

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARY K. JONES, et al.,

Plaintiff,

-against-

PFIZER, INC. et al.,

Defendants.

ORDER CONCERNING  
MOTIONS IN LIMINE  
REGARDING NON-PARTY  
MARY HOLLOWAY

10 Civ. 3864 (AKH)

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ALVIN K. HELLERSTEIN, U.S.D.J.:

1. On December 10, 2014, both parties submitted motions *in limine* concerning the testimony of non-party Mary Holloway– Plaintiffs’ Motion *in Limine* to Admit Deposition Testimony of Mary Holloway and for Adverse-Inference Instruction (Dkt. No. 350) and Defendants’ Motion *in Limine* No. 9 (Dkt. No. 363) to Exclude Fifth Amendment Invocations of Non-Party Mary Holloway and Documents Relating to Her Criminal Conviction.

2. On December 22, both parties submitted Memoranda of Law in Opposition to the other side’s motions – Defendants’ Memorandum of Law in Opposition to Plaintiffs’ Motion *in Limine* to Admit Deposition Testimony of Mary Holloway and for Adverse-Inference Instruction (Dkt. No. 397) and Plaintiffs’ Memorandum of Law in Opposition to Defendants’ Motions *in Limine* (Dkt. No. 409), respectively.

3. On January 6, 2015, I heard oral argument on these motions.

4. On January 12, 2015, I issued an Order Concerning Motions *In Limine* that were decided at the January 6, 2015, conference. (Dkt. No. 446.) As part of that Order, I ruled that “Plaintiffs may not have a witness testify as to what the witness did or sold that plaintiffs suggest was illegal”. (*Id.* at 1.) Ms. Holloway’s deposition testimony is precluded by


that Order until and unless “defendants dispute that they engaged in off-label promotion and the extent of the off-label promotion”. (*Id.*) The parties may then reassert their positions.

5. I will rule on the admissibility of Ms. Holloway’s sentencing memorandum if and when a party seeks to offer it at trial.

For the foregoing reasons, Defendants’ Motion is DENIED and Plaintiffs’ Motion is DENIED. The Clerk shall mark the motions (Dkt. Nos. 350, 363) terminated.

SO ORDERED.

Dated: New York, New York  
January 12, 2015



ALVIN K. HELLERSTEIN  
United States District Judge

## Regan Karstrand

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**U.S. District Court**

**Southern District of New York**

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

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

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#### **Docket Text:**

**ORDER CONCERNING MOTIONS IN LIMINE REGARDING NON-PARTY MARY HOLLOWAY denying [350] Motion in Limine; denying [363] Motion in Limine: For the foregoing reasons, Defendants' Motion is DENIED and Plaintiffs' Motion is DENIED. The Clerk shall mark the motions (Dkt. Nos. 350, 363) terminated. (Signed by Judge Alvin K. Hellerstein on 1/11/2015) (tn)**

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