon, among other products.*** ***With the publication of the landmark CATIE study last year focus on the metabolic profiles of these agents has intensified***. More and more, psychiatrists are recognizing that they need to treat with the body in mind. This fact is underscored as they realize the consequence of this metabolic imbalance. Patients with serious mental health die on average 30 years before the natural population. ***This growth is being fueled by the results of the major NIMH CATIE study, which showed Geodon to have a benign metabolic profile.*** Patients who took Geodon were the only, the only patients who had a reversal of all metabolic parameters - triglycerides, weight and total cholesterol. Pfizer has led the charge through its "Know the Facts," a national screening campaign across the US focused on 30,000 patients with mental illness. This campaign highlights the fact that patients with schizophrenia have four times the rate of diabetes as established in the CATIE study. 41% have metabolic syndrome. ***This program and the favorable market dynamics highlights the growth potential for Geodon.***	
36	1/22/07	Pfizer Analyst Meeting	[Defendant Shedlarz:] Before discussing our future expectations, let me spend a moment on how our actuals for 2006 came in relative to the markers we established in February of last year. This is critical as we hold ourselves accountable for what we said we would do. The good news is that most metrics came in consistent with our original guidance or exceeded that guidance. ***Notable sources of favorability were***	Ex. B, ¶ 24

	Date	Source	Statement Quoted in Plaintiffs' Amended Complaint	Complaint Reference
			Lyrica revenues, ATS savings, adjusted and reported diluted earnings per share, share purchases and cash flow from operations. ***Major elements consistent with original expectations include total Celebrex and Geodon revenues*** and our two NDA filings. * * * ***For 2007 we expect revenues to be comparable to those for 2006 as new and key in-line product growth is offset by products which lost exclusivity in 2006,*** most notably Zoloft, and those that will first lose exclusivity in 2007, most notably Norvasc and Zyrtec.	
37	4/20/07	Pfizer Press Release	***Worldwide sales of Lyrica totaled $395 million for the first quarter of 2007 and represented growth of 106 percent, compared to the same period in 2006. Growth continues to be fueled by strong efficacy as well as high physician and patient satisfaction in the marketplace. Pfizer expects continued growth for Lyrica to be driven by market expansion in diabetic peripheral neuropathy and post-herpetic neuralgia*** as we continue to roll out new screening tools to aid physicians in diagnosis, and by the anticipated launch of a fibromyalgia indication in the U.S. in the second half of this year, which will increase the potential patient base in the U.S.	Ex. B, ¶ 25
38	10/18/07	Pfizer Press Release	Lyrica was approved in the U.S. in June 2007 for the management of fibromyalgia, one of the most common chronic, widespread pain conditions, and was launched for this indication in July 2007.	Ex. B, ¶ 26
39	10/18/07	Pfizer 3Q07 Earnings Conference Call	[Defendant Kindler:] ***With the obvious exception of Exubera, our new products performed very well this quarter. Lyrica grew 37% to $465 million compared to the same period last year, and it has delivered $1.3 billion in revenues year to date.*** In June, the FDA granted accelerated approval to Lyrica for the treatment of fibromyalgia, which more than doubles the potential number of U.S. patients who could benefit from this medicine. We	Ex. B, ¶ 28

	Date	Source	Statement Quoted in Plaintiffs' Amended Complaint	Complaint Reference
			were in the field in record time to take advantage of that opportunity.	
40	10/18/07	Pfizer 3Q07 Earnings Conference Call	And revenues of Sutent, our product for advanced kidney and cancer of the digestive system were $151 million compared with $63 million last year.	Ex. B, ¶ 29
41	1/23/08	Pfizer Press Release	"We are executing against a broad plan to position Pfizer to deliver long-term value. ***Our new products - Lyrica,* Chantix, and Sutent- *are performing well"*** ... added Kindler. * * * ***In the fourth-quarter 2007, Lyrica revenues were $564 million, an increase of 60% compared with the prior-year quarter.*** Lyrica revenues for the full-year 2007 were $1.8 billion, an increase of 58% compared with 2006. ***Fourth-quarter and full-year 2007 revenue growth was driven by strong efficacy and high patient and physician satisfaction in the marketplace, as well as Lyrica's recent*** FDA approval for the management of fibromyalgia. Lyrica is the only medicine indicated for this chronic, widespread pain condition. In addition, a branded direct-to-consumer campaign was initiated in the U.S. in late November 2007.	Ex. B, ¶ 30
42	1/23/08	Pfizer 4Q07 Earnings Conference Call	[Defendant Kindler:] On our first priority, ***we are maximizing revenues from both our new products as well as our current in-line portfolio. Three new products are noteworthy. Lyrica, an innovative treatment for diabetic nerve pain and postherpetic neuralgia, and now the first medicine to ever win FDA approval for the management of fibromyalgia.***	Ex. B, ¶ 31
43	1/23/08	Pfizer 4Q07 Earnings Conference Call	[Defendant D'Amelio:] I would also like to highlight the performance of selected products during the fourth quarter. * * * ***Lyrica, our medicine for the management of neuropathic pain and, more recently, fibromyalgia, delivered revenues of 564 million, an increase of 60% compared with the year-ago***	Ex. B, ¶ 32

	Date	Source	Statement Quoted in Plaintiffs' Amended Complaint	Complaint Reference
			quarter. * * * ***Our new products, especially Lyrica,*** Chantix and Sutent, ***continued to deliver strong growth, and partially offset decreasing revenues from products that have lost exclusivity***. Revenue from these three new products increased to 3.3 billion in 2007 from 1.5 billion in 2006.	
44	3/5/08	Pfizer Analyst Meeting	[Defendant Read:] Now, let's look at pain. You've heard a lot about our pain franchise from Ken and Gillian earlier today. ***The pain market is a $45 billion opportunity with a variety of treatment options. Lyrica is one of our anchor products in this category with a very promising long term outlook.*** In 2007, Lyrica was approved by the FDA as the first ever treatment for fibromyalgia, which Time Magazine named one of the top ten medical breakthroughs. And ***Lyrica is backed by strong data.*** As shown here, 53% of Lyrica patients experienced rapid and sustained pain relief that continued through the six month trial. This clinical evidence will set Lyrica apart from the competition…. More importantly, we know of those fibromyalgia patients who are diagnosed, 90% are dissatisfied with their current treatment. And as pain is a cornerstone of fibromyalgia, we see Lyrica as the foundation of its treatment. ***To accomplish this, we are using a broad-based, multi-channel campaign to build awareness, e-newsletters, webcasts, in pharmacy adherence programs and a call center for patients, to mention a few of the examples you see on the screen. To maximize the value of Lyrica to patients, we have a robust life cycle plan in place.*** We expect to strength the core NEP business with new indications in both spinal cord and post traumatic neuropathic pain. ***We also plan to broaden the Lyrica label over time through areas such as post stroke pain, cancer pain, restless legs syndrome and post operative pain***.	Ex. B, ¶ 33

	Date	Source	Statement Quoted in Plaintiffs' Amended Complaint	Complaint Reference
45	4/17/08	Pfizer Press Release	***In the first-quarter 2008, Lyrica revenues were $582 million, an increase of 47% compared with the prior-year quarter driven by strong efficacy and high patient and physician satisfaction in the marketplace,*** particularly in managing fibromyalgia. Lyrica is the only FDA-approved medicine indicated for this chronic, widespread pain condition.	Ex. B, ¶ 34
46	4/17/08	Pfizer 1Q08 Earnings Conference Call	[Defendant D'Amelio:] Today we reported revenues for the first quarter 2008 of $11.8 billion, a 5% decrease year over year. * * * I would also like to provide some quarterly product highlights .... ***Lyrica, the only FDA approved treatment for fibromyalgia, continued to deliver strong performance, with revenues of $582 million, an increase of 47% year over year. We expect Lyrica to be a key contributor to Pfizer's performance in 2008 and beyond,*** and U.S. volume fibromyalgia will be the largest contributor to Lyrica's growth as our prescription volume and market share continues to grow significantly. In addition, Lyrica continues to lead in DPN and PHN, pain conditions with limited treatment options, which combined account for a larger proportion of prescriptions than any other single condition. Finally, we anticipate continued growth across indications supported by an active life cycle management program.	Ex. B, ¶ 35
47	5/5/08	Deutsche Bank Securities Inc. Healthcare Conference	[Defendant Kindler:] ***On Lyrica, overall, the growth is solid, but we feel it could he even better. So we've launched an aggressive, broad-based multichannel campaign to educate patients and prescribers on fibromyalgia, consisting of webcasts, adherence programs, a call center, and an online patient support center at myfibrorelief.com***. Our new TV ad has been very well received, generating twice as many responses as expected. ***We've rebalanced our field force to further enhance primary care and specialty***	Ex. B, ¶ 36

	Date	Source	Statement Quoted in Plaintiffs' Amended Complaint	Complaint Reference
			physicians' focus on Lyrica. We've also begun a comprehensive medical education program, reaching over 100,000 physicians. We're seeing the results of these and other efforts in key state programs, in share growth, and in improved access.	
48	7/23/08	Pfizer Press Release	***"Many of our key products continued to perform well both in the U.S. and international markets,*** including ***Lyrica,*** Celebrex, Viagra and ***Geodon,*** as well as Lipitor in the face of a highly competitive statin market. The benefit of our broad-based portfolio of products, our geographic reach and our diverse strategies for growth was evident in this quarter's financial results, which clearly demonstrate our ability to continue to deliver solid performance in an increasingly challenging environment."	Ex. B, ¶ 37
49	7/23/08	Pfizer 2Q08 Earnings Conference Call	[Defendant Kindler:] ***Pfizer is far more than Lipitor,*** of course, and our year-to-date results show positive trends for a number of key medicines in our patent-protected portfolio. ***Lyrica is up 50% year-to-date with growth driven by strong efficacy in managing nerve pain associated with diabetes and shingles, as well as in managing fibromyalgia,*** which increasingly is being understood as a serious and debilitating disease.	Ex. B, ¶ 38
50	9/22/08	UBS Global Life Sciences Conference	Lyrica has also become the US market leader in fibromyalgia. It enjoys higher satisfaction rates than any of its competitors, including muscle relaxants and narcotics. Diagnosis and treatment levels remain low in DPN and PHN, and only 22% of fibromyalgia sufferers are diagnosed so additional market development is required. Our game plan is to further grow our leadership across all indications of a broad-based multichannel campaign targeted to patients and prescribers. Internationally we're seeing strong Lyrica growth in markets, including Canada, Mexico, Middle East	Ex. B, ¶ 39

	Date	Source	Statement Quoted in Plaintiffs' Amended Complaint	Complaint Reference
			and Latin America.	
51	10/21/08	Pfizer 3Q08 Earnings Conference Call	[Defendant Kindler:] ***First, I think it's fair to say that partly as a result of the changes that we (inaudible) Pfizer's field force and marketing organization is more than holding its own against branded competitors. These colleagues are building on Pfizer's outstanding heritage in sales and marketing and reearning their proud reputation as the best in the business - the representatives most responsive to patients and physicians. Specifically, in the US we have seven products that are outperforming the branded competition in their respective categories and four more that are holding steady against newer agents.*** Now, of course success against branded competitors doesn't by itself fully address one of the most significant features of the US operating environment, the increased use of generics, but it's noteworthy that overall, more than 10 of our US medicines posted double-digit gains in the quarter.	Ex. B, ¶ 41
52	10/21/08	Pfizer 3Q08 Earnings Conference Call	[Defendant D'Amelio:] ***We continue to see steady growth from several key products including Lyrica....***	Ex. B, ¶ 42

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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: Frank D'Amelio
Jeffrey B. Kindler
Alan G. Levin
Henry A. McKinnell
Pfizer, Inc.
Ian C. Read
Allen Waxman
Document Number: 375

Docket Text:
MEMORANDUM OF LAW in Support re: [373] MOTION in Limine *No. 12 To Preclude Plaintiffs From Arguing At Trial that the Abandoned Statements and Omissions Support Any Finding of Liability Against Any of the Defendants*. . 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:

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