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IN THE COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY, CIVIL TRIAL DIVISION

IN RE: YAZ®, YASMIN®, OCELLA® PRODUCT  
LIABILITY LITIGATION

SEPTEMBER TERM, 2009

APPLICABLE TO ALL CASES

NO. 1307

DOCKETED  
COMPLEX LIT CENTER

SEP 7 2010

J. STEWART

CASE MANAGEMENT ORDER NO. 4(F)  
RE: Supplemental Defense Fact Sheet

THIS MATTER, having been opened to the Court by counsel for the Parties, and the Parties having consented, stipulated and agreed to amend and supplement the provisions of *Case Management Order No. 4(D)* pertaining to the Defense Fact Sheet ("DFS").

1. Defendants shall be obligated to provide a Supplemental Defense Fact Sheet ("SDFS"), in the form attached hereto as Exhibit A, where Defendants have an obligation to provide a DFS to a Plaintiff who has provided a Plaintiff Fact Sheet ("PFS") that contains the required "Core Criteria" as specified in the above-referenced order.

2. With respect to any plaintiff for whom the DFS is due 15 days after the date of this Order, or later, the SDFS shall be due simultaneously with the DFS.

3. With respect to any plaintiff for whom the DFS was provided and/or due on or before August 2, 2010, the SDFS shall be produced on or before **September 20, 2010**.

4. With respect to any plaintiff for whom the DFS was provided and/or due from August 3, 2010 through 14 days after the date of this Order, the SDFS shall be produced on or before **September 30, 2010**.

5. Defendants shall produce all documents responsive to the document requests set forth in the SDFS *Section III* no later than **60 days** in advance of the deposition of the sales

representative in question. The Parties shall cooperate in good-faith in scheduling a sales representative deposition upon receipt of a deposition notice, and such date shall not be noticed, delayed, cancelled or postponed by any party to expedite or delay the production of documents pertaining to that sales representative under *Section III* of the SDFS.

6. Upon entry of an Order governing an early trial case selection process, the Parties will meet and confer concerning any amendment of the deadlines that may be required for production of these documents in cases selected for inclusion in any early trial case discovery pool.

IT IS, ON THIS 3rd DAY OF Sept, 2010  
SO ORDERED,

  
\_\_\_\_\_  
Sandra Mazer Moss, J.

**IN THE COURT OF COMMON PLEAS  
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**NO. 1307**

**DEFENDANTS' SUPPLEMENTAL FACT SHEET**

**I. CASE INFORMATION**

This DFS Supplement pertains to the following case:

Case caption: \_\_\_\_\_

Civil Action No. \_\_\_\_\_

Court in which action was originally filed: \_\_\_\_\_

Date that this DFS Supplement was completed: \_\_\_\_\_

**II. SALES REPRESENTATIVE OR DETAIL PERSON SUPPLEMENTAL INFORMATION**

1. For each Sales Representative or detail person that had contact with each Dispensing/Prescribing Healthcare Providers identified in Section II(B)(2) of the DFS, please provide the following information for a period of one (1) year before he/she began covering the earliest Dispensing/Prescribing Health Care Provider identified in the PFS for Yaz, Yasmin, Ocella, premenstrual syndrome, premenstrual dysphoric disorder or acne to one (1) year after he/she concluded covering that Dispensing/Prescribing Health Care Provider for Yaz, Yasmin, Ocella, premenstrual syndrome, premenstrual dysphoric disorder or acne:

Name of Sales Representative/Detail Person	Salary	Bonus	Regional Rank	District Rank	National Rank

2. For each Sales Representative or detail person identified in Section II(B)(2) of the DFS, please identify and produce pursuant to Section III, below, all employee performance evaluations, periodic review reports, self-reviews, comparative sales ranking reports, and any other evaluation of the employee's sales performance maintained in the Sales Representative's personnel file or the Sales Representative's custodial file (or maintained by the Sales Representative's supervisors) for a period of one (1) year before he/she began covering the earliest Dispensing/Prescribing Health Care Provider identified in the PFS for Yaz, Yasmin, Ocella, premenstrual syndrome, premenstrual dysphoric disorder or acne to one (1) year after he/she concluded covering the latest Dispensing/Prescribing Health Care Provider identified in the PFS for Yaz, Yasmin, Ocella, premenstrual syndrome, premenstrual dysphoric disorder or acne.
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3. For Each Sales Representative or detail person identified in Section II(B)(2) of the DFS that had contact with each Dispensing/Prescribing Healthcare Providers, identify any visual aids or other materials tracked by the ENGAGE system that were shown by the Sales Representative or detail person to each dispensing/Prescribing Healthcare Providers identified in Section IX of the PFS during any sales call when Yaz, Yasmin, or Ocella was discussed. Also, attach (a) a copy of such visual aids and (b) provide a copy of all data from the ENGAGE system that reflects or relates to the showing of any visual aid to the Dispensing/Prescribing Healthcare Providers.
  4. Please identify the person or persons who provided information responsive to Section II or any of its subparts.
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### **III. DOCUMENTS**

- A. To the extent you have not already done so, please produce a copy of all documents and things in your possession, custody and control that fall into the categories listed below, for each Sales Representative or detail person identified in Section II (B) (2) of the DFS (for a period of one (1) year before he/she began covering the earliest Dispensing/Prescribing Health Care Provider identified in the PFS for Yaz, Yasmin, Ocella, premenstrual syndrome, premenstrual dysphoric disorder or acne to one (1) year after he/she concluded covering that Dispensing/Prescribing Health Care Provider for Yaz, Yasmin, Ocella, premenstrual syndrome, premenstrual dysphoric disorder or acne. These documents shall be produced pursuant to the

schedule set forth in the CMO implementing this Defendants' Supplemental Fact Sheet:

- 1) Any document signed by the Sales Representative or detail person acknowledging the Defendants' business or ethics practices or policies;
- 2) Any personnel or performance review, evaluation, critique, reward or actions plans related to the performance of the Sales Representative or detail person by a Superior;
- 3) Any self-review, self-evaluation, self-critique, action plans by the Sales Representative or detail person created as part of any formal policy;
- 4) Any document evidencing periodic reviews of performance or sales of the Sales Representative or detail person;
- 5) Any document reflecting comparative sales ranking of the Sales Representative or detail person;
- 6) Any documents reflecting any award given to the Sales Representative or detail person;
- 7) Any documents reflecting incentive plans based on sales of oral contraceptives for the Sales Representative or detail person;
- 8) Documents sufficient to establish the compensation of the Sales Representative or detail person including:
  - a. Salary
  - b. Bonus, and,
  - c. Other rewards or compensation such as trips, dinners, or gift-cards.

#### VERIFICATION

I am authorized to make this Verification on behalf of \_\_\_\_\_. The information provided in the foregoing Defendant Supplemental Fact Sheet has been compiled by employees and legal counsel for \_\_\_\_\_. Although I do not have personal knowledge of all of the information set forth therein, I verify that the facts set forth in the foregoing Defendant Fact Sheet are true and correct to the best of my knowledge, information, and belief, formed after due diligence and reasonable inquiry. I understand that any false statements herein are made subject to penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date