UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARY K. JONES, Individually and on Behalf of All Others Similarly Situated, Plaintiff vs. PFIZER INC., et al., Defendants.	Civil Action No. 1:10-cv-03864-AKH CLASS ACTION REPLY TO DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION TO ADMIT DEPOSITION TESTIMONY OF MARY HOLLOWAY AND FOR ADVERSE-INFERENCE INSTRUCTION

I. INTRODUCTION

Defendants' opposition to plaintiffs' motion to admit deposition testimony of Mary Holloway and for an adverse-inference instruction might mark the first time a defendant has sought to exclude evidence because it was not ***more*** damaging to his case. Defendants contend that because Holloway's invocation of the privilege is susceptible to inferences that could help ***either*** side, neither may use it. Dkt. No. 397 at 6-7. Defendants' demand that all evidence be either black or white is a familiar refrain from them and one that betrays an impractically rigid approach to trial and evidence. Consistent with this skewed perspective, defendants urge the Court to examine each aspect of Holloway's relationship to Pfizer and this case in complete isolation. For example, Pfizer is not paying for Holloway's representation for her Fifth-Amendment invocation regarding her involvement in Pfizer's off-label promotion of Bextra. If it were paying these fees, according to defendants, it would "obviously make[] sense" for the Court to admit Holloway's invocations. Yet, defendants insist that their payment of her attorney's fees for Holloway's defense to ongoing FDA proceedings concerning the identical topic "is irrelevant to the issue here." Dkt. No. 397 at 2. Defendants cite several cases without apprising the Court of the facts of those cases, which render them inapt here. The Second Circuit's decision in *Brink's, Inc. v. New York*, 717 F.2d 700 (2d Cir. 1983), which the Court cited for both sides, is squarely on point here – factually and legally – and plaintiffs ask the Court to apply *Brinks* and admit Holloway's invocations, along with a ***neutral*** adverse-inference instruction.

II. ARGUMENT

A. Regarding the Subject of Her Invocation, Holloway's Relationship with Pfizer Could Not Be Any Closer

Despite purporting to apply the non-exhaustive factors described in *LiButti v. United States*, 107 F.3d 110, 123 (2d Cir. 1997), defendants gloss over the one the Second Circuit declared "will

invariably be the most significant circumstance": "The Nature of the Relevant Relationships." *Id.* Defendants implicitly concede, by failing to dispute, that the doctrine of respondeat superior liability means that Holloway and Pfizer are the same in this context because Holloway was a Pfizer Regional Manager throughout the entire time that Pfizer promoted Bextra off-label, and all of her off-label promotional activities are directly attributable to Pfizer. Dkt. No. 352 at 6-7 (citing *Zavala v. Wal-Mart Stores Inc.*, 691 F.3d 527, 543 (3d Cir. 2012) and *United States v. Ionia Mgmt. S.A.*, 555 F.3d 303, 310 (2d Cir. 2009) (per curiam)). Conceding this point by silence was probably the wiser course for defendants in light of their failed response concerning Pfizer's payment of Holloway's fees for her ongoing FDA proceedings.

It is apparent that Pfizer is paying Holloway's attorney's fees for her ongoing FDA proceedings, which relate to the same subject of her invocation of the privilege and the same subject of the disclosures and reserve decisions at issue here: Pfizer's off-label promotion of drugs, primarily Bextra. This is clear because defendants acknowledge, without denying, plaintiffs' understanding that Pfizer is paying these fees; yet, they flatly deny that Pfizer is paying the attorney's fees for her Fifth-Amendment invocation. Dkt. No. 397 at 2. Defendants then make the following contention:

> When evaluating the overall "closeness" of the relationship in this context, courts consider whether the party is paying the non-party witness's legal fees ***in connection with the same proceeding in which the witness has invoked the Fifth Amendment***. *See Coquina Investments v. TD Bank, N.A.,* 760 F.3d 1300, 1311 (11th Cir. 2014) (affirming the admission of a non-party's Fifth Amendment invocation in part because the party "paid [the non-party witness's] legal fees *associated with this action*" (emphasis added)). This obviously makes sense – if the party is paying the non-party's lawyer who is advising the non-party to assert the Fifth Amendment, there is a risk that the invocation is motivated by some loyalty to the (paying) party.

Dkt. No. 397 at 2 (emphasis in original). In truth, however, the 11th Circuit did not draw the fine distinction that defendants advocate. Rather, the court quoted from the Third Circuit's opinion in

Rad Servs., Inc. v. Aetna Cas. & Sur. Co., 808 F.2d 271, 276 (3d Cir. 1986) as "stating that '***[a]ny*** factors suggesting that a former employee retains some loyalty to his former employer – such as the fact that the employer is paying for his attorney' – serves the purpose of 'reduc[ing] the chance that the employee will falsely claim to have engaged in criminal conduct for which the defendant employer is liable.'" *Coquina Investments*, 760 F.3d at 1311.[1] It is silly for defendants to suggest that Pfizer's ongoing payment of Holloway's attorney's fees in ***any*** case is not a factor suggesting that she retains some loyalty to Pfizer simply because they are attorney's fees in a different proceeding (albeit one concerning the same underlying subject matter). Either way, this benefit holds the same value to Holloway.

B. The Subject Matter Underlying This Case and Holloway's Invocation are the Same

For their next argument, defendants use an excised quote from plaintiffs' brief ***without*** indicating their excision with ellipses:

Quote in Defendants' Brief	Actual Quote
"Yet Plaintiffs concede, as they must, that '***Holloway had nothing to do with making Pfizer's statements, omissions, and reserve decisions***.'" Dkt. 397 at 3 (footnote omitted) (emphasis in original).	"So although Holloway had nothing to do with making Pfizer's statements, omissions and reserve decisions, her actions – and the questions she refused to answer – have everything to do with the veracity and completeness of those statements, omissions and reserve decisions." Dkt. No. 352 at 7.

That defendants would stoop to such tactics demonstrates that they had no legitimate response to the point plaintiffs made. This inference is further demonstrated by defendants' citation to *Akinyemi v. Napolitano*, 347 F. App'x 604 (2d Cir. 2009). Dkt. No. 397 at 3. There, the court expressly held that "there was insufficient information to determine that an adverse inference against CBP would have been 'trustworthy under all of the circumstances.'" *Akinyemi*, 347 F. App'x at 607. This case

[1] Emphasis is added and citations are omitted, unless otherwise noted.

presents the opposite scenario inasmuch as Holloway jeopardized her entire career by pleading guilty to engaging in systemic off-label promotion for Pfizer and the vast majority of the questions posed to her concern emails that she sent or received, which objectively reflect off-label promotional activities. Unlike the situation in *Akinyemi*, there is every reason to believe that Holloway was, in fact, part of Pfizer's systemic program of off-label promotion, which is the only negative inference plaintiffs seek to argue.

Defendants' citation to *Farace v. Indep. Fire Ins. Co.*, 699 F.2d 204, 211 (5th Cir. 1983) is equally misplaced because the invocation there

> was limited to an initial refusal to answer the fire marshal's questions. The defendant concedes that the plaintiff cooperated fully with the defendant in its investigation. Under these circumstances, the initial invocation of the fifth amendment may have had little probative value, while the potential for the jury's misunderstanding of the plaintiff's decision to invoke his constitutional rights could well have resulted in unfair prejudice to Mr. Farace.

Id. Obviously, the situation here is completely different inasmuch as Holloway has pled guilty, her plea is corroborated by the emails about which plaintiffs questioned her, and she has persisted in her invocation. It is illogical for defendants to argue that under these circumstances, Holloway's "silence cannot support any inference one way or the other." Dkt. No. 397 at 4.

Similarly, plaintiffs' questions during Holloway's deposition were grounded in Holloway's statement in her sentencing memorandum that, "[t]he implementation of a marketing plan to obtain Bextra protocols and standing orders was a company-wide initiative, not a Northeast Region initiative, and certainly not a Mary Holloway initiative" (*see* Ex. 3 to the Declaration of Jason A. Forge in Further Support of Plaintiffs' Motion to Admit Deposition Testimony of Mary Holloway and for Adverse-Inference Instruction, filed herewith, at 6-7), which defendants know is overwhelmingly confirmed by Pfizer's emails, protocols, and call notes from all over the country. Likewise, all of the emails that plaintiffs' counsel showed Hollway were sent to multiple Pfizer

managers. It would be quite strange if multiple Pfizer managers were openly discussing off-label promotional tactics if such tactics had not been approved at even higher levels of Pfizer's management. That is the only inference plaintiffs seek to argue. Defendants' citation to *In re WorldCom, Inc.*, 377 B.R. 77, 109 (Bankr. S.D.N.Y. 2007) is apposite because there the court expressly qualified its decision as applying only "at the current stage of the litigation," which was "at summary judgment, [where] the Court is required to draw all reasonable inferences in favor of the non-moving party, despite potential for the ultimate trier of fact to draw an adverse inference from the assertion of Fifth Amendment privileges." *Id.*

C. Defendants' Rule 403 Argument Is Self-Contradicting

Defendants' final argument is that the Court should preclude evidence of Holloway's invocation under Rule 403 of the Federal Rules of Evidence. But defendants fail to recognize that:

> Rule 403 permits exclusion of relevant evidence on grounds of prejudice ***only where*** the prejudice would be ***unfair***. Unfairness does not result from the tendency of the evidence to prove an adversary's case. "Unfair prejudice," according to the Advisory Committee Note to Rule 403, "means an undue tendency to suggest decision on an improper basis, commonly, though not necessarily, an emotional one."

United States v. Gutierrez, 181 F. Supp. 2d 350, 354 (S.D.N.Y. 2002) (footnote omitted); *see also United States v. Munoz*, 36 F.3d 1229, 1233 (1st Cir. 1994) ("The damage done to the defense is not a basis for exclusion; the question under Rule 403 is 'one of "unfair" prejudice – not of prejudice alone'")). "'[S]ince the trial judge is granted such a powerful tool by Rule 403, he must take special care to use it sparingly.'" *United States v. Jamil*, 707 F.2d 638, 642 (2d Cir. 1983) (quoting 1 J. Weinstein and M. Berger, Weinstein's Evidence Manual, ¶403[01], at 403-7 (1982)).

Nor do defendants respond to, let alone refute, Judge Weinfeld's analysis in *Brink's*:

> Striking the balance, I find, on the one hand, no real danger of unfair prejudice. For a witness to assert his Fifth Amendment privilege in the course of a civil trial is "hardly the equivalent" of passing a bloody shirt among the jury or introducing a dying accusation of poisoning. On the other hand, such evidence of

> [wrongdoing] has significant probative value and is essential to [plaintiffs'] claims. . . .
>
> With respect to the assertion of the privilege by any witness, Mr. Justice Brandeis' observation is pertinent: "Silence is often evidence of the most persuasive character."

Brink's, Inc. v. New York, 539 F. Supp. 1139, 1141 (S.D.N.Y. 1982) (footnote omitted) (quoting *United States ex rel. Bilokumsky v. Tod*, 263 U.S. 149, 153-54 (1923)), *aff'd*, 717 F.2d 700 (2d Cir. 1983)).

Here, because it is ***Holloway's*** invocation of the privilege against self-incrimination, there is no reason to even suspect, let alone believe, that her invocation would evoke an emotional response from the jury against ***defendants***. Defendants' contention that this evidence should be excluded because ***both*** sides can argue that it supports their case directly refutes their 403 argument. After all, if evidence is susceptible to an inference that ***supports*** a defendant's case, it is axiomatic that the probative value of such evidence is ***not*** "substantially outweighed by a danger of . . . unfair prejudice." Fed. R. Evid. 403. Plaintiffs have sought a neutral instruction that does not suggest the jury should draw an adverse instruction against either side so the Court should let the lawyers for each side be lawyers and argue their respective inferences.

III. CONCLUSION

For the foregoing reasons, plaintiffs respectfully request that the Court admit the portions of Holloway's deposition attached as Exhibit 2 to the December 10, 2014 Declaration of Jason A. Forge (Dkt. No. 362).

DATED: December 30, 2014

Respectfully submitted,

ROBBINS GELLER RUDMAN
& DOWD LLP
MICHAEL J. DOWD
HENRY ROSEN
TRIG R. SMITH
JASON A. FORGE
RYAN A. LLORENS
IVY T. NGO

s/ JASON A. FORGE
JASON A. FORGE

655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)
miked@rgrdlaw.com
henryr@rgrdlaw.com
trigs@rgrdlaw.com
jforge@rgrdlaw.com
ryanl@rgrdlaw.com
ingo@rgrdlaw.com

ROBBINS GELLER RUDMAN
& DOWD LLP
SAMUEL H. RUDMAN
58 South Service Road, Suite 200
Melville, NY 11747
Telephone: 631/367-7100
631/367-1173 (fax)
srudman@rgrdlaw.com

ROBBINS GELLER RUDMAN
& DOWD LLP
WILLOW E. RADCLIFFE
DANIEL J. PFEFFERBAUM
MATTHEW S. MELAMED
Post Montgomery Center
One Montgomery Street, Suite 1800
San Francisco, CA 94104
Telephone: 415/288-4545
415/288-4534 (fax)
willowr@rgrdlaw.com
dpfefferbaum@rgrdlaw.com
mmelamed@rgrdlaw.com

Lead Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on December 30, 2014, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 30, 2014.

s/ JASON A. FORGE
JASON A. FORGE

ROBBINS GELLER RUDMAN
& DOWD LLP
655 West Broadway, Suite 1900
San Diego, CA 92101-8498
Telephone: 619/231-1058
619/231-7423 (fax)

E-mail: jforge@rgrdlaw.com

Mailing Information for a Case 1:10-cv-03864-AKH

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Michael Scott Bailey**
  michael.bailey@skadden.com
- **Sidney Bashago**
  sidney.bashago@dpw.com,jennifer.kan@davispolk.com,ecf.ct.papers@davispolk.com
- **Sheila L. Birnbaum**
  sheilabirnbaum@quinnemanuel.com
- **George Anthony Borden**
  gborden@wc.com
- **Kevin Anthony Burke**
  kaburke@sidley.com,nyefiling@sidley.com,efilingnotice@sidley.com
- **Michael Barry Carlinsky**
  michaelcarlinsky@quinnemanuel.com,brantkuehn@quinnemanuel.com,jomairecrawford@quinnemanuel.com
- **Lauren Kristina Collogan**
  lcollogan@wc.com
- **Keir Nicholas Dougall**
  kdougall@dougallpc.com
- **Michael Joseph Dowd**
  miked@rgrdlaw.com,e_file_sd@rgrdlaw.com,tome@rgrdlaw.com,e_file_sf@rgrdlaw.com
- **Alexander C Drylewski**
  alexander.drylewski@skadden.com
- **Charles S. Duggan**
  charles.duggan@dpw.com,ecf.ct.papers@davispolk.com
- **Steven M.. Farina**
  sfarina@wc.com
- **Jason A. Forge**
  jforge@rgrdlaw.com,tholindrake@rgrdlaw.com,e_file_SD@rgrdlaw.com
- **Ross Bradley Galin**
  rgalin@omm.com,mochoa@omm.com,neverhart@omm.com,lisachen@omm.com
- **Gary John Hacker**
  ghacker@skadden.com
- **James R. Harper**
  coljamesrharper@me.com
- **Howard E. Heiss**
  hheiss@omm.com,#nymanagingattorney@omm.com
- **Paul T. Hourihan**
  phourihan@wc.com
- **James M. Hughes**
  jhughes@motleyrice.com,kweil@pacernotice.com,mgruetzmacher@motleyrice.com,erichards@motleyrice.com,kweil@motleyrice.com
- **Jay B. Kasner**
  jkasner@skadden.com
- **Joe Kendall**
  administrator@kendalllawgroup.com,jkendall@kendalllawgroup.com,hlindley@kendalllawgroup.com

- **Brant Duncan Kuehn**
  brantkuehn@quinnemanuel.com
- **Leigh R. Lasky**
  lasky@laskyrifkind.com
- **Hamilton Philip Lindley**
  hlindley@deanslyons.com,mgoens@deanslyons.com
- **Ryan A. Llorens**
  ryanl@rgrdlaw.com,nbear@rgrdlaw.com,kirstenb@rgrdlaw.com
- **Amanda M. MacDonald**
  amacdonald@wc.com
- **Lori McGill**
  lorialvinomcgill@quinnemanuel.com
- **Matthew Melamed**
  mmelamed@rgrdlaw.com
- **Donald Alan Migliori**
  dmigliori@motleyrice.com
- **Eugene Mikolajczyk**
  genem@rgrdlaw.com
- **Seema Mittal**
  smittal@wc.com
- **Cynthia Margaret Monaco**
  cmonaco@cynthiamonacolaw.com,cmmonaco@gmail.com
- **Juliana Newcomb Murray**
  juliana.murray@davispolk.com,lisa.hirakawa@davispolk.com,ecf.ct.papers@davispolk.com
- **Scott D. Musoff**
  smusoff@skadden.com
- **Danielle Suzanne Myers**
  dmyers@rgrdlaw.com
- **William H. Narwold**
  bnarwold@motleyrice.com,vlepine@motleyrice.com,ajanelle@motleyrice.com
- **Ivy T. Ngo**
  ingo@rgrdlaw.com,e_file_sd@rgrdlaw.com
- **Joseph G. Petrosinelli**
  jpetrosinelli@wc.com
- **Willow E. Radcliffe**
  willowr@rgrdlaw.com,ptiffith@rgrdlaw.com
- **Joseph F. Rice**
  jrice@motleyrice.com
- **Darren J. Robbins**
  e_file_sd@rgrdlaw.com
- **Daniel Prugh Roeser**
  droeser@goodwinprocter.com
- **Henry Rosen**
  henryr@rgrdlaw.com,dianah@rgrdlaw.com
- **David Avi Rosenfeld**
  drosenfeld@rgrdlaw.com,e_file_ny@rgrdlaw.com,e_file_sd@rgrdlaw.com
- **James P. Rouhandeh**
  james.rouhandeh@dpw.com,ecf.ct.papers@davispolk.com

- **Samuel Howard Rudman**
  srudman@rgrdlaw.com,e_file_ny@rgrdlaw.com,mblasy@rgrdlaw.com,e_file_sd@rgrdlaw.com
- **Stuart Michael Sarnoff**
  ssarnoff@omm.com
- **William E. Schurmann**
  wschurmann@wc.com
- **Trig Randall Smith**
  trigs@rgrdlaw.com,e_file_sd@rgrdlaw.com,nhorstman@rgrdlaw.com
- **Jennifer Lynn Spaziano**
  jen.spaziano@skadden.com
- **Richard Mark Strassberg**
  rstrassberg@goodwinprocter.com,nymanagingclerk@goodwinprocter.com
- **Mitchell M.Z. Twersky**
  mtwersky@aftlaw.com
- **John K. Villa**
  jvilla@wc.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

Daniel E. Hill
Kendall Law Group, LLP
3232 McKinney Avenue
Suite 700
Dallas, TX 75204

Catherine J. Kowalewski
Robbins Geller Rudman & Dowd LLP (San Diego)
655 West Broadway
Suite 1900
San Diego, CA 92101

Jamie J. McKey
Kendall Law Group, LLP
3232 McKinney Avenue
Suite 700
Dallas, TX 75204

David C. Walton
Robbins Geller Rudman & Dowd LLP (SANDIEGO)
655 West Broadway
Suite 1900
San Diego, CA 92101

Regan Karstrand

From: NYSD_ECF_Pool@nysd.uscourts.gov
Sent: Tuesday, December 30, 2014 1:27 PM
To: CourtMail@nysd.uscourts.gov
Subject: Activity in Case 1:10-cv-03864-AKH Jones et al v. Pfizer, Inc. et al Reply to Response 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 Forge, Jason on 12/30/2014 at 1:26 PM EST and filed on 12/30/2014
Case Name: Jones et al v. Pfizer, Inc. et al
Case Number: 1:10-cv-03864-AKH
Filer: Mary K. Jones
Stichting Philips Pensioenfonds
Document Number: 419

Docket Text:
REPLY to Response to Motion re: [350] MOTION in Limine *to Admit Deposition Testimony of Mary Holloway and for Adverse-Inference Instruction*. . Document filed by Mary K. Jones(Individually), Stichting Philips Pensioenfonds. (Forge, Jason)

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, efilingnotice@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=12/30/2014] [FileNumber=14061368
-0] [97ba7636887098c5e8dcc51472db5f206c4925f9f5a8b9c06b7372543670eafd8
3261701183cd99cc02425748eda76c41bf7dc1eca857d133ccd0f1e2a0a3648]]