

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

**DEFENDANTS' MEMORANDUM OF LAW IN OPPOSITION
TO PLAINTIFFS' MISCELLANEOUS MOTIONS *IN LIMINE***

TABLE OF CONTENTS

	<u>Page</u>
PRELIMINARY STATEMENT	1
DEFENDANTS' RESPONSES.....	1
I. Plaintiffs Are Not Entitled to More Than Three Peremptory Challenges.	1
II. Examination of Witnesses Through Use of Leading Questions	4
III. Testimony of Defendants' Witnesses	5
IV. Exclusion of Witnesses From the Courtroom.....	5
V. Counsels' Communications With Witnesses During Their Testimony	6
VI. Plaintiffs' Request for Weekly Six-Minute Summations Should Be Rejected.....	7
VII. Preliminary Jury Questionnaire	8
VIII. Preliminary Jury Instructions.....	8

TABLE OF AUTHORITIES

	<u>Page(s)</u>
CASES	
<i>In re Brooklyn Navy Yard Asbestos Litigation</i> , 971 F.2d 831 (2d Cir. 1992).....	7
<i>Cincinnati Insurance Co. v. Boyle</i> , No. 01-2425, 2002 U.S. App. LEXIS 8778 (3d Cir. May 3, 2002).....	4
<i>Goldstein v. Kelleher</i> , 728 F.2d 32 (1st Cir. 1984).....	3
<i>Great Earth International Franchising Corp. v. Milks Development</i> , 311 F. Supp. 2d 419 (S.D.N.Y. 2004).....	1
<i>LNC Investments, Inc. v. First Fidelity Bank</i> , No. 92 Civ. 7584(CSH), 2000 WL 1118898 (S.D.N.Y. Aug. 8, 2000).....	2, 4
<i>Morgan v. Bennett</i> , 204 F.3d 360 (2d Cir. 2000).....	6
<i>Perry v. Leeke</i> , 488 U.S. 272 (1989).....	6
<i>Potashnick v. Port City Construction Co.</i> , 609 F.2d 1101 (5th Cir. 1980)	6
<i>SEC v. World Information Technology, Inc.</i> , 250 F.R.D. 149 (S.D.N.Y. 2008), <i>aff'd in part sub nom.</i> , <i>SEC v. Sirianni</i> , 334 F. App'x 386 (2d Cir. 2009)	4
<i>United States v. Yakobowicz</i> , 427 F.3d 144 (2d Cir. 2005).....	7, 8
STATUTES AND RULES	
28 U.S.C. § 1870.....	1
Fed. R. Civ. P. 32(a)(4).....	5
Fed. R. Evid. 611(a).....	5

Defendants Pfizer Inc. (“Pfizer”), Jeffrey B. Kindler, Henry A. McKinnell, Frank D’Amelio, Alan G. Levin, Ian C. Read and Allen Waxman (collectively, “Defendants”) respectfully submit this memorandum of law in opposition to Plaintiffs’ Miscellaneous Motions *In Limine*. ECF Nos. 337-38.

PRELIMINARY STATEMENT

As this Court has held, traditionally “[t]he purpose of a motion in limine is to allow the trial court to rule in advance of trial on the admissibility and relevance of certain forecasted evidence.” *Great Earth Int’l Franchising Corp. v. Milks Dev.*, 311 F. Supp. 2d 419, 424 (S.D.N.Y. 2004) (Hellerstein, J.) (citation omitted). Plaintiffs’ “miscellaneous motions in limine,” however, have nothing to do with the admissibility or relevance of forecasted evidence, but instead relate to trial procedures and logistics. These issues are more properly addressed in a meet-and-confer between the parties (currently scheduled for December 29). In any event, set forth below are Defendants’ responses to each of Plaintiffs’ “miscellaneous motions.”

DEFENDANTS’ RESPONSES

I. Plaintiffs Are Not Entitled to More Than Three Peremptory Challenges.

As Plaintiffs themselves acknowledge, while 28 U.S.C. § 1870 provides that “each party shall be entitled to three peremptory challenges,” in multi-party civil litigation such as this, “courts have considerable discretion in allocating additional peremptory challenges.” Pls’ Br. at 2. In *LNC Investments, Inc. v. First Fidelity Bank*, No. 92 CIV. 7584(CSH), 2000 WL 1118898 (S.D.N.Y. Aug. 8, 2000), Judge Haight addressed the circumstances under which defendants in a multi-party case may be entitled to additional peremptory challenges. According to Judge Haight:

If Plaintiffs are not going to argue to the jury that there are differences in the conduct of the Defendants which might allow one to be liable but not the others, no fair case can be made for giving the Defendants additional challenges. In that circumstance, Defendants will be held to the statutory limit of three challenges, to be exercised jointly. The special verdict form will refer to “the Defendants” as a group.

If, on the other hand, the Plaintiffs intend to introduce evidence of *differing conduct* on the part of Defendants, thereby laying a foundation for an alternative argument that *even if some Defendants are exonerated, others should be held liable*, then the two groups of Defendants *having separate legal representation* will each be allowed one additional challenge, to be exercised during the last of the three challenge rounds, and without consultation between defense counsel. The special verdict form will then list the Defendants separately.

Id. at *2 (footnote omitted) (emphases added).

Here, Plaintiffs seek to hold Defendants liable under Section 10(b) of the Securities Exchange Act of 1934, and Securities and Exchange Commission Rule 10b-5 promulgated thereunder, for different alleged misstatements and/or omissions by different Defendants occurring over the more than three-year Class Period. *See* Pls.’ Mem. of Law in Opposition to Defendants’ Mots. for Summary Judgment (Chart of Alleged False & Misleading Statements), ECF No. 304. Indeed, as set forth in Defendants’ motions for summary judgment, several of the Individual Defendants were not even employed by Pfizer for large portions of the Class Period, and Plaintiffs do not seek to hold those Defendants liable for any statements made when they were not employed by Pfizer. *See, e.g., id.* at 55 n.210. Accordingly, because (i) Plaintiffs intend to introduce “evidence of differing conduct on the part of Defendants” (each of whom is represented by separate counsel) and (ii) under Plaintiffs’ theory of liability “even if some Defendants are exonerated, others should be held liable,” Defendants are entitled to additional peremptory challenges. *LNC Invs.*, 2000 WL 1118898, at *2.¹

¹ Plaintiffs argue, without support, that “[i]f the number of parties was dispositive of the number of peremptory challenges, plaintiffs would be entitled to far more challenges than defendants” because
(*cont’d*)

Plaintiffs argue that peremptory challenges should be allocated to Plaintiffs and Defendants equally, but there is no basis for doing so. In fact, the out-of-circuit case they principally rely upon for this argument—*Goldstein v. Kelleher*—actually supports Defendants’ position that peremptory challenges need not be allocated evenly here. *See* Pls’ Br. at 2. In *Goldstein*, the magistrate judge allowed each of two defendants three peremptory challenges, for a total of six, while allowing the plaintiff three peremptory challenges. *Goldstein v. Kelleher*, 728 F.2d 32, 37 (1st Cir. 1984). On appeal, the plaintiff argued that the magistrate abused his discretion by not equalizing the peremptory challenges. *Id.* In their brief, Plaintiffs blatantly mischaracterize the court’s holding by leaving out of their block quotation the dispositive portions of that holding. Plaintiffs’ quotation is as follows:

We believe he should have done so given the fact that the two defendants . . . clearly had identical interests at the trial. . . . [I]t is hard to see any reason here for not equalizing peremptories between plaintiff and defendants.

Pls’ Br. at 2. But the full quote (absent case citations) is as follows:

We believe he should have done so given the fact that the two defendants, ***represented by one attorney*** and parties to the verdict stipulation, clearly had identical interests at the trial. ***If each defendant had had even colorably different interests from the other . . . we would not question the magistrate’s discretion***, but it is hard to see any reason here for not equalizing peremptories as between plaintiff and defendants.

Goldstein, 728 F.2d at 37 (emphases added) (citations omitted).

(cont’d from previous page)

“there is one Lead Plaintiff, one named plaintiff and thousands of other class members.” Pls’ Br. at 2 n.1. This is a non sequitur. Defendants are not suggesting that the number of parties alone should determine the amount of peremptory challenges. Rather, as set forth above, and consistent with the case law, the fact that Defendants are differently situated vis-à-vis Plaintiffs’ allegations and theories of liability necessitates the allocation to Defendants of additional peremptory challenges.

Here, as discussed above, unlike in *Goldstein*, Defendants are represented by *separate counsel* and there are “colorable” differing interests among them given their various dates of employment and Plaintiffs’ theories of liability. See *LNC Invs.*, 2000 WL 1118898, at *2.² Accordingly, there no basis for Plaintiffs’ assertion that they and Defendants should have an equal number of peremptory challenges.

II. Examination of Witnesses Through Use of Leading Questions

Plaintiffs have asked the Court to permit them to question certain witnesses “identified with Defendants” using leading questions. Pls’ Br. at 3. Although it may ultimately be appropriate for Plaintiffs to question certain witnesses through the use of leading questions, it would be improper for the Court to issue a blanket order before any witness is actually called. See *SEC v. World Info. Tech., Inc.*, 250 F.R.D. 149, 151 (S.D.N.Y. 2008) (denying as “premature” SEC’s motion in limine seeking an order that a particular witness be treated as “hostile” and reserving ruling on the motion until trial), *aff’d in part sub nom.*, *SEC v. Sirianni*, 334 F. App’x 386 (2d Cir. 2009). For example, there may be situations where a witness is a former employee of Pfizer but that witness is hostile to, or at least has no particular allegiance to, Pfizer. In such a situation, Pfizer, and not Plaintiffs, should be permitted to use leading questions. Accordingly, the Court should reserve ruling on this issue until trial.

² Plaintiffs also rely on *Cincinnati Insurance Co. v. Boyle*, No. 01-2425, 2002 U.S. App. LEXIS 8778, at *2 (3d Cir. May 3, 2002), for the proposition that “[w]hen a number of defendants face a single plaintiff, the court may require the defendants to share their strikes.” Pls’ Br. at 2. But in that declaratory judgment case, the court relied on the fact that the nominal defendants all had the same interest in the Court determining that the declaratory-judgment plaintiff owed coverage. See *Cincinnati Ins. Co.*, 2002 U.S. App. LEXIS 8778, at *2. Here, as discussed above, Plaintiffs are seeking to hold different Defendants liable under different theories, and Defendants therefore have, to some extent, different interests.

III. Testimony of Defendants' Witnesses

Plaintiffs seek an order requiring Defendants "to make available for live examination in plaintiffs' case-in-chief any witnesses defendants intend to call in their case-in-chief." Pls' Br. at 4. Defendants do not object to this request to the extent that such witnesses are current Pfizer employees within Pfizer's control, even if they live and work outside the jurisdiction.³ If a witness is not a Pfizer employee and lives outside the Court's subpoena power, however, Defendants cannot compel the witness to testify live in Plaintiffs' case. The fact that the witness might be willing to appear *voluntarily* in Defendants' case, and not Plaintiffs' case, does not preclude Defendants from calling the witness. The Federal Rules control and do not require Defendants to secure attendance of out-of-jurisdiction witnesses in Plaintiffs' case. In fact, Plaintiffs themselves have listed out-of-jurisdiction witnesses who apparently have voluntarily agreed to appear live in Plaintiffs' case, and of course there is nothing improper about that.

In addition, Plaintiffs "request that the Court preclude defendants from offering into evidence deposition testimony of witnesses under defendants' control." Pls' Br. at 5. Under Federal Rule of Evidence 611(a), the court has discretion to "exercise reasonable control over the mode and order of examining witnesses and presenting evidence" so as to, among other things, "avoid wasting time." There is no reason to decide now that Defendants cannot ask the Court to permit the introduction of deposition testimony of one or more of their witnesses for a valid reason. *See* Fed. R. Evid. 611(a); Fed. R. Civ. P. 32(a)(4).

IV. Exclusion of Witnesses From the Courtroom

Plaintiffs have requested that the Court exclude percipient witnesses from the courtroom, with the exception of (i) Defendants, (ii) Pfizer's corporate representative, and (iii) expert

³ Defendants reserve the right to contest which witnesses are within their "control," as well as the meaning of "control."

witnesses. Pls' Br. at 6-8. Defendants have no objection to such an exclusion. Defendants also have no objection to an order barring witnesses (with the exception of those listed in (i) – (iii) above) from discussing the evidence presented at trial with other witnesses until after the trial is completed. *See* Pls' Br. at 8.

V. Counsels' Communications With Witnesses During Their Testimony

Plaintiffs seek an order directing that “once a witness has been sworn, counsel should be prohibited from communicating with the witness regarding his or her testimony until it is completed.” Pls' Br. at 8. Such broad-based prohibition is contrary to law and potentially prejudicial to Defendants.

As the Second Circuit has held, “the court should not, absent an important need to protect a countervailing interest, restrict the defendant’s ability to consult with his attorney, but that when such a need is present and is difficult to fulfill in other ways, a carefully tailored, limited restriction on the defendant’s right to consult counsel is permissible.” *Morgan v. Bennett*, 204 F.3d 360, 367 (2d Cir. 2000); *see also Potashnick v. Port City Constr. Co.*, 609 F.2d 1101, 1118 (5th Cir. 1980) (“Recognizing that a civil litigant has a constitutional right to retain hired counsel, we hold that . . . [a] rule prohibiting a litigant from consulting with his attorney during breaks and recesses in the litigant’s testimony impinges upon that right.”).⁴

Not only is the requested prohibition on communications contrary to the above-cited case law, it is also potentially prejudicial to Defendants. For example, if, as Plaintiffs have indicated, they call one or more of the Individual Defendants as part of their case-in-chief, Defendants'

⁴ Plaintiffs cite *Perry v. Leeke*, 488 U.S. 272 (1989), for the proposition that a court may bar a witness from consulting with his or her attorney during their examination. Pls' Br. at 8. The Court in *Perry*, however, simply held that prohibitions on communications during *short breaks* did not impede upon the defendant’s Sixth Amendment right to counsel. *Perry*, 488 U.S. at 283-84; *see also Morgan*, 204 F.3d at 367. This is far from the overbroad prohibition Plaintiffs ask the Court to impose here.

counsel would not be able to communicate with his or her client prior to the direct examination of that witness, as the direct will likely occur immediately following Plaintiffs' examination. Accordingly, while Defendants are not necessarily opposed to some limited instruction prohibiting a witness and his or her attorney from discussing the substance of that witness's testimony during a short break, Plaintiffs' overbroad prohibition should be rejected.

VI. Plaintiffs' Request for Weekly Six-Minute Summations Should Be Rejected

Plaintiffs have requested that each side be permitted to give a six-minute summation to the jury at the end of each week. Pls' Br. at 8-9. Defendants submit that such a procedure is unnecessary, would only add to the complexity of the trial, and has the potential to confuse the jury. Plaintiffs, moreover, have failed to articulate any reason to deviate from the normal procedure of having summations only at the end of the trial.

Plaintiffs' position finds no support in the case law, and their reliance on *United States v. Yakobowicz*, 427 F.3d 144 (2d Cir. 2005), is misplaced. The court in *Yakobowicz* simply recognized that "interim summations in some form have been permitted in lengthy and/or complex civil trials," and ultimately rejected the use of interim summations in that case. *Id.* at 151. And, significantly, the main case cited by the *Yakobowicz* court as an example where interim summations were used was a large, months' long, multi-action, mass-tort case. *See In re Brooklyn Navy Yard Asbestos Litig.*, 971 F.2d 831, 836 (2d Cir. 1992) (interim summation procedures employed in four-month consolidated trial of 79 asbestos-related personal injury and wrongful death actions).

Here, by contrast, the trial consists of a single action and is expected to take no more than two to three weeks (with trial taking place only four days a week). *See* July 7, 2014 Tr. 7:10-11 ("THE COURT: My guess it is going to be two to three [week trial]. We are not going to have a six-to-eight week trial."); 33:14-19 ("THE COURT: I'm thinking of a three-week trial. . . . That

means four days a week.”).) Under these circumstances, interim summations are wholly unnecessary and Plaintiffs’ request should be denied. *See Yakobowicz*, 427 F.3d at 151 (interim summations should only be considered where “case at hand differs from the garden variety of cases in which summations only at the close of evidence are sufficient”).

VII. Preliminary Jury Questionnaire

Plaintiffs have requested that the Court distribute a juror questionnaire prior to *voir dire*. Pls’ Br. at 9. To the extent the parties can agree on its content, Defendants do not object in principle to a preliminary jury questionnaire. To that end, Plaintiffs recently sent Defendants a proposed jury questionnaire and Defendants will discuss the draft with Plaintiffs. If the parties cannot agree on its contents, however, Defendants object to the use of a questionnaire.

VIII. Preliminary Jury Instructions

Plaintiffs have requested that the Court provide the jury with certain preliminary instructions. Pls’ Br. at 10. Defendants do not believe that preliminary jury instructions are necessary and are skeptical that the parties will be able to agree on their contents. Nevertheless, Defendants intend to address this issue as part of the parties’ overall meet and confer regarding jury instructions.

Date: December 22, 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

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 22nd day of December, 2014, the foregoing Defendants' Memorandum of Law in Opposition to Plaintiffs' Miscellaneous Motions *In Limine* was filed with the Court through the CM/ECF system and thereby served on 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: NYSJ_ECF_Pool@nysd.uscourts.gov
Sent: Monday, December 22, 2014 8:39 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 Opposition to 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 12/22/2014 at 8:38 PM EST and filed on 12/22/2014

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: [398](#)

Docket Text:

MEMORANDUM OF LAW in Opposition re: [337] MOTION in Limine *Plaintiffs' Miscellaneous Motions in Limine*. . 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,
lisa.hirakawa@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

Seema Mittal smittal@wc.com

Sheila L. Birnbaum sheilabirnbaum@quinnemanuel.com

Sidney Bashago sidney.bashago@dpw.com, ecf.ct.papers@davispolk.com, jennifer.kan@davispolk.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=12/22/2014] [FileNumber=14043033-0] [83106feb74035f1c2a6890645d52682cd3c4729e4b0b9b7c6333e92d4fe8b94d6d41aee39b7cf2d91936b3aed6ca5eda9774e452d43cfd088d065cb9a776beb3]]