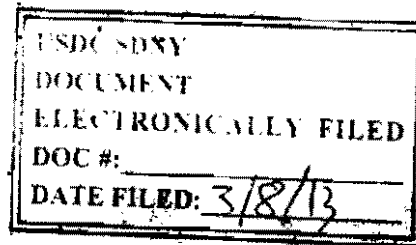


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- X
: MARY K. JONES, Individually and on Behalf of
: All Others Similarly Situated,
:

: Plaintiffs,
:

: -against-
:

: PFIZER, INC et al.,
:

: Defendants.
:
: X

ORDER

10 Civ. 3864 (AKH)

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

Plaintiff and Defendants dispute what discovery Plaintiff is entitled to. On March 8, 2013, I held oral argument on this issue. I rule as follows:

Depositions of trial witnesses: Plaintiff seeks to depose all 19 witnesses that Defendants indicated that they could potentially call at trial. Defendants respond that they will only call 10 or fewer of these 19 witnesses. Defendants must provide a list of witnesses they plan to call at trial by March 15, 2013. Plaintiffs may depose the witnesses on that list only.

Depositions of witnesses with knowledge of Bextra, Geodon, Zyxin, and Lyrica: Plaintiff has identified 17 witnesses who potentially have information on the off-label use of these four drugs. Plaintiff is entitled to eight to ten depositions of these witnesses; the parties shall exchange information to determine who of the 17 witnesses should be deposed.

Depositions of Defendants' internal auditors: Plaintiff seeks to depose individuals at Pfizer who conducted internal audits. The parties have identified two individuals who were in charge of the internal audits; Plaintiff may depose those individuals.

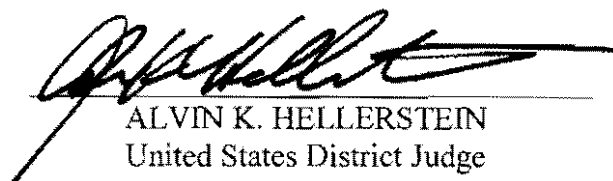
If Plaintiff seeks any depositions beyond those allowed under this order, Plaintiff must show, by a “2E” letter, why the proposed deponent would provide relevant information that had not previously been uncovered through discovery. See Indiv. R. 2E.

Documents from Dennis Block: Plaintiff seeks documents from Dennis Block, who served as outside counsel to Pfizer. Block is relevant to the case in that the Defendants may have acted in good faith in relying on his advice. Plaintiffs may obtain documents from Block, but only to the extent that those documents relate to information and advice that Block gave to Defendants.

Documents on Defendants’ profits: Plaintiff seeks more detail on an 11-page document that provides data on Defendants’ profits and loss. This additional information is of limited probative value. I therefore rule that Plaintiff is not entitled to more information on this document.

SO ORDERED.

Dated: March 8, 2013
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge