

MAR 17 2011

IN THE COURT OF COMMON PLEAS  
OF PHILADELPHIA COUNTY, PENNSYLVANIA **J. STEWART**

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION – CIVIL (MASS TORTS)

IN RE:

YAZ®, YASMIN®, OCELLA®, GIANVI®  
PRODUCT LIABILITY LITIGATION

SEPTEMBER TERM, 2009  
NO. 1307

In Re: Yaz/Yasmin/Ocella Litigation-ORDER



09090130700200

**CASE MANAGEMENT ORDER NO. 17**

(Production of Personnel File Materials for Bayer Witnesses)

The Parties having consented, stipulated and agreed to the following,

IT IS ON THIS 17<sup>th</sup> day of March, 2011, **HEREBY ORDERED** that:

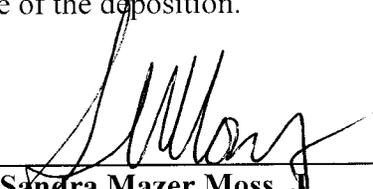
- 1) As used herein, the term “personnel materials” shall include:
  - a) any personnel or performance reviews, evaluations, critiques, rewards, or action plans related to the witness’s performance with respect to Yasmin, YAZ and other DRSP-containing medicines;
  - b) any self-review, self-evaluation, self-critique and/or action plans created as a part of any formal policy related to the witness’s performance with respect to Yasmin, YAZ and other DRSP-containing medicines;
  - c) any document evidencing periodic reviews of performance or discipline up to and including termination related to the witness’s performance with respect to Yasmin, YAZ and other DRSP-containing medicines;
  - d) any documents reflecting any award given to the witness under any incentive plan, salary, bonus or other forms of compensation related to the witness’s performance with respect to Yasmin, YAZ and other DRSP-containing medicines; and

e) any portion of any termination, severance or separation document reflecting: (i) any post-employment consulting relationship with Bayer or any agreement to provide assistance to Bayer in connection with litigation; (ii) the reasons for termination, if the reasons stated for termination refer to Yasmin/Yaz or other DRSP-containing medicines; or (iii) any non-disparagement clause or provision.

2) Plaintiffs will not seek production of personnel materials of the German employees;

3) Defendants shall produce to Plaintiffs the personnel materials of any Bayer HealthCare Pharmaceuticals Inc., f/k/a Berlex, Inc., f/k/a/ Berlex Laboratories, Inc. employee, former employee whose deposition is scheduled.

4) The personnel materials produced pursuant to paragraph 3 shall be produced no later than 20 days in advance of the deposition of the witness involved except that in the case of depositions occurring less than 20 days from the date of this Order, those materials shall be produced at least 10 days in advance of the deposition.

  
Sandra Mazer Moss, J.