

LAW OFFICES  
**WILLIAMS & CONNOLLY LLP**

725 TWELFTH STREET, N.W.  
WASHINGTON, D. C. 20005-5901  
(202) 434-5000  
FAX (202) 434-5029

EDWARD BENNETT WILLIAMS (1920-1988)  
PAUL R. CONNOLLY (1922-1978)

JOSEPH PETROSINELLI  
(202) 434-5547  
jpetrosinelli@wc.com

January 9, 2015

**VIA ECF**

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

**Re: Jones v. Pfizer et al., 10-Civ-03864-AKH (S.D.N.Y.)**

Dear Judge Hellerstein:

For your reference, please find attached a copy of the transcript of the January 6, 2015 Status Conference, cited in the joint letter filed by the parties today.

Respectfully,

  
Joseph G. Petrosinelli  
WILLIAMS & CONNOLLY

cc: Counsel of Record (via ECF)

**In The Matter Of:**  
*MARY K. JONES, v.*  
*PFIZER, INC., ET AL.,*

---

*January 6, 2015*

---

*Southern District Court Reporters*

Original File F165jonf.txt

**Min-U-Script® with Word Index**

F165jon1 Page 1

1 UNITED STATES DISTRICT COURT  
 2 SOUTHERN DISTRICT OF NEW YORK  
 3 -----x  
 4 MARY K. JONES, Individually  
 5 and on behalf of All Others  
 6 similarly situated,  
 7  
 8 Plaintiff,  
 9  
 10 v. 10 Civ. 3864 (AKH)  
 11 PFIZER, INC., ET AL.,  
 12  
 13 Defendants.  
 14 -----x  
 15  
 16 New York, N.Y.  
 17 January 6, 2015  
 18 2:30 p.m.  
 19  
 20 Before:  
 21  
 22 HON. ALVIN K. HELLERSTEIN,  
 23  
 24 District Judge  
 25

F165jon1 Page 3

1 THE COURT: I am going to ask everyone, before he or  
 2 she speaks, to state your name for my benefit and for the court  
 3 reporter.  
 4 This is the final pretrial conference in Jones v.  
 5 Pfizer, 10 Civ. 3864. I would like to start by going down the  
 6 pretrial order and then follow that by the motions in limine,  
 7 and then we will get to other things as we go along.  
 8 This is a jury trial and the first issue that arises  
 9 in reading the pretrial order is the length that should be  
 10 proposed for trial. Plaintiff believes that it will take 60  
 11 hours for the plaintiff to put on its case and suggests that  
 12 each side have 60 hours of time in a timed trial. The  
 13 defendants believe that time should be allocated at 22 and a  
 14 half hours per side.  
 15 The time of a trial is a function of witnesses and a  
 16 function of exhibits, so let's go down the list of potential  
 17 witnesses. Where do I find that?  
 18 Who will speak? Mr. Dowd?  
 19 MR. DOWD: Yes, your Honor.  
 20 THE COURT: You are speaking for the plaintiffs?  
 21 MR. DOWD: Yes, on that issue.  
 22 THE COURT: Where do I find it?  
 23 MR. DOWD: The witness list should be attached to the  
 24 JPTL, Exhibit B-2, your Honor.  
 25 THE COURT: I have it.

F165jon1 Page 2

1 APPEARANCES  
 2 ROBBINS GELLER  
 3 Attorneys for Plaintiffs  
 4 BY: MICHAEL DOWD  
 5 HENRY ROSEN  
 6 TRIG SMITH  
 7 JASON FORGE  
 8 WILLOW RADCLIFFE  
 9 RYAN LLORENS  
 10 IVY NGO  
 11  
 12 WILLIAMS & CONNOLLY  
 13 Attorneys for Defendant Pfizer  
 14 BY: STEVEN FARINA  
 15 JOSEPH PETROSINELLI  
 16 AMANDA MACDONALD  
 17  
 18 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP  
 19 Attorneys for Defendant Levin  
 20 BY: JAY B. KASNER  
 21  
 22 GOODWIN PROCTER  
 23 Attorneys for Defendant D'Amelio  
 24 BY: RICHARD STRASSBERG  
 25 DAN ROESER  
 26  
 27 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP  
 28 Attorneys for Defendant McKinnell  
 29 BY: SCOTT MUSOFF  
 30 JEN SPAZIANO  
 31  
 32 DAVIS, POLK & WARDWELL  
 33 Attorneys for Defendant Kindler  
 34 BY: JAMES P. ROUHANDEH  
 35 CHARLES S. DUGGAN  
 36 SIDNEY BASHAGO  
 37  
 38 O'MELVENY & MYERS, LLP  
 39 Attorneys for Defendant Waxman  
 40 BY: HOWARD HEISS  
 41 ROSS GALIN  
 42  
 43 QUINN EMANUEL, LLP  
 44 Attorneys for Defendant Read  
 45 BY: SHEILA BIRNBAUM  
 46 MICHAEL CARLINSKY

F165jon1 Page 4

1 So you have 44 live witnesses?  
 2 MR. DOWD: Yes, your Honor.  
 3 THE COURT: And 11 by deposition. What are the  
 4 chances, you think, that I will allow 44 witnesses?  
 5 MR. DOWD: I think it is pretty slim, your Honor, and  
 6 I would tell you this: I am going to send the defendants,  
 7 tonight, the names of 10 witnesses that we are not going to  
 8 call that will come right off that list.  
 9 THE COURT: What are the chances that you think that  
 10 you will have 34 witnesses in my courtroom?  
 11 MR. DOWD: It depends on some of the other issues.  
 12 They have this big advice of counsel defense, your Honor. If  
 13 the Court rules in our favor on that you have four more  
 14 witnesses go off the list. That will leave, really, the six  
 15 defendants, two of the plaintiffs who should be very short.  
 16 There are eight experts right now for us and there are 13  
 17 current and former Pfizer employees.  
 18 THE COURT: And with respect to the 11 witnesses by  
 19 deposition, why can't they testify?  
 20 MR. DOWD: Your Honor, we don't control them. Most of  
 21 them are former Pfizer employees who live outside the  
 22 jurisdiction.  
 23 THE COURT: Do they live within 100 miles?  
 24 MR. DOWD: They don't, your Honor.  
 25 THE COURT: Are they employees of the defendant?

F165jon1 Page 5

1 MR. DOWD: Former employees of the defendant. There  
 2 is one that we think does business in New Jersey who we have  
 3 served with a subpoena recently, and I assume they are going to  
 4 want to contest it.

5 THE COURT: So, they prefer that these people testify  
 6 by deposition?

7 MR. DOWD: I assume that is what the defendants want.

8 THE COURT: Where is the defendants' list?

9 MR. PETROSINELLI: Your Honor, Joseph Petrosinelli for  
 10 Pfizer.  
 11 It is Exhibit C-2 of the pretrial order.

12 THE COURT: Some of the people are the same, aren't  
 13 they?

14 MR. PETROSINELLI: I was going to say, your Honor,  
 15 most of the people on our list are duplicates from the  
 16 plaintiff's list; for example, the defendants and current and  
 17 some even former employees of Pfizer. I think the big  
 18 difference, your Honor, is if you look back at Exhibit B-2, the  
 19 plaintiff's list, about half of the witnesses who are not on  
 20 our list are what I would call drug marketing witnesses, in  
 21 other words -- and we have motions in limine on this, but the  
 22 big difference in the list as I look at them is the plaintiffs  
 23 have about 20 to 25 witnesses on their list who are subject to  
 24 our motions in limine but would relate not to security  
 25 disclosures but drug marketing. That's, I think, the

F165jon1 Page 6

1 difference, your Honor.

2 THE COURT: Well, I think I will defer the issue of  
 3 timed trial and depending upon the order I sign, if I have too  
 4 many people commenting on the same thing, I will hurry both  
 5 sides along and I think we will finish this in two to three  
 6 weeks without having to assign arbitrary limits. If things  
 7 don't go that way we will figure out another way.

8 You know, the real problem is not the Court. I am  
 9 paid the same whether I have another trial or this trial. It  
 10 doesn't really make any difference but many jurors are paid two  
 11 weeks. After that, they're not paid. If they work for a  
 12 hospital they get two weeks' pay. I think from both sides'  
 13 perspective a juror who doesn't want to be there after two  
 14 weeks is not a good juror to have and that's why the trial  
 15 should be limited to two weeks and everyone should try as hard  
 16 as possible to get this done within the capacity of two weeks.  
 17 And I will try to move the case in that fashion as best I know  
 18 how. And, I generally do know how.

19 You should know that I am starting a trial Monday that  
 20 I believe will finish within two weeks. It is an ugly case  
 21 involving gender discrimination and hostile work environment  
 22 but it will start Monday and I think finish. So, you are the  
 23 next case and I think you will go on January 26.

24 Let's talk about the size of the jury. In every civil  
 25 case I have had I have had an eight person jury. I know that

F165jon1 Page 7

1 the plaintiffs wants nine and the defendants want 12, but I  
 2 really see no reason to deviate from eight. It is a unanimous  
 3 jury so it doesn't make a difference if it is eight or nine or  
 4 12. Nobody is going to want to retry this case so why have 12  
 5 and add chances for a mistrial. I think it is sensible to stay  
 6 with eight which means there are no alternates. And, any jury  
 7 between six and 12 is competent. So, even if we lose a juror  
 8 or two we will still have enough. So, unless I hear an  
 9 argument to the contrary we will have a six-person jury.

10 MR. DOWD: That's fine with the plaintiffs, your  
 11 Honor.

12 THE COURT: Okay.

13 MR. PETROSINELLI: Your Honor, Joseph Petrosinelli for  
 14 Pfizer.

15 THE COURT: Yes.

16 MR. PETROSINELLI: I think we proposed 12, I guess for  
 17 the very reason your Honor suggests.

18 THE COURT: You want a mistrial?

19 MR. PETROSINELLI: No. Not at all. We don't want to  
 20 have a mistrial because we don't have enough jurors. No one  
 21 wants to try this case again.

22 THE COURT: You don't have to. We will get this done  
 23 speedily, efficiently, and with eight jurors.

24 MR. PETROSINELLI: Thank you, your Honor.

25 THE COURT: Okay. So, in a civil case each of you has

F165jon1 Page 8

1 three peremptories. Defendants want more because they say  
 2 there are more defendants but you are all united in interest.  
 3 I don't see any reason there shouldn't be three for a side.

4 MR. PETROSINELLI: Your Honor, may I be heard on that?

5 THE COURT: Yes. That's why I say these outlandish  
 6 things, so I can get responses to them.

7 MR. PETROSINELLI: Some of the individual defendants  
 8 may want to be heard on that too.

9 Actually, given the plaintiffs' arguments in the case,  
 10 given their theories, they have different defendants charged  
 11 with liability for different statements and if we cited Judge  
 12 Haight's opinion -- and I know it has been cited by a number of  
 13 courts or a number of judges in this court -- which is that if  
 14 the plaintiffs' theory is such that there are some defendants  
 15 who could be found liable and some who couldn't, that is, the  
 16 plaintiffs could argue for a split verdict if they have to, and  
 17 here you have defendants who of the six individual defendants,  
 18 some of whom weren't even at the company when certain  
 19 statements were made, some of them are accountants, some of  
 20 them are lawyers and the theories are different.

21 So, we think that given -- and we sort of agree with  
 22 Judge Haight's reasoning, that because the theories are  
 23 different and because the plaintiffs will be able to argue for  
 24 different verdicts and of liability or not liability depending  
 25 on how the evidence comes in that we haven't asked, obviously,

F165jon1 Page 9

1 for 12 extra peremptories but --

2 THE COURT: You're the main defendant, right?

3 MR. PETROSINELLI: Yes, your Honor. We are the

4 corporate defendant.

5 THE COURT: And you will be certainly be taking up the

6 interest of your directors and officers. I can't see any

7 split. Some may be in, some may be out. Some may be getting

8 out before the case begins. Particularly I have in mind the

9 people who were no longer there when the alleged wrongs took

10 place. I am not ready on those motions. I know that many of

11 you have had an intense interest to argue this before we began.

12 I just could not accommodate you. There is very few things I

13 wouldn't do when Sheila Birnbaum asks me to do something but

14 this time I didn't.

15 MR. PETROSINELLI: There are very few things I

16 wouldn't do for Sheila.

17 THE COURT: Yes, but you are on the same side.

18 MR. PETROSINELLI: Judge, of the six there are only

19 two --

20 THE COURT: You know, Mr. Dowd, that Ms. Birnbaum was

21 a special master in the 9/11 cases and worked closely with me

22 to settle those cases and, like many other members of the bar

23 we are good friends, but I can tell you that it will not affect

24 my judgments in this case.

25 MR. DOWD: That's fine, your Honor. That is

F165jon1 Page 10

1 absolutely fine with the plaintiffs. We understand.

2 THE COURT: I just wanted you to know that.

3 MR. PETROSINELLI: Your Honor, I was going to say, so

4 of the six named defendants there are only two current

5 executives. There are four former executives.

6 THE COURT: Well, I have got to parse that out and I

7 am not yet ready, but I will.

8 MR. PETROSINELLI: Okay. Thank you, your Honor.

9 THE COURT: And soon, but I don't really see the need

10 for additional peremptories.

11 Who represents the accountants?

12 MR. DOWD: The accountants aren't defendants, your

13 Honor.

14 THE COURT: They're not?

15 MR. DOWD: I think what Mr. Petrosinelli meant is that

16 some of the individual defendants were CFOs and the other guys

17 were lawyers but they're all Pfizer guys.

18 THE COURT: So what is the difference going to be,

19 Mr. Petrosinelli?

20 MR. PETROSINELLI: The difference, your Honor, for

21 example they have a theory as to the reserves, the FASB-V

22 accounting reserves weren't properly set. That directly

23 implicates the CFOs.

24 THE COURT: It affects the president also. It affects

25 all the directors.

F165jon1 Page 11

1 MR. PETROSINELLI: But they're not -- the directors

2 aren't defendants here. These are different executives. For

3 example, general counsel is a defendant. He has nothing to do.

4 THE COURT: Getting for --

5 MR. DOWD: Yes, your Honor, I don't think it is right.

6 First of all, they cite Judge Haight's opinion, they leave out

7 the paragraph where he says you get --

8 THE COURT: What was inconvenient to them.

9 MR. DOWD: Exactly. Because it says you get

10 additional peremptory challenges the defendants have

11 cross-claims and things like that. These guys were represented

12 by the same law firm --

13 THE COURT: It is discretionary.

14 MR. DOWD: -- for four and a half years.

15 THE COURT: It is discretionary.

16 MR. DOWD: I understand that, your Honor.

17 I also think that they're represented by the same law

18 firms and now suddenly they have different interests like

19 they're going to find out something about a particular juror

20 with respect to the CFO that is not going to equally apply to

21 the CEO who is liable for the same statement? It just doesn't

22 make sense. I will take four, too, if they want. I have a

23 million clients.

24 THE COURT: I think the best argument for giving them

25 an extra is that it is hard for -- how many lawyers are there

F165jon1 Page 12

1 going to be, six lawyers on the defense? It is hard for six

2 lawyers to work together, so I think we will give them four;

3 you take three.

4 MR. DOWD: Your Honor, I accept that but it is going

5 to be just as big an argument between the three of us.

6 THE COURT: Still, you are getting three.

7 I have forgotten what is characteristic of the way we

8 do peremptories in my court. I learned this from Jerry Lynch

9 when he was a District Judge and now he that he is on the Court

10 of Appeals I feel safer in applying it.

11 So, I conduct voir dire by asking questions of the

12 jurors. I don't know if anybody has asked for any special

13 interrogatories. I haven't really gone over the voir dire yet

14 but I ask all the questions. Challenges come as a

15 challengeable question or an answer arises and if the juror is

16 challenged or can't sit, someone is brought from the array to

17 fill in the juror's place and the questioning goes on.

18 I will sit enough jurors so that we have eight plus

19 seven peremptories, that makes 15 will be seated. There will

20 be a larger array and where the array is will be decided by my

21 deputy and the jury clerk.

22 People will come to fill in. I think I will ask for

23 50 people because if they hear that trial will take more than

24 two weeks, I fear there will be a fair number who will find a

25 reason why they would be some place else. But, that should be

F165jon1 Page 13

1 sufficient.

2 Then we go on, they get a series of 10 questions that

3 are left at their seat. The questions ask them to tell us

4 about who lives with them, where they live, generally, and what

5 county; if they've been born in the United States or they're

6 naturalized; what work they did; what work their spouses did;

7 work done by any adult in their residence; what books they

8 read; TV stations they watch; what internet channels they like

9 to look at; what newspapers they read; what magazines they

10 read. And at the end of that each of you takes out a pad and

11 marks down the juror numbers that are being excused. You have

12 10 minutes to do that so the plaintiff will mark off up to

13 three peremptories, defendants will mark off as a group up to

14 four. If you coincide in your choices or if you don't exercise

15 all your peremptories, I will excuse from the back of those two

16 sitting forward so that we have eight people sitting. That will

17 take 10 minutes a side and then we will be ready to go ahead

18 with openings.

19 So, I expect that it will take about two to three

20 hours to pick a jury and then we will start immediately with

21 the openings. There will be one opening to a side. Openings

22 are not closings. If I think that there is overstepping I will

23 stop the attorney. What I mean by an opening is that you will

24 present the context of your case so the jury will understand

25 how the witnesses that you expect to call will fit into the

F165jon1 Page 14

1 case. I will get a prepared statement hopefully from the both

2 of you combined of what this case is all about.

3 The pleadings will not go to the jury. They will have

4 nothing at all except your words to teach, to guide them. But,

5 when I charge them at the beginning of the case I will tell

6 them what the case is about and I would like to read the

7 statement that you both prepare.

8 So, Mr. Dowd, you will take the lead and pass it to

9 Mr. Petrosinelli and he will involve whoever on his team should

10 be involved and we will come up with a joint statement? If you

11 don't come up with a joint statement I will prepare my own.

12 MR. DOWD: Yes, your Honor.

13 THE COURT: Work out a timing, get it to me a day or

14 so before.

15 I need to tell the jury who will be the witnesses so

16 that is going to be a real challenge because you are going to

17 have to pare down your lists to those you really will call. I

18 know that there is a tendency to have a lot more people listed

19 than what will actually be used. You are all experienced trial

20 lawyers and know that if you want to persuade a jury you have

21 to do it with as few people as possible, you just can't lead

22 the people on. And you want to both be persuasive so you will

23 pare down your lists and then I will tell the jury, in

24 alphabetical order, I don't care who calls who, who will be the

25 people, what are the objects and so on, and see if anyone has

F165jon1 Page 15

1 any familiarity with those so that it can be considered whether

2 or not they should be recused or not.

3 Are there any witnesses that need interpreters?

4 MR. DOWD: No, your Honor.

5 MR. PETROSINELLI: Not that I know of, your Honor.

6 THE COURT: How will you do exhibits? Computer?

7 Chart? Computer pictorial representation? Slides? Or what?

8 MR. DOWD: Yes, your Honor. We will do it with --

9 probably hopefully there is a drop-down screen.

10 THE COURT: There is no drop-down screen, we put up a

11 screen.

12 MR. DOWD: The TV screens, we will probably show them

13 on there and we have individual monitors for the jury, the

14 Court will have them, counsel will have them. Obviously, we

15 all know what everybody's exhibits are. We actually have

16 our -- my technical guy Michael Torres is here today so he

17 would like to take a couple minutes after the hearing, if he

18 could, to look around and he will talk to defendant's technical

19 person so we can bring in one set of equipment.

20 THE COURT: Can we possibly use one set of technical

21 people for both sides?

22 MR. DOWD: We use in-house people, your Honor, so I

23 would rather use my guy to -- he has been with me before on

24 these but they have consistently in the past, even if

25 defendants use an outside vendor they always seem to get along

F165jon1 Page 16

1 all right.

2 THE COURT: Can I do this? If defendants are

3 cross-examining and they want to use your exhibits, can they

4 use your technical person to put up whatever they want?

5 MR. DOWD: Yes. They could. Usually I think what we

6 do is we just flip a switch and then their guy is controlling

7 what goes up on the screen and then they flip a switch and we

8 control what goes up when questioning witnesses and I have

9 never had a problem with it.

10 THE COURT: Mr. Petrosinelli, does that work?

11 MR. PETROSINELLI: That sounds right to me, your

12 Honor. The last trial I did a couple months ago they had a

13 switch and they flipped it.

14 THE COURT: So, the technical people should get

15 together and work together.

16 MR. DOWD: They will, your Honor.

17 THE COURT: And clear it with Brigitte Jones who will

18 get you -- I think you both should have your technical people

19 make a trial run. I have a trial going so you will have to

20 find when the courtroom is available for them, but see that it

21 works.

22 MR. DOWD: And we should contact Ms. Jones?

23 THE COURT: Yes.

24 MR. DOWD: Yes, your Honor.

25 THE COURT: There are various objections to various of

F165jon1 Page 17

1 the witnesses. Shall I rule on them now?  
 2 Why don't I ask Mr. Petrosinelli to state the  
 3 objections to plaintiff's witnesses.  
 4 MR. PETROSINELLI: Your Honor, are you going to -- you  
 5 mentioned earlier today that you were going to hear arguments  
 6 on motions in limine.  
 7 THE COURT: Right.  
 8 MR. PETROSINELLI: Because I think most of, if not  
 9 all --  
 10 THE COURT: You would rather do that first?  
 11 MR. PETROSINELLI: Most, if not all of our objections,  
 12 are based on motions in limine. So, when you get to that  
 13 motion maybe we can point that out to you?  
 14 THE COURT: What about exhibits? Same thing?  
 15 MR. PETROSINELLI: Largely the same thing, your Honor.  
 16 THE COURT: The case will be tried Monday through  
 17 Thursday. We start at 10:00. I have a mid-morning break. We  
 18 will break close to 1:00, an hour and a quarter for lunch, and  
 19 we will try to get through an afternoon until about 5:00  
 20 without a break unless somebody needs a break. That gives us  
 21 about two and a half hours a session, a five-hour trial day. I  
 22 generally do not give side bars by request, only if I want one.  
 23 So, there will be a few side bars. You can ask for it but  
 24 chances are you won't get it. Let me know what problems are  
 25 going to come up so I can rule on them before and make it

F165jon1 Page 18

1 easier for you and for me and for the jury.  
 2 My job, as I see it, is to make sure the jurors get a  
 3 full trial day. I like to try the case in a way that makes it  
 4 interesting to the jury. I also like, as much as possible, to  
 5 let you do the case. I will make the rulings but if I feel  
 6 that there is some more information that a jury needs to  
 7 understand the case, I will intervene.  
 8 Objections are one word: Objection. There will be no  
 9 speaking objections. If I want an explanation I will ask for  
 10 it at a side bar. Generally at a side bar. So, just stand up  
 11 and state "objection" and I will generally know what you have  
 12 in mind.  
 13 I think from the defendant's perspective we should  
 14 have Mr. Petrosinelli, if he is going to be the lead counsel,  
 15 state an objection that will be good for every defendant. Each  
 16 of the defendants do not and should not stand up and say I also  
 17 object. I think that should work for most situations.  
 18 Is that satisfactory?  
 19 MR. DOWD: That's fine, your Honor.  
 20 THE COURT: Will it work okay, Mr. Petrosinelli?  
 21 MR. PETROSINELLI: The only thing I can think of, and  
 22 others can jump in here, is one problem is there are some  
 23 things as to which the company doesn't object to, for example  
 24 on relevance grounds or something, but an individual who has  
 25 been gone from the company at the time that they're talking

F165jon1 Page 19

1 about, the evidence, might have an objection that the company  
 2 wouldn't have. That's the only thing I can think of. And  
 3 whether they're admissions of the company or hearsay as to --  
 4 THE COURT: Will you plan to rotate the lead for  
 5 objections? One way of doing that is to give the person, the  
 6 lawyer who represents that person, the lead on objecting for  
 7 everyone.  
 8 MR. PETROSINELLI: I think we would want to talk about  
 9 that amongst ourselves, if that's okay.  
 10 THE COURT: If you can figure out a way of doing this  
 11 efficiently. It is confusing to the jury to have a number of  
 12 people object and most times it is not necessary. I can  
 13 understand why it might be useful in certain situations. Let  
 14 me know if it is and I will accommodate you but I don't think  
 15 it is necessary for most.  
 16 MR. PETROSINELLI: Yes, your Honor. Thank you.  
 17 THE COURT: Before we go on to the motions in limine  
 18 is there anything that anyone would like to know?  
 19 MR. CARLINSKY: Your Honor, Michael Carlinsky for  
 20 defendant Ian Read.  
 21 THE COURT: Yes, Mr. Carlinsky?  
 22 MR. CARLINSKY: Your Honor said that each side would  
 23 have one opening.  
 24 THE COURT: Yes, you are right. What should I do?  
 25 MR. CARLINSKY: What I would ask the Court to do is

F165jon1 Page 20

1 if, whatever individual defendants remain in the case, that the  
 2 lawyers for the individual defendants be given an opportunity  
 3 to present a short -- and I am emphasizing short -- I would say  
 4 no more than 15 minutes. Your Honor may say --  
 5 THE COURT: I am not going to do it on time,  
 6 Mr. Carlinsky. I think your point is well put. I think each  
 7 personal defendant should have the opportunity to address the  
 8 jury, identify the client, and what is particular about the  
 9 client.  
 10 MR. CARLINSKY: Thank you.  
 11 THE COURT: Okay? I am not having time limits. I am  
 12 going to depend on your own good senses to do this but I will  
 13 be free to jump in if I feel like you are abusing the  
 14 privilege.  
 15 Let's do the motions in limine.  
 16 MR. FARINA: Your Honor, the first in limine motion is  
 17 a Daubert motion directed to the plaintiff's causation and  
 18 expert Steve Feinstein. It is also a case dispositive motion,  
 19 as the plaintiffs have acknowledged. I don't know whether your  
 20 Honor is going to take up the case dispositive motions today.  
 21 THE COURT: No.  
 22 MR. FARINA: I am happy to argue it now.  
 23 THE COURT: I am not prepared.  
 24 MR. FARINA: Okay.  
 25 THE COURT: Let me find your motion.

F165jon1 Page 21

1 MR. FARINA: Your Honor, we would be prepared to argue  
2 that motion today along with the other in limine motions. It  
3 is, however, a case dispositive motion, if you would prefer to  
4 take that up with the summary judgment motions.  
5 THE COURT: I'm not coming into this as prepared as I  
6 usually am so I can't answer the question.  
7 MR. FARINA: Your Honor, we are happy to --  
8 THE COURT: I will hear you when I am more prepared.  
9 MR. FARINA: Sure.  
10 THE COURT: I am looking upon most of these  
11 evidentiary issues but try me out, see what happens. Let me  
12 just find this first.  
13 MR. FARINA: Sure.  
14 THE COURT: Tell me what you want to do.  
15 MR. FARINA: Your Honor, it is the motion to exclude  
16 Professor Steven Feinstein. It is a dispositive motion and  
17 also an in limine and Daubert motion. The reason why it is a  
18 dispositive motion is, as a number of Courts have held in this  
19 circuit, absent a damages and causation expert in a securities  
20 case, the case cannot go forward. We think there are fatal  
21 flaws -- your Honor, it is docket no. 250.  
22 THE COURT: Why don't you start and I will get it.  
23 MR. FARINA: Sure.  
24 Your Honor, this motion does go to the guts of the  
25 case and I know there has been some substantial briefing on it.

F165jon1 Page 22

1 I am happy to start today, I am happy to go today.  
2 THE COURT: Go as far as you can.  
3 MR. FARINA: Okay. Your Honor, I do have a single  
4 demonstrative that I would like to hand up, if I could.  
5 THE COURT: Sure.  
6 MR. FARINA: Your Honor, I will explain what this is  
7 in just a moment.  
8 THE COURT: Go ahead.  
9 MR. FARINA: Your Honor, this motion is based on  
10 substantially the same grounds as were invoked by Judge Swain  
11 in the Pfizer securities case that she was handling until last  
12 year when she rejected the plaintiff's experts opinion and  
13 dismissed that securities case. It is almost identical to a  
14 motion that was granted in the Court handling the BP securities  
15 case where that expert's opinion suffered from the same  
16 essential flaw. It is a flaw that is made evident by the  
17 Supreme Court's decision in the Comcast case which was decided  
18 in 2013.  
19 The fundamental problem with the expert's opinion is  
20 that it cannot be squared with the plaintiff's own allegations.  
21 So, this isn't just an issue for cross-examination. This isn't  
22 just an issue where I can prove that the expert is wrong. The  
23 fundamental problem is that the expert's opinion cannot be  
24 reconciled with the plaintiff's own allegations and, therefore,  
25 it is not something that would be useful to the jury. It is

F165jon1 Page 23

1 not something that passes muster under Daubert. That is what  
2 Judge Swain said in the Pfizer securities case, that is what  
3 the Court handling the BP case -- and that was in the context  
4 of class certification with the same fundamental problem.  
5 So, what is that fundamental problem? That  
6 fundamental problem is that the expert has opined that the  
7 amount of inflation caused by the alleged fraud was constant  
8 throughout the entire class period. Even though this is a  
9 three-year class period where the plaintiffs themselves, the  
10 plaintiffs' allegations are that the company and the  
11 individuals made almost four dozen misstatements across the  
12 entire class period that allegedly inflated the price of the  
13 stock. Those are the plaintiffs' allegations. The plaintiffs  
14 also argue that there were material omissions during this  
15 three-year class period.  
16 THE COURT: Where do I find Steven Feinstein's  
17 affidavit or report?  
18 MR. FARINA: We have it as an exhibit to our motion,  
19 your Honor.  
20 THE COURT: Exhibit what?  
21 MR. FARINA: It would be Exhibit --  
22 THE COURT: Declaration of Amanda MacDonald.  
23 MR. FARINA: Yes, it is Exhibit A to the declaration  
24 of Ms. MacDonald is the report.  
25 THE COURT: That's attachment no. 1?

F165jon1 Page 24

1 MR. FARINA: Yes.  
2 Now, what you will find in Professor Feinstein's  
3 report is very little about this issue because that is one of  
4 the problems with his opinion, he doesn't offer any analysis or  
5 explanation why he has used what is called a constant inflation  
6 ribbon.  
7 THE COURT: Exhibit 1 is a deposition transcript; is  
8 that right?  
9 MR. FARINA: No, your Honor. Exhibit A to the Mac  
10 Donald --  
11 THE COURT: Attachment 1.  
12 MR. FARINA: It is docket 251.  
13 THE COURT: I have that.  
14 MR. FARINA: And should be Exhibit A.  
15 THE COURT: Exhibit what?  
16 MR. FARINA: Exhibit A, your Honor.  
17 THE COURT: I had that and it is a deposition  
18 transcript. Attachment no. 1.  
19 MR. FARINA: I have another copy, your Honor, if you  
20 would like me to hand it up.  
21 THE COURT: Okay. Got it.  
22 MR. FARINA: Your Honor, if you can take a moment and  
23 look at the demonstrative I handed up? This is the point.  
24 What Feinstein has done is he has said the stock dropped a  
25 certain amount on the day of the corrective disclosure that is

F165jon1 Page 25

1 January 2009, so he says that is the amount of inflation that  
 2 was in the stock caused by the material omissions, the alleged  
 3 omissions and alleged misstatements that the plaintiffs are  
 4 arguing. And the plaintiffs are arguing that the defendants  
 5 made a total of 43 misstatements throughout the class period.  
 6 So, if you look at this demonstrative, all of those Xs  
 7 during this entire three-year period are the alleged  
 8 misstatements that the plaintiffs say inflated the price of  
 9 Pfizer stock. That's their claim, that throughout this entire  
 10 three-year period, over and over and over again starting on day  
 11 one but continuing through the class period, that there were  
 12 affirmative misstatements that inflated the value of the stock.  
 13 The problem with Professor Feinstein's opinion, the  
 14 fundamental problem that caused the experts in these other  
 15 cases to be rejected, is that Feinstein says that the shares  
 16 were inflated by the exact same amount on every single day  
 17 during the class period. So, after the 43rd alleged  
 18 misstatement Professor Feinstein says that the inflation was  
 19 \$1.26. After the first alleged misstatement he says that the  
 20 inflation was the same amount.  
 21 So, even though there are alleged misstatements that  
 22 continue throughout the class period, Professor Feinstein says  
 23 it doesn't cause the inflation to go up or down.  
 24 Now, that is a huge problem in a case like --  
 25 THE COURT: You are not quarreling with his

F165jon1 Page 26

1 credentials, are you?  
 2 MR. FARINA: His credentials are not the issue, your  
 3 Honor, it is his work product, assumptions, actual opinions.  
 4 THE COURT: You don't like his report.  
 5 MR. FARINA: His report has a single paragraph -- a  
 6 single paragraph -- saying that he has a constant inflation  
 7 ribbon.  
 8 THE COURT: Single paragraph saying what?  
 9 MR. FARINA: That there is a constant inflation  
 10 ribbon.  
 11 THE COURT: What paragraph is that?  
 12 MR. FARINA: 259, your Honor.  
 13 THE COURT: So you don't think he knows what he is  
 14 saying.  
 15 MR. FARINA: What he is saying doesn't square with  
 16 what the plaintiffs are alleging.  
 17 THE COURT: So you will bring that out in  
 18 cross-examination.  
 19 MR. FARINA: Your Honor, this is exactly the problem  
 20 that Judge Swain said couldn't go to a jury.  
 21 THE COURT: Why not?  
 22 MR. FARINA: Because --  
 23 THE COURT: That's what juries do.  
 24 MR. FARINA: Well, your Honor, in order to past muster  
 25 under Daubert, in order for it to be admissible testimony for

F165jon1 Page 27

1 the jury it has to be based upon a reliable foundation, and  
 2 under the Supreme Court's Comcast decision --  
 3 THE COURT: I'm not going to arrogate myself to the  
 4 jury. I am a gate keeper. The man has credentials, he is  
 5 learned in his profession, he is making various kinds of  
 6 conclusions with various kind of data and he says what he wants  
 7 to say. He may be wrong but you are a skillful cross-examiner.  
 8 MR. FARINA: Your Honor, he is not offering an opinion  
 9 to the jury which is have the jury do what it needs to do,  
 10 which the jury will have to decide whether or not there was  
 11 inflation in the price of the stock. The jury in Household and  
 12 in Vivendi --  
 13 THE COURT: Is that what he says? He says the  
 14 inflation was constant and he gives a reason why it was  
 15 constant. You may not like the reason but it is his reason.  
 16 MR. FARINA: Your Honor, there is no analysis at all  
 17 and he acknowledged in his deposition that there is no analysis  
 18 to support it.  
 19 Here is the problem, your Honor: The damages that he  
 20 calculates are based on the settlement of four government  
 21 investigations. Three of the four government investigations  
 22 didn't start until halfway or two thirds through the class  
 23 period. It is fund fundamentally inconsistent with the  
 24 plaintiff's case, your Honor. How could it possibly be that  
 25 the shares were inflated as a result of a failure to disclose

F165jon1 Page 28

1 an investigation that hadn't happened yet.  
 2 The Comcast decision by the U.S. Supreme Court, your  
 3 Honor, says that the expert's theory, in order for it to have  
 4 any value to the jury, at least has to be reconcilable with the  
 5 plaintiff's allegations. That is the fundamental problem here.  
 6 It is not that he is wrong. He is clearly wrong. If he were  
 7 just wrong then that would be for the jury. But, it is  
 8 fundamentally inconsistent with the plaintiff's allegations.  
 9 It is fundamentally inconsistent with the facts.  
 10 The shares could not have been inflated for --  
 11 THE COURT: Which allegation is it inconsistent with?  
 12 MR. FARINA: Your Honor, there are 43 allegations that  
 13 are marked off on this schedule. These are misstatements that  
 14 they're claiming are material misstatements that inflated the  
 15 price of the stock.  
 16 THE COURT: So I have the complaint and what should I  
 17 look at that is inconsistent?  
 18 MR. FARINA: Your Honor, there is an attachment, and  
 19 they did this with their opposition to summary judgment, if I  
 20 can approach I can hand it to your Honor? This is attachment  
 21 Exhibit B, and these are the alleged false and misleading  
 22 statements during the class period, it is 37 pages long, it has  
 23 43 different alleged misstatements. Those are misstatements  
 24 that happen all throughout '06, '07 and '08. How could it  
 25 possibly be that there are damages that there is inflation

F165jon1 Page 29

1 caused by alleged misstatements that hadn't happened yet? It  
 2 is just not possible.

3 THE COURT: Let's see if Mr. Dowd can --

4 MR. KASNER: Excuse me, your Honor. Jay Kasner on  
 5 behalf of Alan Levin from Skadden.

6 Your Honor, I would like to be heard on this issue as  
 7 well.

8 THE COURT: Splendid. Sit down now.

9 Mr. Dowd?

10 MR. DOWD: Yes, your Honor. Mr. Smith is going to  
 11 address it.

12 MR. SMITH: Your Honor, I agree with you.

13 THE COURT: My questions are not statements.

14 MR. SMITH: I understand that but I do tend to agree  
 15 with your suggestions that Mr. Farina has raised a number of  
 16 issues that he cross-examined our expert with. Now his  
 17 complaint --

18 THE COURT: He says that what the expert says is  
 19 inconsistent with what you have alleged. Is it?

20 MR. SMITH: That is flat out false.

21 THE COURT: Tell me why.

22 MR. SMITH: This case is about Pfizer concealing the  
 23 risks associated with that government investigation; the  
 24 investigation into --

25 THE COURT: He is talking about effects.

F165jon1 Page 30

1 MR. SMITH: I'm sorry?

2 THE COURT: He is talking about effects. He says  
 3 let's say there is a misstatement. What is the consequence?  
 4 He has your expert saying the consequences are even and  
 5 constant.

6 MR. SMITH: Right. Well, as my expert explained, the  
 7 assumption underlying his analysis was that those statements  
 8 had the effect of maintaining inflation, not creating  
 9 inflation.

10 Mr. Farina is misstating the expert's opinion.

11 THE COURT: Explain that.

12 MR. SMITH: There is a difference.

13 There is a statement that can cause the stock price to  
 14 increase. Right? And you deal with certain statements that  
 15 are omissions. This is something that nobody knows about,  
 16 they're material omissions. The market doesn't know about the  
 17 admitted fact and because it is an admitted fact the stock  
 18 price does not react up or down until the fraud is disclosed.

19 THE COURT: The trouble with this motion, Mr. Farina,  
 20 is that it requires a lot more knowledge about the case than I  
 21 have. I am not in position to grant it now. Maybe I will  
 22 before Mr. Feinstein testifies. At this point the motion is  
 23 denied.

24 MR. SMITH: Thank you, your Honor.

25 THE COURT: Do you have anything to add, Mr. Kasner?

F165jon1 Page 31

1 MR. KASNER: Yes, your Honor. May I approach the  
 2 lectern for a moment?

3 THE COURT: Stay where you are. Tell me what you want  
 4 to add.

5 MR. KASNER: Your Honor, I represent Alan Levin.

6 THE COURT: Tell me what you add.

7 MR. KASNER: A legal basis for the argument Mr. Farina  
 8 was making.

9 It is undisputed, your Honor, that for causation  
 10 purposes causation is an element of liability, as your Honor  
 11 knows. Under the Circuit decision in *Lentell v. Merrill Lynch*  
 12 and the Supreme Court decision in *Dura Pharmaceuticals*, a  
 13 plaintiff is obliged and Dr. Feinstein was obliged to say,  
 14 okay, I say the stock, over this three-year period, was  
 15 inflated by X. But that's not the end of the analysis, your  
 16 Honor, under the law. The applicable principles say where  
 17 there are other factors at work in inflating the price of the  
 18 stock you, Dr. Feinstein, are obliged to tell me, the jury, or  
 19 me, Judge Hellerstein, what pieces of that inflation relate to  
 20 something --

21 THE COURT: The same ruling, Mr. Kasner.

22 Let's have a rule that I will enforce: If another  
 23 lawyer gets up to state something that the first lawyer did not  
 24 state well enough, I am going to sit him right down.

25 MR. KASNER: I understand, your Honor.

F165jon1 Page 32

1 THE COURT: You are not adding anything because of  
 2 your client's situation, you are adding something because you  
 3 think you can say it better than Farina.

4 The motion is denied. Sit down.

5 What is the next motion?

6 MR. FARINA: Your Honor, just to clarify, am I to  
 7 understand that once we have actually heard the allegations  
 8 that we have leave to reassert the grounds of the motion?  
 9 THE COURT: Yes.

10 MR. FARINA: Thank you, your Honor.

11 THE COURT: As a general rule, on motions in limine I  
 12 can't know enough on a motion in limine, at least for most  
 13 motions in limine to have confidence that I have heard enough  
 14 and thought enough and had enough context to make a binding  
 15 decision. The value of these motions to you is that it  
 16 indicates my thinking.

17 I think you made a good point, Mr. Farina, but I am  
 18 not in a position to grant your motion now and I think,  
 19 ultimately, it is going to be the jury that decides this. Now,  
 20 there is a decision of opinion among judges in terms of the  
 21 role of gatekeeper. Some think that their role has a high gate  
 22 to it. I have been a jury lawyer for a long time, I have  
 23 confidence that juries get it right more so than judges get it  
 24 right. So, I rely mostly on cross-examination and the jury  
 25 decision with regard to experts. If an expert is qualified,

F165jon1 Page 33

1 let him speak. The jury will find the truth.  
 2 Okay. Next?  
 3 MR. DOWD: Your Honor, we heard one of theirs and I  
 4 would ask the Court to hear our motion in limine to exclude  
 5 reliance evidence in argument, it is about their advice of  
 6 counsel defense and Mr. Forge speaks to it.  
 7 THE COURT: Okay. Where would I find it on ECF?  
 8 MR. FORGE: I will get you the document number in one  
 9 minute, your Honor.  
 10 THE COURT: What is it? Do you want the schedule?  
 11 MR. FORGE: Your Honor, the docket number for the  
 12 opening brief is 346.  
 13 THE COURT: What do you want to keep out?  
 14 MR. FORGE: This is evidence regarding reliance on  
 15 others. The opposition is docket no. 400 and the reply brief  
 16 is docket 421.  
 17 THE COURT: Okay. I am listening.  
 18 MR. FORGE: Your Honor, I am not going push the Court  
 19 as you haven't had time to go over these pleadings. I would  
 20 really appreciate the opportunity to come back and later this  
 21 week if your Honor would be available.  
 22 THE COURT: Let's see where we go.  
 23 MR. FORGE: Okay.  
 24 Your Honor, the Court remembers about a year and a  
 25 half ago we went through a full summer of litigating the

F165jon1 Page 34

1 lawyers to whom the plaintiffs were going to have access to  
 2 discovery. And the constant mantra throughout that entire  
 3 summer --  
 4 THE COURT: Can we just get to the point?  
 5 MR. FORGE: They said they're only going to rely on  
 6 Dennis Block and Larry Fox and nobody else. When it came time  
 7 to talk to Dennis Block and Larry Fox they both said,  
 8 unequivocally, that they never advised the defendants regarding  
 9 the substantive information that is in the disclosure and  
 10 admitted from the disclosures that are at issue today the most  
 11 prominent one, the one that is easiest is the defendant's  
 12 constant representation that they believe they had substantial  
 13 defenses to the government investigation.  
 14 That is the easiest one to knock out, your Honor.  
 15 What the defendants did was they downplayed the risk  
 16 of a government investigation.  
 17 THE COURT: Please, don't make a motion in limine,  
 18 what we do to make a motion at the end of the case. I am not  
 19 going to grant them. If they are relying on counsel they have  
 20 to prove it. If they can't prove it, it will be evident later.  
 21 I am not going do it in the way of summary judgment now but  
 22 that is what you are doing, Mr. Forge.  
 23 MR. FORGE: I understand your Honor's take on it.  
 24 THE COURT: This is a big case. I don't have time for  
 25 all this nonsense. These are not motions that can succeed.

F165jon1 Page 35

1 You know that.  
 2 MR. FORGE: Your Honor, I beg your indulgence for a  
 3 couple minutes. I will be brief but I am telling you both  
 4 Dennis Block and Larry Fox, they both said it wasn't us, we  
 5 relied on the other counsel, the very counsel they shielded  
 6 from discovery. The defendants, in their papers, are invoking  
 7 those other counsel.  
 8 THE COURT: They wouldn't let you take depositions?  
 9 MR. FORGE: They wouldn't let us take depositions.  
 10 THE COURT: And now they're relying on them.  
 11 MR. FORGE: And now they are relying on them.  
 12 THE COURT: It is not going to happen but I am not  
 13 making a ruling.  
 14 MR. FORGE: Okay. Thank you, your Honor.  
 15 THE COURT: But, defendants should know that if people  
 16 on whom they rely rely on others and those were shielded, the  
 17 answer is that the witness is not going to be allowed to  
 18 testify.  
 19 MR. FARINA: Your Honor, Dennis Block and Larry Fox  
 20 are going to testify to their disclosure advice based upon  
 21 their training, their knowledge of the securities laws. That  
 22 is going to be the testimony the jury is going to hear.  
 23 THE COURT: That's why you won the motion.  
 24 Next motion.  
 25 (continued on next page)

F164JON2 Page 36

1 THE COURT: Next motion.  
 2 MR. PETROSINELLI: Your Honor, could we be heard on  
 3 motion in limine number 1? It is docket number 342. It is a  
 4 motion to exclude a witness named Jerome Avorn.  
 5 Your Honor, I can be very quick with this motion.  
 6 Dr. Avorn is a medical doctor. His role in the case is  
 7 important -- I took his deposition -- was basically to read the  
 8 company documents and say Pfizer intended to do this, Pfizer  
 9 intended to do that. He did that once before in this court.  
 10 THE COURT: Where do I find his report?  
 11 MR. PETROSINELLI: His report is attached to our  
 12 motion. It is a declaration of Ms. MacDonald, and it is  
 13 Exhibit SS-2.  
 14 THE COURT: To what --  
 15 MR. PETROSINELLI: I'm sorry. It is ECF Number 342.  
 16 THE COURT: Number 342. And that's the memorandum of  
 17 law?  
 18 MR. PETROSINELLI: Yes.  
 19 THE COURT: It is attached to the memorandum of law?  
 20 MR. PETROSINELLI: Yes, your Honor.  
 21 Your Honor, could I hand you up something that's  
 22 excerpts from his report because that's the ones I'm talking  
 23 about?  
 24 THE COURT: Okay. Give me the report.  
 25 MR. PETROSINELLI: Okay, I will do so, your Honor.

F164JON2 Page 37

1 THE COURT: Is it 384?  
 2 MR. PETROSINELLI: I'm not confident of that, your  
 3 Honor. Could I just --  
 4 THE COURT: 384 is a declaration of Amanda MacDonald.  
 5 MR. PETROSINELLI: Yes.  
 6 THE COURT: It is a motion in limine to exclude  
 7 plaintiffs' designated expert Jerome Avorn.  
 8 MR. PETROSINELLI: That's it, your Honor.  
 9 THE COURT: I can't tell where it is in there. You  
 10 say SS?  
 11 MR. PETROSINELLI: SS-2.  
 12 THE COURT: Do you have a hard copy?  
 13 MR. PETROSINELLI: We're looking for one, your Honor.  
 14 While we're looking for that, your Honor, if your  
 15 Honor wants, I can hand up a copy. But, Judge, Dr. Avorn  
 16 appeared in another litigation against Pfizer before Judge  
 17 Kaplan.  
 18 THE COURT: My case.  
 19 MR. PETROSINELLI: Dr. Avorn's opinion, your Honor,  
 20 both in his report and his deposition, his sole role in the  
 21 case was to read Pfizer documents and testify that the  
 22 documents showed the inference he drew from the documents was  
 23 that Pfizer intended to promote drugs off label.  
 24 THE COURT: That is a jury activity.  
 25 Who is going to respond?

F164JON2 Page 38

1 MR. DOWD: Your Honor, it absolutely is an issue for  
 2 the jury. Dr. Avorn is going --  
 3 THE COURT: Why do I need someone else to tell the  
 4 jury what is intended by some words?  
 5 MR. DOWD: Oh, no. Dr. Avorn isn't going to say  
 6 Mr. McKinnell intended this or so-and-so intended this. He is  
 7 going to talk to Pfizer's marketing strategy. He is going to  
 8 explain what off-label promotion is, which I had no idea what  
 9 it was until I came here. He is going to explain doctor  
 10 detailing and how they promote their products. I mean that's a  
 11 key part of the case.  
 12 THE COURT: Those are permissible, aren't they,  
 13 Mr. Petrosinelli?  
 14 MR. PETROSINELLI: Those would be permissible, but  
 15 those weren't in his report.  
 16 THE COURT: All I see is a deposition. What was his  
 17 report?  
 18 MR. PETROSINELLI: What I gave you are excerpts from  
 19 his report. Those are the statements I'm talking about from  
 20 his report. If your Honor just reads them, you'll see what  
 21 they say.  
 22 THE COURT: I'm looking at the sixth one. Pfizer's  
 23 marketing plans make it clear that the company intended to stay  
 24 the course in continuing to expand the use of Bextra. That's  
 25 not permissible testimony.

F164JON2 Page 39

1 Another one. This reflects a purposeful strategy  
 2 coming from senior management explicitly to promote Lyrica for  
 3 uses not approved by the FDA. That's not permissible.  
 4 These kind of things are not permissible, so don't  
 5 offer them.  
 6 MR. DOWD: Your Honor, I'm assuming I can still call  
 7 Dr. Avorn --  
 8 THE COURT: I'm not making a ruling that you can't.  
 9 I'm making a ruling that Dr. Avorn can't testify as to someone  
 10 else's intent.  
 11 MR. DOWD: Fair enough, your Honor.  
 12 THE COURT: Motion is granted to that extent and  
 13 denied otherwise.  
 14 Next.  
 15 MR. FORGE: Your Honor, may I talk about three  
 16 witnesses that we would like excluded? It overlaps with the  
 17 motions in limine.  
 18 THE COURT: Okay.  
 19 MR. FORGE: Your Honor, three of the witnesses we seek  
 20 to exclude -- we can do this separately -- but three of the  
 21 witnesses are three names that might be familiar to your Honor:  
 22 Gary Giampetruzzi, Carlton Wessel, and Ethan Posner.  
 23 THE COURT: I had dinner with them last night.  
 24 MR. FORGE: You may also remember them from a year and  
 25 a half ago, when we sought to depose all three of them.

F164JON2 Page 40

1 THE COURT: Yeah, because it's the only case I had.  
 2 I have not been living this case day and night like  
 3 you have. I don't know these people from Adam.  
 4 MR. FORGE: I'm sorry. They have been my nightmare.  
 5 I'm thankful for you that they're not yours.  
 6 The bottom line, your Honor, is that we asked to  
 7 depose these specific individuals. We asked to get documents  
 8 from these specific individuals.  
 9 THE COURT: You asked to depose them. They're now  
 10 witnesses. They're not going to be witnesses.  
 11 MR. FORGE: Thank you, your Honor.  
 12 MR. FARINA: Your Honor, they asked to depose them on  
 13 privileged materials. Since that time, they have expanded the  
 14 case to include the events in the government investigation.  
 15 THE COURT: You have not allowed them to testify.  
 16 They're not going to testify.  
 17 MR. FARINA: They only asked for them to testify on  
 18 privileged matters. Your Honor said the matters remained  
 19 privileged so they couldn't depose them. They didn't ask to  
 20 depose them on non-privileged matters.  
 21 THE COURT: If you didn't let them testify, they're  
 22 not going to testify.  
 23 Motion granted.  
 24 MR. FORGE: Thank you, your Honor.  
 25 THE COURT: That's what happens when you play games in

F164JON2 Page 41

1 discovery. They come home to roost. Discovery is not an end  
 2 in itself.  
 3 What is next?  
 4 MR. FORGE: We also have a motion regarding Mary  
 5 Holloway. I know you might not remember that name, but it's a  
 6 little closer in time. She is the former Pfizer regional  
 7 manager.  
 8 THE COURT: How am I going to remember what I did  
 9 today?  
 10 MR. FORGE: She's the former --  
 11 THE COURT: Is someone taking notes? We're busy. So  
 12 Katie is not going to be able to keep up on this, either. I  
 13 would appreciate if someone on the plaintiffs' side could take  
 14 notes on these dispositions. Someone on the defendants' side  
 15 will do the same thing.  
 16 MR. FORGE: Your Honor, Ms. Holloway is the former  
 17 Pfizer regional manager who pled guilty to off-label promotion.  
 18 We were in here a couple of months ago.  
 19 THE COURT: I kind of remember her name.  
 20 MR. FORGE: She was the woman who your Honor held has  
 21 a continuing Fifth Amendment privilege as to questions; and  
 22 therefore, we weren't able to compel her answers to the  
 23 questions. And your Honor invited both sides to brief the  
 24 issue regarding an adverse inference instruction.  
 25 As your Honor is probably aware -- and I know you're

F164JON2 Page 42

1 aware of Brink's v. City of New York case because you  
 2 graciously steered us in that direction. It is called an  
 3 adverse inference instruction, but it is a very neutral  
 4 instruction. It simply instructs the jury that a witness has a  
 5 Fifth Amendment privilege not to answer a question, and they  
 6 may or may not --  
 7 THE COURT: You want me to give an adverse inference  
 8 instruction?  
 9 MR. FORGE: Yes, your Honor.  
 10 THE COURT: Do you have it in writing?  
 11 MR. FORGE: Yes, your Honor.  
 12 Very brief deposition portions and an adverse  
 13 inference instruction, that's all we're asking for.  
 14 THE COURT: Do you have it in writing?  
 15 MR. FORGE: Yes, your Honor.  
 16 THE COURT: Has it been cleared by your adversary?  
 17 MR. FORGE: It has been given to my adversary but not  
 18 cleared because they object to it. They object to the notion  
 19 of it.  
 20 THE COURT: If I said I was giving it, I am going to  
 21 give it. I would like to clear it, and I would like the  
 22 defendants to have an opportunity -- give it to them in  
 23 writing. Mr. Petrosinelli, is the objection to giving it or to  
 24 the words that are being used?  
 25 MR. PETROSINELLI: To giving it, your Honor. Your

F164JON2 Page 43

1 Honor didn't say you were going to give it. In fact, you  
 2 expressly said that we should brief it to decide whether it is  
 3 required.  
 4 MR. FORGE: I want to be clear on that, your Honor.  
 5 I'm not saying your Honor decided it. You invited us to brief  
 6 it. There was expressed disagreement over whether it would be  
 7 appropriate.  
 8 THE COURT: You did brief it?  
 9 MR. FORGE: Yes. Both sides briefed it.  
 10 MR. PETROSINELLI: Both sides prepared briefed it,  
 11 your Honor.  
 12 THE COURT: So I'm not prepared to answer it.  
 13 MR. FORGE: Okay. Thank you, your Honor.  
 14 MR. PETROSINELLI: Your Honor, could I be heard on the  
 15 defendant's motion in limine number 5, docket number 355,  
 16 because this does relate to what we talked about earlier, which  
 17 is the witnesses in the pretrial order and our objections to  
 18 the plaintiffs' witnesses? So it would be docket 355, motion  
 19 in limine number 5.  
 20 THE COURT: Go ahead.  
 21 MR. PETROSINELLI: Your Honor, I think I mentioned  
 22 this earlier. When you look at the plaintiffs' witness list,  
 23 about half of them are the underlying drug marketing witnesses,  
 24 and I want to bring this to your Honor's attention as an  
 25 in limine motion because I think it really does affect trial

F164JON2 Page 44

1 management here, which is that they want to litigate whether or  
 2 not Pfizer engaged in off-label promotion. And if that is  
 3 allowed --  
 4 THE COURT: That is not an issue, is it?  
 5 MR. PETROSINELLI: It is not an issue.  
 6 THE COURT: Because Pfizer admitted it.  
 7 MR. PETROSINELLI: We have a guilty plea with respect  
 8 to off-label promotion, and we have documents that we produced  
 9 to them where we acknowledge that there were instances of  
 10 off-label promotion.  
 11 THE COURT: Let's see what Mr. Dowd has to say.  
 12 MR. DOWD: Mr. Forge is going to address that, your  
 13 Honor.  
 14 MR. FORGE: Your Honor, you have hit the nail on the  
 15 head. We are not going to take a long time to present what has  
 16 already been admitted, but clearly we have to let the jury know  
 17 that this very conduct that they were denying during the class  
 18 period did, in fact, occur and that they were well aware of it.  
 19 THE COURT: Let me understand this. Did they deny or  
 20 they just did not say?  
 21 MR. FORGE: Both, your Honor. They specifically said,  
 22 when a subsidiary that they had pled guilty to a violation of  
 23 the Food, Drug, and Cosmetic Act, Mr. Waxman, in a statement  
 24 that all of the defendants who were at the company at that time  
 25 would have had say over, stated in a press release: We

<p>F164JON2 Page 45</p> <p>1 voluntarily disclosed this information. This is something that  2 occurred before we acquired the subsidiary. Specifically, we  3 have protections in place, we have programs in place to guard  4 against this specific type of conduct. And he referred  5 specifically to off-label promotion.</p> <p>6 In many other statements, your Honor, the defendants  7 talked about their advantage, their competitive advantage over  8 others because of their compliance with all FDA regulations.  9 They specifically spoke to FDA marketing regulations they were  10 complying with. That is the essence of the case. They held  11 themselves out to investors as the type of entity where the  12 investors didn't have to worry about a risk like these other  13 companies, being caught breaking the law. We have a 150-year  14 legacy of following the law. It is the cornerstone of our  15 case, one of our most important competitive advantages.</p> <p>16 And as it turned out, it was the exact opposite.  17 They, in fact, committed the biggest --</p> <p>18 THE COURT: How are you going to prove it is the exact  19 opposite?</p> <p>20 MR. FORGE: Because we have those admissions, your  21 Honor. We have those admissions. We have the admissions that  22 their gain was --</p> <p>23 THE COURT: Why do you need it to prove --</p> <p>24 MR. FORGE: Your Honor, we're only talking about a  25 couple of witnesses.</p>	<p>F164JON2 Page 47</p> <p>1 here? I don't know.</p> <p>2 THE COURT: Whatever witnesses you have to testify  3 what that witness did or sold that you say is illegal.</p> <p>4 MR. FORGE: So, therefore, the other side of this,  5 there is going to be no dispute from the defense that they  6 engaged in this and the extent to which they engaged in it.</p> <p>7 THE COURT: If they do, they're stupid enough to do  8 it, I will give you room to come back.</p> <p>9 MR. FORGE: Okay. Thank you, your Honor.</p> <p>10 THE COURT: But they're not going to do it.  11 Next.</p> <p>12 Are you finished?</p> <p>13 MR. DOWD: We don't have anything pressing, your  14 Honor. I think most of the issues you've addressed. There are  15 some that are still pending.</p> <p>16 THE COURT: Are there any other motions in limine?</p> <p>17 MR. FORGE: Your Honor, could I get one clarification  18 on your ruling earlier?</p> <p>19 THE COURT: Yes.</p> <p>20 MR. FORGE: Your Honor, I already have testimony --  21 and it is submitted to your Honor -- from both Larry Fox and  22 Dennis Block saying they relied on the investigations counsel.  23 At what point do we present that to your Honor to prevent them  24 from testifying? If I understood your Honor's comment earlier  25 was, if they relied on others who were shielded from discovery,</p>
<p>F164JON2 Page 46</p> <p>1 THE COURT: I'm asking: Why at all?</p> <p>2 MR. FORGE: Because my guess --</p> <p>3 THE COURT: You know what is going to happen. The  4 witnesses are not going to say as much as you want them to say.  5 Mr. Petrosinelli is going to be effective in showing some  6 exaggerations and showing some other things, and what you win  7 by showing the admissions you'll lose by witnesses.</p> <p>8 MR. FORGE: Your Honor, I understand that --</p> <p>9 THE COURT: That is as a matter of just guidance by an  10 older man. In terms of what takes up the jury's time, I don't  11 understand why you're going to need witnesses. You can't have  12 a witness to this except whatever that particular witness did.  13 That doesn't prove enough. It doesn't say enough.</p> <p>14 MR. FORGE: That's why, your Honor, it will be very  15 limited. The witnesses will be very limited.</p> <p>16 THE COURT: It will be very limited because it's not  17 going to happen.</p> <p>18 MR. FORGE: Your Honor, the thing is --</p> <p>19 THE COURT: You hear me, Mr. Forge? It is not going  20 to happen.</p> <p>21 MR. FORGE: I hear you, your Honor.</p> <p>22 THE COURT: You don't need it, and it's not relevant,  23 and you're not going to do it.</p> <p>24 The motion is granted.</p> <p>25 MR. FORGE: Can I understand who are we talking about</p>	<p>F164JON2 Page 48</p> <p>1 they're not going to testify.</p> <p>2 THE COURT: Knowing Dennis Block a little bit, Dennis  3 is smarter than anyone he relies on. Although he will say he  4 relied on someone, he will give you an answer based on his own  5 information and knowledge. So probably -- I'm guessing -- that  6 Dennis may refer to others to sort of bootstrap what he said to  7 you.</p> <p>8 MR. FORGE: Your Honor, here's Dennis Block: The  9 first part, talking about we have substantial defenses in these  10 matters, did you personally and professionally make the  11 assessment that there were substantial defenses regarding the  12 government investigations?</p> <p>13 No.</p> <p>14 THE COURT: It is a meaningless statement. What does  15 he testify that is meaningful?</p> <p>16 Tell me, from the defense, what does he testify that  17 is meaningful?</p> <p>18 MR. FARINA: Your Honor, he is going to testify that  19 that statement was part of a warning that was a perfectly  20 appropriate securities disclosure. That is what he is going to  21 testify to.</p> <p>22 Your Honor has addressed this in discovery. You  23 specifically --</p> <p>24 THE COURT: Please listen carefully.</p> <p>25 MR. FARINA: Yes.</p>

<p>F164JON2 Page 49</p> <p>1 THE COURT: When I ask you what he said, there's 2 probably a statement that you can read. Try to find what he 3 said, so you can read it to me.</p> <p>4 MR. FARINA: Your Honor, frankly, their theory of the 5 case has changed since Mr. Block was deposed. This issue with 6 the substantial defenses is now the centerpiece of their case. 7 What Mr. Block will testify to, and what he did 8 testify to in his deposition, was that that was an appropriate 9 disclosure.</p> <p>10 THE COURT: What was an appropriate disclosure? 11 Whatever disclosure Dennis will say, that that was appropriate?</p> <p>12 MR. FARINA: The disclosure that they have challenged 13 that he was responsible for --</p> <p>14 THE COURT: In answering that, did he make reference 15 to anybody else?</p> <p>16 MR. FARINA: He certainly had discussions with others, 17 and those discussions have not been shielded from discovery --</p> <p>18 THE COURT: Listen very, very carefully. 19 In answering that way, did he refer to anybody else? 20 The answer is: Yes, no, or I don't know.</p> <p>21 MR. FARINA: At least with respect to some of the 22 disclosures, he referred to discussions that he had with 23 others, and he was permitted to testify about those 24 discussions. We didn't shield that from discovery.</p> <p>25 THE COURT: If that was the case, the company could</p>	<p>F164JON2 Page 51</p> <p>1 THE COURT: If you would like to preclude Dennis 2 Block's testimony in a certain respect, read me the testimony, 3 not what the defendant said the testimony was.</p> <p>4 MR. FORGE: No, no. I have read you the part of 5 Dennis Block: 6 You relied on others for that -- and this is 7 substantial defenses -- for that conclusion? 8 Yes. 9 This is Larry Fox, the other one. I asked him: Did 10 you render any legal advice regarding the accuracy of the 11 statement, we believe we have substantial defenses in these 12 matters? 13 This is Mr. Fox: I would not have said that. This is 14 my view. Nobody in the company would ever have thought to even 15 ask me whether I have personal knowledge of the strength of our 16 defenses --</p> <p>17 THE COURT: That is objectionable. This is 18 evidentiary, and it is not something I'm going to rule on now. 19 You can make an objection at the time on many other evidentiary 20 grounds. 21 The question that you're putting to me is that the 22 company relied on something that Block or Fox said, and when 23 Block or Fox said I relied on others, the company did not let 24 you inquire of those others what they said to Block --</p> <p>25 MR. FORGE: Exactly.</p>
<p>F164JON2 Page 50</p> <p>1 rely on what Mr. Block said, but plaintiffs would also have a 2 right to probe and ask what the other fellow told Mr. Block.</p> <p>3 MR. FARINA: Your Honor, they deposed the other 4 fellow, and they asked him: What did you tell Mr. Block? And 5 they were permitted to ask that question. And Doug Lankler 6 answered that question.</p> <p>7 MR. FORGE: That is completely untrue, your Honor. We 8 were not allowed to depose Ethan Posner. Mr. Farina knows 9 that. We were not --</p> <p>10 THE COURT: How can two people say one thing is true 11 and the other say it is not?</p> <p>12 MR. FORGE: Let me read to you from their own papers: 13 The company's board, senior executives, and in-house lawyers 14 all relied on Covington's judgment to inform them that the 15 company had meritorious defenses. 16 The undisputed fact is that Pfizer and its disclosure 17 counsel -- that is Dennis Block -- relied on investigation 18 counsel's judgment --</p> <p>19 THE COURT: Excuse me. That is not testimony. That's 20 brief language.</p> <p>21 MR. FORGE: The defendants, your Honor. That's their 22 own paper.</p> <p>23 THE COURT: That's their brief.</p> <p>24 MR. FORGE: But that's what they're conceding. Dennis 25 Block said the same thing, your Honor.</p>	<p>F164JON2 Page 52</p> <p>1 THE COURT: -- and what they said to Fox. 2 MR. FORGE: Exactly.</p> <p>3 THE COURT: You will have to show me, if you want me 4 to rule your way, exactly what that testimony was and exactly 5 what you were blocked from asking. Otherwise, I'm not going to 6 rule on the motion. 7 The problem here is that you haven't done your 8 homework enough. 9 MR. FORGE: Your Honor, I have done my homework. It 10 is laid out in our papers. I promise you --</p> <p>11 THE COURT: It is? 12 MR. FORGE: Yes, your Honor. 13 THE COURT: Let's pick out your papers. 14 MR. FARINA: Your Honor, every single thing that was 15 told to Mr. Block --</p> <p>16 THE COURT: Let him read it, please. 17 Do you have a transcript here among the 39 boxes that 18 were being brought up to court? 19 MR. FARINA: We had to send those boxes back. 20 THE COURT: Yes. The judge got angry. 21 MR. FORGE: Okay, this is Dennis Block again, your 22 Honor: In other words --</p> <p>23 THE COURT: Source? 24 MR. FORGE: I'm sorry. This is docket number 288. 25 THE COURT: What does he testify?</p>

F164JON2 Page 53

1 MR. FORGE: This is page 56 of his deposition  
 2 transcript --  
 3 THE COURT: Dated?  
 4 MR. FORGE: -- lines 2 through 11.  
 5 I believe, your Honor, it was in September of 2013.  
 6 THE COURT: Okay.  
 7 MR. FORGE: I don't know exactly.  
 8 THE COURT: What did he say?  
 9 MR. FORGE: Did you actually participate in any sort  
 10 of internal investigation related to the government  
 11 investigations?  
 12 Oh, no. No, no. I had no knowledge --  
 13 THE COURT: Stop. I'm not interested in what he  
 14 investigated. If you're asking advice and he gave advice and  
 15 you were blocked from inquiring into it, that's what I want to  
 16 know. Did he give advice on which the company relied?  
 17 MR. FORGE: He gave advice based on others' advice.  
 18 THE COURT: That is what we want to find out.  
 19 MR. FORGE: Here is Larry Fox, his counterpart: Did  
 20 you make probability determinations concerning losses in  
 21 connection to these cases -- to cases?  
 22 No, we -- I and Dennis -- would look to our litigators  
 23 to fully inform us of their view, but we would not, no.  
 24 That is Larry Fox's deposition.  
 25 THE COURT: That's a different issue. That has to do

F164JON2 Page 54

1 with reserves. I think I have a motion with reserves. That's  
 2 a different issue.  
 3 MR. FORGE: No, but it is all tied together, your  
 4 Honor.  
 5 THE COURT: No, it is not tied together, Mr. Forge.  
 6 That is enough. I have heard enough. If you want me  
 7 to make a ruling, be prepared on exactly what it is you want me  
 8 to rule on.  
 9 Motion is denied.  
 10 MR. FORGE: Your Honor, I am prepared.  
 11 THE COURT: Motion denied.  
 12 MR. FORGE: I have many other --  
 13 THE COURT: Motion denied.  
 14 Don't do that to me.  
 15 What else? Anything?  
 16 MR. SMITH: Counsel, were you going to bring up the  
 17 motion to exclude Paul Regan?  
 18 MR. PETROSINELLI: I'm sorry?  
 19 MR. SMITH: You had a motion to exclude Paul Regan.  
 20 MR. FARINA: We have a motion to exclude part of his  
 21 testimony. I think that would be better directed after we have  
 22 gone a little bit into the trial and the issues are clarified.  
 23 We will reserve on that, as well as the other in limine  
 24 motions.  
 25 THE COURT: What am I going to do to effect a

F164JON2 Page 55

1 reduction of exhibits?  
 2 Whoever wants to win the case is going to have to  
 3 focus attention on a limited number of exhibits, and since the  
 4 exhibits tend to be very large, on a limited number of entries  
 5 within the exhibits. How can we reduce the number of exhibits  
 6 in that fashion?  
 7 MR. DOWD: From our perspective, your Honor, we had  
 8 1,300 exhibits two weeks ago. We cut it down to under 700 last  
 9 week. We'll cut it again. We just have to streamline our  
 10 case. We're going to do that. We told the defendants which  
 11 ones we pulled. I assume these guys are good trial lawyers,  
 12 and the women are good trial lawyers, and they're going to do  
 13 the same thing. I think we'll get down there.  
 14 MR. FARINA: We agree with that, your Honor.  
 15 THE COURT: Shall I sign the pretrial order?  
 16 MR. DOWD: Yes, your Honor.  
 17 THE COURT: Do you want another conference before the  
 18 trial?  
 19 MR. FARINA: Your Honor, we would like to have an  
 20 opportunity to argue the summary judgment motions.  
 21 THE COURT: I know that, particularly the individuals  
 22 who stopped being officers and directors before the class  
 23 period.  
 24 I'm doing the best I can. Katie just joined me, and  
 25 we're trying to get up, as best we can, to the case. We'll do

F164JON2 Page 56

1 it, but it may be on a timeline than is slower.  
 2 MR. DOWD: Your Honor, just for the record, as well,  
 3 plaintiffs also filed a motion for partial summary judgment on  
 4 the advice of counsel and reliance, and I know that there is a  
 5 lot of that testimony that you were looking for.  
 6 THE COURT: I don't believe I can grant that motion.  
 7 That's really fact-intensive. I think I can deal with motions  
 8 of individuals, either to grant them or to deny them, but on  
 9 motions like you're making, and I suppose there are motions by  
 10 defendants, I can't decide that. That's the purpose of the  
 11 jury trial.  
 12 MR. DOWD: I would ask the Court to review it because,  
 13 otherwise, we get stuck in that sword-and-shield situation that  
 14 all the cases warn about.  
 15 THE COURT: Anything else?  
 16 I'm duty-bound to ask you: Is the prospect for  
 17 settlement gone, or is it still an active proposition?  
 18 MR. DOWD: I don't think we're headed that way, your  
 19 Honor. We've talked a little bit.  
 20 THE COURT: I'm glad to try the case, but I have to  
 21 ask this question.  
 22 MR. DOWD: I understand.  
 23 THE COURT: Mr. Petrosinelli.  
 24 MR. PETROSINELLI: Your Honor, I think we told you  
 25 last year we had an initial mediation session. There has been

F164JON2

Page 57

1 some talk of another one. I don't know what Mr. Dowd's  
2 statement just now means. Maybe there's not going to be  
3 another one.

4 THE COURT: Well, he's acting tough.

5 MR. DOWD: Your Honor, we're always happy to talk.

6 THE COURT: My attitude is that I'm interested to help  
7 if you want help up until the trial begins. When the trial  
8 begins, I will not suspend -- not even for an hour -- to allow  
9 settlement discussions to go on. If you ask me at the end of  
10 the day, can we start late tomorrow because we want to discuss  
11 settlement, the answer would be no. If you want my help, it  
12 has to be before trial. It should be clear.

13 Okay. Thank you.

14 If you want to start one day late and use the first  
15 day to explore whatever you want to explore on different  
16 issues, I am available. Just let me know by mid-week before  
17 then. It may be useful now that we're at a point where we know  
18 a lot more about the case that we can have another useful  
19 session that will help the trial proceed more efficiently. We  
20 can decide whether we do that later on, but I just want you to  
21 know that is an option.

22 MR. PETROSINELLI: Your Honor, we have some of those  
23 technology forms.

24 THE COURT: Off the record.

25 (Adjourned)

	<b>admissible (1)</b> 26:25	4:4;57:8	<b>arguments (2)</b> 8:9;17:5	<b>beg (1)</b> 35:2
<b>\$</b>	<b>admissions (5)</b> 19:3;45:20,21,21; 46:7	<b>allowed (4)</b> 35:17;40:15;44:3; 50:8	<b>arises (2)</b> 3:8;12:15	<b>began (1)</b> 9:11
<b>\$1.26 (1)</b> 25:19	<b>admitted (5)</b> 30:17,17;34:10;44:6, 16	<b>almost (2)</b> 22:13;23:11	<b>around (1)</b> 15:18	<b>beginning (1)</b> 14:5
<b>A</b>	<b>adult (1)</b> 13:7	<b>along (4)</b> 3:7;6:5;15:25;21:2	<b>array (3)</b> 12:16,20,20	<b>begins (3)</b> 9:8;57:7,8
<b>able (3)</b> 8:23;41:12,22	<b>advantage (2)</b> 45:7,7	<b>alphabetical (1)</b> 14:24	<b>arrogate (1)</b> 27:3	<b>behalf (1)</b> 29:5
<b>absent (1)</b> 21:19	<b>advantages (1)</b> 45:15	<b>alternates (1)</b> 7:6	<b>assessment (1)</b> 48:11	<b>believes (1)</b> 3:10
<b>absolutely (2)</b> 10:1;38:1	<b>adversary (2)</b> 42:16,17	<b>Although (1)</b> 48:3	<b>assign (1)</b> 6:6	<b>benefit (1)</b> 3:2
<b>abusing (1)</b> 20:13	<b>adverse (4)</b> 41:24;42:3,7,12	<b>always (2)</b> 15:25;57:5	<b>associated (1)</b> 29:23	<b>best (4)</b> 6:17;11:24;55:24,25
<b>accept (1)</b> 12:4	<b>advice (10)</b> 4:12;33:5;35:20; 51:10;53:14,14,16,17, 17;56:4	<b>Amanda (2)</b> 23:22;37:4	<b>assume (3)</b> 5:3,7;55:11	<b>better (2)</b> 32:3;54:21
<b>access (1)</b> 34:1	<b>advised (1)</b> 34:8	<b>Amendment (2)</b> 41:21;42:5	<b>assuming (1)</b> 39:6	<b>Bextra (1)</b> 38:24
<b>accommodate (2)</b> 9:12;19:14	<b>affect (2)</b> 9:23;43:25	<b>among (2)</b> 32:20;52:17	<b>assumption (1)</b> 30:7	<b>big (5)</b> 4:12;5:17,22;12:5; 34:24
<b>accountants (3)</b> 8:19;10:11,12	<b>affects (2)</b> 10:24,24	<b>amongst (1)</b> 19:9	<b>assumptions (1)</b> 26:3	<b>biggest (1)</b> 45:17
<b>accounting (1)</b> 10:22	<b>affidavit (1)</b> 23:17	<b>amount (5)</b> 23:7;24:25;25:1,16, 20	<b>attached (3)</b> 3:23;36:11,19	<b>binding (1)</b> 32:14
<b>accuracy (1)</b> 51:10	<b>affirmative (1)</b> 25:12	<b>analysis (5)</b> 24:4;27:16,17;30:7; 31:15	<b>attachment (5)</b> 23:25;24:11,18; 28:18,20	<b>Birnbaum (2)</b> 9:13,20
<b>acknowledge (1)</b> 44:9	<b>afternoon (1)</b> 17:19	<b>angry (1)</b> 52:20	<b>attention (2)</b> 43:24;55:3	<b>bit (3)</b> 48:2;54:22;56:19
<b>acknowledged (2)</b> 20:19;27:17	<b>again (4)</b> 7:21;25:10;52:21; 55:9	<b>answered (1)</b> 50:6	<b>attitude (1)</b> 57:6	<b>Block (20)</b> 34:6,7;35:4,19; 47:22;48:2,8;49:5,7; 50:1,2,4,17,25;51:5,22, 23,24;52:15,21
<b>acquired (1)</b> 45:2	<b>against (2)</b> 37:16;45:4	<b>Appeals (1)</b> 12:10	<b>attorney (1)</b> 13:23	<b>blocked (2)</b> 52:5;53:15
<b>across (1)</b> 23:11	<b>ago (5)</b> 16:12;33:25;39:25; 41:18;55:8	<b>appeared (1)</b> 37:16	<b>available (3)</b> 16:20;33:21;57:16	<b>Block's (1)</b> 51:2
<b>Act (1)</b> 44:23	<b>agree (4)</b> 8:21;29:12,14;55:14	<b>applicable (1)</b> 31:16	<b>Avorn (8)</b> 36:4,6;37:7,15;38:2, 5;39:7,9	<b>board (1)</b> 50:13
<b>acting (1)</b> 57:4	<b>ahead (3)</b> 13:17;22:8;43:20	<b>apply (1)</b> 11:20	<b>Avorn's (1)</b> 37:19	<b>books (1)</b> 13:7
<b>active (1)</b> 56:17	<b>Alan (2)</b> 29:5;31:5	<b>applying (1)</b> 12:10	<b>aware (3)</b> 41:25;42:1;44:18	<b>bootstrap (1)</b> 48:6
<b>activity (1)</b> 37:24	<b>allegation (1)</b> 28:11	<b>appreciate (2)</b> 33:20;41:13	<b>B</b>	<b>born (1)</b> 13:5
<b>actual (1)</b> 26:3	<b>allegations (8)</b> 22:20,24;23:10,13; 28:5,8,12;32:7	<b>approach (2)</b> 28:20;31:1	<b>B-2 (2)</b> 3:24;5:18	<b>both (16)</b> 6:4,12;14:1,7,22; 15:21;16:18;34:7;35:3, 4;37:20;41:23;43:9,10; 44:21;47:21
<b>Actually (5)</b> 8:9;14:19;15:15; 32:7;53:9	<b>alleged (12)</b> 9:9;23:7;25:2,3,7,17, 19,21;28:21,23;29:1,19	<b>appropriate (5)</b> 43:7;48:20;49:8,10, 11	<b>back (5)</b> 5:18;13:15;33:20; 47:8;52:19	<b>bottom (1)</b> 40:6
<b>Adam (1)</b> 40:3	<b>allegedly (1)</b> 23:12	<b>approved (1)</b> 39:3	<b>bar (3)</b> 9:22;18:10,10	<b>boxes (2)</b> 52:17,19
<b>add (4)</b> 7:5;30:25;31:4,6	<b>alleging (1)</b> 26:16	<b>arbitrary (1)</b> 6:6	<b>bars (2)</b> 17:22,23	<b>BP (2)</b> 22:14;23:3
<b>adding (2)</b> 32:1,2	<b>allocated (1)</b> 3:13	<b>argue (7)</b> 8:16,23;9:11;20:22; 21:1;23:14;55:20	<b>based (7)</b> 17:12;22:9;27:1,20; 35:20;48:4;53:17	<b>break (4)</b> 17:17,18,20,20
<b>additional (2)</b> 10:10;11:10	<b>allow (2)</b>	<b>arguing (2)</b> 25:4,4	<b>basically (1)</b> 36:7	<b>breaking (1)</b> 45:13
<b>address (3)</b> 20:7;29:11;44:12		<b>argument (5)</b> 7:9;11:24;12:5;31:7; 33:5	<b>basis (1)</b> 31:7	
<b>addressed (2)</b> 47:14;48:22				
<b>Adjourned (1)</b> 57:25				

<p><b>brief (10)</b> 33:12,15;35:3;41:23; 42:12;43:2,5,8;50:20, 23</p> <p><b>briefed (2)</b> 43:9,10</p> <p><b>briefing (1)</b> 21:25</p> <p><b>Brigitte (1)</b> 16:17</p> <p><b>bring (4)</b> 15:19;26:17;43:24; 54:16</p> <p><b>Brink's (1)</b> 42:1</p> <p><b>brought (2)</b> 12:16;52:18</p> <p><b>business (1)</b> 5:2</p> <p><b>busy (1)</b> 41:11</p>	<p>20;21:3,20,20,25; 22:11,13,15,17;23:2,3; 25:24;27:24;29:22; 30:20;34:18,24;36:6; 37:18,21;38:11;40:1,2, 14;42:1;45:10,15;49:5, 6,25;55:2,10,25;56:20; 57:18</p> <p><b>cases (6)</b> 9:21,22;25:15;53:21, 21;56:14</p> <p><b>caught (1)</b> 45:13</p> <p><b>causation (4)</b> 20:17;21:19;31:9,10</p> <p><b>cause (2)</b> 25:23;30:13</p> <p><b>caused (4)</b> 23:7;25:2,14;29:1</p> <p><b>centerpiece (1)</b> 49:6</p> <p><b>CEO (1)</b> 11:21</p> <p><b>certain (5)</b> 8:18;19:13;24:25; 30:14;51:2</p> <p><b>certainly (2)</b> 9:5;49:16</p> <p><b>certification (1)</b> 23:4</p> <p><b>CFO (1)</b> 11:20</p> <p><b>CFOs (2)</b> 10:16,23</p> <p><b>challenge (1)</b> 14:16</p> <p><b>challengeable (1)</b> 12:15</p> <p><b>challenged (2)</b> 12:16;49:12</p> <p><b>challenges (2)</b> 11:10;12:14</p> <p><b>chances (4)</b> 4:4,9;7:5;17:24</p> <p><b>changed (1)</b> 49:5</p> <p><b>channels (1)</b> 13:8</p> <p><b>characteristic (1)</b> 12:7</p> <p><b>charge (1)</b> 14:5</p> <p><b>charged (1)</b> 8:10</p> <p><b>Chart (1)</b> 15:7</p> <p><b>choices (1)</b> 13:14</p> <p><b>circuit (2)</b> 21:19;31:11</p> <p><b>cite (1)</b> 11:6</p> <p><b>cited (2)</b></p>	<p>8:11,12</p> <p><b>City (1)</b> 42:1</p> <p><b>Civ (1)</b> 3:5</p> <p><b>civil (2)</b> 6:24;7:25</p> <p><b>claim (1)</b> 25:9</p> <p><b>claiming (1)</b> 28:14</p> <p><b>clarification (1)</b> 47:17</p> <p><b>clarified (1)</b> 54:22</p> <p><b>clarify (1)</b> 32:6</p> <p><b>class (13)</b> 23:4,8,9,12,15;25:5, 11,17,22;27:22;28:22; 44:17;55:22</p> <p><b>clear (5)</b> 16:17;38:23;42:21; 43:4;57:12</p> <p><b>cleared (2)</b> 42:16,18</p> <p><b>clearly (2)</b> 28:6;44:16</p> <p><b>clerk (1)</b> 12:21</p> <p><b>client (2)</b> 20:8,9</p> <p><b>clients (1)</b> 11:23</p> <p><b>client's (1)</b> 32:2</p> <p><b>close (1)</b> 17:18</p> <p><b>closely (1)</b> 9:21</p> <p><b>closer (1)</b> 41:6</p> <p><b>closings (1)</b> 13:22</p> <p><b>coincide (1)</b> 13:14</p> <p><b>combined (1)</b> 14:2</p> <p><b>Comcast (3)</b> 22:17;27:2;28:2</p> <p><b>coming (2)</b> 21:5;39:2</p> <p><b>comment (1)</b> 47:24</p> <p><b>commenting (1)</b> 6:4</p> <p><b>committed (1)</b> 45:17</p> <p><b>companies (1)</b> 45:13</p> <p><b>company (15)</b> 8:18;18:23,25;19:1, 3;23:10;36:8;38:23;</p>	<p>44:24;49:25;50:15; 51:14,22,23;53:16</p> <p><b>company's (1)</b> 50:13</p> <p><b>compel (1)</b> 41:22</p> <p><b>competent (1)</b> 7:7</p> <p><b>competitive (2)</b> 45:7,15</p> <p><b>complaint (2)</b> 28:16;29:17</p> <p><b>completely (1)</b> 50:7</p> <p><b>compliance (1)</b> 45:8</p> <p><b>complying (1)</b> 45:10</p> <p><b>Computer (2)</b> 15:6,7</p> <p><b>concealing (1)</b> 29:22</p> <p><b>conceding (1)</b> 50:24</p> <p><b>concerning (1)</b> 53:20</p> <p><b>conclusion (1)</b> 51:7</p> <p><b>conclusions (1)</b> 27:6</p> <p><b>conduct (3)</b> 12:11;44:17;45:4</p> <p><b>conference (2)</b> 3:4;55:17</p> <p><b>confidence (2)</b> 32:13,23</p> <p><b>confident (1)</b> 37:2</p> <p><b>confusing (1)</b> 19:11</p> <p><b>connection (1)</b> 53:21</p> <p><b>consequence (1)</b> 30:3</p> <p><b>consequences (1)</b> 30:4</p> <p><b>considered (1)</b> 15:1</p> <p><b>consistently (1)</b> 15:24</p> <p><b>constant (9)</b> 23:7;24:5;26:6,9; 27:14,15;30:5;34:2,12</p> <p><b>contact (1)</b> 16:22</p> <p><b>contest (1)</b> 5:4</p> <p><b>context (3)</b> 13:24;23:3;32:14</p> <p><b>continue (1)</b> 25:22</p> <p><b>continued (1)</b> 35:25</p>	<p><b>continuing (3)</b> 25:11;38:24;41:21</p> <p><b>contrary (1)</b> 7:9</p> <p><b>control (2)</b> 4:20;16:8</p> <p><b>controlling (1)</b> 16:6</p> <p><b>copy (3)</b> 24:19;37:12,15</p> <p><b>cornerstone (1)</b> 45:14</p> <p><b>corporate (1)</b> 9:4</p> <p><b>corrective (1)</b> 24:25</p> <p><b>Cosmetic (1)</b> 44:23</p> <p><b>counsel (13)</b> 4:12;11:3;15:14; 18:14;33:6;34:19;35:5, 5,7;47:22;50:17;54:16; 56:4</p> <p><b>counsel's (1)</b> 50:18</p> <p><b>counterpart (1)</b> 53:19</p> <p><b>county (1)</b> 13:5</p> <p><b>couple (5)</b> 15:17;16:12;35:3; 41:18;45:25</p> <p><b>course (1)</b> 38:24</p> <p><b>COURT (232)</b> 3:1,2,20,22,25;4:3,9, 13,18,23,25;5:5,8,12; 6:2,8;7:12,15,18,22,25; 8:5,13;9:2,5,17,20; 10:2,6,9,14,18,24;11:4, 8,13,15,24;12:6,8,9; 14:13;15:6,10,14,20; 16:2,10,14,17,23,25; 17:7,10,14,16;18:20; 19:4,10,17,21,24,25; 20:5,11,21,23,25;21:5, 8,10,14,22;22:2,5,8,14; 23:3,16,20,22,25;24:7, 11,13,15,17,21;25:25; 26:4,8,11,13,17,21,23; 27:3,13;28:2,11,16; 29:3,8,13,18,21,25; 30:2,11,19,25;31:3,6, 12,21;32:1,9,11;33:4,7, 10,13,17,18,22,24; 34:4,17,24;35:8,10,12, 15,23;36:1,9,10,14,16, 19,24;37:1,4,6,9,12,18, 24;38:3,12,16,22;39:8, 12,18,23;40:1,9,15,21, 25;41:8,11,19;42:7,10, 14,16,20;43:8,12,20; 44:4,6,11,19;45:18,23;</p>
<b>C</b>				
<p><b>C-2 (1)</b> 5:11</p> <p><b>calculates (1)</b> 27:20</p> <p><b>call (5)</b> 4:8;5:20;13:25; 14:17;39:6</p> <p><b>called (2)</b> 24:5;42:2</p> <p><b>calls (1)</b> 14:24</p> <p><b>came (2)</b> 34:6;38:9</p> <p><b>can (42)</b> 8:6;9:23;15:1,19,20; 16:2,3;17:13,23,25; 18:21,22;19:2,10,12; 22:2,22;24:22;28:20, 20;29:3;30:13;32:3; 34:4,25;36:5;37:15; 39:6,20;46:25;49:2,3; 50:10;51:19;55:5,24, 25;56:6,7;57:10,18,20</p> <p><b>capacity (1)</b> 6:16</p> <p><b>care (1)</b> 14:24</p> <p><b>carefully (2)</b> 48:24;49:18</p> <p><b>CARLINSKY (7)</b> 19:19,19,21,22,25; 20:6,10</p> <p><b>Carlton (1)</b> 39:22</p> <p><b>case (57)</b> 3:11;6:17,20,23,25; 7:4,21,25;8:9;9:8,24; 13:24;14:1,2,5,6; 17:16;18:3,5,7;20:1,18,</p>				

<p>46:1,3,9,16,19,22;47:2,7,10,16,19;48:2,14,24;49:1,10,14,18,25;50:10,19,23;51:1,17;52:1,3,11,13,16,18,20,23,25;53:3,6,8,13,18,25;54:5,11,13,25;55:15,17,21;56:6,12,15,20,23;57:4,6,24</p> <p><b>courtroom (2)</b> 4:10;16:20</p> <p><b>courts (2)</b> 8:13;21:18</p> <p><b>Court's (2)</b> 22:17;27:2</p> <p><b>Covington's (1)</b> 50:14</p> <p><b>creating (1)</b> 30:8</p> <p><b>credentials (3)</b> 26:1,2;27:4</p> <p><b>cross-claims (1)</b> 11:11</p> <p><b>cross-examination (3)</b> 22:21;26:18;32:24</p> <p><b>cross-examined (1)</b> 29:16</p> <p><b>cross-examiner (1)</b> 27:7</p> <p><b>cross-examining (1)</b> 16:3</p> <p><b>current (3)</b> 4:17;5:16;10:4</p> <p><b>cut (2)</b> 55:8,9</p>	<p><b>Declaration (4)</b> 23:22,23;36:12;37:4</p> <p><b>defendant (9)</b> 4:25;5:1;9:2,4;11:3;18:15;19:20;20:7;51:3</p> <p><b>defendants (35)</b> 3:13;4:6,15;5:7,16;7:1;8:1,2,7,10,14,17,17;10:4,12,16;11:2,10;13:13;15:25;16:2;18:16;20:1,2;25:4;34:8,15;35:6,15;42:22;44:24;45:6;50:21;55:10;56:10</p> <p><b>defendants' (2)</b> 5:8;41:14</p> <p><b>defendant's (4)</b> 15:18;18:13;34:11;43:15</p> <p><b>defense (5)</b> 4:12;12:1;33:6;47:5;48:16</p> <p><b>defenses (8)</b> 34:13;48:9,11;49:6;50:15;51:7,11,16</p> <p><b>defer (1)</b> 6:2</p> <p><b>demonstrative (3)</b> 22:4;24:23;25:6</p> <p><b>denied (6)</b> 30:23;32:4;39:13;54:9,11,13</p> <p><b>Dennis (16)</b> 34:6,7;35:4,19;47:22;48:2,2,6,8;49:11;50:17,24;51:1,5;52:21;53:22</p> <p><b>deny (2)</b> 44:19;56:8</p> <p><b>denying (1)</b> 44:17</p> <p><b>depend (1)</b> 20:12</p> <p><b>depending (2)</b> 6:3;8:24</p> <p><b>depends (1)</b> 4:11</p> <p><b>depose (7)</b> 39:25;40:7,9,12,19,20;50:8</p> <p><b>deposed (2)</b> 49:5;50:3</p> <p><b>deposition (13)</b> 4:3,19;5:6;24:7,17;27:17;36:7;37:20;38:16;42:12;49:8;53:1,24</p> <p><b>depositions (2)</b> 35:8,9</p> <p><b>deputy (1)</b> 12:21</p> <p><b>designated (1)</b> 37:7</p>	<p><b>detailing (1)</b> 38:10</p> <p><b>determinations (1)</b> 53:20</p> <p><b>deviate (1)</b> 7:2</p> <p><b>difference (8)</b> 5:18,22;6:1,10;7:3;10:18,20;30:12</p> <p><b>different (11)</b> 8:10,11,20,23,24;11:2,18;28:23;53:25;54:2;57:15</p> <p><b>dinner (1)</b> 39:23</p> <p><b>dire (2)</b> 12:11,13</p> <p><b>directed (2)</b> 20:17;54:21</p> <p><b>direction (1)</b> 42:2</p> <p><b>directly (1)</b> 10:22</p> <p><b>directors (4)</b> 9:6;10:25;11:1;55:22</p> <p><b>disagreement (1)</b> 43:6</p> <p><b>disclose (1)</b> 27:25</p> <p><b>disclosed (2)</b> 30:18;45:1</p> <p><b>disclosure (9)</b> 24:25;34:9;35:20;48:20;49:9,10,11,12;50:16</p> <p><b>disclosures (3)</b> 5:25;34:10;49:22</p> <p><b>discovery (8)</b> 34:2;35:6;41:1,1;47:25;48:22;49:17,24</p> <p><b>discretionary (2)</b> 11:13,15</p> <p><b>discrimination (1)</b> 6:21</p> <p><b>discuss (1)</b> 57:10</p> <p><b>discussions (5)</b> 49:16,17,22,24;57:9</p> <p><b>dismissed (1)</b> 22:13</p> <p><b>dispositions (1)</b> 41:14</p> <p><b>dispositive (5)</b> 20:18,20;21:3,16,18</p> <p><b>dispute (1)</b> 47:5</p> <p><b>District (1)</b> 12:9</p> <p><b>docket (9)</b> 21:21;24:12;33:11,15,16;36:3;43:15,18;52:24</p>	<p><b>doctor (2)</b> 36:6;38:9</p> <p><b>document (1)</b> 33:8</p> <p><b>documents (6)</b> 36:8;37:21,22,22;40:7;44:8</p> <p><b>Donald (1)</b> 24:10</p> <p><b>done (6)</b> 6:16;7:22;13:7;24:24;52:7,9</p> <p><b>Doug (1)</b> 50:5</p> <p><b>Dowd (50)</b> 3:18,19,21,23;4:2,5,11,20,24;5:1,7;7:10;9:20,25;10:12,15;11:5,9,14,16;12:4;14:8,12;15:4,8,12,22;16:5,16,22,24;18:19;29:3,9,10;33:3;38:1,5;39:6,11;44:11,12;47:13;55:7,16;56:2,12,18,22;57:5</p> <p><b>Dowd's (1)</b> 57:1</p> <p><b>down (12)</b> 3:5,16;13:11;14:17,23;25:23;29:8;30:18;31:24;32:4;55:8,13</p> <p><b>downplayed (1)</b> 34:15</p> <p><b>dozen (1)</b> 23:11</p> <p><b>Dr (9)</b> 31:13,18;36:6;37:15,19;38:2,5;39:7,9</p> <p><b>drew (1)</b> 37:22</p> <p><b>drop-down (2)</b> 15:9,10</p> <p><b>dropped (1)</b> 24:24</p> <p><b>drug (4)</b> 5:20,25;43:23;44:23</p> <p><b>drugs (1)</b> 37:23</p> <p><b>duplicates (1)</b> 5:15</p> <p><b>Dura (1)</b> 31:12</p> <p><b>during (5)</b> 23:14;25:7,17;28:22;44:17</p> <p><b>duty-bound (1)</b> 56:16</p>	<p>18:1</p> <p><b>easiest (2)</b> 34:11,14</p> <p><b>ECF (2)</b> 33:7;36:15</p> <p><b>effect (2)</b> 30:8;54:25</p> <p><b>effective (1)</b> 46:5</p> <p><b>effects (2)</b> 29:25;30:2</p> <p><b>efficiently (3)</b> 7:23;19:11;57:19</p> <p><b>eight (8)</b> 4:16;6:25;7:2,3,6,23;12:18;13:16</p> <p><b>either (2)</b> 41:12;56:8</p> <p><b>element (1)</b> 31:10</p> <p><b>else (7)</b> 12:25;34:6;38:3;49:15,19;54:15;56:15</p> <p><b>else's (1)</b> 39:10</p> <p><b>emphasizing (1)</b> 20:3</p> <p><b>employees (5)</b> 4:17,21,25;5:1,17</p> <p><b>end (5)</b> 13:10;31:15;34:18;41:1;57:9</p> <p><b>enforce (1)</b> 31:22</p> <p><b>engaged (3)</b> 44:2;47:6,6</p> <p><b>enough (15)</b> 7:8,20;12:18;31:24;32:12,13,14,14;39:11;46:13,13;47:7;52:8;54:6,6</p> <p><b>entire (5)</b> 23:8,12;25:7,9;34:2</p> <p><b>entity (1)</b> 45:11</p> <p><b>entries (1)</b> 55:4</p> <p><b>environment (1)</b> 6:21</p> <p><b>equally (1)</b> 11:20</p> <p><b>equipment (1)</b> 15:19</p> <p><b>essence (1)</b> 45:10</p> <p><b>essential (1)</b> 22:16</p> <p><b>Ethan (2)</b> 39:22;50:8</p> <p><b>even (9)</b> 5:17;7:7,8;18:15;24;23:8;25:21;30:4;51:14;57:8</p>
<b>D</b>		<b>E</b>		
<p><b>damages (3)</b> 21:19;27:19;28:25</p> <p><b>data (1)</b> 27:6</p> <p><b>Dated (1)</b> 53:3</p> <p><b>Daubert (4)</b> 20:17;21:17;23:1;26:25</p> <p><b>day (10)</b> 14:13;17:21;18:3;24:25;25:10,16;40:2;57:10,14,15</p> <p><b>deal (2)</b> 30:14;56:7</p> <p><b>decide (4)</b> 27:10;43:2;56:10;57:20</p> <p><b>decided (3)</b> 12:20;22:17;43:5</p> <p><b>decides (1)</b> 32:19</p> <p><b>decision (8)</b> 22:17;27:2;28:2;31:11,12;32:15,20,25</p>	<p><b>denial (1)</b> 44:17</p> <p><b>denying (1)</b> 44:17</p> <p><b>depend (1)</b> 20:12</p> <p><b>depending (2)</b> 6:3;8:24</p> <p><b>depends (1)</b> 4:11</p> <p><b>depose (7)</b> 39:25;40:7,9,12,19,20;50:8</p> <p><b>deposed (2)</b> 49:5;50:3</p> <p><b>deposition (13)</b> 4:3,19;5:6;24:7,17;27:17;36:7;37:20;38:16;42:12;49:8;53:1,24</p> <p><b>depositions (2)</b> 35:8,9</p> <p><b>deputy (1)</b> 12:21</p> <p><b>designated (1)</b> 37:7</p>	<p><b>disclosure (9)</b> 24:25;34:9;35:20;48:20;49:9,10,11,12;50:16</p> <p><b>disclosures (3)</b> 5:25;34:10;49:22</p> <p><b>discovery (8)</b> 34:2;35:6;41:1,1;47:25;48:22;49:17,24</p> <p><b>discretionary (2)</b> 11:13,15</p> <p><b>discrimination (1)</b> 6:21</p> <p><b>discuss (1)</b> 57:10</p> <p><b>discussions (5)</b> 49:16,17,22,24;57:9</p> <p><b>dismissed (1)</b> 22:13</p> <p><b>dispositions (1)</b> 41:14</p> <p><b>dispositive (5)</b> 20:18,20;21:3,16,18</p> <p><b>dispute (1)</b> 47:5</p> <p><b>District (1)</b> 12:9</p> <p><b>docket (9)</b> 21:21;24:12;33:11,15,16;36:3;43:15,18;52:24</p>	<p><b>earlier (5)</b> 17:5;43:16,22;47:18,24</p> <p><b>easier (1)</b></p>	

<p><b>events (1)</b> 40:14 <b>everybody's (1)</b> 15:15 <b>everyone (3)</b> 3:1;6:15;19:7 <b>evidence (4)</b> 8:25;19:1;33:5,14 <b>evident (2)</b> 22:16;34:20 <b>evidentiary (3)</b> 21:11;51:18,19 <b>exact (3)</b> 25:16;45:16,18 <b>Exactly (8)</b> 11:9;26:19;51:25; 52:2,4,4;53:7;54:7 <b>exaggerations (1)</b> 46:6 <b>example (4)</b> 5:16;10:21;11:3; 18:23 <b>except (2)</b> 14:4;46:12 <b>excerpts (2)</b> 36:22;38:18 <b>exclude (8)</b> 21:15;33:4;36:4; 37:6;39:20;54:17,19, 20 <b>excluded (1)</b> 39:16 <b>excuse (3)</b> 13:15;29:4;50:19 <b>excused (1)</b> 13:11 <b>executives (4)</b> 10:5,5;11:2;50:13 <b>exercise (1)</b> 13:14 <b>Exhibit (14)</b> 3:24;5:11,18;23:18, 20,21,23;24:7,9,14,15, 16;28:21;36:13 <b>exhibits (11)</b> 3:16;15:6,15;16:3; 17:14;55:1,3,4,5,5,8 <b>expand (1)</b> 38:24 <b>expanded (1)</b> 40:13 <b>expect (2)</b> 13:19,25 <b>experienced (1)</b> 14:19 <b>expert (10)</b> 20:18;21:19;22:22; 23:6;29:16,18;30:4,6; 32:25;37:7 <b>experts (4)</b> 4:16;22:12;25:14; 32:25 <b>expert's (5)</b></p>	<p>22:15,19,23;28:3; 30:10 <b>explain (4)</b> 22:6;30:11;38:8,9 <b>explained (1)</b> 30:6 <b>explanation (2)</b> 18:9;24:5 <b>explicitly (1)</b> 39:2 <b>explore (2)</b> 57:15,15 <b>expressed (1)</b> 43:6 <b>expressly (1)</b> 43:2 <b>extent (2)</b> 39:12;47:6 <b>extra (2)</b> 9:1;11:25</p> <p style="text-align: center;"><b>F</b></p> <p><b>fact (6)</b> 30:17,17;43:1;44:18; 45:17;50:16 <b>fact-intensive (1)</b> 56:7 <b>factors (1)</b> 31:17 <b>facts (1)</b> 28:9 <b>failure (1)</b> 27:25 <b>fair (2)</b> 12:24;39:11 <b>false (2)</b> 28:21;29:20 <b>familiar (1)</b> 39:21 <b>familiarity (1)</b> 15:1 <b>far (1)</b> 22:2 <b>FARINA (58)</b> 20:16,22,24;21:1,7,9, 13,15,23;22:3,6,9; 23:18,21,23;24:1,9,12, 14,16,19,22;26:2,5,9, 12,15,19,22,24;27:8, 16;28:12,18;29:15; 30:10,19;31:7;32:3,6, 10,17;35:19;40:12,17; 48:18,25;49:4,12,16, 21;50:3,8;52:14,19; 54:20;55:14,19 <b>FASB-V (1)</b> 10:21 <b>fashion (2)</b> 6:17;55:6 <b>fatal (1)</b> 21:20 <b>favor (1)</b></p>	<p>4:13 <b>FDA (3)</b> 39:3;45:8,9 <b>fear (1)</b> 12:24 <b>feel (3)</b> 12:10;18:5;20:13 <b>Feinstein (9)</b> 20:18;21:16;24:24; 25:15,18,22;30:22; 31:13,18 <b>Feinstein's (3)</b> 23:16;24:2;25:13 <b>fellow (2)</b> 50:2,4 <b>few (4)</b> 9:12,15;14:21;17:23 <b>Fifth (2)</b> 41:21;42:5 <b>figure (2)</b> 6:7;19:10 <b>filed (1)</b> 56:3 <b>fill (2)</b> 12:17,22 <b>final (1)</b> 3:4 <b>find (14)</b> 3:17,22;11:19;12:24; 16:20;20:25;21:12; 23:16;24:2;33:1,7; 36:10;49:2;53:18 <b>fine (4)</b> 7:10;9:25;10:1; 18:19 <b>finish (3)</b> 6:5,20,22 <b>finished (1)</b> 47:12 <b>firm (1)</b> 11:12 <b>firms (1)</b> 11:18 <b>first (9)</b> 3:8;11:6;17:10; 20:16;21:12;25:19; 31:23;48:9;57:14 <b>fit (1)</b> 13:25 <b>five-hour (1)</b> 17:21 <b>flat (1)</b> 29:20 <b>flaw (2)</b> 22:16,16 <b>flaws (1)</b> 21:21 <b>flip (2)</b> 16:6,7 <b>flipped (1)</b> 16:13 <b>focus (1)</b> 55:3</p>	<p><b>follow (1)</b> 3:6 <b>following (1)</b> 45:14 <b>Food (1)</b> 44:23 <b>Forge (68)</b> 33:6,8,11,14,18,23; 34:5,22,23;35:2,9,11, 14;39:15,19,24;40:4, 11,24;41:4,10,16,20; 42:9,11,15,17;43:4,9, 13;44:12,14,21;45:20, 24;46:2,8,14,18,19,21, 25;47:4,9,17,20;48:8; 50:7,12,21,24;51:4,25; 52:2,9,12,21,24;53:1,4, 7,9,17,19;54:3,5,10,12 <b>forgotten (1)</b> 12:7 <b>former (8)</b> 4:17,21;5:1,17;10:5; 41:6,10,16 <b>forms (1)</b> 57:23 <b>forward (2)</b> 13:16;21:20 <b>found (1)</b> 8:15 <b>foundation (1)</b> 27:1 <b>four (9)</b> 4:13;10:5;11:14,22; 12:2;13:14;23:11; 27:20,21 <b>Fox (11)</b> 34:6,7;35:4,19; 47:21;51:9,13,22,23; 52:1;53:19 <b>Fox's (1)</b> 53:24 <b>frankly (1)</b> 49:4 <b>fraud (2)</b> 23:7;30:18 <b>free (1)</b> 20:13 <b>friends (1)</b> 9:23 <b>full (2)</b> 18:3;33:25 <b>fully (1)</b> 53:23 <b>function (2)</b> 3:15,16 <b>fund (1)</b> 27:23 <b>fundamental (7)</b> 22:19,23;23:4,5,6; 25:14;28:5 <b>fundamentally (3)</b> 27:23;28:8,9</p>	<p style="text-align: center;"><b>G</b></p> <p><b>gain (1)</b> 45:22 <b>games (1)</b> 40:25 <b>Gary (1)</b> 39:22 <b>gate (2)</b> 27:4;32:21 <b>gatekeeper (1)</b> 32:21 <b>gave (3)</b> 38:18;53:14,17 <b>gender (1)</b> 6:21 <b>general (2)</b> 11:3;32:11 <b>generally (5)</b> 6:18;13:4;17:22; 18:10,11 <b>gets (1)</b> 31:23 <b>Giampetruzzi (1)</b> 39:22 <b>given (5)</b> 8:9,10,21;20:2;42:17 <b>gives (2)</b> 17:20;27:14 <b>giving (4)</b> 11:24;42:20,23,25 <b>glad (1)</b> 56:20 <b>goes (3)</b> 12:17;16:7,8 <b>good (7)</b> 6:14;9:23;18:15; 20:12;32:17;55:11,12 <b>government (8)</b> 27:20,21;29:23; 34:13,16;40:14;48:12; 53:10 <b>graciously (1)</b> 42:2 <b>grant (5)</b> 30:21;32:18;34:19; 56:6,8 <b>granted (4)</b> 22:14;39:12;40:23; 46:24 <b>grounds (4)</b> 18:24;22:10;32:8; 51:20 <b>group (1)</b> 13:13 <b>guard (1)</b> 45:3 <b>guess (2)</b> 7:16;46:2 <b>guessing (1)</b> 48:5 <b>guidance (1)</b></p>
--	---	--	--	---

<p>46:9  <b>guide (1)</b>                  14:4  <b>guilty (3)</b>                  41:17;44:7,22  <b>guts (1)</b>                  21:24  <b>guy (3)</b>                  15:16,23;16:6  <b>guys (4)</b>                  10:16,17;11:11;                  55:11</p>	<p><b>here's (1)</b>                  48:8  <b>high (1)</b>                  32:21  <b>hit (1)</b>                  44:14  <b>Holloway (2)</b>                  41:5,16  <b>home (1)</b>                  41:1  <b>homework (2)</b>                  52:8,9</p>	<p style="text-align: center;"><b>I</b></p>	<p>44:9  <b>instruction (5)</b>                  41:24;42:3,4,8,13  <b>instructs (1)</b>                  42:4  <b>intended (7)</b>                  36:8,9;37:23;38:4,6,                  6,23  <b>intense (1)</b>                  9:11  <b>intent (1)</b>                  39:10  <b>interest (3)</b>                  8:2;9:6,11  <b>interested (2)</b>                  53:13;57:6  <b>interesting (1)</b>                  18:4  <b>interests (1)</b>                  11:18  <b>internal (1)</b>                  53:10  <b>internet (1)</b>                  13:8  <b>interpreters (1)</b>                  15:3  <b>interrogatories (1)</b>                  12:13  <b>intervene (1)</b>                  18:7  <b>into (5)</b>                  13:25;21:5;29:24;                  53:15;54:22  <b>investigated (1)</b>                  53:14  <b>investigation (8)</b>                  28:1;29:23,24;34:13,                  16;40:14;50:17;53:10  <b>investigations (5)</b>                  27:21,21;47:22;                  48:12;53:11  <b>investors (2)</b>                  45:11,12  <b>invited (2)</b>                  41:23;43:5  <b>invoked (1)</b>                  22:10  <b>invoking (1)</b>                  35:6  <b>involve (1)</b>                  14:9  <b>involved (1)</b>                  14:10  <b>involving (1)</b>                  6:21  <b>issue (16)</b>                  3:8,21;6:2;22:21,22;                  24:3;26:2;29:6;34:10;                  38:1;41:24;44:4,5;                  49:5;53:25;54:2  <b>issues (6)</b>                  4:11;21:11;29:16;                  47:14;54:22;57:16</p>	<p style="text-align: center;"><b>J</b></p>
<p style="text-align: center;"><b>H</b></p> <p><b>Haight's (3)</b>                  8:12,22;11:6  <b>half (7)</b>                  3:14;5:19;11:14;                  17:21;33:25;39:25;                  43:23  <b>halfway (1)</b>                  27:22  <b>hand (5)</b>                  22:4;24:20;28:20;                  36:21;37:15  <b>handed (1)</b>                  24:23  <b>handling (3)</b>                  22:11,14;23:3  <b>happen (5)</b>                  28:24;35:12;46:3,17,                  20  <b>happened (2)</b>                  28:1;29:1  <b>happens (2)</b>                  21:11;40:25  <b>happy (5)</b>                  20:22;21:7;22:1,1;                  57:5  <b>hard (4)</b>                  6:15;11:25;12:1;                  37:12  <b>head (1)</b>                  44:15  <b>headed (1)</b>                  56:18  <b>hear (8)</b>                  7:8;12:23;17:5;21:8;                  33:4;35:22;46:19,21  <b>heard (9)</b>                  8:4,8;29:6;32:7,13;                  33:3;36:2;43:14;54:6  <b>hearing (1)</b>                  15:17  <b>hearsay (1)</b>                  19:3  <b>held (3)</b>                  21:18;41:20;45:10  <b>Hellerstein (1)</b>                  31:19  <b>help (4)</b>                  57:6,7,11,19</p>	<p><b>Honor (168)</b>                  3:19,24;4:2,5,12,20,                  24;5:9,14,18;6:1;7:11,                  13,17,24;8:4;9:3,25;                  10:3,8,13,20;11:5,16;                  12:4;14:12;15:4,5,8,                  22;16:12,16,24;17:4,                  15;18:19;19:16,19,22;                  20:4,16,20;21:1,7,15,                  21,24;22:3,6,9;23:19;                  24:9,16,19,22;26:3,12,                  19,24;27:8,16,19,24;                  28:3,12,18,20;29:4,6,                  10,12;30:24;31:1,5,9,                  10,16,25;32:6,10;33:3,                  9,11,18,21,24;34:14;                  35:2,14,19;36:2,5,20,                  21,25;37:3,8,13,14,15,                  19;38:1,20;39:6,11,15,                  19,21;40:6,11,12,18,                  24;41:16,20,23,25;                  42:9,11,15,25;43:1,4,5,                  11,13,14,21;44:13,14,                  21;45:6,21,24;46:8,14,                  18,21;47:9,14,17,20,                  21,23;48:8,18,22;49:4;                  50:3,7,21,25;52:9,12,                  14,22;53:5;54:4,10;                  55:7,14,16,19;56:2,19,                  24;57:5,22  <b>Honor's (3)</b>                  34:23;43:24;47:24  <b>hopefully (2)</b>                  14:1;15:9  <b>hospital (1)</b>                  6:12  <b>hostile (1)</b>                  6:21  <b>hour (2)</b>                  17:18;57:8  <b>hours (5)</b>                  3:11,12,14;13:20;                  17:21  <b>Household (1)</b>                  27:11  <b>huge (1)</b>                  25:24  <b>hurry (1)</b>                  6:4</p>	<p><b>Ian (1)</b>                  19:20  <b>idea (1)</b>                  38:8  <b>identical (1)</b>                  22:13  <b>identify (1)</b>                  20:8  <b>illegal (1)</b>                  47:3  <b>immediately (1)</b>                  13:20  <b>implicates (1)</b>                  10:23  <b>important (2)</b>                  36:7;45:15  <b>include (1)</b>                  40:14  <b>inconsistent (6)</b>                  27:23;28:8,9,11,17;                  29:19  <b>inconvenient (1)</b>                  11:8  <b>increase (1)</b>                  30:14  <b>indicates (1)</b>                  32:16  <b>individual (7)</b>                  8:7,17;10:16;15:13;                  18:24;20:1,2  <b>individuals (5)</b>                  23:11;40:7,8;55:21;                  56:8  <b>indulgence (1)</b>                  35:2  <b>inference (5)</b>                  37:22;41:24;42:3,7,                  13  <b>inflated (8)</b>                  23:12;25:8,12,16;                  27:25;28:10,14;31:15  <b>inflating (1)</b>                  31:17  <b>inflation (14)</b>                  23:7;24:5;25:1,18,                  20,23;26:6,9;27:11,14;                  28:25;30:8,9;31:19  <b>inform (2)</b>                  50:14;53:23  <b>information (4)</b>                  18:6;34:9;45:1;48:5  <b>in-house (2)</b>                  15:22;50:13  <b>initial (1)</b>                  56:25  <b>inquire (1)</b>                  51:24  <b>inquiring (1)</b>                  53:15  <b>instances (1)</b></p>	<p><b>January (2)</b>                  6:23;25:1  <b>Jay (1)</b>                  29:4  <b>Jerome (2)</b>                  36:4;37:7  <b>Jerry (1)</b>                  12:8  <b>Jersey (1)</b>                  5:2  <b>job (1)</b>                  18:2  <b>joined (1)</b>                  55:24  <b>joint (2)</b>                  14:10,11  <b>Jones (3)</b>                  3:4;16:17,22  <b>Joseph (2)</b>                  5:9;7:13  <b>JPTL (1)</b>                  3:24  <b>Judge (12)</b>                  8:11,22;9:18;11:6;                  12:9;22:10;23:2;26:20;                  31:19;37:15,16;52:20  <b>judges (3)</b>                  8:13;32:20,23  <b>judgment (7)</b>                  21:4;28:19;34:21;                  50:14,18;55:20;56:3  <b>judgments (1)</b>                  9:24  <b>jump (2)</b>                  18:22;20:13  <b>juries (2)</b>                  26:23;32:23  <b>jurisdiction (1)</b>                  4:22  <b>juror (6)</b>                  6:13,14;7:7;11:19;                  12:15;13:11  <b>jurors (6)</b>                  6:10;7:20,23;12:12,                  18;18:2  <b>juror's (1)</b>                  12:17  <b>jury (41)</b>                  3:8;6:24,25;7:3,6,9;                  12:21;13:20,24;14:3,                  15,20,23;15:13;18:1,4,                  6;19:11;20:8;22:25;                  26:20;27:1,4,9,10,11;                  28:4,7;31:18;32:19,22,                  24;33:1;35:22;37:24;                  38:2,4;42:4;44:16;                  56:11  <b>jury's (1)</b>                  46:10</p>	

	35:21	<b>litigating (1)</b> 33:25	<b>mantra (1)</b> 34:2	<b>Michael (2)</b> 15:16;19:19
<b>K</b>	<b>lawyer (4)</b> 19:6;31:23,23;32:22	<b>litigation (1)</b> 37:16	<b>many (8)</b> 6:4,10;9:10,22; 11:25;45:6;51:19; 54:12	<b>mid-morning (1)</b> 17:17
<b>L</b>	<b>lawyers (11)</b> 8:20;10:17;11:25; 12:1,2;14:20;20:2; 34:1;50:13;55:11,12	<b>litigators (1)</b> 53:22	<b>marked (1)</b> 13:12,13	<b>mid-week (1)</b> 57:16
<b>Kaplan (1)</b> 37:17	<b>lead (5)</b> 14:8,21;18:14;19:4,6	<b>little (5)</b> 24:3;41:6;48:2; 54:22;56:19	<b>mark (2)</b> 13:12,13	<b>might (4)</b> 19:1,13;39:21;41:5
<b>Kasner (7)</b> 29:4,4;30:25;31:1,5, 7,25	<b>learned (2)</b> 12:8;27:5	<b>live (4)</b> 4:1,21,23;13:4	<b>marks (1)</b> 13:11	<b>miles (1)</b> 4:23
<b>Katie (2)</b> 41:12;55:24	<b>least (3)</b> 28:4;32:12;49:21	<b>lives (1)</b> 13:4	<b>Mary (1)</b> 41:4	<b>million (1)</b> 11:23
<b>Kazner (1)</b> 31:21	<b>leave (3)</b> 4:14;11:6;32:8	<b>living (1)</b> 40:2	<b>master (1)</b> 9:21	<b>mind (2)</b> 9:8;18:12
<b>keep (2)</b> 33:13;41:12	<b>lectern (1)</b> 31:2	<b>long (3)</b> 28:22;32:22;44:15	<b>material (4)</b> 23:14;25:2;28:14; 30:16	<b>minute (1)</b> 33:9
<b>keeper (1)</b> 27:4	<b>left (1)</b> 13:3	<b>longer (1)</b> 9:9	<b>marks (1)</b> 13:11	<b>minutes (5)</b> 13:12,17;15:17;20:4; 35:3
<b>key (1)</b> 38:11	<b>legacy (1)</b> 45:14	<b>look (9)</b> 5:18,22;13:9;15:18; 24:23;25:6;28:17; 43:22;53:22	<b>Matter (1)</b> 46:9	<b>misleading (1)</b> 28:21
<b>kind (3)</b> 27:6;39:4;41:19	<b>legal (2)</b> 31:7;51:10	<b>looking (5)</b> 21:10;37:13,14; 38:22;56:5	<b>material (4)</b> 23:14;25:2;28:14; 30:16	<b>misstatement (3)</b> 25:18,19;30:3
<b>kinds (1)</b> 27:5	<b>length (1)</b> 3:9	<b>lose (2)</b> 7:7;46:7	<b>matters (5)</b> 40:18,18,20;48:10; 51:12	<b>misstatements (11)</b> 23:11;25:3,5,8,12, 21;28:13,14,23,23;29:1
<b>knock (1)</b> 34:14	<b>Lentell (1)</b> 31:11	<b>losses (1)</b> 53:20	<b>matter (1)</b> 46:9	<b>misstating (1)</b> 30:10
<b>Knowing (1)</b> 48:2	<b>Levin (2)</b> 29:5;31:5	<b>lot (4)</b> 14:18;30:20;56:5; 57:18	<b>may (16)</b> 8:4,8;9:7,7,7;20:4; 27:7,15;31:1;39:15,24; 42:6,6;48:6;56:1;57:17	<b>mistrial (3)</b> 7:5,18,20
<b>knowledge (5)</b> 30:20;35:21;48:5; 51:15;53:12	<b>liability (4)</b> 8:11,24,24;31:10	<b>lunch (1)</b> 17:18	<b>maybe (3)</b> 17:13;30:21;57:2	<b>moment (3)</b> 22:7;24:22;31:2
<b>knows (4)</b> 26:13;30:15;31:11; 50:8	<b>liable (2)</b> 8:15;11:21	<b>Lynch (2)</b> 12:8;31:11	<b>McKinnell (1)</b> 38:6	<b>Monday (3)</b> 6:19,22;17:16
<b>L</b>	<b>limine (23)</b> 3:6;5:21,24;17:6,12; 19:17;20:15,16;21:2, 17;32:11,12,13;33:4; 34:17;36:3;37:6;39:17; 43:15,19,25;47:16; 54:23	<b>Lyrice (1)</b> 39:2	<b>M</b>	<b>monitors (1)</b> 15:13
<b>label (1)</b> 37:23	<b>limited (6)</b> 6:15;46:15,15,16; 55:3,4	<b>Mac (1)</b> 24:9	<b>mean (2)</b> 13:23;38:10	<b>months (2)</b> 16:12;41:18
<b>laid (1)</b> 52:10	<b>limits (2)</b> 6:6;20:11	<b>MacDonald (4)</b> 23:22,24;36:12;37:4	<b>meaningful (2)</b> 48:15,17	<b>more (12)</b> 4:13;8:1,2;12:23; 14:18;18:6;20:4;21:8; 30:20;32:23;57:18,19
<b>language (1)</b> 50:20	<b>line (1)</b> 40:6	<b>magazines (1)</b> 13:9	<b>meaningless (1)</b> 48:14	<b>Most (12)</b> 4:20;5:15;17:8,11; 18:17;19:12,15;21:10; 32:12;34:10;45:15; 47:14
<b>Lankler (1)</b> 50:5	<b>lines (1)</b> 53:4	<b>main (1)</b> 9:2	<b>means (2)</b> 7:6;57:2	<b>mostly (1)</b> 32:24
<b>large (1)</b> 55:4	<b>list (12)</b> 3:16,23;4:8,14;5:8, 15,16,19,20,22,23; 43:22	<b>maintaining (1)</b> 30:8	<b>meant (1)</b> 10:15	<b>motion (50)</b> 17:13;20:16,17,18, 25;21:2,3,15,16,17,18, 24;22:9,14;23:18; 30:19,22;32:4,5,8,12, 18;33:4;34:17,18; 35:23,24;36:1,3,4,5,12; 37:6;39:12;40:23;41:4; 43:15,18,25;46:24; 52:6;54:1,9,11,13,17, 19,20;56:3,6
<b>Largely (1)</b> 17:15	<b>listed (1)</b> 14:18	<b>making (6)</b> 12:19;18:3	<b>mediation (1)</b> 56:25	<b>most (1)</b> 32:24
<b>larger (1)</b> 12:20	<b>listen (2)</b> 48:24;49:18	<b>making (6)</b> 27:5;31:8;35:13; 39:8,9;56:9	<b>medical (1)</b> 36:6	<b>members (1)</b> 9:22
<b>Larry (8)</b> 34:6,7;35:4,19; 47:21;51:9;53:19,24	<b>listening (1)</b> 33:17	<b>man (2)</b> 27:4;46:10	<b>memorandum (2)</b> 36:16,19	<b>mentioned (2)</b> 17:5;43:21
<b>last (5)</b> 16:12;22:11;39:23; 55:8;56:25	<b>lists (2)</b> 14:17,23	<b>management (2)</b> 39:2;44:1	<b>meritorious (1)</b> 50:15	<b>Merrill (1)</b> 31:11
<b>late (2)</b> 57:10,14	<b>litigate (1)</b> 44:1	<b>manager (2)</b> 41:7,17		<b>motions (22)</b> 3:6;5:21,24;9:10; 17:6,12;19:17;20:15,
<b>later (3)</b> 33:20;34:20;57:20				
<b>law (7)</b> 11:12,17;31:16; 36:17,19;45:13,14				
<b>laws (1)</b>				

20;21:2,4;32:11,13,15; 34:25;39:17;47:16; 54:24;55:20;56:7,9,9	<b>numbers (1)</b> 13:11	33:12	<b>pages (1)</b> 28:22	19:5,6
<b>move (1)</b> 6:17	<b>O</b>	<b>openings (3)</b> 13:18,21,21	<b>paid (3)</b> 6:9,10,11	<b>personal (2)</b> 20:7;51:15
<b>much (2)</b> 18:4;46:4	<b>object (5)</b> 18:17,23;19:12; 42:18,18	<b>opined (1)</b> 23:6	<b>paper (1)</b> 50:22	<b>personally (1)</b> 48:10
<b>muster (2)</b> 23:1;26:24	<b>objecting (1)</b> 19:6	<b>opinion (12)</b> 8:12;11:6;22:12,15, 19,23;24:4;25:13;27:8; 30:10;32:20;37:19	<b>papers (4)</b> 35:6;50:12;52:10,13	<b>perspective (3)</b> 6:13;18:13;55:7
<b>myself (1)</b> 27:3	<b>Objection (6)</b> 18:8,11,15;19:1; 42:23;51:19	<b>opinions (1)</b> 26:3	<b>paragraph (5)</b> 11:7;26:5,6,8,11	<b>persuade (1)</b> 14:20
<b>N</b>	<b>objectionable (1)</b> 51:17	<b>opportunity (5)</b> 20:2,7;33:20;42:22; 55:20	<b>pare (2)</b> 14:17,23	<b>persuasive (1)</b> 14:22
<b>nail (1)</b> 44:14	<b>objections (7)</b> 16:25;17:3,11;18:8, 9;19:5;43:17	<b>opposite (2)</b> 45:16,19	<b>parse (1)</b> 10:6	<b>PETROSINELLI (60)</b> 5:9,9,14;7:13,13,16, 19,24;8:4,7,9;3,15,18; 10:3,8,15,19,20;11:1; 14:9;15:5;16:10,11; 17:2,4,8,11,15;18:14, 20,21;19:8,16;36:2,11, 15,18,20,25;37:2,5,8, 11,13,19;38:13,14,18; 42:23,25;43:10,14,21; 44:5,7;46:5,54:18; 56:23,24;57:22
<b>name (3)</b> 3:2;41:5,19	<b>objects (1)</b> 14:25	<b>opposition (2)</b> 28:19;33:15	<b>part (5)</b> 38:11;48:9,19;51:4; 54:20	<b>Pfizer (21)</b> 3:5;4:17,21;5:10,17; 7:14;10:17;22:11;23:2; 25:9;29:22;36:8,8; 37:16,21,23;41:6,17; 44:2,6;50:16
<b>named (2)</b> 10:4;36:4	<b>obliged (3)</b> 31:13,13,18	<b>option (1)</b> 57:21	<b>partial (1)</b> 56:3	<b>Pfizer's (2)</b> 38:7,22
<b>names (2)</b> 4:7;39:21	<b>obviously (2)</b> 8:25;15:14	<b>order (10)</b> 3:6,9;5:11;6:3; 14:24;26:24,25;28:3; 43:17;55:15	<b>participate (1)</b> 53:9	<b>Pharmaceuticals (1)</b> 31:12
<b>naturalized (1)</b> 13:6	<b>occur (1)</b> 44:18	<b>others (11)</b> 18:22;33:15;35:16; 45:8;47:25;48:6;49:16, 23;51:6,23,24	<b>particular (3)</b> 11:19;20:8;46:12	<b>pick (2)</b> 13:20;52:13
<b>necessary (2)</b> 19:12,15	<b>occurred (1)</b> 45:2	<b>others' (1)</b> 53:17	<b>Particularly (2)</b> 9:8;55:21	<b>pictorial (1)</b> 15:7
<b>need (7)</b> 10:9;14:15;15:3; 38:3;45:23;46:11,22	<b>off (7)</b> 4:8,14;13:12,13; 28:13;37:23;57:24	<b>otherwise (3)</b> 39:13;52:5;56:13	<b>pass (1)</b> 14:8	<b>pieces (1)</b> 31:19
<b>needs (3)</b> 17:20;18:6;27:9	<b>offer (2)</b> 24:4;39:5	<b>ourselves (1)</b> 19:9	<b>passes (1)</b> 23:1	<b>plate (5)</b> 9:10;12:17,25;45:3,3
<b>neutral (1)</b> 42:3	<b>offering (1)</b> 27:8	<b>out (20)</b> 6:7;9:7,8;10:6;11:6, 19;13:10;14:13;17:13; 19:10;21:11;26:17; 29:20;33:13;34:14; 45:11,16;52:10,13; 53:18	<b>past (2)</b> 15:24;26:24	<b>Plaintiff (4)</b> 3:10,11;13:12;31:13
<b>New (2)</b> 5:2;42:1	<b>officers (2)</b> 9:6;55:22	<b>outlandish (1)</b> 8:5	<b>Paul (2)</b> 54:17,19	<b>plaintiffs (18)</b> 3:20;4:15;5:22;7:1, 10:8;16,23;10:1;20:19; 23:9,13;25:3,4,8; 26:16;34:1;50:1,5;6:3
<b>newspapers (1)</b> 13:9	<b>off-label (6)</b> 38:8;41:17;44:2,8, 10;45:5	<b>outside (2)</b> 4:21;15:25	<b>pay (1)</b> 6:12	<b>plaintiffs' (8)</b> 8:9,14;23:10,13; 37:7;41:13;43:18,22
<b>next (9)</b> 6:23;32:5;33:2; 35:24,25;36:1;39:14; 41:3;47:11	<b>older (1)</b> 46:10	<b>over (9)</b> 12:13;25:10,10,10; 31:14;33:19;43:6; 44:25;45:7	<b>pending (1)</b> 47:15	<b>plaintiff's (10)</b> 5:16,19;17:3;20:17; 22:12,20,24;27:24; 28:5,8
<b>night (2)</b> 39:23;40:2	<b>omissions (5)</b> 23:14;25:2,3;30:15, 16	<b>overlaps (1)</b> 39:16	<b>people (20)</b> 5:5,12,15;6:4;9:9; 12:22,23;13:16;14:18, 21,22,25;15:21,22; 16:14,18;19:12;35:15; 40:3;50:10	<b>plan (1)</b> 19:4
<b>nightmare (1)</b> 40:4	<b>once (2)</b> 32:7;36:9	<b>overstepping (1)</b> 13:22	<b>per (1)</b> 3:14	<b>plans (1)</b> 38:23
<b>nine (2)</b> 7:1,3	<b>one (27)</b> 5:2;7:20;13:21; 15:19,20;17:22;18:8, 22;19:5,23;24:3;25:11; 33:3,8;34:11,11,14; 37:13;38:22;39:1; 45:15;47:17;50:10; 51:9;57:1,3,14	<b>own (7)</b> 14:11;20:12;22:20, 24;48:4;50:12,22	<b>peremptories (7)</b> 8:1;9:1;10:10;12:8, 19;13:13,15	<b>play (1)</b> 40:25
<b>Nobody (4)</b> 7:4;30:15;34:6; 51:14	<b>ones (2)</b> 36:22;55:11	<b>P</b>	<b>peremptory (1)</b> 11:10	<b>plea (1)</b> 44:7
<b>non-privileged (1)</b> 40:20	<b>only (9)</b> 9:18;10:4;17:22; 18:21;19:2;34:5;40:1, 17;45:24	<b>pad (1)</b> 13:10	<b>permissible (5)</b> 38:12,14,25;39:3,4	
<b>nonsense (1)</b> 34:25	<b>opening (4)</b> 13:21,23;19:23;	<b>page (2)</b> 35:25;53:1	<b>permitted (2)</b> 49:23;50:5	
<b>notes (2)</b> 41:11,14			<b>person (5)</b> 6:25;15:19;16:4;	
<b>notion (1)</b> 42:18				
<b>number (19)</b> 8:12,13;12:24;19:11; 21:18;29:15;33:8,11; 36:3,3,15,16;43:15,15, 19;52:24;55:3,4,5				

<b>pleadings (2)</b> 14:3;33:19	49:2	51:21	45:4;49:22	<b>represented (2)</b> 11:11,17
<b>Please (3)</b> 34:17;48:24;52:16	<b>probe (1)</b> 50:2	<b>Q</b>	<b>reflects (1)</b> 39:1	<b>represents (2)</b> 10:11;19:6
<b>pled (2)</b> 41:17;44:22	<b>problem (15)</b> 6:8;16:9;18:22; 22:19,23;23:4,5,6; 25:13,14,24;26:19; 27:19;28:5;52:7	<b>qualified (1)</b> 32:25	<b>Regan (2)</b> 54:17,19	<b>request (1)</b> 17:22
<b>plus (1)</b> 12:18	<b>problems (2)</b> 17:24;24:4	<b>quarreling (1)</b> 25:25	<b>regard (1)</b> 32:25	<b>required (1)</b> 43:3
<b>point (8)</b> 17:13;20:6;24:23; 30:22;32:17;34:4; 47:23;57:17	<b>proceed (1)</b> 57:19	<b>quarter (1)</b> 17:18	<b>regarding (6)</b> 33:14;34:8;41:4,24; 48:11;51:10	<b>requires (1)</b> 30:20
<b>portions (1)</b> 42:12	<b>produced (1)</b> 44:8	<b>quick (1)</b> 36:5	<b>regional (2)</b> 41:6,17	<b>reserve (1)</b> 54:23
<b>position (2)</b> 30:21;32:18	<b>product (1)</b> 26:3	<b>R</b>	<b>regulations (2)</b> 45:8,9	<b>reserves (4)</b> 10:21,22;54:1,1
<b>Posner (2)</b> 39:22;50:8	<b>products (1)</b> 38:10	<b>raised (1)</b> 29:15	<b>rejected (2)</b> 22:12;25:15	<b>residence (1)</b> 13:7
<b>possible (4)</b> 6:16;14:21;18:4; 29:2	<b>profession (1)</b> 27:5	<b>rather (2)</b> 15:23;17:10	<b>relate (3)</b> 5:24;31:19;43:16	<b>respect (5)</b> 4:18;11:20;44:7; 49:21;51:2
<b>possibly (3)</b> 15:20;27:24;28:25	<b>professionally (1)</b> 48:10	<b>react (1)</b> 30:18	<b>related (1)</b> 53:10	<b>respond (1)</b> 37:25
<b>potential (1)</b> 3:16	<b>Professor (5)</b> 21:16;24:2;25:13,18, 22	<b>read (13)</b> 13:8,9,10;14:6; 19:20;36:7;37:21;49:2, 3;50:12;51:2,4;52:16	<b>release (1)</b> 44:25	<b>responses (1)</b> 8:6
<b>preclude (1)</b> 51:1	<b>programs (1)</b> 45:3	<b>reading (1)</b> 3:9	<b>relevance (1)</b> 18:24	<b>responsible (1)</b> 49:13
<b>prefer (2)</b> 5:5;21:3	<b>prominent (1)</b> 34:11	<b>reads (1)</b> 38:20	<b>relevant (1)</b> 46:22	<b>result (1)</b> 27:25
<b>prepare (2)</b> 14:7,11	<b>promise (1)</b> 52:10	<b>ready (3)</b> 9:10;10:7;13:17	<b>reliable (1)</b> 27:1	<b>retry (1)</b> 7:4
<b>prepared (9)</b> 14:1;20:23;21:1,5,8; 43:10,12;54:7,10	<b>promote (3)</b> 37:23;38:10;39:2	<b>real (2)</b> 6:8;14:16	<b>reliance (3)</b> 33:5,14;56:4	<b>review (1)</b> 56:12
<b>present (4)</b> 13:24;20:3;44:15; 47:23	<b>promotion (6)</b> 38:8;41:17;44:2,8, 10;45:5	<b>really (9)</b> 4:14;6:10;7:2;10:9; 12:13;14:17;33:20; 43:25;56:7	<b>relied (10)</b> 35:5;47:22,25;48:4; 50:14,17;51:6,22,23; 53:16	<b>ribbon (3)</b> 24:6;26:7,10
<b>president (1)</b> 10:24	<b>properly (1)</b> 10:22	<b>reason (8)</b> 7:2,17;8:3;12:25; 21:17;27:14,15,15	<b>relies (1)</b> 48:3	<b>right (15)</b> 4:8,16;9:2;11:5;16:1, 11;17:7;19:24;24:8; 30:6,14;31:24;32:23, 24;50:2
<b>press (1)</b> 44:25	<b>proposed (2)</b> 3:10;7:16	<b>reasoning (1)</b> 8:22	<b>rely (5)</b> 32:24;34:5;35:16,16; 50:1	<b>risk (2)</b> 34:15;45:12
<b>pressing (1)</b> 47:13	<b>proposition (1)</b> 56:17	<b>reassent (1)</b> 32:8	<b>relying (3)</b> 34:19;35:10,11	<b>risks (1)</b> 29:23
<b>pretrial (6)</b> 3:4,6,9;5:11;43:17; 55:15	<b>prospect (1)</b> 56:16	<b>recently (1)</b> 5:3	<b>remain (1)</b> 20:1	<b>role (4)</b> 32:21,21;36:6;37:20
<b>pretty (1)</b> 4:5	<b>protections (1)</b> 45:3	<b>reconcilable (1)</b> 28:4	<b>remained (1)</b> 40:18	<b>room (1)</b> 47:8
<b>prevent (1)</b> 47:23	<b>prove (6)</b> 22:22;34:20,20; 45:18,23;46:13	<b>reconciled (1)</b> 22:24	<b>remember (4)</b> 39:24;41:5,8,19	<b>roost (1)</b> 41:1
<b>price (7)</b> 23:12;25:8;27:11; 28:15;30:13,18;31:17	<b>pulled (1)</b> 55:11	<b>record (2)</b> 56:2;57:24	<b>remembers (1)</b> 33:24	<b>rotate (1)</b> 19:4
<b>principles (1)</b> 31:16	<b>purpose (1)</b> 56:10	<b>recused (1)</b> 15:2	<b>render (1)</b> 51:10	<b>rule (8)</b> 17:1,25;31:22;32:11; 51:18;52:4,6;54:8
<b>privilege (3)</b> 20:14;41:21;42:5	<b>purposeful (1)</b> 39:1	<b>reduce (1)</b> 55:5	<b>reply (1)</b> 33:15	<b>rules (1)</b> 4:13
<b>privileged (3)</b> 40:13,18,19	<b>purposes (1)</b> 31:10	<b>reduction (1)</b> 55:1	<b>report (14)</b> 23:17,24;24:3;26:4, 5;36:10,11,22,24; 37:20;38:15,17,19,20	<b>ruling (6)</b> 31:21;35:13;39:8,9; 47:18;54:7
<b>probability (1)</b> 53:20	<b>push (1)</b> 33:18	<b>refer (2)</b> 48:6;49:19	<b>reporter (1)</b> 3:3	<b>rulings (1)</b> 18:5
<b>probably (5)</b> 15:9,12;41:25;48:5;	<b>put (4)</b> 3:11;15:10;16:4;	<b>reference (1)</b> 49:14	<b>represent (1)</b> 31:5	<b>run (1)</b> 16:19
	<b>putting (1)</b>	<b>referred (2)</b>	<b>representation (2)</b> 15:7;34:12	

<b>S</b>	<p><b>Shall (2)</b> 17:1;55:15</p> <p><b>shares (3)</b> 25:15;27:25;28:10</p> <p><b>Sheila (2)</b> 9:13,16</p> <p><b>shield (1)</b> 49:24</p> <p><b>shielded (4)</b> 35:5,16;47:25;49:17</p> <p><b>short (3)</b> 4:15;20:3,3</p> <p><b>show (2)</b> 15:12;52:3</p> <p><b>showed (1)</b> 37:22</p> <p><b>showing (3)</b> 46:5,6,7</p> <p><b>side (14)</b> 3:12,14;8:3;9:17; 13:17,21;17:22,23; 18:10,10;19:22;41:13, 14;47:4</p> <p><b>sides (5)</b> 6:5;15:21;41:23; 43:9,10</p> <p><b>sides' (1)</b> 6:12</p> <p><b>sign (2)</b> 6:3;55:15</p> <p><b>simply (1)</b> 42:4</p> <p><b>single (6)</b> 22:3;25:16;26:5,6,8; 52:14</p> <p><b>sit (5)</b> 12:16,18;29:8;31:24; 32:4</p> <p><b>siting (1)</b> 13:16</p> <p><b>sitting (1)</b> 13:16</p> <p><b>situation (2)</b> 32:2;56:13</p> <p><b>situations (2)</b> 18:17;19:13</p> <p><b>six (7)</b> 4:14;7:7;8:17;9:18; 10:4;12:1,1</p> <p><b>six-person (1)</b> 7:9</p> <p><b>sixth (1)</b> 38:22</p> <p><b>size (1)</b> 6:24</p> <p><b>Skadden (1)</b> 29:5</p> <p><b>skillful (1)</b> 27:7</p> <p><b>Slides (1)</b> 15:7</p> <p><b>slim (1)</b> 4:5</p>	<p><b>slower (1)</b> 56:1</p> <p><b>smarter (1)</b> 48:3</p> <p><b>Smith (11)</b> 29:10,12,14,20,22; 30:1,6,12,24;54:16,19</p> <p><b>so-and-so (1)</b> 38:6</p> <p><b>sold (1)</b> 47:3</p> <p><b>sole (1)</b> 37:20</p> <p><b>somebody (1)</b> 17:20</p> <p><b>someone (7)</b> 12:16;38:3;39:9; 41:11,13,14;48:4</p> <p><b>soon (1)</b> 10:9</p> <p><b>sorry (5)</b> 30:1;36:15;40:4; 52:24;54:18</p> <p><b>sort (3)</b> 8:21;48:6;53:9</p> <p><b>sought (1)</b> 39:25</p> <p><b>sounds (1)</b> 16:11</p> <p><b>Source (1)</b> 52:23</p> <p><b>speak (2)</b> 3:18;33:1</p> <p><b>speaking (2)</b> 3:20;18:9</p> <p><b>speaks (2)</b> 3:2;33:6</p> <p><b>special (2)</b> 9:21;12:12</p> <p><b>specific (3)</b> 40:7,8;45:4</p> <p><b>specifically (5)</b> 44:21;45:2,5,9;48:23</p> <p><b>speedily (1)</b> 7:23</p> <p><b>Splendid (1)</b> 29:8</p> <p><b>split (2)</b> 8:16;9:7</p> <p><b>spoke (1)</b> 45:9</p> <p><b>spouses (1)</b> 13:6</p> <p><b>square (1)</b> 26:15</p> <p><b>squared (1)</b> 22:20</p> <p><b>SS (1)</b> 37:10</p> <p><b>SS-2 (2)</b> 36:13;37:11</p> <p><b>stand (2)</b> 18:10,16</p>	<p><b>start (9)</b> 3:5;6:22;13:20; 17:17;21:22;22:1; 27:22;57:10,14</p> <p><b>starting (2)</b> 6:19;25:10</p> <p><b>state (6)</b> 3:2;17:2;18:11,15; 31:23,24</p> <p><b>stated (1)</b> 44:25</p> <p><b>statement (12)</b> 11:21;14:1,7,10,11; 30:13;44:23;48:14,19; 49:2;51:11;57:2</p> <p><b>statements (8)</b> 8:11,19;28:22;29:13; 30:7,14;38:19;45:6</p> <p><b>States (1)</b> 13:5</p> <p><b>stations (1)</b> 13:8</p> <p><b>stay (3)</b> 7:5;31:3;38:23</p> <p><b>steered (1)</b> 42:2</p> <p><b>Steve (1)</b> 20:18</p> <p><b>Steven (2)</b> 21:16;23:16</p> <p><b>still (5)</b> 7:8;12:6;39:6;47:15; 56:17</p> <p><b>stock (11)</b> 23:13;24:24;25:2,9, 12;27:11;28:15;30:13, 17;31:14,18</p> <p><b>stop (2)</b> 13:23;53:13</p> <p><b>stopped (1)</b> 55:22</p> <p><b>strategy (2)</b> 38:7;39:1</p> <p><b>streamline (1)</b> 55:9</p> <p><b>strength (1)</b> 51:15</p> <p><b>stuck (1)</b> 56:13</p> <p><b>stupid (1)</b> 47:7</p> <p><b>subject (1)</b> 5:23</p> <p><b>submitted (1)</b> 47:21</p> <p><b>subpoena (1)</b> 5:3</p> <p><b>subsidiary (2)</b> 44:22;45:2</p> <p><b>substantial (7)</b> 21:25;34:12;48:9,11; 49:6;51:7,11</p> <p><b>substantially (1)</b> 22:10</p>	<p><b>substantive (1)</b> 34:9</p> <p><b>succeed (1)</b> 34:25</p> <p><b>suddenly (1)</b> 11:18</p> <p><b>suffered (1)</b> 22:15</p> <p><b>sufficient (1)</b> 13:1</p> <p><b>suggestions (1)</b> 29:15</p> <p><b>suggests (2)</b> 3:11;7:17</p> <p><b>summary (5)</b> 21:4;28:19;34:21; 55:20;56:3</p> <p><b>summer (2)</b> 33:25;34:3</p> <p><b>support (1)</b> 27:18</p> <p><b>suppose (1)</b> 56:9</p> <p><b>Supreme (4)</b> 22:17;27:2;28:2; 31:12</p> <p><b>sure (5)</b> 18:2;21:9,13,23;22:5</p> <p><b>suspend (1)</b> 57:8</p> <p><b>Swain (3)</b> 22:10;23:2;26:20</p> <p><b>switch (3)</b> 16:6,7,13</p> <p><b>sword-and-shield (1)</b> 56:13</p>
			<b>T</b>	
			<p><b>talk (8)</b> 6:24;15:18;19:8; 34:7;38:7;39:15;57:1,5</p> <p><b>talked (3)</b> 43:16;45:7;56:19</p> <p><b>talking (8)</b> 18:25;29:25;30:2; 36:22;38:19;45:24; 46:25;48:9</p> <p><b>teach (1)</b> 14:4</p> <p><b>team (1)</b> 14:9</p> <p><b>technical (6)</b> 15:16,18,20;16:4,14, 18</p> <p><b>technology (1)</b> 57:23</p> <p><b>telling (1)</b> 35:3</p> <p><b>tend (2)</b> 29:14;55:4</p> <p><b>tendency (1)</b></p>	

<p>14:18 <b>terms (2)</b> 32:20;46:10 <b>testifies (1)</b> 30:22 <b>testify (21)</b> 4:19;5:5;35:18,20; 37:21;39:9;40:15,16, 17,21,22;47:2;48:1,15, 16,18,21;49:7,8,23; 52:25 <b>testifying (1)</b> 47:24 <b>testimony (11)</b> 26:25;35:22;38:25; 47:20;50:19;51:2,2,3; 52:4;54:21;56:5 <b>thankful (1)</b> 40:5 <b>theirs (1)</b> 33:3 <b>theories (3)</b> 8:10,20,22 <b>theory (4)</b> 8:14;10:21;28:3; 49:4 <b>therefore (3)</b> 22:24;41:22;47:4 <b>thinking (1)</b> 32:16 <b>thirds (1)</b> 27:22 <b>though (2)</b> 23:8;25:21 <b>thought (2)</b> 32:14;51:14 <b>three (14)</b> 6:5;8:1,3;12:3,5,6; 13:13,19;27:21;39:15, 19,20,21,25 <b>three-year (5)</b> 23:9,15;25:7,10; 31:14 <b>throughout (6)</b> 23:8;25:5,9,22; 28:24;34:2 <b>Thursday (1)</b> 17:17 <b>tied (2)</b> 54:3,5 <b>timed (2)</b> 3:12;6:3 <b>timeline (1)</b> 56:1 <b>times (1)</b> 19:12 <b>timing (1)</b> 14:13 <b>today (8)</b> 15:16;17:5;20:20; 21:2;22:1,1;34:10;41:9 <b>together (5)</b> 12:2;16:15,15;54:3,5</p>	<p><b>told (4)</b> 50:2;52:15;55:10; 56:24 <b>tomorrow (1)</b> 57:10 <b>tonight (1)</b> 4:7 <b>took (2)</b> 9:9;36:7 <b>Torres (1)</b> 15:16 <b>total (1)</b> 25:5 <b>tough (1)</b> 57:4 <b>training (1)</b> 35:21 <b>transcript (4)</b> 24:7,18;52:17;53:2 <b>trial (26)</b> 3:8,10,12,15;6:3,9,9, 14,19;12:23;14:19; 16:12,19,19;17:21; 18:3;43:25;54:22; 55:11,12,18;56:11; 57:7,7,12,19 <b>tried (1)</b> 17:16 <b>trouble (1)</b> 30:19 <b>true (1)</b> 50:10 <b>truth (1)</b> 33:1 <b>try (8)</b> 6:15,17;7:21;17:19; 18:3;21:11;49:2;56:20 <b>trying (1)</b> 55:25 <b>turned (1)</b> 45:16 <b>TV (2)</b> 13:8;15:12 <b>two (18)</b> 4:15;6:5,10,12,13,15, 16,20;7:8;9:19;10:4; 12:24;13:15,19;17:21; 27:22;50:10;55:8 <b>type (2)</b> 45:4,11</p>	<p>30:7;43:23 <b>understood (1)</b> 47:24 <b>undisputed (2)</b> 31:9;50:16 <b>unequivocally (1)</b> 34:8 <b>united (2)</b> 8:2;13:5 <b>unless (2)</b> 7:8;17:20 <b>untrue (1)</b> 50:7 <b>up (28)</b> 9:5;13:12,13;14:10, 11;15:10;16:4,7,8; 17:25;18:10,16;20:20; 21:4;22:4;24:20,23; 25:23;30:18;31:23; 36:21;37:15;41:12; 46:10;52:18;54:16; 55:25;57:7 <b>upon (4)</b> 6:3;21:10;27:1; 35:20 <b>use (8)</b> 15:20,22,23,25;16:3, 4;38:24;57:14 <b>used (3)</b> 14:19;24:5;42:24 <b>useful (4)</b> 19:13;22:25;57:17, 18 <b>uses (1)</b> 39:3 <b>Usually (2)</b> 16:5;21:6</p>	<p><b>wants (5)</b> 7:1,21;27:6;37:15; 55:2 <b>warn (1)</b> 56:14 <b>warning (1)</b> 48:19 <b>watch (1)</b> 13:8 <b>Waxman (1)</b> 44:23 <b>way (10)</b> 6:7,7;12:7;18:3;19:5, 10;34:21;49:19;52:4; 56:18 <b>week (2)</b> 33:21;55:9 <b>weeks (8)</b> 6:6,11,14,15,16,20; 12:24;55:8 <b>weeks' (1)</b> 6:12 <b>weren't (4)</b> 8:18;10:22;38:15; 41:22 <b>Wessel (1)</b> 39:22 <b>win (2)</b> 46:6;55:2 <b>within (4)</b> 4:23;6:16,20;55:5 <b>without (2)</b> 6:6;17:20 <b>witness (8)</b> 3:23;35:17;36:4; 42:4;43:22;46:12,12; 47:3 <b>witnesses (31)</b> 3:15,17;4:1,4,7,10, 14,18;5:19,20,23; 13:25;14:15;15:3;16:8; 17:1,3;39:16,19,21; 40:10,10;43:17,18,23; 45:25;46:4,7,11,15; 47:2 <b>woman (1)</b> 41:20 <b>women (1)</b> 55:12 <b>won (1)</b> 35:23 <b>word (1)</b> 18:8 <b>words (5)</b> 5:21;14:4;38:4; 42:24;52:22 <b>work (13)</b> 6:11,21;12:2;13:6,6, 7;14:13;16:10,15; 18:17,20;26:3;31:17 <b>worked (1)</b> 9:21 <b>works (1)</b></p>	<p>16:21 <b>worry (1)</b> 45:12 <b>writing (3)</b> 42:10,14,23 <b>wrong (5)</b> 22:22;27:7;28:6,6,7 <b>wrongs (1)</b> 9:9</p>
				<b>X</b>
				<b>Xs (1)</b> 25:6
				<b>Y</b>
				<b>year (4)</b> 22:12;33:24;39:24; 56:25 <b>years (1)</b> 11:14 <b>York (1)</b> 42:1
				<b>0</b>
				<b>06 (1)</b> 28:24 <b>07 (1)</b> 28:24 <b>08 (1)</b> 28:24
				<b>1</b>
				<b>1 (5)</b> 23:25;24:7,11,18; 36:3 <b>1,300 (1)</b> 55:8 <b>1:00 (1)</b> 17:18 <b>10 (5)</b> 3:5;4:7;13:2,12,17 <b>10:00 (1)</b> 17:17 <b>100 (1)</b> 4:23 <b>11 (3)</b> 4:3,18;53:4 <b>12 (6)</b> 7:1,4,4,7,16;9:1 <b>13 (1)</b> 4:16 <b>15 (2)</b> 12:19;20:4 <b>150-year (1)</b> 45:13
				<b>2</b>
				<b>2 (1)</b>

MARY K. JONES, v.  
 PFIZER, INC., ET AL.,

January 6, 2015

53:4	53:1			
<b>20 (1)</b>				
5:23	<b>6</b>			
<b>2009 (1)</b>				
25:1	<b>60 (2)</b>			
<b>2013 (2)</b>	3:10,12			
22:18;53:5				
<b>22 (1)</b>	<b>7</b>			
3:13				
<b>25 (1)</b>	<b>700 (1)</b>			
5:23	55:8			
<b>250 (1)</b>				
21:21	<b>9</b>			
<b>251 (1)</b>				
24:12	<b>9/11 (1)</b>			
<b>259 (1)</b>	9:21			
26:12				
<b>26 (1)</b>				
6:23				
<b>288 (1)</b>				
52:24				
<b>3</b>				
<b>34 (1)</b>				
4:10				
<b>342 (3)</b>				
36:3,15,16				
<b>346 (1)</b>				
33:12				
<b>355 (2)</b>				
43:15,18				
<b>37 (1)</b>				
28:22				
<b>384 (2)</b>				
37:1,4				
<b>3864 (1)</b>				
3:5				
<b>39 (1)</b>				
52:17				
<b>4</b>				
<b>400 (1)</b>				
33:15				
<b>421 (1)</b>				
33:16				
<b>43 (3)</b>				
25:5;28:12,23				
<b>43rd (1)</b>				
25:17				
<b>44 (2)</b>				
4:1,4				
<b>5</b>				
<b>5 (2)</b>				
43:15,19				
<b>5:00 (1)</b>				
17:19				
<b>50 (1)</b>				
12:23				
<b>56 (1)</b>				

## Regan Karstrand

---

**From:** NYSJ\_ECF\_Pool@nysd.uscourts.gov  
**Sent:** Friday, January 09, 2015 7:17 PM  
**To:** CourtMail@nysd.uscourts.gov  
**Subject:** Activity in Case 1:10-cv-03864-AKH Jones et al v. Pfizer, Inc. et al Letter

**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 1/9/2015 at 7:16 PM EST and filed on 1/9/2015

**Case Name:** Jones et al v. Pfizer, Inc. et al

**Case Number:** [1:10-cv-03864-AKH](#)

**Filer:** Pfizer, Inc.

**Document Number:** [445](#)

#### Docket Text:

**LETTER addressed to Judge Alvin K. Hellerstein from Joseph G. Petrosinelli dated January 9, 2015 re: January 6, 2015 Status Conference transcript. Document filed by Pfizer, Inc.. (Attachments: # (1) Exhibit 01.06.2015 Hearing Transcript)(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, cmonaco@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

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, efilenotice@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

Meghan K. Spillane mspillane@goodwinprocter.com, sewald@goodwinprocter.com,  
ttam@goodwinprocter.com

Michael Barry Carlinsky michaelcarlinsky@quinnemanuel.com, brantkuehn@quinnemanuel.com,  
jomairecrawford@quinnemanuel.com

Michael Joseph Dowd miked@rgrdlaw.com, debg@rgrdlaw.com, e\_file\_sd@rgrdlaw.com,  
tome@rgrdlaw.com

Michael Scott Bailey michael.bailey@skadden.com

Mitchell M.Z. Twersky mtwersky@aftlaw.com

Patrick Daniel Curran patrickcurran@quinnemanuel.com, justinemanzano@quinnemanuel.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=1/9/2015] [FileNumber=14102200-0]  
] [883771f45c2262f3bb57d63c97545f6fc1ffea92a91d53ac3c6ea4cd5341bf7cdb8  
c6bd4300e0426fa53b7b90a28f37a119fd4a9b4048864b9faaf52495d3992]]

**Document description:**Exhibit 01.06.2015 Hearing Transcript

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1008691343 [Date=1/9/2015] [FileNumber=14102200-1]  
] [85b2001c51be0b167b26eb291a8729cfafa145178acadfd6a86c194281dd58ae428  
7e15a9e6b00e299c51d3032dc779d1e659403bf6acc61673aed27771c67d]]