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IN RE	:	COURT OF COMMON PLEAS
	:	PHILADELPHIA COUNTY
REGLAN®/METOCLOPRAMIDE	:	
LITIGATION	:	JANUARY TERM, 2010
	:	NO. 1997
This Document Relates to All Cases	:	

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CASE MANAGEMENT ORDER NO. 11:
STIPULATION OF DISCONTINUANCE OF LESS THAN ALL DEFENDANTS, AMENDMENTS TO PLEADINGS, DEFENDANT'S FACT SHEET, PROCEDURE FOR PLAINTIFF FACT SHEET DEFICIENCIES, REQUESTS FOR THE PRODUCTION OF DOCUMENTS, AND DOCUMENT PRODUCTION PROTOCOL GOVERNING ALL REGLAN®/METOCLOPRAMIDE CASES

I. SCOPE OF THIS ORDER

This Case Management Order No. 11 ("CMO No. 11") shall govern all cases that are presently pending or hereafter filed in the Philadelphia Court of Common Pleas, which become part of the program of coordinated pretrial proceedings relating to the prescription drug Reglan® and/or metoclopramide (the "Reglan®/metoclopramide Litigation"), with the exception of Plaintiff-specific medical providers in this Litigation.

This CMO No. 11 addresses the procedure for discontinuing an action against less than all Defendants to that action and the procedure for amending a pleading. CMO No. 11 also supplements Case Management Order No. 3 addressing discovery issues, by including the Defendant's Fact Sheet, *Plaintiffs' Master First Set of Requests for Production of Documents to Generic/Brand Name Defendants*, and relevant discovery deadlines. In addition, this Order sets forth the manner in which any disputes concerning responses provided in individual Plaintiff Fact Sheets will be addressed.

In addition, this CMO No. 11 discusses the production of Defendants' documents, the manner in which a party will log any documents withheld on the basis of privilege, and the

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Parties' inadvertent production of documents. Defendants agree to produce all responsive, non-privileged documents kept in the ordinary course of business. This Order shall not govern those documents previously produced by a Defendant in any prior or pending Reglan® and/or metoclopramide litigation ("Previously Produced Documents"). These Previously Produced Documents are addressed in Case Management Order No. 3.

II. STIPULATION OF DISCONTINUANCE OF LESS THAN ALL DEFENDANTS

If Plaintiffs intend to discontinue an action against less than all Defendants to that action, counsel for Plaintiffs in that case and the dismissed Defendant shall prepare an Order of Discontinuance. Counsel for Plaintiffs shall forward Notice of the proposed Discontinuance to all other parties to that case and to Defense Liaison Counsel. If no party objects to the proposed Discontinuance within ten (10) days of the Notice, then the Order together with the Notice shall be forwarded to the Court as deemed to be consented to by all properly noticed parties and may be entered by the Court.

III. AMENDMENTS TO PLEADINGS

If any party desires to amend a pleading, counsel for the party who wishes to amend shall prepare a Stipulation to Amend together with the proposed Amendment, and shall forward the Stipulation and proposed Amendment to all parties to that case. If no party objects to the proposed Amendment within ten (10) days of the Notice, then the amending party may forward the Stipulation, proposed Amendment, and copy of the Notice to the Court as deemed to be consented to by all properly noticed parties and the Stipulation may be entered by the Court.

IV. DEFENDANT'S FACT SHEET

Plaintiffs' Liaison Counsel hereby serve upon Defendants their Defendant's Fact Sheet, attached hereto as Exhibit "A." A complete Defendant's Fact Sheet must be answered and served 120 days after the date that the Plaintiff's Fact Sheet is served on an individual defendant,

or 120 days from the date of this CMO No. 11, whichever is later, provided that a PFS does not suffer from a Material Deficiency subject to the completeness of the Plaintiff's Fact Sheet. A Defendant's obligation to serve a Defendant's Fact Sheet may also be tolled if the Defendant is subject to the Product Identification Dismissal Procedure. This Procedure will be addressed in a future Case Management Order.

V. DEFICIENT PLAINTIFF FACT SHEET

In accordance with Case Management Order No. 3, Section II(A)(1), each Plaintiff is obligated to complete and submit a Plaintiff Fact Sheet ("PFS") to Defendants' Liaison Counsel and Defendants' counsel in Individual Plaintiff's case within sixty (60) days of the filing of that Plaintiff's *Short Form Complaint*.

A. PLAINTIFF FACT SHEET DEFICIENCIES

1. Plaintiff Fact Sheets may be deficient and/or otherwise constitute inadequate discovery responses, for various reasons. These include, but are not necessarily limited to, those circumstances where: (1) Plaintiff has failed to submit a PFS within the time limit; or (2) Plaintiff has failed substantially to complete the PFS in all respects, and the PFS thus contains a material deficiency (*i.e.*, a deficiency(s) that prejudices Defendants through a failure to provide necessary information, thereby impeding Defendants' access to material and relevant evidence).

2. Defendants' ability adequately to complete a Defendant's Fact Sheet ("DFS") as to an individual Plaintiff is contingent upon Plaintiff's adequate responses to pertinent corresponding portions of the PFS. In particular, deficient responses to the following sections of the PFS may compromise defendants' ability fully to complete the DFS:

a. Section II, subsections A-B, D-E;

b. Section III, Subsection A (Nos. 1-3, 20);

c. Section IV, Subsections D; and

d. Section V, Subsections A, E.

3. Subject to the parties' rights and obligations pursuant to the Product ID Dismissal Procedure (to be addressed in a subsequent Case Management Order), Plaintiff's inability to identify one or more dispensing pharmacies in the PFS shall not toll Defendants' obligation to serve a DFS; however, under these circumstances, the DFS shall not be deemed deficient for Defendants' failure to respond to VIII.12, or to any other paragraph insofar as it seeks information as to unidentified dispensing pharmacies.

B. **REMEDY FOR ALLEGED PFS DEFICIENCIES**

1. If a Plaintiff fails timely to submit a PFS, or if Defendants receive a PFS in the allotted time but the PFS is not "substantially complete in all respects," Defendants' Liaison Counsel shall send a deficiency letter via email to Plaintiffs' Liaison Counsel at Gilligan & Peppelman (ray@gandplaw.us), Eisenberg, Rothweiler, Winkler, Eisenberg & Jeck (stewart@erlegal.com) and Feldman & Pinto (rpinto@feldmanpinto.com) and to Plaintiff's Individual Representative Counsel. The deficiency letter shall include sufficient detail for Defendants' counsel and Plaintiff's Individual Representative Counsel (the "Parties") to meet and confer regarding the alleged deficiency(ies). If one or more of the alleged

deficiencies is of a type enumerated in paragraph V.A.2., above, the deficiency letter shall so state.

2. Not later than fifteen (15) days from the date of transmission of the deficiency letter, Plaintiff shall cure the deficiency(ies) by service of a PFS which is substantially complete in all respects, or shall advise Defendants' Liaison Counsel of Plaintiff's desire to conduct a "meet and confer" to attempt to resolve any disputes regarding the alleged deficiency(ies).

3. In the event that Plaintiff elects to conduct a "meet and confer", such "meet and confer" shall be conducted as soon as reasonably practicable, between designees of Plaintiff's counsel and Defendants' counsel of record in the case, and may be conducted telephonically. A successful conclusion of such "meet and confer" shall include a mutually agreeable understanding as to the resolution of all outstanding disputed issues as to the alleged deficiency(ies), as well as an agreement as to the date for service of an amended PFS curing the alleged deficiency(ies), if necessary, and, with respect to a PFS that involves one or more alleged deficiencies of the type enumerated in paragraph V.A.2., the date for service by Defendants of their corresponding DFS.

4. In the event of Plaintiff's failure, in accordance with paragraph V.B.2., timely either to cure the alleged deficiency(ies) or to request a "meet and confer", Defendants may make an application to the Discovery Master in the nature of a motion to compel a further response to the PFS. In the event that a "meet and confer" is conducted, but fails to reach a successful conclusion, as

described in paragraph V.B.3., any party may make an application to the Discovery Master in the nature of a motion to compel or motion for a protective order. The Discovery Master shall establish a schedule and a procedure for the timely hearing of such applications.

5. Nothing herein shall derogate from the rights of any party to pursue any remedies and protections available under the Pennsylvania Rules of Civil Procedure or the Rules of this Court. The parties are cautioned, however, that any discovery motions relating to deficient fact sheets will be strongly disfavored unless the moving party can certify that it has exhausted its remedies under the terms of this Order, including before the Discovery Master, prior to filing its motion.

VI. MASTER DOCUMENT REQUESTS

Plaintiffs' Liaison Counsel hereby serve upon Generic Defendants[1] *Plaintiffs' Master First Set of Requests for Production of Documents to Generic Defendants* ("Document Requests to Generic Defendants"). The Document Requests to Generic Defendants are attached hereto as Exhibit "B." Plaintiffs' Liaison Counsel also hereby serve upon Brand Name Defendants[2] *Plaintiffs' Master First Set of Requests for Production of Documents to Brand Name Defendants* ("Document Requests to Brand Name Defendants"). The Document Requests to Brand Name Defendants are attached hereto as Exhibit "C." The Document Requests shall be deemed to have been served upon all properly-served Defendants in the Reglan®/metoclopramide Litigation upon execution of this Case Management Order.

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1 "Generic Defendants" are defined in the Amended Master Long-Form Complaint.

2 "Brand Name Defendants" are defined in the Amended Master Long-Form Complaint.

A. **MANNER OF PRODUCTION**

1. All documents produced in response to the Document Requests must be produced in accordance with the Document Production Protocol described below in Section VII.

2. All documents produced in response to the Document Requests must be produced on a rolling basis, according to deadlines described below in Section VI.B.

3. Plaintiffs' Document Requests are non-objectionable and shall be answered by each Defendant without objection. Defendants maintain the right to assert attorney-client privilege and/or attorney work product, for which they must provide a privilege log, as described in Section VIII.A. below. Each Defendant shall comply with their obligation to supplement their Responses within reasonable timeframes in accordance with the Pennsylvania Rules of Civil Procedure.

4. To the extent that Plaintiffs dispute any Response, they shall meet and confer with the answering Defendant's counsel in an attempt to resolve that dispute. If no agreement is reached, the Parties shall submit their dispute to Harris T. Bock who the Court has appointed to serve as a Discovery Master in this proceeding.

B. **RESPONSE DEADLINES**

1. All parties that are Defendants in the action captioned *Hassett v. Dafoe, et al.*, August Term 2008, No. 01551 (collectively, the "*Hassett* Defendants") shall make their first rolling production in response to the

Document Requests on or by September 1, 2010. The following *Hassett* Defendants must complete their production on or by December 31, 2010:

Wyeth, Inc.
Wyeth Pharmaceuticals, Inc.
Schwarz Pharma, Inc.
PLIVA, Inc.
Teva Pharmaceutical USA, Inc.

2. The following Defendants shall make their first rolling production in response to the Document Requests on or by October 8, 2010:

Qualitest Pharmaceuticals, Inc.
Generics Bidco I LLC d/b/a Qualitest Pharmaceuticals
Northstar
Vintage Pharmaceuticals, LLC
Harvard/Major Pharma
ANI Pharmaceuticals
Watson Laboratories, Inc.
Ranbaxy Pharmaceuticals, Inc.
Morton Grove
Mutual Pharmaceutical Company, Inc.
Pharmaceutical Associates, Inc.
Beach Products
Actavis Elizabeth, LLC
Alaven Pharmaceutical LLC
Wilmington Pharmaceuticals, LLC
Duramed Pharmaceuticals
Baxter Healthcare Corporation
Apothecon

These Defendants must complete their production on or by January 15, 2011.

3. All other Defendants whose product has not yet been affirmatively identified as having been ingested by at least one Plaintiff in this Litigation, *i.e.*, identified in the product identification chart in Section II.B. of a Plaintiff Fact Sheet (collectively, the "Unidentified Defendants"), shall not respond to Master Discovery (Master Interrogatories, attached as Exhibit "B" to Case Management Order No. 3, or Document Requests) until

60 days from identification in a Plaintiff Fact Sheet. Unidentified Defendants must complete their document production 180 days from identification. The following is a list of Unidentified Defendants:

Silarx Pharmaceuticals, Inc.
United Research Laboratories, Inc.
Bristol Myers Squibb
APP Pharmaceuticals, LLC
Hospira, Inc.
Schering Corporation
Roxane Laboratories, Inc.
Bedford Laboratories
Wockhardt USA
Barr Pharmaceuticals
Barr Laboratories
Par Pharmaceutical, Inc.
VistaPharm Inc.
Rugby Laboratories, Inc.
Ipca Pharmaceuticals, Inc.
UDL Laboratories
Ivax Laboratories, Inc.

4. Discovery obligations regarding the following Defendants shall be addressed in a future Case Management Order:

McKesson Corporation
Wolters Kluwer Health, Inc.
Elsevier, Inc.
Gold Standard, Inc.
Thomson Reuters (Healthcare) Inc.

VII. DOCUMENT PRODUCTION PROTOCOL GOVERNING DEFENDANTS' PRODUCTION OF DOCUMENTS

The Parties shall produce documents in a manner complying with the Pennsylvania Rules of Civil Procedure and in accordance with the following document production protocol:

A. PRODUCTION OF ELECTRONIC DOCUMENTS

1. Production of Electronic Documents: The Parties agree that all responsive electronically stored information ("ESI") shall be produced in the following formats:

a. TIFFs: All images shall be delivered in single-page Group IV TIFF image files ("TIFF format") and at least 300 dpi resolution. Image file names shall not contain spaces or punctuation. To the extent that the imaging conversion process results in a degradation in appearance from the underlying original, the producing party agrees to also produce the applicable original in native format upon the reasonable request of the receiving party. To the extent available after document processing, a party that elects to produce a document in image format that was originally available to the party in native format, the document's image shall include all hidden text, comments, and tracked changes.

b. Unique IDs: Each image should have a unique file name with the unique identification number ("Bates number") assigned to it. The Bates number will include a prefix using at least three alpha characters representing the responding party and eight digits without any spaces or punctuation, i.e. ABC00000001. Documents that exist in native format shall be differentiated from those available only in hard copy by a numerical digit immediately following the alphabetic prefix (e.g. ABC00000001 for native documents, and ABC50000001 for hard copy documents). Where applicable, a confidentiality notice will be placed on the page image in a manner that does not conceal or interfere with any information contained on the page. No other stamp or

information will be placed on a document other than Bates number, confidentiality notice, and any redactions. Native electronic files will not be numbered, however, a tiff image slip sheet, bearing a Bates number, the name of the native file and confidentiality designation, if applicable, will be inserted.

c. Text Files: Extracted full text in format of multi-page .txt files shall be provided. The total number of text files delivered should match the total number of documents delivered. Each text file should match the respective TIFF filename with the exception of the file extension (".txt). (".txt format"). For documents that contain redactions, text from the redacted pages will be produced in Optical Character Recognition ("OCR format") rather than extracted text.

d. Parent-Child Relationships: Parent-child relationships (the association between an attachment and its parent document) shall be preserved. The database load files (infra) shall, for each parent document, identify by Bates Number each attachment thereto, and shall, for each attached document, identify by Bates number the applicable parent document.

e. Database Load Files/Cross-Reference Files: Production of ESI will be provided in a load file format compatible with Concordance or Summation and Opticon or IPRO.

f. Metadata: For documents that were originally created using common, off-the-shelf software (*e.g.*, Microsoft Word, Microsoft PowerPoint, Adobe PDF), the Parties will provide metadata fields to the extent it is available for production after processing. The load file containing the metadata shall conform to the format specified below. A list containing typical metadata fields

to be produced is included below. The actual metadata field names may differ depending on the type of data and data processing protocol. The Parties must produce all files attached to each email they produce, but only if such files are actually attached to that email in the ordinary course of business. To the extent a party produces email attachments that were originally created using common, off-the-shelf software, a party will produce the metadata for those attached electronic documents in accordance with this section.

i. Examples of Typical Metadata Fields:

a.) Custodian

b.) Beginning Bates Number

c.) Ending Bates Number

d.) Beginning Attachment Number

e.) Ending Attachment Number

f.) Record Type

g.) Master_Date

h.) SentOn_Date and Time

i.) Received_Date and Time

j.) Create_Date and Time

k.) Last_Modified Date and Time

l.) Parent Folder

m.) Author

n.) To

o.) From

p.) CC

q.) BCC

r.) Subject/Title

s.) Original Source

t.) Native Path

u.) UNC Path

v.) File Extension

w.) File Name

x.) File Size

y.) Sha or Hash 5 Value (Native only)

z.) Exception File

aa.) Full Text

g. Native Files: For spreadsheets that were originally created using common, off-the-shelf software (*e.g.*, Microsoft Excel), the Parties will produce the spreadsheets in native format, however, a tiff image slip sheet, bearing a Bates number, the name of the native file and confidentiality designation, if applicable, will be inserted. Documents containing redactions will be produced in TIFF format only. However, upon request, native files that contain redactions shall be submitted to the Special Master for an in camera review and ruling for a native production.

h. HTML Files: For responsive documents that are written in HTML (e.g. internal websites; documents intended to be viewed in an internet browser), the producing party shall provide, to the extent available, such documents and

their embedded files in native format (e.g. *.mht or *.htm) and in a petrified format in a manner that preserves their appearance, including formatting and embedded images, as they were originally intended for viewing.

i. Exceptions File: Email attachments that encounter an error during data processing will be identified, by a field in the load file, by a tiff image slip sheet, bearing a Bates number, the name of the native file and confidentiality designation, if applicable, will be inserted and the file will be designated as an exception file.

j. Color: If an original document contains color, the responding party shall not deny reasonable requests for color copies of the original.

k. Duplicates: The Parties agree to de-duplicate only within a custodian's files. To the extent that a producing party elects to globally de-duplicate documents, the producing party shall, in an identifiable field in the applicable load file, list all custodians of the duplicate documents. For purposes of this agreement, "duplicate" documents shall mean documents which are completely identical in visible content, metadata, and "hidden" content such as comments and tracked changes.

B. PRODUCTION OF HARD COPY DOCUMENTS

1. Production Format of Hard Copy Documents: The Parties agree that all responsive hard copy documents shall be produced in the following formats:

a. TIFFs: All images shall be delivered in single-page Group IV TIFF format and at least 300 dpi resolution. Image file names shall not contain

spaces or punctuation. To the extent that the imaging conversion process results in a degradation in appearance from the underlying original, the producing party agrees to also make available the original document(s) upon the reasonable request of the receiving party.

b. Unique IDs: Each image should have a unique file name with the Bates number assigned to it. The Bates number will include a prefix using at least three alpha characters representing the responding party and eight digits without any spaces or punctuation, i.e. ABC50000001. Documents that exist in native format shall be differentiated from those available only in hard copy by an identifiable numerical digit immediately following the alphabetic prefix (e.g. ABC00000001 for native documents, and ABC50000001 for hard copy documents). Where applicable, a confidentiality notice will be placed on the page image in a manner that does not conceal or interfere with any information contained on the page. No other stamp or information will be placed on a document other than Bates number, confidentiality notice, and any redactions.

c. OCR: Best available multipage OCR text should be provided. If the quality of the OCR is such that it needs to be redone, as permitted by the quality of the underlying document, it will be redone by the producing party or at the expense of the producing party. Each text file should match the respective TIFF filename with the exception of the file extension (".txt). (".txt format").

d. Database Load File/ Cross-Reference Files: Documents should be provided in a format compatible with Concordance or Summation and Opticon or IPRO in the formats identified in Section VII.A.2.e. above.

e. Unitizing of Documents: In scanning hard copy documents, distinct documents shall not be merged into a single record, and single documents shall not be split into multiple records (*i.e.*, hard copy documents should be logically unitized).

f. Parent-Child Relationships: Parent-child relationships (the association between an attachment and its parent document) shall be preserved. The database load files (infra) shall, for each parent document, identify by Bates Number each attachment thereto, and shall, for each attached document, identify by Bates number the applicable parent document.

g. Objective Coding: The Parties shall provide the following objective coding fields, to the extent available:

i. Beginning Bates Number

ii. Ending Bates Number

iii. Beginning Attachment Number(s) (if applicable)

iv. Parent Number (if applicable)

v. Source/Custodian

h. Objective Coding Format: The Parties shall provide the aforementioned objective coding fields in the following format:

i. Fields should be Pipe (|) delimited.

ii. String values within the file should be enclosed with Carats (^). The producing party shall not include Carats in the load file other than those used to delimit string values.

iii. Multiple entries in a field should have a semi-colon (;) delimiter.

iv. The first line should contain metadata headers and below the first line there should be exactly only one line for each document.

v. Each field row must contain the same amount of fields as the header row.

i. Metadata: To the extent a party that elects to produce a document in image format that was originally available to the party in native format, the party shall provide all applicable metadata described above, to the extent available.

j. Color: If an original document contains color, the responding party shall not deny reasonable requests for color copies of the original.

C. **DELIVERY OF DOCUMENTS**

1. All documents produced electronically shall be made available to Lynn Seithel at Feldman & Pinto, PC 1604 Locust Street, 2R, Philadelphia, Pennsylvania 19103 or her designee. The Defendants may produce their electronic document production to Lynn Seithel at Feldman & Pinto, PC 1604 Locust Street, 2R, Philadelphia, Pennsylvania 19103 or her designee, on a series of clearly labeled CD, DVD, hard drive, or other agreed upon media.

D. REDACTION OF DOCUMENTS

1. Defendants may redact portions of documents that contain (i) the identity of products other than Reglan®/Metoclopramide; (ii) information that is subject to a claim of privilege or the work-product doctrine; (iii) trade secrets specifying the chemical structure or composition of or trade secrets involving the manufacture, production or quality control processes for Reglan®/Metoclopramide; (iv) HIPAA protected information that is private or personal, including, but not limited to Social Security numbers, dates of birth, or names/addresses of patients; and (v) information which Defendants are not permitted to disclose under FDA regulations.

2. For each redaction, the party making such redaction shall provide the reasoning behind the redaction upon the reasonable request of the receiving party.

3. For redactions upon which privilege or work product is claimed, the redacting party shall provide a log to the receiving party, as specified below in Section VIII.A. Privilege Log. An exemplar log for the parties to follow is attached as Exhibit "D."

4. Any failure to redact information described above does not waive any right to claims of privilege or privacy, or any objection, including to relevancy, as to the specific document or any other document that is or will be produced by Defendant(s) as set forth in Section IX. Inadvertent Production of Documents.

E. **DATABASES**

1. Prior to production of any database not already identified for production in this Discovery Order, the Parties will meet and confer regarding the discoverability and feasibility of any request for production of a database including the form and content of any such production. Defendants will make reasonable effort to produce Reglan®/metoclopramide-related data from electronic databases that use or are exportable to generally available software in native format (including data and schema or other appropriate form of production, such as exporting to Excel or .csv format) where practical and feasible. Where such production is not practical or feasible, the Parties will confer upon an appropriate form of production. The Court's assistance regarding the discoverability, form and scope of production of data may only be sought after the Parties have failed to reach agreement after good faith discussion.

F. **TRANSLATED DOCUMENTS**

1. If any document produced by Defendants has an English language translation in the custodial or source file from which the document was produced, Defendants will produce both the original non-English document as well as the translation.

VIII. THE PARTIES' PRIVILEGED DOCUMENTS

A. **PRIVILEGE LOG**

1. If any party declines to produce a requested document or material, in full or in part, on the ground of the attorney work-product doctrine, the attorney-client privilege, or other legal privilege, the Party must

specify in writing, as to each document or thing not produced, the specific privilege(s) or doctrine(s) relied upon to withhold each document ("Privilege Log") along with sufficient facts which set forth the basis of the privilege.

2. Each Privilege Log shall describe each document or thing to which a privilege or doctrine is asserted in such detail to reasonably permit the party seeking discovery to assess whether to dispute the assertion. Such details include, but are not limited to:

a. The custodial file;

b. The beginning and ending bates number of the document, *i.e.* ABC90000001;

c. The document date;

d. Author;

e. Recipient;

f. CC;

g. BCC;

h. Title/Employer (as applied to d. through g., above);

i. Specification of the privilege claimed;

j. A description of the document; and

k. The basis for the privilege claim.

3. The Parties will produce Privilege Logs in Microsoft Excel format or a similar electronic format that allows for text searching and organization of data.

4. A party will produce a Privilege Log within forty-five (45) days of its production of documents for which any privilege is asserted to apply, and within the same time period following any subsequent or rolling productions.

5. Subsequently produced privilege logs will incorporate by reference prior privilege logs and will not be duplicative.

6. If a party produces a document that was previously identified in a privilege log, the party will do so separately from the rolling production and provide a key in Excel format which identifies the privilege bates number and new bates number if they differ.

IX. THE PARTIES' INADVERTENT PRODUCTION OF DOCUMENTS

A. INADVERTENTLY PRODUCED DOCUMENTS

1. Inadvertent production of documents (hereinafter "Inadvertently Produced Documents") subject to attorney work-product doctrine, the attorney-client privilege, or other legal privilege protecting information from discovery shall not constitute a waiver of the doctrine or privilege, provided that the producing party shall notify the receiving party in writing within fourteen (14) days of the producing parties determination of Inadvertently Produced Documents. If such notification is made, such Inadvertently Produced Documents and all copies thereof shall, upon request, be returned to the producing party, all notes or other work product of the receiving party reflecting the contents of such materials shall be destroyed, and such returned or destroyed material shall be deleted from any litigation-support or other database. If the receiving party elects to file a motion

pursuant to Section IX(A)(3) below, the receiving party, subject to the requirements of Section IX(A)(2), may retain possession of the Inadvertently Produced Documents as well as any notes or other work product of the receiving party reflecting the contents of such materials pending the resolution by the Court of the Section IX(A)(3) motion. If the receiving party's Section IX(A)(3) motion is denied, the receiving party shall promptly comply with the immediately preceding provisions of this Section.

2. No use shall be made of Inadvertently Produced Documents properly noticed under this Section, including during depositions or at trial, until ruled upon by the Court. Nor shall they be disclosed to anyone who was not given access to them prior to the request to return or destroy them. To be properly noticed as Inadvertently Produced Documents under this Section, the notice must be given prior to the document being introduced into evidence.

a. Documents introduced at a deposition that are noticed because a party has inadvertently failed to designate the documents as confidential will not interrupt the line of questioning of the witness. Notice given on the record during the deposition will constitute that all prior and further questioning on the subject will be designated as confidential without further written notice of the inadvertently producing party.

b. Documents introduced at a deposition that are noticed because a party has inadvertently failed to claim that the documents are protected from disclosure by the attorney work-product doctrine, the attorney-client privilege, or

any other applicable legal privilege, will pause the line of questioning of the witness, in order for the Parties to contact either the Discovery Master or the Court to seek a ruling as to the noticing party's assertion of doctrine or privilege. If the Discovery Master or the Court determines that the document is not protected by any doctrine or privilege, the questioning party may continue the line of questioning of the witness. However, if the Discovery Master or the Court determines that the document is protected, the line of questioning of the witness must end.

3. The party receiving such Inadvertently Produced Documents may, after receipt of the producing party's notice of Inadvertently Produced Documents, move the Court to dispute the claim of doctrine or privilege; however to protect the asserted doctrine or privilege, the claimed Inadvertently Produced Documents will be produced only for in camera review. It shall be the receiving party's burden to provide the Court with a complete copy of the Inadvertently Produced Documents for review.

SO ORDERED

Date: 9/30, 2010

HONORABLE SANDRA MAZER MOSS

EXHIBIT A

IN RE REGLAN®/METOCLOPRAMIDE LITIGATION	COURT OF COMMON PLEAS PHILADELPHIA COUNTY JANUARY TERM, 2010 NO. 01997

DEFENDANT'S FACT SHEET

For each case, the Defendants (Both Brand Name and Generic Name) must complete this Defendant's Fact Sheet ("DFS") and identify or provide documents and/or provide documents and/or data relating to each Plaintiff responsive of the question set forth below to the best of Defendants' knowledge. In completing this DFS, you are under oath and must provide information that is true and correct to the best of your knowledge. You must supplement your responses if you learn that they are incomplete or incorrect in any material respect. You must also supplement your responses in the event that additional information is provided from the Plaintiff. The DFS shall be completed in accordance with the requirements and guidelines set forth in the applicable Case Management Order.

In the event that this DFS does not provide enough space for complete responses or answers, please attach additional sheets if necessary. Please identify any documents that you are producing responsive to a question or as required with Bates-Stamp identifiers.

This DFS must be completed and served on all counsel representing a Plaintiff in the action identified in Section I below. Complete fact sheets must be answered and served 120 days after the date that the Plaintiff's Fact Sheet (PFS) is served on Defendants.

To the extent that a response to the DFS is contained in previously produced documents, the responding Defendant may answer by referencing the previously produced document(s). Such reference must contain sufficient information and/or instructions, including Bates numbers, to allow Plaintiff to access the answer requested with minimal effort.

Each document request and interrogatory not only calls for knowledge but also for all knowledge that is available to you by reasonable inquiry, including inquiry of your officers, directors AND employees.

As used herein, the terms, "you," "your", or "yours" means the responding Defendants unless defined to include a third party.

As used herein, "provided" means sold, distributed, shipped, delivered or otherwise placed into the stream of commerce.

As used herein, the phrase "Dispensing/Prescribing/Treating Healthcare Provider" means each of Plaintiff's physicians, medical providers, practices, clinics, persons or entities who treated Plaintiff and/or prescribed or dispensed Reglan®/Metoclopramide to Plaintiff.

As used herein, the phrase "Promotional Items" means any and all promotion items, marketing devices, freebies, merchandise, handouts, meals, or any other items related to Reglan®/Metoclopramide, including, but not limited to, physical items marked with the Reglan®/Metoclopramide trademark, such as: anatomical models, notepads, post-it-notes, pens, flashlights, other day-to-day office supplies of any type, models for patient demonstration, diagnostic tools and aids, medical assessment and dosage calculators, pharmacy and pharmacist tools, patient compliance tools, custom medical calculators and software, branded apparel (such as, but not limited to, shirts, hats, etc.), leather portfolios, prescription pads, picture frames, letter openers, clipboards, water bottles, coffee mugs/cups, pocket/pen lights, key chains, badge-holders, bags, travel accessories, and other "freebies" provided to Dispensing/Prescribing Healthcare Providers. (This list is not meant to be exhaustive.) "Promotional Items" does not include actual samples of Reglan®/metoclopramide provided to physicians for dispensing to patients.

As used herein regarding Dispensing/Prescribing/Treating Healthcare Provider, the phrases "significant contact" and "significant relationships" mean the following instances and/or occurrences:

(1) the provider has received anything over $100.00 in value from Defendant or anyone on Defendants behalf, exclusive of the value of drug samples provided to physicians for dispensing to patients;

(2) the provider participated in any study or clinical trial as a principal investigator or supervising doctor at any study site which was sponsored by Defendant or on Defendant's behalf;

(3) the provider authored, co-authored or contributed to any publication sponsored by the Defendant or on the Defendants' behalf;

(4) the provider had expenses reimbursed by Defendant or on Defendant's behalf;

(5) the provider has spoken on behalf of Defendant or its products;

(6) the provider has served in any capacity on any advisory board, etc. at Defendant's invitation;

(7) the provider has functioned in any capacity promoting Defendant's products, excluding the dispensing, without more, of drug samples provided to a physician by a manufacturer or distributor for that purpose; or

(8) the provider has ever been employed by or under contract to Defendant.

With regard to marketing/retailing information, answering Defendants may provide Plaintiff with a mutually agreeable affidavit stating Defendant did not do these things (i.e. market, retail, etc.).

I. Case Information

This DFS pertains to the following case:

Case Caption:_____

Civil Action No:_____

Date DFS completed:_____

Please provide the following information on the person or persons who provide information responsive to the questions posed in this DFS.

A. _____
Name

_____
Current Position (If no longer employed, last position with Defendant)

_____
City of Employment (If no longer employed, city of residence)

B. _____
Name

_____
Current Position (If no longer employed, last position with Defendant)

_____
City of Employment (If no longer employed, city of residence)

C. _____
Name

_____
Current Position (If no longer employed, last position with Defendant)

_____
City of Employment (If no longer employed, city of residence)

D. _____
Name

_____
Current Position (If no longer employed, last position with Defendant)

_____
City of Employment (If no longer employed, city of residence)

E. _____
Name

_____
Current Position (If no longer employed, last position with Defendant)

_____
City of Employment (If no longer employed, city of residence)

F. _____
Name

_____
Current Position (If no longer employed, last position with Defendant)

_____
City of Employment (If no longer employed, city of residence)

II. Contacts with Dispensing and/or Prescribing Healthcare Provider

Plaintiff's Fact Sheet identifies the persons or entities that prescribed or dispensed Reglan and/or metoclopramide to the Plaintiff. For each Dispensing and/or Prescribing Healthcare Provider identified, please state the following:

A. Dear Doctor Letters

For any "Dear Doctor" or "Dear Healthcare Provider" or "Dear Pharmacist" letter that you contend was actually sent to the Plaintiff's Dispensing and/or Prescribing Healthcare Providers concerning Reglan and/or metoclopramide, please provide:

1. The letter (or its exact contents);

2. Date(s) sent; and

3. Any document, database, or list which tends to show recipient was sent and/or received the letter.

B. **Other Contacts**

In Plaintiff's Fact Sheet, Plaintiff(s) identified Plaintiff's Dispensing/Prescribing/ Treating Healthcare Provider(s). Please identify all significant contacts and/or relationships between the Dispensing/Prescribing/Treating Healthcare Provider and Defendants or Defendant's agents or representatives by providing the following information for each such contact:

1. Name of Dispensing/Prescribing/Treating Healthcare Provider contacted.

2. Date(s) of contact or relationship;

3. Reason for or nature of contact or relationship (i.e. sales call, response to adverse event report, etc.);

4. Name and position of person (at the time) who was the primary contact person Defendant's behalf or the person primarily responsible on Defendant's behalf, for the relationship or contact; and

5. Provide any notes, documents or other materials reflecting such contact or relationship including but not limited to electronic data but excluding raw clinical data for non-Reglan/metoclopramide products.

C. **Promotional and Sales Materials**

Please identify any and all promotional and sales materials provided to the dispensing and/or prescribing Healthcare Provider(s) by providing the following information:

1. Name of Dispensing/Prescribing/Treating Healthcare Provider;

2. A description of each promotional/sales material provided;

3. Identity of person/department approving the providing of such material; and

4. The dates that each type of promotional/sales material was provided.

D. **Promotional/Educational Events**

Provide the following for every promotional or educational event Plaintiffs' Dispensing/Prescribing Healthcare Providers ever attended, including, but not limited to, lunches, dinner meetings, grand rounds, golf tournaments,

movies, CMEs which you sponsored, promoted, or contributed to the sponsorship or promotion.

1. Dispensing/Prescribing Healthcare Provider;

2. Promotional/educational event (describe);

3. Date of event;

4. Location of event; and

5. All documents reflecting Defendants' involvement in the event.

E. Identify the person or persons who provided information responsive to this section or any subparts.

III. Plaintiff's Dispensing/Prescribing Healthcare Provider's Dispensing/Prescribing/ Reporting Practices

In Plaintiff's Fact Sheet, Plaintiff identifies their Dispensing/Prescribing Healthcare Providers. For each listed provider, please state and produce the following:

A. Do you have or have you had access to any database or information which purports to track any of Plaintiff's Dispensing/Prescribing/Treating Healthcare Provider's Dispensing/Prescribing practices with respect to Reglan®/Metoclopramide? As used herein, "access" means that Defendant can view, query or search the database or otherwise retrieve the information without asking an unaffiliated entity to make the database available or produce the information.

B. Did the Dispensing/Prescribing/Treating Healthcare Provider(s) ever report any Adverse Events to Defendants as they pertain to Reglan®/Metoclopramide?

_____Yes _____No

C. If the answer to "B" is yes, please provide all information and materials pertaining to said report and the response.

D. Identify the person(s) who provided information responsive to this Section or any of its subparts.

IV. Plaintiff's Medical Condition

A. Have you initiated contact with any of Plaintiff's physicians concerning any injury or condition of the Plaintiff?

_____Yes _____No

B. Have you been contacted by Plaintiff, any of their physicians, or anyone on behalf of Plaintiff concerning Plaintiff?

_____Yes _____No

C. Provide the details of any "yes" answer, including dates and individuals involved in contact. Identify and provide documents.

D. Is there a Med Watch form that refers or relates to Plaintiff?

_____Yes _____No

E. Identify the person or persons who provided information responsive to this Section or any of its subparts.

V. Advertising

A. Did you advertise Reglan®/Metoclopramide in the Media Market that Plaintiff lived at the time that (s)he used Reglan®/Metoclopramide?

_____Yes _____No

B. If your answer to the preceding question is "yes," please identify the identity of the media outlet and the dates that the advertisements ran.

1. Identity of the advertisement and intended media marketplace;

2. Nature of media (print or television);

3. Identify of the media outlet; and

4. Dates that advertisements ran.

C. Did you advertise Reglan®/Metoclopramide in the Media Market that any of Plaintiff's Dispensing/Prescribing/Treating Healthcare Providers' offices were located at the time that Plaintiff used Reglan®/Metoclopramide?

_____Yes _____No

D. If you answer to the preceding question is "yes," please identify the identity of the media outlet and the dates that the advertisements ran.

1. Identity of the advertisement and intended media marketplace;

2. Nature of media (print or television);

3. Identity of the media outlet; and

4. Dates that advertisements ran.

E. Identify the person or persons who provided information responsive to this Section or any of its subparts.

VI. Third Parties

A. Name each and every prescribing physician, treating physician and/or dispensing individual or entity that you believe is a necessary and proper party to this litigation and state the factual basis for such belief.

B. Name each and every prescribing physician, treating physician and/or dispensing individual or entity that you believe caused or contributed to the injuries or damages of Plaintiff and state the factual basis for such belief.

C. Identify any party to this action or doctor involved in this case that Defendant has indemnified or offered to indemnify or proposed to indemnify, whether such indemnification or proposed indemnification applies to claims in this case or in any other case involving Reglan and/or metoclopramide;

D. Identify any party to this action or doctor involved in this case for whom Defendant has offered to pay for or provide legal defense in whole or in part, whether such offer applies to costs in this case or in any other case involving Reglan and/or metoclopramide; and

E. Identify the person or persons who provided information responsive to this Section or any of its subparts.

VII. Patient Assistance

A. Was Plaintiff enrolled in any of Reglan®/Metoclopramide patient assistance or reimbursement programs?

B. Did you advertise Reglan®/Metoclopramide on the internet (Defendant hosted websites and non-Defendant hosted websites) during the time frame Plaintiff took Reglan®/Metoclopramide?

C. If yes to any of the above, please provide details and any documents related to Plaintiff's enrollment or participation.

D. Identify the person or persons who provided information responsive to this Section or any of its subparts.

VIII. Supplemental Document Production

Defendants shall provide the following:

1. Call notes for all of the Plaintiffs' dispensing/prescribing healthcare providers who were called upon by any Brand and/or Generic Named Defendants or Brand and/or Generic Named Defendants-contracted employee regarding Reglan®/Metoclopramide.

2. Detail, sample and voucher history of Reglan®/Metoclopramide for the Plaintiff's dispensing/prescribing healthcare providers.

3. All documents in Brand and/or Generic Named Defendant's custody or control that recorded tracked and/or analyzed the Plaintiff's dispensing/prescribing healthcare provider's prescriptions of Reglan®/Metoclopramide.

4. Information concerning any payments by Brand and/or Generic Named Defendants to the Plaintiff's dispensing/prescribing healthcare providers for speaking engagements or research relating to Reglan®/Metoclopramide.

5. Information from the Brand and/or Generic Named Defendants response center reflecting requests by the Plaintiff's prescriber for information about Reglan®/Metoclopramide.

6. Any and all documents reviewed, referred to or relied on in answering this Defendant Fact Sheet.

7. Any document relating to Reglan®/Metoclopramide sent to or received by defendant from any of Plaintiff's dispensing/prescribing/treating Healthcare Providers.

8. Any document reflecting any actual communication between you and Plaintiff's Dispensing/Prescribing/Treating Healthcare Providers concerning risks of injury from Reglan and/or metoclopramide.

9. Any documents reflecting any contracts, payments or actual communications between you and any of Plaintiff's Dispensing or Prescribing Healthcare Providers regarding Reglan®/Metoclopramide.

10. Any and all Adverse Event Reports, including all MedWatch forms, related to Reglan and/or metoclopramide, for Plaintiff and all back-up and follow-up data and analysis(es), including, but not limited to, any and all correspondence to or from the FDA with respect to such Adverse Event Reports, or plaintiff's treatment with or alleged injuries from Reglan and/or metoclopramide.

11. Any document that purports to describe Plaintiff's dispensing, prescribing and/or treating physicians' prescribing practices with respect to Reglan and/or metoclopramide.

12. All IMS data for Plaintiff's dispensing pharmacies regarding Reglan and/or metoclopramide. Defendant has no obligation to obtain data or documents from IMS to which it does not already have access, in order to respond to this Request. As used herein, "access" means that defendant can retrieve data or documents without asking an unaffiliated entity, including IMS, to produce the data or documents.

EXHIBIT B

IN RE	:	**COURT OF COMMON PLEAS**
	:	**PHILADELPHIA COUNTY**
REGLAN/METOCLOPRAMIDE LITIGATION	:	
	:	**JANUARY TERM, 2010**
This Document Relates to All Cases	:	**NO. 1997**

PLAINTIFFS' MASTER FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO GENERIC DEFENDANTS

Pursuant to Pa. R.C.P. 4009.1, Plaintiffs hereby request that Generic Defendants produce the following documents to Plaintiffs' Liaison Counsel in accordance with the schedule provided for in Case Management Order # ____.

Respectfully Submitted,

_____

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Stewart Eisenberg
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DEFINITIONS

The following terms have the following meanings, unless the context requires otherwise:

1. Parties. The term "plaintiff" or "defendant," as well as a party's full or abbreviated name or a pronoun referring to a party, means the party and, when applicable, its agents, representatives, officers, directors, employees, partners, corporate parent, subsidiaries, or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

2. Person. The term "person" means any natural person, a business, a legal or governmental entity, or an association.

3. You & your. The terms "you" and "your" mean the Defendant and its agents, representatives, attorneys, experts, and other persons acting or purporting to act on Defendant' behalf.

4. Material. The term "material" means all documents, electronically stored information, or tangible things. The term is synonymous with and equal in scope to the terms "documents," "electronically stored information," and "tangible things." A draft or non-identical copy of a document, electronically stored information, or a tangible thing is a separate item within the meaning of this term.

    a. Document. The term "document" means information that is fixed in a tangible medium, such as paper. It includes, but is not limited to, writings, drawings, films, charts, photographs, notices, memoranda, diaries, minutes, correspondence, books, journals, ledgers, reports, worksheets, notes, printed e-mails, letters, abstracts, audits, charts, checks, diagrams, drafts, instructions, lists, logs, resumes, summaries, clinical trials, studies, data, etc.

    b. Electronically stored information. The term "electronically stored information" means electronic information that is stored in a medium from which it can be retrieved and examined. It includes, but is not limited to, all electronic files that are electronically stored.

        i. "Electronic file" includes, but is not limited to, the following: voicemail messages and files; e-mail messages and files; deleted files; temporary files; system-history files; Internet- or web-browser-generated information stored in textual, graphical, or audio format, including history files, caches, and cookies; computer-activity logs; metadata; etc.

        ii. "Electronic storage" refers to electronic files contained on magnetic, optical, or other storage media, such as hard drives, flash drives, DVDs, CDs, tapes, cartridges, floppy diskettes, smart cards, integrated-circuit cards (e.g., SIM cards), etc.

    c. Tangible thing. The term "tangible thing" means a physical object that is not a document or electronically stored information.

5. Communication. The term "communication" means the transmittal of information in the form of facts, ideas, inquiries, or otherwise.

6. Relating. The term "relating" means concerning, referring, describing, evidencing, or constituting, either directly or indirectly.

7. Any. The term "any" should be understood in either its most or its least inclusive sense as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

8. And & or. The connectives "and" and "or" should be construed either conjunctively or disjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

9. Number. The use of the singular form of any word includes the plural and vice versa.

10. Reglan. The term "Reglan" refers to the prescription medication whose active pharmaceutical ingredient is metoclopramide HCL, which is indicated for the treatment of, *inter alia,* of gastrointestinal reflux disease and diabetic gastroparesis.

11. Metoclopramide. The term "metoclopramide" refers to the pharmaceutical product which is the generic form of Reglan®, *i.e.*, whose reference listed drug is the brand Reglan® product, or, in the case of the oral solution dosage form, ANDA #074703.

12. FDA. The term "FDA" refers to the United States Food & Drug Administration.

13. Study. "Study" includes any type of research to determine either the efficacy, mechanism of action, safety, or pharmacology of Reglan, including but not limited to clinical trials, cohort studies, case control studies, and meta-analysis.

14. Brand Name Defendants. The term "Brand name Defendants" means any and all Defendants that manufactured, designed, labeled, marketed, sold, distributed or had any other involvement with Reglan® whether in tablet, syrup, or injection form.

15. Generic Defendants. The term "Generic Defendants" means any and all Defendants that manufactured, designed, labeled, marketed, sold, distributed or had any other involvement with the generic form of Reglan®, otherwise known as metoclopramide, whether in tablet, syrup, or injection form.

RULES OF CONSTRUCTION:

In construing these Requests:

1. The singular shall include the plural and plural shall include the singular.

2. A masculine, feminine or neuter pronoun shall not exclude the other genders.

3. Unless otherwise specified in the Request, each Request shall extend to all information and documents which have been available to you, in your possession or subject to your control up to the date of your response to these Requests. This paragraph does not limit your duty to supplement your responses.

INSTRUCTIONS:

1. All documents shall be produced pursuant to Case Management Order No. ____. (Document Production Protocol).

2. If there is a claim of privilege with respect to any documents or information requested, Defendant is responsible for following the Privilege Log protocol set forth in Case Management Order No. ___ (Document Production Protocol).

3. These Requests for Production of Documents shall be deemed continuing, to the full extent required or permitted under the Pennsylvania Rules of Civil Procedure, so as to require supplementary responses as soon as practical after the receipt of information or identification of documents, which renders any or your Responses to these Requests for Production of Documents incomplete or inaccurate.

4. Except as provided in Requests for Production 44, 45, 64, 67, 71, 74 and 75, whether or not stated expressly in an individual Request, each Request should be construed as requiring the production by answering defendant only of documents in the possession, custody or control of answering defendant, including that party's agents, officers, directors, employees and partners.

PLAINTIFFS' MASTER FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO GENERIC DEFENDANTS

1. Produce any and all epidemiological studies and related documents, in your possession or control, which examine the relationship between extrapyramidal symptoms and the use of Reglan and/or metoclopramide.

2. Produce all epidemiological studies, related to Reglan and/or metoclopramide, that you conducted, regardless of whether the study was completed or published. For each study produced please provide all documents related to the study.

3. Produce any and all documents relating to, referring to or embodying any study, conducted by Defendant or on Defendant's behalf, designed to assess or evaluate any health or medical consequence of the long term use of Reglan and/or metoclopramide.

4. Produce any and all documents relating to, referring to or embodying any efficacy study that you have conducted or commissioned regarding the long term use of metoclopramide.

5. Produce true and correct copies of all studies that you submitted to the FDA to support the safety of long term use of Reglan and/or metoclopramide in any patient population. Please note that this request excludes any studies performed by experts retained exclusively for litigation purposes.

6. Produce true and correct copies of all studies that you submitted to the FDA to support the efficacy of long term use of Reglan and/or metoclopramide in any patient population. Please note that this request excludes any studies performed by experts retained exclusively for litigation purposes.

7. Produce records identifying all non-employee medical doctors and/or Pharm.D. professionals retained, paid or compensated in any other way, by or on behalf of Defendant to present materials and information regarding Reglan and/or metoclopramide. Please note that this request includes those non-employee medical doctors and Pharm.D. professionals whose services may have been secured through a third party whose function was to organize Continuing Medical Education programs and/or any other programs in which information on Reglan and/or metoclopramide was presented.

8. Produce records sufficient to identify any and all external consultants, exclusive of experts retained exclusively for litigation purposes, retained by Defendant with respect to any of the following:

    a. the design and conduct of clinical trials for Reglan and/or metoclopramide;
    b. the analysis and evaluation of adverse events and/or drug related adverse events related to Reglan and/or metoclopramide;
    c. the analysis and evaluation of any "safety signals" related to Reglan and/or metoclopramide;

d. preparation for and/or participation in any meeting with the FDA or other regulatory agencies regarding Reglan and/or metoclopramide;
e. preparation for and/or participation in any Advisory Committee meeting held under the auspices of the FDA or other regulatory agencies regarding Reglan and/or metoclopramide;
f. the marketing of Reglan and/or metoclopramide;
g. the market potential for Reglan and/or metoclopramide, including targeted audiences of physicians or others.

9. Produce all minutes, notes and/or transcripts made of meetings with any and all external consultants retained to consult on Reglan and/or metoclopramide. Please note that this request does not include external consultants retained exclusively for litigation purposes.

10. Produce all documents referring to or memorializing any communications between Defendant and any and all external consultants retained to consult on Reglan and/or metoclopramide. Please note that this request does not include external consultants retained exclusively for litigation purposes.

11. Produce any and all minutes, notes and/or transcripts made of meetings with the non-employee medical doctors or Pharm.D. professionals as referenced in Request No. 7.

12. Produce any and all communications between Defendant and the non-employee medical doctors and/or Pharm.D. professionals referenced in Request No. 7.

13. Produce any and all contracts between Defendant and those non-employee medical doctors and/or Pharm.D. professionals referenced in Request No. 7 and/or the third parties that organized any Continuing Medical Education or other presentations at which information concerning Reglan and/or metoclopramide was presented.

14. Produce the programs and all hand-out materials, related to Reglan and/or metoclopramide and in the possession, custody or control of Defendant, of any Continuing Medical Education or other presentation, sponsored by or otherwise provided by Defendant or its agents at which information concerning Reglan and/or metoclopramide was presented.

15. Produce any and all documents relating to, referring to or embodying any correspondence, communications, contacts or other discussions, relating to Reglan and/or metoclopramide, between you or any party acting on your behalf, and any of your suppliers or distributors who had actual or potential responsibilities for the design, distribution and/or marketing of Reglan and/or metoclopramide.

16. Produce any and all documents relating to, referring to or embodying any correspondence, communications, contacts or other discussions, relating to Reglan and/or metoclopramide between you, or any party acting on your behalf, and any other Defendant in this litigation. This request excludes communications by counsel for Defendants relating to Reglan and/or metoclopramide litigation.

17. Produce any and all documents in Defendant's possession, custody or control relating to, referring to or embodying studies on the safety or efficacy of Reglan and/or metoclopramide conducted by any third parties, including but not limited to those conducted by trade groups or associations, irrespective of whether such studies were conducted at the direction of Defendant.

18. Produce any and all minutes, agendas, brochures, memoranda, correspondence or other documents relating to meetings of any trade group or other group or association which were supported or sponsored by Defendant and included discussion of the use of Reglan and/or metoclopramide as a treatment or possible treatment for GERD, diabetic gastroparesis, and/or other health conditions.

19. Produce any and all documents relating to, referring to or embodying Defendant's review, analysis, investigation or interpretation of studies of Reglan and/or metoclopramide conducted by any third parties. This request excludes documents created by experts retained exclusively for litigation purposes.

20. Produce the raw data from any and all studies conducted, completed or published inside the U. S. regarding Reglan and/or metoclopramide.

21. Produce any and all study summaries, in Defendant's possession, custody or control, conducted outside of the United States of America not provided to the United States Food & Drug Administration within the metoclopramide Abbreviated New Drug Application.

22. Produce all documents relating to or embodying any attempt by Defendant to retain, engage, contract with or hire any person engaged in scientific and/or medical study of Reglan and/or metoclopramide. Please note that this request does not include any individuals retained by Defendant exclusively for litigation purposes.

23. Produce the database(s) by which Defendant tracked its Reglan and/or metoclopramide related filings and/or communications, both oral and written, with the FDA and/or other regulatory agencies. This request includes any and all logs, tables or other records that identify the date, subject, purpose and participants of said communications and is limited to those portions of the database(s) relating to Reglan and/or metoclopramide.

24. Produce all records and reports documenting contacts and communications with the FDA related to Reglan and/or metoclopramide including, but not limited to, documentation of telephone conferences, electronic mail, facsimiles, written correspondence, reports, memoranda and/or notes.

25. Produce true and complete copies of all meeting requests, briefing documents and materials, related to Reglan and/or metoclopramide, prepared by Defendant in preparation for and/or presented at any and all meetings with the FDA and/or other regulatory agencies.

26. Produce true and complete copies of all meeting requests, briefing documents and materials, related to Reglan and/or metoclopramide and in Defendant's possession, custody or control, prepared by the FDA in preparation for and/or presented at any and all meetings between Defendant and the FDA and/or other regulatory agencies.

27. Produce any and all transcripts of meetings with the FDA, regarding Reglan and/or metoclopramide and in Defendant's possession, custody or control.

28. Produce any and all recordings, which have not been reduced to a transcript, of meetings with the FDA, regarding Reglan and/or metoclopramide in Defendant's possession, custody or control.

29. Produce the minutes and/or reports of any and all Data Safety Monitoring Boards, assembled to monitor clinical trials involving Reglan and/or metoclopramide, in Defendant's possession, custody or control. For purposes of this request, a "Data Safety Monitoring Board" is a group of independent experts who monitor patient safety and treatment efficacy data while a clinical trial is ongoing.

30. Produce all materials related to any Reglan and/or metoclopramide pre-ANDA meetings and teleconferences between Defendant and the FDA.

31. Produce true and complete copies of all Requests for Information related to Reglan and/or metoclopramide, received from the FDA. In your response, please produce the formal Request for Information as well as any supporting documents, correspondence, attachments or other materials provided to Defendant by the FDA.

32. Produce true and complete copies of any and all responses, prepared by Defendant, its agents or on its behalf, to FDA Requests for Information related to Reglan and/or metoclopramide. In your response, please produce all responses prepared regardless of whether they were partial or complete.

33. Produce all analyses and/or meta-analyses of clinical trial data and/or pooled data regarding Reglan and/or metoclopramide, conducted internally by Defendant or its agents whether or not filed with the FDA.

34. Produce a complete copy of the metoclopramide Abbreviated New Drug Application filed with the FDA.

35. Produce true and complete copies of any and all supplemental submissions made to the original metoclopramide Abbreviated New Drug Application (ANDA). This request should include the supplemental submissions themselves as well as copies of filing letters, indices and correspondence exchanged between Defendant and the FDA.

36. In the event the Defendant made any Changes Being Effected (CBE) filings with respect to Reglan, then produce true and complete copies of those filings.

37. With respect to any Changes Being Effected filings made for Reglan and/or metoclopramide, please produce all of the following:

   a. complete copies of any and all submissions to the Changes Being Effected filing subsequent to the original filing;
   b. any and all information amendments;
   c. all correspondence from Defendant to the FDA, including responses to Requests for Information and the action, approvable, non-approval or approval letters; or
   d. documents reflecting actions taken by the FDA in response.

38. Produce all documents, in Defendant's possession, custody or control, relating to, referring to or embodying follow-up or long term study of participants in any clinical studies regarding Reglan and/or metoclopramide, including but not limited to safety and efficacy results, observations or data obtained after approval of the NDA or ANDA, or after conclusion of the initial study period.

39. Produce all documents, which can be accessed by your U.S. entity, relating to, referring to or embodying any attempts by Defendant to submit data or studies conducted by any third parties to the FDA or any Foreign Government Regulatory Authority. For purposes of this request, the term "access" means that the U.S. entity can retrieve the document, in either electronic or hard copy form, without asking a foreign entity to produce the document.

40. Produce all documents relating to, referring to or embodying any testing of Reglan and/or metoclopramide, performed by Defendant or at Defendant's request, which Defendant did not complete, did not publish, or did not submit to the FDA or any Foreign Government Regulatory Authority.

41. Produce all documents which relate to, refer to or embody any communication, report or inquiry between Defendant and the National Institutes of Health regarding Reglan and/or metoclopramide.

42. Produce all documents which relate to, refer to or embody any communication, report or inquiry between Defendant and the World Health Organization regarding Reglan and/or metoclopramide.

43. Produce all documents which relate to, refer to or embody any communication, report or inquiry between Defendant and the Drug Enforcement Agency (DEA) regarding Reglan and/or metoclopramide.

44. Produce all documents, which can be accessed by your U.S. entity, that relate to, refer to or embody any communication, report or inquiry between Defendant and the Israel Ministry of Health in regard to any Relevant Product. For purposes of this request, the term "access" means that the U.S. entity can retrieve the document, in either electronic or hard copy form, without asking a foreign entity to produce the document.

45. Produce all documents, which can be accessed by your U.S. entity, that relate to, refer to or embody any communication, report or inquiry between Defendant and the Israel Ministry of Industry and Trade in regard to any Relevant Product. For purposes of this request, the term "access" means that the U.S. entity can retrieve the document, in either electronic or hard copy form, without asking a foreign entity to produce the document.

46. Produce true and complete copies of all correspondence and communications between the FDA and Defendant relating to the labeling of Reglan and/or metoclopramide including but not limited to: (a) all written correspondence, emails, faxes, memoranda re telephone conferences or any other communications; (b) All draft labels, both annotated and non-annotated, whether originated by Defendant or the FDA; (c) all changes to labels and/or (d) all final labels.

47. Produce copies of all Briefing Documents, PowerPoints and/or other presentations submitted by Defendant for meetings with FDA officials regarding Reglan and/or metoclopramide.

48. Produce copies of all Briefing Documents, PowerPoints and other presentations, in Defendant's possession, custody or control, prepared by the FDA and shared with Defendant or its agents regarding Reglan and/or metoclopramide.

49. Produce any and all medical officer reviews, in your possession, custody or control, performed by Defendant, or Defendant's behalf, relating to the metoclopramide ANDA and any and all supplemental filings and information amendments.

50. Produce any and all statistical reviews, in Defendant's possession, cusotdy or control, performed by Defendant, or Defendant's behalf, relating to the metoclopramide ANDA and any and all supplemental filings and information amendments.

51. Produce any and all pharmacological reviews, in Defendant's possession, custody or control, performed by Defendant or Defendant's behalf, relating to the metoclopramide ANDA and any and all supplemental filings and information amendments.

52. Produce all reports and correspondence from Defendant's external consultants or experts relating to Reglan and/or metoclopramide, whether or not the same was filed with the FDA. Please note that this request excludes external consultants or experts retained exclusively for litigation purposes.

53. Produce all Citizens Petitions, regarding Reglan and/or metoclopramide, that you have submitted that have been submitted at your request and/or direction to the FDA. This includes, but is not limited to, Citizens Petitions submitted related to obtaining new indications for Reglan and/or metoclopramide.

54. Produce any and all documents, in Defendant's possession, custody or control, referring to communications regarding the safety of Reglan and/or metoclopramide and/or any information regarding observed Adverse Drug Events issued to: (a) clinical trial investigators; (b) physicians; (c) pharmacists; (d) formularies and/or (e) others, including

but not limited to sales representatives, sales managers and/or medical affairs/science liaisons who respond to physician inquiries.

55. Produce any and all documents relating to, referring to or embodying any opinion by a physician, scientist, or medical or scientific expert employed by, retained by, consulting for or otherwise acting for or in concert with Defendant, regarding the safety or efficacy of Reglan and/or metoclopramide, including but not limited to reports prepared in legal proceedings (exclusive of reports by retained non-testifying experts), opinions expressed in depositions or trials, reports submitted to scientific journals, opinions expressed at medical conferences, and opinions provided as testimony, reports or statements to the FDA or any advisory committee thereof.

56. Produce true and correct copies of all correspondence or other written materials you received from the U.S. Food and Drug Administration (FDA) related to the addition of a boxed warning to the label for Reglan/Metoclopramide announced February 26, 2009.

57. Produce true and correct copies of all correspondence or other written materials you sent to the U.S. Food and Drug Administration (FDA) related to the addition of a boxed warning to the label for Reglan/Metoclopramide announced February 26, 2009.

58. Produce true and correct copies, in Defendant's possession, custody or control, of all minutes, notes or other documents memorializing meetings with the U.S. Food and Drug Administration (FDA) related to the addition of a boxed warning to the label for Reglan/Metoclopramide announced February 26, 2009.

59. Produce true and correct copies of all minutes, notes or other documents memorializing in-house or internal meetings related to the addition of a boxed warning to the label for Reglan/Metoclopramide announced February 26, 2009.

60. Produce true and correct copies of all correspondence or other written materials you received from or sent to physicians related to the addition of a boxed warning to the label for Reglan/Metoclopramide announced February 26, 2009.

61. Produce a true and correct copy of the final version and any drafts of the Medication Guide you submitted to the FDA related to the addition of a boxed warning to the label for Reglan/Metoclopramide announced February 26, 2009. Please note that this request includes any Medication Guides that you are in the process of drafting and/or submitting to the FDA at this time.

62. Produce a true and correct copy of the proposed changes to the approved labeling you submitted to the FDA as a result of the addition of a boxed warning to the label for Reglan/Metoclopramide announced February 26, 2009. In the alternative, if you do not believe that a labeling change is warranted, produce a true and correct copy of your statement detailing the reasons why such a change is not warranted. Please note that this request includes any labeling that you are in the process of drafting and/or submitting to the FDA at this time.

63. Produce a true and correct copy of the final version and any drafts of the proposed Risk Evaluation and Mitigation Strategy (REMS) you submitted to the FDA related to the addition of a boxed warning to the label for Reglan/Metoclopramide announced February 26, 2009. Please note that this request includes any REMS that you are in the process of drafting and/or submitting to the FDA at this time.

64. Produce all documents, which can be accessed by your U.S. entity, relating to, referring to or embodying any communication with or submissions to the FDA or any foreign government regulatory authority regarding the potential recall, or voluntary discontinuation of marketing of Reglan and/or metoclopramide. For any foreign government regulatory authority which provided warnings for Reglan and/or metoclopramide, produce any warnings, instruction and/or product labels. For purposes of this request, the term "access" means that the U.S. entity can retrieve the document, in either electronic or hard copy form, without asking a foreign entity to produce the document.

65. Produce any and all documents relating to, referring to or embodying any and all Dear Doctor or Dear Pharmacist letters related to Reglan and/or metoclopramide. This request includes but is not limited to the Dear Doctor and Dear Pharmacist letters themselves as well as all drafts of the letters, memoranda related to the letters, notes of meetings and/or telephone conferences concerning the letters and any communications with the FDA regarding the content or approval of the letters.

66. Documents relating to or embodying any licenses, contracts, royalty arrangements or other agreements made by Defendant and any other entity related to the transfer of responsibility for the safety of Reglan and/or metoclopramide.

67. Produce all documents, which can be accessed by your U. S. entity, regarding any discussion, suggestion or study of whether any current or pending, approved or unapproved ANDA for any Relevant Product should be withdrawn or suspended temporarily or permanently due to safety concerns, including but not limited to internal memorandum, notes of conversations, communications with the FDA or other Foreign Government Regulatory Authority, and communications with other manufacturers, licensors, licensees, distributors, or marketers. For purposes of this request, the term "access" means that the U.S. entity can retrieve the document, in either electronic or hard copy form, without asking a foreign entity to produce the document.

68. Produce all documents which relate to, refer to or embody any communications, reports or inquiries between Defendant and the Centers or Disease Control regarding Reglan and/or metoclopramide.

69. Produce any and all agency contact logs or centralized records, related to Reglan and/or metoclopramide, that summarize the date of the contact with the FDA, the purpose of the contact with the FDA, content of materials or information shared or any other information relating to the FDA contact. In the event this information is maintained

electronically and/or in a database, Defendant is requested to produce these materials in a form that is readable to Plaintiff's counsel.

70. All documents relating or referring to adverse drug reactions or alleged adverse drug reactions for Reglan and/or metoclopramide which occurred in any country other than the United States including: a) all documents, relating or referring to or embodying summaries, computerized data, analysis, or interpretation of said reports; b) all documents, relating or referring to or embodying summaries, computerized data, analysis, or interpretation of said reports; b) all documents relating, referring or embodying the submission of said reports to any government regulatory authority, whether FDA or foreign; c) all documents relating or referring to the failure to submit such reports to any government regulatory authority, whether FDA or foreign; and d) all documents which relate, refer to or embody any such incidents or reports.

71. Produce all documents, which can be accessed by your U.S. Entity, relating, referring to or embodying any communication with or submissions to the FDA or any foreign government regulatory authorities regarding regulation, approval, indications, trade name, removal, denial of application, safety or testing of Reglan and/or metoclopramide (including post-marketing information). For purposes of this request, the term "access" means that the U.S. entity can retrieve the document, in either electronic or hard copy form, without asking a foreign entity to produce the document.

72. Produce all documents relating, referring to or embodying any discussion or submission between Defendant and any state government regulatory agency or any state medical society concerning the safety and/or efficacy of Reglan and/or metoclopramide.

73. Produce all documents relating, referring to or embodying any discussion or submission between Defendant and any medical association concerning any adverse events reported to be associated, regardless of causality, with Reglan and/or metoclopramide. The term "medical association", as used in this request, refers to trade groups as opposed to individual medical practices.

74. Produce any and all documents, which can be accessed by your U.S. entity, relating to, referring to or embodying any communications with the FDA or any foreign government regulatory authority regarding any discussion or suggestion that Defendant withdraw Reglan and/or metoclopramide from the market. For purposes of this request, the term "access" means that the U.S. entity can retrieve the document, in either electronic or hard copy form, without asking a foreign entity to produce the document.

75. Produce all documents, which can be accessed by your U.S. entity, relating or referring to any discussion, suggestion or study of whether any Relevant Product should be withdrawn temporarily or permanently from the market, including but not limited to internal memorandum, notes of conversations, communications with the FDA or any Foreign Government Regulatory Authority, and communications with other manufacturers, licensors, licensees, distributors, or marketers. For purposes of this

request, the term "access" means that the U.S. entity can retrieve the document, in either electronic or hard copy form, without asking a foreign entity to produce the document.

76. All materials related to the research, analysis and other forms of due diligence you performed, related to the safety of Reglan and/or metoclopramide, leading up to your decision to begin manufacturing, marketing and/or selling Reglan and/or metoclopramide.

77. Produce any and all documents relating to, referring to or embodying training, instructions, memorandum, films, questions and answers or other materials supplied to detail persons or other sales persons employed by Defendant to promote Reglan and/or metoclopramide.

78. For the years 1980 to present, please produce complete lists of detailers or sales representatives responsible for the marketing of Reglan and/or metoclopramide, broken down by geographic location and/or prescribing physician. For each detailer or sales representative, to the extent each item is in Defendant's possession, custody or control please produce a copy of the following: (a) their custodial file; (b) personnel file; (c) call notes; (d) IMS data; (e) customer notes; (f) weekly sales notes; (g) customer belief notes; and/or (h) tracking notes.

79. For the years during which you sold Reglan and/or metoclopramide, please produce documents in your possession, custody or control sufficient to enable plaintiffs to ascertain your sales volume of Reglan and/or metoclopramide. To the extent you maintain these figures broken down by geographic location, prescribing physician, length of use, age of user, purpose of use and/or any other demographic categories please produce the information in that manner. This includes, but is not limited to, data leased and/or purchased from IMS. This also includes sales outside the U.S.

80. Produce any and all documents relating to, referring to or embodying analysis of projection of future sales, marketing strategies, or promotional plans for Reglan and/or metoclopramide performed by Defendant or on Defendant's behalf. This request excludes analysis performed exclusively for litigation purposes.

81. For the years during which you sold Reglan and/or metoclopramide, please produce documents in your possession, custody or control, sufficient to enable plaintiffs to ascertain your revenue, sales, profits, and/or costs with Reglan and/or metoclopramide.

82. Produce true and complete copies of all press releases, media statements and/or alerts issued by Defendant or on Defendant's behalf with respect to Reglan and/or metoclopramide.

83. Produce all drafts of press releases, media statements and/or alerts issued by Defendant or on Defendant's behalf with respect to Reglan and/or metoclopramide.

84. Produce the drafts and final copies of any other materials prepared by Defendant or on Defendant's behalf as a part of its media and/or public relations efforts with respect to Reglan and/or metoclopramide.

85. Produce true and complete copies of all documents memorializing statements made by Defendant or on Defendant's behalf to its stockholders in which Reglan and/or metoclopramide is referenced. This includes, but is not limited to, Defendant's annual or quarterly reports.

86. Produce any and all documents, exclusive of Adverse Event Reports, memorializing communications between Defendant and physicians, pharmacists or consumers related to Reglan and/or metoclopramide.

87. Produce all documents relating to, referring to or embodying information published in any Physician's Desk Reference ("PDR") concerning Reglan and/or metoclopramide and produce all documents relating to, referring to or embodying revisions, alterations or discussions of PDR data.

88. Produce any and all documents, in Defendant's possession, custody or control, relating to, referring to or embodying any codes of conduct and/or ethical standards promulgated, adopted or followed by Defendant or by any trade organization of which Defendant is a member, and that was in effect at the time the Defendant was selling Reglan and/or metoclopramide (including the years 1980-present) with respect to the marketing of products. For purposes of this request, "code of conduct" is defined as a set of rules or protocols that explain how Defendant, its employees and/or agents should conduct themselves.

89. Produce all documents relating, referring to or embodying any direct-to-consumer advertisements for Reglan and/or metoclopramide regardless of whether such advertisements are in print or media including: (a) dates such advertising was conducted; (b) specific media vehicles used to conduct such advertising; (c) names and addresses of all advertising agencies utilized by Defendant that were/are involved in said advertising; (d) drafts of the advertisements; (e) final versions of the advertisements; (f) internal communications regarding the advertisements; (g) correspondence related to the advertisements; and/or (h) FDA approvals or revisions of the advertisements

90. Produce all documents, in Defendant's possession or control, relating to, referring to or embodying any press releases or public relations materials for Reglan and/or metoclopramide.

91. Produce any and all documents and/or promotional materials which relate to, refer to or embody tangible things or other materials ever provided by Defendant to physicians or pharmacies to promote the use of Reglan and/or metoclopramide, including but not limited to notepads, calendars, office supplies, meals, promotional materials, financial contributions, product descriptions, product literature, books regarding Reglan and/ or metoclopramide, free samples, and other such promotional materials.

92. Produce any and all documents relating to, referring to or embodying each and every purchase by Defendant or on Defendant's behalf of published literature, to be distributed to the medical community and/or consumers, supporting the use of Reglan and/or metoclopramide to treat gastroesophageal reflux diease or diabetic gastroparesis.

93. Produce any and all documents relating to, referring to or embodying any efforts by Defendant or on Defendant's behalf to distribute, publicize or promote literature to the medical community supporting the use of Reglan and/or metoclopramide to treat gastroesophageal reflux disease and/or diabetic gastroparesis.

94. Produce any and all promotional materials developed, supplied or publicized by Defendant or on Defendant's behalf, during the time Defendant marketed Reglan and/or metoclopramide, in order to encourage use of Reglan and/or metoclopramide.

95. Produce any and all documents relating to or referring to medical seminars, conferences or lectures that Defendant or its agents conducted, sponsored in whole or in part, or participated in, where the topic of side effects related to use of Reglan and/or metoclopramide was discussed.

96. Produce any and all documents relating to or referring to meetings, training sessions and/or discussions with marketing and/or sales force personnel regarding Reglan and/or metoclopramide, including but not limited to any documents regarding questions, comments and/or inquiries received by or requested from sales force personnel and/or training materials or handouts provided to any detailers or sales representatives.

97. Produce any and all minutes and/or reports of Board of Directors meetings which relate or refer to Reglan and/or metoclopramide.

98. Any and all documents reflecting communications with financial analysts or investors concerning the role of Reglan and/or metoclopramide in Defendant's financial or business prospects, including any transcripts, presentations or documents concerning any analyst conference, call, or business briefing.

99. Produce any and all documents relating to, referring to or embodying any unpublished reports, speeches, data compilations, clinical observations or other communications made by Defendant or on Defendant's behalf concerning Reglan and/or metoclopramide.

100. Produce any and all documents, in Defendant's possession, custody or control, relating to, referring to or embodying any laboratory testing and/or studies regarding the pharmacology, pharmacokinetics and/or biochemical properties of Reglan and/or metoclopramide.

101. Produce any and all documents relating to, referring to or embodying any communications by Defendant with any publisher, editor, author, reporter or employee of or for any lay, scientific, medical or news publication or any freelance writer concerning Reglan and/or metoclopramide.

102. Produce any and all documents which refer to, discuss or examine Reglan and/or metoclopramide and their likely effects based upon comparison and/or experience with the chemical and pharmacologic properties of any other drug.

103. Produce any and all documents relating to, referring to or embodying any efforts by Defendant to study, monitor or test for the development of extrapyramidal symptoms from use of Reglan and/or metoclopramide.

104. Produce any and all documents, in Defendant's possession, custody or control, setting forth and/or describing the pharmacovigilence program in effect related to monitoring the safety of Reglan and/or metoclopramide. This request includes, but is not limited to, documents describing its operation, composition and any changes made to the system at any time.

105. Produce organizational charts or other documents sufficient to identify the structure and membership of the following departments and/or teams responsible for Reglan and/or metoclopramide, from the year preceding your first filing of an NDA or ANDA for Reglan and/or Metoclopramide to date. In each instance, if you do not have a department and/or team dedicated to Reglan and/or Metoclopramide in the identified area, you should produce the requested documents for the general department and/or team in the identified area whose responsibilities included Reglan and/or Metoclopramide

a. Preclinical Investigation
b. Clinical Development
c. Product Development
d. Adverse Drug Events (ADEs) / Pharmacovigilance / Post-Marketing Safety Surveillance
e. Regulatory Affairs
f. Marketing and Sales
g. Scientific Affairs
h. Medical Affairs
i. Preparation for / participation in any FDA Advisory Committee Meetings related to Reglan and/or metoclopramide
j. Public Relations, including press and media relations
k. Any and all training programs involving Reglan and/or metoclopramide
l. Development of relationships with non-employee medical doctors and/or Pharm.D. professionals retained, paid or compensated in any other way, by or on behalf of Defendant to present materials and information regarding Reglan and/or Metoclopramide (excluding experts retained for Litigqtion)
m. To the extent that Defendant has a product specific group

and/or team devoted to Reglan and/or Metoclopramide, that group and/or team

n. Documents sufficient to identify or demonstrate the reporting relationships between and among each of the above departments and/or teams in Defendant's overall management structure.

105. Produce all documents relating, referring to or embodying all inspection reports (including 483s, detention reports and/or warning letters) or consent decrees which relate in any way to Reglan and/or metoclopramide.

106. Produce all Standard Operating Procedures (SOPs) in place between 1980 and the present relating to Reglan and/or metoclopramide, whether as a part of its development, the tracking of adverse event/injury reports; compliance with C.F.R. 314.80 and/or C.F.R. 314.81, oversight, safety evaluations, data management or other safety aspects.

107. Produce any and any databases maintained by you concerning both domestic and international adverse event reports, including the underlying medical records maintained by you.

108. Produce any and all copies of all drafts and finals of Question & Answer documents, talking points documents or "internal use only" documents prepared in anticipation of safety questions from the medical or lay public regarding Reglan and/or metoclopramide.

109. Produce any and all drafts and finals of all press releases prepared in anticipation of inquiries from the media regarding the safety of Reglan and/or metoclopramide.

110. Produce any and all documents relating to, referring to or embodying any financial payments, contributions or support, related to Reglan and/or metoclopramide, provided by Defendant to any physician, scientist, medical or scientific expert, or any institution, agency or entity with which said individual is affiliated. Please note that this request excludes payments made to experts retained exclusively for litigation purposes.

111. Produce any and all documents evidencing, describing, explaining or otherwise relating to Defendant's annual budget for field sales force costs and activities relating to the promotion of Reglan and/or metoclopramide for the time you marketed Reglan and/or metoclopramide.

112. Produce any and all general liability, comprehensive general liability, or product liability insurance policy (and any other insurance policy which you believe may provide coverage for any personal injury and/or product liability claim arising from the use and/or ingestion of Reglan and/or metoclopramide) that you purchased or on which you are a named insured (including policies purchased by related corporate entities), including all excess layers, for the years 1980 through 2001.

113. Produce any and all indemnity agreements, agreements to assume liability, agreements to assume the defense or any other such agreement between you and any other Defendant in

the coordinated litigation, regarding or pertaining to claims for injuries alleged as a result of ingestion of Reglan and/or metoclopramide.

114. Produce any and all charts or schedules of layers of insurance or self-insured retention (and any other insurance policy which you believe may provide coverage for any personal injury and/or product liability claim arising from the use and/or ingestion of Reglan and/or metoclopramide) for any of the respective years of coverage.

115. Produce any and all documents relating or referring to any disputes or reservations of rights as to coverage (and any other insurance policy which you believe may provide coverage for any personal injury and/or product liability claim arising from the use and/or ingestion of Reglan and/or metoclopramide) for the years 1989 through 2001.

116. Produce any and all documents reflecting Defendant's year-end financial statements for the years you marketed Reglan and/or metoclopramide, including: (a) quarterly reports for the current fiscal year, including 10-K and 10-Q forms; (b) all of your filings with the National Association of Securities Dealers for the years 1989 – 2001; (c) gross sales of Reglan and/or metoclopramide for each year; and (d) net profits attributable to the sale of Reglan and/or metoclopramide by State of sale (including the District of Columbia, Puerto Rico, and the Virgin Islands) for each year you owned the ANDA for metoclopramide.

117. Produce your annual report to shareholders for the years you marketed Reglan and/or metoclopramide.

118. Produce any and all documents, in Defendant's possession, custody or control, which relate to, refer to or embody patents, patent applications or alleged infringement of any patents for any Reglan and/or metoclopramide product, including any litigation related to such.

119. Produce any and all documents, in Defendant's possession, custody or control, which relate to, refer to or embody all product licensing agreements concerning any product or technology contained in patents or patent applications for any Reglan and/or metoclopramide product.

120. All document retention and/or document destruction policies in effect from the time the NDA for Reglan was filed to present and all documents which discuss or refer thereto. This request includes, but is not limited to, policies for: paper documents, databases, electronic mail, electronic documents, voicemail and instant messaging.

121. Produce documents sufficient to allow Plaintiffs to identify Defendant's corporate officers and Board of Directors for the years you marketed Reglan and/or metoclopramide.

122. Produce any and all documents reflecting the hiring or retention by Defendant or on Defendant's behalf, of any public relations firm or law firm specializing in drug regulatory practices to participate in, orchestrate, organize or otherwise direct any evaluation of recall discussions for Reglan and/or metoclopramide and produce all

documents regarding said engagement, including but not limited to questions and answers, talk papers, scripts for telephone calls, creation of special advisory or consulting boards, retention of scientific or medical researchers, advisors or experts and other such public relations strategies.

123. Produce any and all documents relating to, referring to or embodying Defendant's retention of persons in any medical discipline to study, assess or analyze the safety of Reglan and/or metoclopramide.

124. Produce any and all documents which you were asked or required to identify and/or produce in response to and/or referenced in Plaintiffs' interrogatories.

125. Produce any and all electronic databases or electronically stored media relating, reflecting or embodying the following subject areas that concern or relate to Reglan and/or metoclopramide:

a. payments made to physicians or healthcare providers;
b. clinical trial tracking, management or data;
c. sales call tracking or contacts with physicians or other individual health care providers or institutions;
d. distribution of samples;
e. management or repository of publications;
f. product complaints;
g. marketing, advertising or promotional materials;
h. information requests and/or questions submitted by physicians or healthcare providers;
i. tracking or management of communications with, payments to or activities of thought leaders, consultants or institutions;
j. label changes;
k. marketing activities;
l. approval of promotional, advertising or marketing materials.

126. Produce any and all internal documents relating to the ANDA application for metoclopramide and labeling or safety issues, regardless of whether or not they were produced to the FDA.

127. Produce any and all FDA 3500A Forms created by Defendant regarding metoclopramide.

128. Produce any and all documents in Defendant's possession, custody or control regarding the sales figures of Reglan and/or metoclopramide prior to your commencement of the manufacturing of metoclopramide. Please note that this request includes any and all documents reflecting the sales figures themselves as well as any and all documents discussing those figures including, but not limited to, correspondence, memoranda, notes, meeting minutes and/or presentations.

129. Produce any and all documents in Defendant's possession, custody or control regarding the weekly, monthly, quarterly and/or annual number of prescriptions written and/or

filled for Reglan and/or metoclopramide prior to your commencement of the manufacturing of metoclopramide. Please note that this request includes any and all documents reflecting the prescription numbers themselves as well as any and all documents discussing those figures including, but not limited to correspondence, memoranda, notes, meeting minutes and/or presentations.

130. Produce any and all documents in Defendant's possession, custody or control regarding the weekly, monthly, quarterly and/or annual number of prescription refills for Reglan and/or metoclopramide prior to your commencement of the manufacturing of metoclopramide. Please note that this request includes any and all documents reflecting the prescription refill numbers themselves as well as any and all documents discussing those figures including, but not limited to correspondence, memoranda, notes, meeting minutes and/or presentations.

131. Produce any and all documents in Defendant's possession, custody or control regarding the prescription refill patterns for Reglan and/or metoclopramide prior to your commencement of the manufacturing of metoclopramide. Please note that this request includes any and all documents reflecting the prescription refill patterns themselves as well as any and all documents discussing those patterns including, but not limited to correspondence, memoranda, notes, meeting minutes and/or presentations.

132. Produce any and all documents in Defendant's possession, custody or control regarding the profitability of Reglan and/or metoclopramide prior to your commencement of the manufacturing of metoclopramide. Please note that this request includes any and all documents reflecting the profitability of metoclopramide as well as any and all documents discussing the profitability including, but not limited to correspondence, memoranda, notes, meeting minutes and/or presentations.

133. Produce any and all documents memorializing any criminal proceedings and/or other proceedings involving reprimand, penalty or fine imposed, related to Reglan and/or metoclopramide, that Defendant or anyone acting on Defendant's behalf has been involved in.

134. Produce any and all copies of general media articles, in Defendant's possession, custody or control discussing Reglan and/or metoclopramide. For purposes of this request, the term "general media article" refers to articles that appear in non-medical and/or non-scientific journals, magazines or periodicals.

135. Produce any and all documents, related to metoclopramide, sent or received on your capacity as a member of the Generic Pharmaceutical Association.

136. Produce any and all documents, related to metoclopramide, sent or received in your capacity as a member of the International Generic Pharmaceutical Alliance.

137. Produce any and all documents, related to Reglan and/or metoclopramide, sent or received in your capacity as a member of or financial supporter of any other organization

and/or lobby. This request is limited to organizations and/or lobbies that you are a member of in your capacity as a manufacturer, marketer and/or distributor of metoclopramide.

138. Produce any and all documents reflecting any and all expenditures, whether monetary payments, in-kind payments or gifts, made on lobbying efforts, relating specifically to metoclopramide, between 1980 and present.

139. Produce a true and correct copy of the complaint filed in any and all lawsuits you were involved in concerning Reglan and/or metoclopramide. Please note that this request includes, but is not limited to lawsuit claiming personal injury, product defects and/or patent disputes.

140. Produce a true and correct copy of any and all expert reports published and/or served by Defendant and/or Defendant's experts in lawsuits involving Reglan and/or metoclopramide.

141. Produce a true and correct copy of any and all published trial exhibits created and/or used by Defendant in any lawsuit involving Reglan and/or metoclopramide.

142. Produce any and all bills, invoices and/or documented charges, which have been previously published, created by Defendant's retained experts for lawsuits involving Reglan and/or metoclopramide.

143. Excluding documents either soliciting or conveying legal advice from counsel and associated work product of counsel, produce any and all documents retained in the files of Defendant's legal department concerning Defendant's compliance with FDA regulations with respect to Defendant's Reglan and/or metoclopramide products, including, without limitation, as pertains to:

    a. filing, approval and maintenance of relevant NDAs/ANDAs;
    b. product labeling;
    c. drug safety;
    d. post-marketing surveillance; and
    e. pharmacovigilance.

    It is intended that the mere fact that counsel is "cc"ed on a document, without more, is not to be construed as a basis for excluding the document as one which solicits or conveys legal advice. It is also intended that documents relating generally to Defendant's regulatory compliance policies may be responsive to the Request, notwithstanding such documents' failure to specifically refer to Reglan and/or metoclopramide.

144. Produce any and all correspondence received by or sent by Defendant concerning the medical studies/articles listed on the attached Exhibit "A."

145. Produce any and all hard copies, in Defendant's possession, custody or control, of the medical studies/articles listed on the attached Exhibit "A" with a "Received"-stamped, "Reviewed"-stamped, or any other symbol indicating the study/article was in Defendant's possession.

146. Produce any and all documents, in the possession, custody or control of Defendant, to or from the FDA referring to any and all of the medical studies/articles listed on the attached Exhibit "A."

147. Produce any and all documents, in Defendant's possession, custody or control, written to or received from consumers of Reglan and/or metoclopramide referring to any of the medical studies/articles listed on the attached Exhibit "A."

148. Produce any and all analyses conducted by Defendant or on Defendant's behalf regarding the medical studies/articles listed on the attached Exhibit "A." The request does not include analyses conducted by expert retained solely for litigation purposes.

149. Produce any and all depositions of corporate representatives in previous lawsuits regarding products liability claims due to metoclopramide.

150. Produce a true and correct copy of any and all of Defendant's witness lists, which have been published in previous lawsuits regarding products liability claims related to metoclopramide.

151. Produce a true and correct copy of any and all of Defendant's exhibit lists, which have been published in previous lawsuits regarding products liability claims related to metoclopramide.

152. Produce a true and correct copy of any and all of Defendant's expert depositions in previous lawsuits regarding products liability claims due to metoclopramide.

153. Produce any and all communications, in Defendant's possession, custody or control, exchanged between Defendant and its parent company regarding adverse events associated with the use of Reglan and/or metoclopramide. This request excludes documents directed to or received from in-house counsel and related to personal injury litigation.

154. Produce any and all communications, in Defendant's possession, custody or control, exchanged between Defendant and its parent company regarding safety issues associated with Reglan and/or metoclopramide. This request excludes documents directed to or received from in-house counsel and related to personal injury litigation.

155. Produce any and all communications, in Defendant's possession, custody or control, exchanged between Defendant and its wholly owned subsidiaries or any other entity acquired by Defendant regarding adverse events associated with Reglan and/or metoclopramide.

156. Produce any and all communications, in Defendant's possession, custody or control, exchanged between Defendants and persons acting on behalf of Defendant regarding adverse events associated with the use of Reglan and/or metoclopramide. This request excludes communications with experts retained solely for litigation purposes and communications between Defendants and their attorneys.

157. Produce any and all communications, in Defendant's possession, custody or control, exchanged between Defendant and its parent company regarding Reglan and/or metoclopramide labeling.

158. Produce any and all communications, in Defendant's possession, custody or control, exchanged between Defendant and its wholly owned subsidiaries or any other entity acquired by Defendant regarding Reglan and/or metoclopramide labeling.

159. Produce any and all communications, in Defendant's possession, custody or control, exchanged between Defendant and persons acting on behalf of Defendant regarding Reglan and/or metoclopramide labeling. This request excludes communications with experts retained solely for litigation purposes and communications between Defendants and their attorneys.

160. Produce any and all communications, in Defendant's possession, custody or control, exchanged between Defendant and its parent company regarding communication with the FDA concerning Reglan and/or metoclopramide labeling.

161. Produce any and all communications, in Defendant's possession, custody or control, exchanged between Defendant and its wholly owned subsidiaries or any other entity acquired by Defendant regarding communication with the FDA concerning metoclopramide.

162. Produce any and all communications, in Defendant's possession, custody or control, exchanged between Defendant and persons acting on Defendant's behalf regarding communication with the FDA concerning metoclopramide. This request excludes communications with experts retained solely for litigation purposes and communications between Defendants and their attorneys.

163. Produce any and all communications sent or received by Defendant to or from any and all entities involved in the innovation of Reglan® regarding the expiration of Reglan®'s patent.

164. Produce any and all agreements between Defendant and any other person or company involved in the innovation of Reglan® regarding the expiration of Reglan®'s patent.

165. Produce any and all contracts between Defendant and any other person or company involved in the innovation of Reglan® regarding the expiration of Reglan®'s patent.

166. Produce any and all foreign labeling, in Defendant's possession, custody or control, for Reglan and/or metoclopramide sold outside the U.S.

167. Produce any and all promotional materials, advertisements, notices and all other documents announcing the launch or sale of Reglan and/or metoclopramide after its approval by the FDA.

168. Produce any and all written job descriptions, to the extent they exist, for each of the positions identified in Interrogatory No. 1 of Plaintiffs' Master First Set of Interrogatories to All Defendants.

169. Produce any and all sale documents, asset purchase documents and/or merger summaries memorializing or otherwise documenting: (a) the purchase of Defendant by any other Defendants involved in this litigation; (b) Defendant's purchase of any other Defendant in this litigation or (c) the merger of any Defendants in this litigation.

170. Produce any and all documents referring to, relating to or describing any and all protocols for contacting Reglan and/or Metoclopramide patients by U.S. mail, electronic mail or telephone concerning Reglan and/or metoclopramide or its risks, benefits, potential side effects or any other aspects of the drugs.

171. Produce any and all agreements with each and every distributor that you contracted with to distribute Reglan and/or metoclopramide.

172. Produce any and all agreements with each and every pharmacy that you contracted with to distribute Reglan and/or metoclopramide.

EXHIBIT A

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EXHIBIT C

IN RE	:	**COURT OF COMMON PLEAS**
	:	**PHILADELPHIA COUNTY**
REGLAN/METOCLOPRAMIDE	:	
LITIGATION	:	
	:	**JANUARY TERM, 2010**
This Document Relates to All Cases	:	**NO. 1997**

PLAINTIFFS' MASTER FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO BRAND NAME DEFENDANTS

Pursuant to Pa. R.C.P. 4009.1, Plaintiffs hereby request that Brand Name Defendants produce the following documents to Plaintiffs' Liaison Counsel in accordance with the schedule provided for in Case Management Order # ____.

Respectfully Submitted,

_____

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GILLIGAN & PEPPELMAN
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DEFINITIONS:

The following terms have the following meanings, unless the context requires otherwise:

1. Parties. The term "plaintiff" or "defendant," as well as a party's full or abbreviated name or a pronoun referring to a party, means the party and, when applicable, its agents, representatives, officers, directors, employees, partners, corporate parent, subsidiaries, or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

2. Person. The term "person" means any natural person, a business, a legal or governmental entity, or an association.

3. You & your. The terms "you" and "your" mean the Defendant and its agents, representatives, attorneys, experts, and other persons acting or purporting to act on Defendant' behalf.

4. Material. The term "material" means all documents, electronically stored information, or tangible things. The term is synonymous with and equal in scope to the terms "documents," "electronically stored information," and "tangible things." A draft or nonidentical copy of a document, electronically stored information, or a tangible thing is a separate item within the meaning of this term.

    a. Document. The term "document" means information that is fixed in a tangible medium, such as paper. It includes, but is not limited to, writings, drawings, films, charts, photographs, notices, memoranda, diaries, minutes, correspondence, books, journals, ledgers, reports, worksheets, notes, printed e-mails, letters, abstracts, audits, charts, checks, diagrams, drafts, instructions, lists, logs, resumes, summaries, clinical trials, studies, data, etc.

    b. Electronically stored information. The term "electronically stored information" means electronic information that is stored in a medium from which it can be retrieved and examined. It includes, but is not limited to, all electronic files that are electronically stored.

        i. "Electronic file" includes, but is not limited to, the following: voicemail messages and files; e-mail messages and files; deleted files; temporary files; system-history files; Internet- or web-browser-generated information stored in textual, graphical, or audio format, including history files, caches, and cookies; computer-activity logs; metadata; etc.

        ii. "Electronic storage" refers to electronic files contained on magnetic, optical, or other storage media, such as hard drives, flash drives, DVDs, CDs, tapes, cartridges, floppy diskettes, smart cards, integrated-circuit cards (e.g., SIM cards), etc.

    c. Tangible thing. The term "tangible thing" means a physical object that is not a document or electronically stored information.

5. Communication. The term "communication" means the transmittal of information in the form of facts, ideas, inquiries, or otherwise.

6. Relating. The term "relating" means concerning, referring, describing, evidencing, or constituting, either directly or indirectly.

7. Any. The term "any" should be understood in either its most or its least inclusive sense as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

8. And & or. The connectives "and" and "or" should be construed either conjunctively or disjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

9. Number. The use of the singular form of any word includes the plural and vice versa.

10. Reglan. The term "Reglan" refers to the prescription medication whose active pharmaceutical ingredient is metoclopramide HCL, which is indicated for the treatment of, *inter alia,* of gastrointestinal reflux disease and diabetic gastroparesis.

11. Metoclopramide. The term "metoclopramide" refers to the pharmaceutical product which is the generic form of Reglan®, *i.e.*, whose reference listed drug is the brand Reglan® product, or, in the case of the oral solution dosage form, ANDA #074703.

12. FDA. The term "FDA" refers to the United States Food & Drug Administration.

13. Study. "Study" includes any type of research to determine either the efficacy, mechanism of action, safety, or pharmacology of Reglan, including but not limited to clinical trials, cohort studies, case control studies, and meta-analysis.

14. Brand Name Defendants. The term "Brand name Defendants" means any and all Defendants that manufactured, designed, labeled, marketed, sold, distributed or had any other involvement with Reglan® whether in tablet, syrup, or injection form.

15. Generic Defendants. The term "Generic Defendants" means any and all Defendants that manufactured, designed, labeled, marketed, sold, distributed or had any other involvement with the generic form of Reglan®, otherwise known as metoclopramide, whether in tablet, syrup, or injection form.

RULES OF CONSTRUCTION:

In construing these Requests:

1. The singular shall include the plural and plural shall include the singular.

2. A masculine, feminine or neuter pronoun shall not exclude the other genders.

3. Unless otherwise specified in the Request, each Request shall extend to all information and documents which have been available to you, in your possession or subject to your control up to the date of your response to these Requests. This paragraph does not limit your duty to supplement your responses.

INSTRUCTIONS:

1. All documents shall be produced pursuant to Case Management Order No. ____. (Document Production Protocol).

2. If there is a claim of privilege with respect to any documents or information requested, Defendant is responsible for following the Privilege Log protocol set forth in Case Management Order No. ___ (Document Production Protocol).

3. These Requests for Production of Documents shall be deemed continuing, to the full extent required or permitted under the Pennsylvania Rules of Civil Procedure, so as to require supplementary responses as soon as practical after the receipt of information or identification of documents, which renders any or your Responses to these Requests for Production of Documents incomplete or inaccurate.

4. Except as specified in Requests for Production Nos. 47, 52, 53, 76, 79, 83, 86 and 87, whether or not stated expressly in an individual Request, each request should be construed as requiring the production by answering defendant only of documents in the possession, custody or control of answering defendant, including that party's agents, officers, directors, employees and partners.

PLAINTIFFS' MASTER FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO BRAND NAME DEFENDANTS

1. Produce all documents, in Defendant's possession, custody or control, relating to, referring to or embodying any pre-clinical studies or testing of Reglan and/or metoclopramide, including but not limited to test protocols, data complications, laboratory notebooks, summaries of results, drafts of reports, final reports published articles, financial renumeration, engagement of consultants/investigators, internal memoranda and submissions of data to the FDA or any Foreign Government Regulatory Authorities, including but not limited to tests for the following: a) toxicity testing; b) pharmacology; c) drug metabolism; d) absorption; e) reproduction; f) teratogenicity; g) resorption; h) half-life; i) pharmacokinetic data; j) carcinogenicity data; k) gene mutation data; l) bioavailability studies; and m) all other animal and chemical studies.

2. Produce any and all epidemiological studies and related documents, in your possession or control, which examine the relationship between extrapyramidal symptoms and the use of Reglan and/or Metoclopramide.

3. Produce all epidemiological studies, related to Reglan and/or metoclopramide, that you conducted, regardless of whether the study was completed or published. For each study produced please provide all documents related to the study.

4. Produce records identifying all non-employee medical doctors and/or Pharm.D. professionals retained, paid or compensated in any other way, by or on behalf of Defendant to present materials and information regarding Reglan and/or metoclopramide. Please note that this request includes those non-employee medical doctors and Pharm.D. professionals whose services may have been secured through a third party whose function was to organize Continuing Medical Education programs and/or any other programs in which information on Reglan and/or metoclopramide was presented.

5. Produce records sufficient to identify any and all external consultants, exclusive of experts retained exclusively for litigation purposes, retained by Defendant with respect to any of the following:

    a. the design and conduct of clinical trials for Reglan and/or metoclopramide;
    b. the analysis and evaluation of adverse events and/or drug related adverse events related to Reglan and/or metoclopramide;
    c. the analysis and evaluation of any "safety signals" related to Reglan and/or metoclopramide;
    d. preparation for and/or participation in any meeting with the FDA or other regulatory agencies regarding Reglan and/or metoclopramide;
    e. preparation for and/or participation in any Advisory Committee meeting held under the auspices of the FDA or other regulatory agencies regarding Reglan and/or metoclopramide;

f. the marketing of Reglan and/or metoclopramide;
g. the market potential for Reglan and/or metoclopramide, including targeted audiences of physicians or others.

6. Produce all minutes, notes and/or transcripts made of meetings with any and all external consultants retained to consult on Reglan and/or metoclopramide. Please note that this request does not include consultants retained exclusively for litigation purposes.

7. Produce all documents referring to or memorializing any communications between Defendant and any and all external consultants retained to consult on Reglan and/or metoclopramide. Please note that this request does not include external consultants retained exclusively for litigation purposes.

8. Produce any and all minutes, notes and/or transcripts made of meetings with the non-employee medical doctors or Pharm.D. professionals as referenced in Request No. 4.

9. Produce any and all communications between Defendant and the non-employee medical doctors and/or Pharm.D. professionals referenced in Request No. 4.

10. Produce any and all contracts between Defendant and those non-employee medical doctors and/or Pharm.D. professionals referenced in Request No. 4 and/or the third parties that organized any Continuing Medical Education or other presentations at which information concerning Reglan and/or metoclopramide was presented.

11. Produce the programs and all hand-out materials, related to Reglan and/or metoclopramide and in the possession, custody or control of Defendant, of any Continuing Medical Education or other presentation, sponsored by or otherwise provided by Defendant or its agents at which information concerning Reglan and/or metoclopramide was presented.

12. Produce any and all documents relating to, referring to or embodying any correspondence, communications, contacts or other discussions, relating to Reglan and/or metoclopramide, between you or any party acting on your behalf, and any of your suppliers or distributors who had actual or potential responsibilities for the design, distribution and/or marketing of Reglan and/or metoclopramide.

13. Produce any and all documents relating to, referring to or embodying any correspondence, communications, contacts or other discussions, relating to Reglan and/or metoclopramide between you, or any party acting on your behalf, and any other Defendant in this litigation. This request excludes communications by counsel for Defendants relating to Reglan and/or metoclopramide litigation.

14. Produce any and all documents in Defendant's possession, custody or control relating to, referring to or embodying studies on the safety or efficacy of Reglan and/or metoclopramide conducted by any third parties, including but not limited to those conducted by trade groups or associations, irrespective of whether such studies were conducted at the direction of Defendant.

15. Produce any and all minutes, agendas, brochures, memoranda, correspondence or other documents relating to meetings of any trade group or other group or association which were supported or sponsored by Defendant and included discussion of the use of Reglan and/or metoclopramide as a treatment or possible treatment for GERD, diabetic gastroparesis, and/or other health conditions.

16. Produce any and all documents relating to, referring to or embodying Defendant's review, analysis, investigation or interpretation of studies of Reglan and/or metoclopramide conducted by any third parties. This request excludes documents created by experts retained exclusively for litigation purposes.

17. Produce the raw data from any and all studies conducted, completed or published inside the U. S. regarding Reglan and/or metoclopramide.

18. Produce any and all study summaries, in Defendant's possession, custody or control, conducted outside of the United States of America not provided to the United States Food & Drug Administration within the Reglan New Drug Application.

19. Produce all documents relating to or embodying any attempt by Defendant to retain, engage, contract with or hire any person engaged in scientific and/or medical study of Reglan and/or metoclopramide. Please note that this request does not include any individuals retained by Defendant exclusively for litigation purposes.

20. Produce the database(s) by which Defendant tracked its Reglan and/or metoclopramide related filings and/or communications, both oral and written, with the FDA and/or other regulatory agencies. This request includes any and all logs, tables or other records that identify the date, subject, purpose and participants of said communications and is limited to those portions of the database(s) relating to Reglan and/or metoclopramide.

21. Produce the records identifying each of Defendant's serial filings in the IND filed with regard to Reglan.

22. Produce all records and reports documenting contacts and communications with the U.S. Food and Drug Administration related to Reglan and/or metoclopramide including, but not limited to, documentation of telephone conferences, electronic mail, facsimiles, written correspondence, reports, memoranda and/or notes.

23. Produce true and complete copies of all meeting requests, briefing documents and materials, related to Reglan and/or metoclopramide, prepared by Defendant in preparation for and/or presented at any and all meetings with the U. S. Food and Drug Administration and/or other regulatory agencies.

24. Produce true and complete copies of all meeting requests, briefing documents and materials, related to Reglan and/or metoclopramide and in Defendant's possession, custody or control, prepared by the FDA in preparation for and/or presented at any and all meetings between Defendant and the FDA and/or other regulatory agencies.

25. Produce any and all transcripts of meetings with the FDA, regarding Reglan and/or metoclopramide and in Defendant's possession, custody or control.

26. Produce any and all recordings, which have not been reduced to a transcript, of meetings with the FDA, regarding Reglan and/or metoclopramide in Defendant's possession, custody or control.

27. Produce any and all records, in Defendant's possession, custody or control, sufficient to identify any and all Data Safety Monitoring Boards in place during any of the clinical trials of Reglan. For purposes of this request, a "Data Safety Monitoring Board" is a group of independent experts who monitor patient safety and treatment efficacy data while a clinical trial is ongoing.

28. Produce the minutes and/or reports of any and all Data Safety Monitoring Boards, assembled to monitor clinical trials involving Reglan and/or metoclopramide, in Defendant's possession, custody or control. For purposes of this request, a "Data Safety Monitoring Board" is a group of independent experts who monitor patient safety and treatment efficacy data while a clinical trial is ongoing.

29. Produce the complete records of <u>each</u> of the Investigational New Drug Applications (INDs) filed by Defendant with respect to Reglan.

30. Produce all Reglan pre-IND submissions to the FDA, including but not limited to:

    a) Any / all written materials submitted to the FDA;
    b) Records of any / all telephone conferences or in person conferences with the FDA;
    c) Defendant's request(s) for pre-IND meeting(s);
    d) The briefing packages or other submissions relating to the request for or conduct of the pre-IND meeting(s);

31. Produce any and all documents relating to or memorializing meetings held between Defendant and the FDA after the conclusion of any and all Phase 2 clinical trials but before Reglan was marketed.

32. Produce all materials related to any Reglan pre-NDA meetings and teleconferences between Defendant and the FDA.

33. Produce true and complete copies of all Requests for Information related to Reglan and/or metoclopramide, received from the FDA. In your response, please produce the formal Request for Information as well as any supporting documents, correspondence, attachments or other materials provided to Defendant by the FDA.

34. Produce true and complete copies of any and all responses, prepared by Defendant, its agents or on its behalf, to FDA Requests for Information related to Reglan and/or

metoclopramide. In your response, please produce all responses prepared regardless of whether they were partial or complete.

35. Produce true and complete copies, in Defendant's possession, custody or control, of any and all Clinical Holds issued by the FDA for Reglan. For purposes of this request, the term "Clinical Hold" is an order issued by the FDA to the sponsor of a drug to delay a proposed clinical investigation or to suspend an ongoing investigation.

36. Produce true and complete copies of any and all responses made by Defendant to any Clinical Holds issued by the FDA for Reglan. This request includes Defendant's response as well as any internal documents related to that response including but not limited to correspondence, memoranda, drafts of responses and/or meeting notes. For purposes of this request, the term "Clinical Hold" is an order issued by the FDA to the sponsor of a drug to delay a proposed clinical investigation or to suspend an ongoing investigation.

37. Produce all analyses and/or meta-analyses of clinical trial data and/or pooled data regarding Reglan and/or metoclopramide, conducted internally by Defendant or its agents whether or not filed with the FDA.

38. Produce a complete copy of the Reglan New Drug Application filed with the FDA.

39. Produce true and complete copies of any and all supplemental submissions made to the original Reglan New Drug Application (NDA). This request should include the supplemental submissions themselves as well as copies of filing letters, indices and correspondence exchanged between Defendant and the FDA.

40. In the event the Defendant made any Changes Being Effected (CBE) filings with respect to Reglan, then produce true and complete copies of those filings.

41. With respect to any Changes Being Effected filings made for Reglan and/or metoclopramide, please produce all of the following:

    a. complete copies of any and all submissions to the Changes Being Effected filing subsequent to the original filing;
    b. any and all information amendments;
    c. all correspondence from Defendant to the FDA, including responses to Requests for Information and the action, approvable, non-approval or approval letters; or
    d. documents reflecting actions taken by the FDA in response.

42. Produce all documents, in Defendant's possession, custody or control, relating to, referring to or embodying follow-up or long term study of participants in any clinical studies regarding Reglan and/or metoclopramide, including but not limited to safety and efficacy results, observations or data obtained after approval of the NDA or ANDA, or after conclusion of the initial study period.

43. Produce any and all documents relating to, referring to or embodying any study that you have conducted, commissioned or published to assess any and all health or medical consequences associated with the use of Reglan for 12 weeks or longer.

44. Produce any and all documents relating to, referring to or embodying any efficacy study that you have conducted, commissioned or published regarding the use of Reglan for 12 weeks or longer.

45. Produce true and correct copies of all studies that you rely on to support the safety of long term use of Reglan in any patient population. Please note that this request excludes any studies performed by experts retained exclusively for litigation purposes.

46. Produce true and correct copies of all studies that you rely on to support the efficacy of long term use of Reglan and/or metoclopramide in any patient population. Please note that this request excludes any studies performed by experts retained exclusively for litigation purposes.

47. Produce all documents, which can be accessed by your U.S. entity, relating to, referring to or embodying any attempts by Defendant to submit data or studies conducted by any third parties to the FDA or any Foreign Government Regulatory Authority. For purposes of this request, the term "access" means that the U.S. entity can retrieve the document, in either electronic or hard copy form, without asking a foreign entity to produce the document.

48. Produce all documents relating to, referring to or embodying any testing of Reglan and/or metoclopramide, performed by Defendant or at Defendant's request, which Defendant did not complete, did not publish, or did not submit to the FDA or any Foreign Government Regulatory Authority.

49. Produce all documents which relate to, refer to or embody any communication, report or inquiry between Defendant and the National Institutes of Health regarding Reglan and/or metoclopramide.

50. Produce all documents which relate to, refer to or embody any communication, report or inquiry between Defendant and the World Health Organization regarding Reglan and/or metoclopramide.

51. Produce all documents which relate to, refer to or embody any communication, report or inquiry between Defendant and the Drug Enforcement Agency (DEA) regarding Reglan and/or metoclopramide.

52. Produce all documents, which can be accessed by your U.S. entity, that relate to, refer to or embody any communication, report or inquiry between Defendant and the Israel Ministry of Health in regard to Reglan and/or metoclopramide. For purposes of this request, the term "access" means that the U.S. entity can retrieve the document, in either electronic or hard copy form, without asking a foreign entity to produce the document.

53. Produce all documents, which can be accessed by your U.S. entity, that relate to, refer to or embody any communication, report or inquiry between Defendant and the Israel Ministry of Industry and Trade in regard to Reglan and/or metoclopramide. For purposes of this request, the term "access" means that the U.S. entity can retrieve the document, in either electronic or hard copy form, without asking a foreign entity to produce the document.

54. Produce true and complete copies of all correspondence and communications between the FDA and Defendant relating to the labeling of Reglan and/or metoclopramide including but not limited to :

    a. All written correspondence, emails, faxes, memoranda re telephone conferences or any other communications;
    b. All draft labels, both annotated and non-annotated, whether originated by Defendant or the FDA;
    c. All changes to labels;
    d. All final labels.

55. Produce copies of all Briefing Documents, PowerPoints and/or other presentations submitted by Defendant for meetings with FDA officials regarding Reglan and/or metoclopramide.

56. Produce copies of all Briefing Documents, PowerPoints and other presentations, in Defendant's possession, custody or control, prepared by the FDA and shared with Defendant or its agents regarding Reglan and/or metoclopramide.

57. Produce any and all medical officer reviews, in your possession, custody or control, performed by Defendant, or Defendant's behalf, relating to the Reglan NDA and any and all supplemental filings and information amendments.

58. Produce any and all statistical reviews, in Defendant's possession, custody or control, performed by Defendant, or Defendant's behalf, relating to the Reglan NDA and any and all supplemental filings and information amendments.

59. Produce any and all pharmacological reviews, in Defendant's possession, custody or control, performed by Defendant or Defendant's behalf, relating to the Reglan NDA and any and all supplemental filings and information amendments.

60. Produce all reports and correspondence from Defendant's external consultants or experts relating to Reglan and/or metoclopramide, whether or not the same was filed with the FDA. Please note that this request excludes external consultants or experts retained exclusively for litigation purposes.

61. Produce all Citizens Petitions, regarding Reglan and/or metoclopramide, that you have submitted that have been submitted at your request and/or direction to the FDA. This includes, but is not limited to, Citizens Petitions submitted related to obtaining new indications for Reglan and/or metoclopramide.

62. Produce any and all documents, in Defendant's possession, custody or control, referring to communications regarding the safety of Reglan and/or metoclopramide and/or any information regarding observed Adverse Drug Events issued to:

    a. clinical trial investigators;
    b. physicians;
    c. pharmacists;
    d. formularies and
    e. others - including but not limited to sales representatives, sales managers, the Medical Affairs / Science Liaisons who might respond to physicians' inquiries.

63. Produce any and all documents relating to, referring to or embodying any opinion by a physician, scientist, or medical or scientific expert employed by, retained by, consulting for or otherwise acting for or in concert with Defendant, regarding the safety or efficacy of Reglan and/or metoclopramide, including but not limited to reports prepared in legal proceedings (exclusive of reports by retained non-testifying experts), opinions expressed in depositions or trials, reports submitted to scientific journals, opinions expressed at medical conferences, and opinions provided as testimony, reports or statements to the FDA or any advisory committee thereof.

64. Produce any and all documents, in Defendant's possession, custody or control, by which the changes to the Reglan label in 2004 were disclosed to physicians.

65. Produce any and all documents, in Defendant's possession, custody or control, by which the changes to the Reglan label in 2004 were disclosed to the public.

66. Produce any and all documents, in Defendant's possession, custody or control, by which the changes to the Reglan label in 2004 were placed in the Physician's Desk Reference.

67. Produce any and all documents, in Defendant's possession, custody or control, relating to the decision to discontinue placing Reglan in the Physician's Desk Reference.

68. Produce true and correct copies of all correspondence or other written materials you received from the U.S. Food and Drug Administration (FDA) related to the addition of a boxed warning to the label for Reglan/Metoclopramide announced February 26, 2009.

69. Produce true and correct copies of all correspondence or other written materials you sent to the U.S. Food and Drug Administration (FDA) related to the addition of a boxed warning to the label for Reglan/Metoclopramide announced February 26, 2009.

70. Produce true and correct copies, in Defendant's possession, custody or control, of all minutes, notes or other documents memorializing meetings with the U.S. Food and Drug Administration (FDA) related to the addition of a boxed warning to the label for Reglan/Metoclopramide announced February 26, 2009.

71. Produce true and correct copies of all minutes, notes or other documents memorializing in-house or internal meetings related to the addition of a boxed warning to the label for Reglan/Metoclopramide announced February 26, 2009.

72. Produce true and correct copies of all correspondence or other written materials you received from or sent to physicians related to the addition of a boxed warning to the label for Reglan/Metoclopramide announced February 26, 2009.

73. Produce a true and correct copy of the final version and any drafts of the Medication Guide you submitted to the FDA related to the addition of a boxed warning to the label for Reglan/Metoclopramide announced February 26, 2009. Please note that this request includes any Medication Guides that you are in the process of drafting and/or submitting to the FDA at this time.

74. Produce a true and correct copy of the proposed changes to the approved labeling you submitted to the FDA as a result of the addition of a boxed warning to the label for Reglan/Metoclopramide announced February 26, 2009. In the alternative, if you do not believe that a labeling change is warranted, produce a true and correct copy of your statement detailing the reasons why such a change is not warranted. Please note that this request includes any labeling that you are in the process of drafting and/or submitting to the FDA at this time.

75. Produce a true and correct copy of the final version and any drafts of the proposed Risk Evaluation and Mitigation Strategy (REMS) you submitted to the FDA related to the addition of a boxed warning to the label for Reglan/Metoclopramide announced February 26, 2009. Please note that this request includes any REMS that you are in the process of drafting and/or submitting to the FDA at this time.

76. Produce all documents, which can be accessed by your U.S. entity, relating to, referring to or embodying any communication with or submissions to the FDA or any foreign government regulatory authority regarding the potential recall, or voluntary discontinuation of marketing of Reglan and/or metoclopramide. For any foreign government regulatory authority which provided warnings for Reglan and/or metoclopramide, produce any warnings, instruction and/or product labels. For purposes of this request, the term "access" means that the U.S. entity can retrieve the document, in either electronic or hard copy form, without asking a foreign entity to produce the document.

77. Produce any and all documents relating to, referring to or embodying any and all Dear Doctor or Dear Pharmacist letters related to Reglan and/or metoclopramide. This request includes but is not limited to the Dear Doctor and Dear Pharmacist letters themselves as well as all drafts of the letters, memoranda related to the letters, notes of meetings and/or telephone conferences concerning the letters and any communications with the FDA regarding the content or approval of the letters.

78. Documents relating to or embodying any licenses, contracts, royalty arrangements or other agreements made by Defendant and any other entity related to the transfer of responsibility for the safety of Reglan and/or metoclopramide.

79. Produce all documents, which can be accessed by your U. S. entity, regarding any discussion, suggestion or study of whether any current or pending, approved or unapproved NDA for Reglan and/or metoclopramide should be withdrawn or suspended temporarily or permanently due to safety concerns, including but not limited to internal memorandum, notes of conversations, communications with the FDA or other Foreign Government Regulatory Authority, and communications with other manufacturers, licensors, licensees, distributors, or marketers. For purposes of this request, the term "access" means that the U.S. entity can retrieve the document, in either electronic or hard copy form, without asking a foreign entity to produce the document.

80. Produce all documents which relate to, refer to or embody any communications, reports or inquiries between Defendant and the Centers or Disease Control regarding Reglan and/or metoclopramide.

81. Produce any and all agency contact logs or centralized records, related to Reglan and/or metoclopramide, that summarize the date of the contact with the FDA, the purpose of the contact with the FDA, content of materials or information shared or any other information relating to the FDA contact. In the event this information is maintained electronically and/or in a database, Defendant is requested to produce these materials in a form that is readable to Plaintiff's counsel.

82. All documents relating or referring to adverse drug reactions or alleged adverse drug reactions for Reglan and/or metoclopramide which occurred in any country other than the United States including: (a) all documents, relating or referring to or embodying summaries, computerized data, analysis, or interpretation of said reports; (b) all documents, relating or referring to or embodying summaries, computerized data, analysis, or interpretation of said reports; (c) all documents relating, referring or embodying the submission of said reports to any government regulatory authority, whether FDA or foreign; (d) all documents relating or referring to the failure to submit such reports to any government regulatory authority, whether FDA or foreign; and (e) all documents which relate, refer to or embody any such incidents or reports.

83. Produce all documents, which can be accessed by your U.S. Entity, relating, referring to or embodying any communication with or submissions to the FDA or any foreign government regulatory authorities regarding regulation, approval, indications, trade name, removal, denial of application, safety or testing of Reglan and/or metoclopramide (including post-marketing information). For purposes of this request, the term "access" means that the U.S. entity can retrieve the document, in either electronic or hard copy form, without asking a foreign entity to produce the document.

84. Produce all documents relating, referring to or embodying any discussion or submission between Defendant and any state government regulatory agency or any state medical society concerning the safety and/or efficacy of Reglan and/or metoclopramide.

85. Produce all documents relating, referring to or embodying any discussion or submission between Defendant and any medical association concerning any adverse events reported to be associated, regardless of causality, with Reglan and/or metoclopramide. The term "medical association", as used in this request, refers to trade groups as opposed to individual medical practices.

86. Produce any and all documents, which can be accessed by your U.S. entity, relating to, referring to or embodying any communications with the FDA or any foreign government regulatory authority regarding any discussion or suggestion that Defendant withdraw Reglan and/or metoclopramide from the market. For purposes of this request, the term "access" means that the U.S. entity can retrieve the document, in either electronic or hard copy form, without asking a foreign entity to produce the document.

87. Produce all documents, which can be accessed by your U.S. entity, relating or referring to any discussion, suggestion or study of whether any Relevant Product should be withdrawn temporarily or permanently from the market, including but not limited to internal memorandum, notes of conversations, communications with the FDA or any Foreign Government Regulatory Authority, and communications with other manufacturers, licensors, licensees, distributors, or marketers. For purposes of this request, the term "access" means that the U.S. entity can retrieve the document, in either electronic or hard copy form, without asking a foreign entity to produce the document.

88. All materials related to the research, analysis and other forms of due diligence you performed, related to the safety of Reglan and/or metoclopramide, leading up to your decision to begin manufacturing, marketing and/or selling Reglan and/or metoclopramide.

89. Produce any and all documents relating to, referring to or embodying training, instructions, memorandum, films, questions and answers or other materials supplied to detail persons or other sales persons employed by Defendant to promote Reglan and/or metoclopramide.

90. For the years 1980 to present, please produce complete lists of detailers or sales representatives responsible for the marketing of Reglan and/or metoclopramide, broken down by geographic location and/or prescribing physician. For each detailer or sales representative, to the extent each item is in Defendant's possession, custody or control please produce a copy of the following:
    a. their custodial file;
    b. personnel file;
    c. call notes;
    d. IMS data;
    e. customer notes;

f. weekly sales notes;
g. customer belief notes;
h. tracking notes.

91. For the years during which you sold Reglan and/or metoclopramide, please produce all documents, in your possession, custody or control, sufficient to enable plaintiffs to ascertain your sales volume of Reglan and/or metoclopramide. To the extent you maintain these figures broken down by geographic location, prescribing physician, length of use, age of user, purpose of use and/or any other demographic categories please produce the information in that manner. This includes, but is not limited to, data leased and/or purchased from IMS. This also includes sales outside the U.S.

92. Produce any and all asset purchase agreements relating to or referring to Reglan.

93. Produce any and all documents relating to any and all due diligence evaluation related to the safety of Reglan, conducted by Defendant for the acquisition, merger, partnership or other legal joinder with another entity.

94. Produce any and all documents relating to, referring to or embodying analysis of projection of future sales, marketing strategies, or promotional plans for Reglan and/or metoclopramide performed by Defendant or on Defendant's behalf. This request excludes analysis performed exclusively for litigation purposes.

95. For the years during which you sold Reglan and/or metoclopramide, please produce documents in your possession, custody or control, sufficient to enable plaintiffs to ascertain your revenue, sales, profits, and/or costs with Reglan and/or metoclopramide.

96. Produce true and complete copies of all press releases, media statements and/or alerts issued by Defendant or on Defendant's behalf with respect to Reglan and/or metoclopramide.

97. Produce all drafts of press releases, media statements and/or alerts issued by Defendant or on Defendant's behalf with respect to Reglan and/or metoclopramide.

98. Produce the drafts and final copies of any other materials prepared by Defendant or on Defendant's behalf as a part of its media and/or public relations efforts with respect to Reglan and/or metoclopramide.

99. Produce true and complete copies of all documents memorializing statements made by Defendant or on Defendant's behalf to its stockholders in which Reglan and/or metoclopramide is referenced. This includes, but is not limited to, Defendant's annual or quarterly reports.

100. Produce any and all documents, exclusive of Adverse Event Reports, memorializing communications between Defendant and physicians, pharmacists or consumers related to Reglan and/or metoclopramide.

101. Produce any and all documents, in Defendant's possession, custody or control, setting forth and/or describing the pharmacovigilence program in effect related to monitoring the safety of Reglan and/or metoclopramide. This request includes, but is not limited to, documents describing its operation, composition and any changes made to the system at any time.

102. Produce any and all documents, in Defendant's possession, custody or control, relating to, referring to or embodying any codes of conduct and/or ethical standards promulgated, adopted or followed by Defendant or by any trade organization of which Defendant is a member, and that was in effect at the time the Defendant was selling Reglan and/or metoclopramide (including the years 1980-present) with respect to the marketing of products. For purposes of this request, "code of conduct" is defined as a set of rules or protocols that explain how Defendant, its employees and/or agents should conduct themselves.

103. Produce all documents relating, referring to or embodying any direct-to-consumer advertisements for Reglan and/or metoclopramide regardless of whether such advertisements are in print or media including:

a. dates such advertising was conducted;
b. specific media vehicles used to conduct such advertising;
c. names and addresses of all advertising agencies utilized by Defendant that were/are involved in said advertising;
d. drafts of the advertisements;
e. final versions of the advertisements;
f. internal communications regarding the advertisements;
g. correspondence related to the advertisements; and
h. FDA approvals or revisions of the advertisements.

104. Produce all documents, in Defendant's possession or control, relating to, referring to or embodying any press releases or public relations materials for Reglan and/or metoclopramide.

105. Produce any and all documents and/or promotional materials which relate to, refer to or embody tangible things or other materials ever provided by Defendant to physicians or pharmacies to promote the use of Reglan and/or metoclopramide, including but not limited to notepads, calendars, office supplies, meals, promotional materials, financial contributions, product descriptions, product literature, books regarding Reglan and/ or metoclopramide, free samples, and other such promotional materials.

106. Produce any and all documents relating to, referring to or embodying each and every purchase by Defendant or on Defendant's behalf of published literature, to be distributed to the medical community and/or consumers, supporting the use of Reglan and/or metoclopramide to treat gastroesophageal reflux diease or diabetic gastroparesis.

107. Produce any and all documents relating to, referring to or embodying any efforts by Defendant or on Defendant's behalf to distribute, publicize or promote literature to the medical community supporting the use of Reglan and/or metoclopramide to treat gastroesophageal reflux disease and/or diabetic gastroparesis.

108. Produce any and all promotional materials developed, supplied or publicized by Defendant or on Defendant's behalf, during the time Defendant marketed Reglan and/or metoclopramide, in order to encourage use of Reglan and/or metoclopramide.

109. Produce any and all documents relating to or referring to medical seminars, conferences or lectures that Defendant or its agents conducted, sponsored in whole or in part, or participated in, where the topic of side effects related to use of Reglan and/or metoclopramide was discussed.

110. Produce any and all documents relating to or referring to meetings, training sessions and/or discussions with marketing and/or sales force personnel regarding Reglan and/or metoclopramide, including but not limited to any documents regarding questions, comments and/or inquiries received by or requested from sales force personnel and/or training materials or handouts provided to any detailers or sales representatives.

111. Produce any and all minutes and/or reports of Board of Directors meetings which relate or refer to Reglan and/or metoclopramide.

112. Any and all documents reflecting communications with financial analysts or investors concerning the role of Reglan and/or metoclopramide in Defendant's financial or business prospects, including any transcripts, presentations or documents concerning any analyst conference, call, or business briefing.

113. Produce any and all documents relating to, referring to or embodying any unpublished reports, speeches, data compilations, clinical observations or other communications made by Defendant or on Defendant's behalf concerning Reglan and/or metoclopramide.

114. Produce any and all documents, in Defendant's possession, custody or control, relating to, referring to or embodying any laboratory testing and/or studies regarding the pharmacology, pharmacokinetics and/or biochemical properties of Reglan and/or metoclopramide.

115. Produce any and all documents relating to, referring to or embodying any communications by Defendant with any publisher, editor, author, reporter or employee of or for any lay, scientific, medical or news publication or any freelance writer concerning Reglan and/or metoclopramide.

116. Produce any and all documents which refer to, discuss or examine Reglan and/or metoclopramide and their likely effects based upon comparison and/or experience with the chemical and pharmacologic properties of any other drug.

117. Produce any and all documents relating to, referring to or embodying any efforts by Defendant to study, monitor or test for the development of extrapyramidal symptoms from use of Reglan and/or metoclopramide.

118. Produce any and all documents, in Defendant's possession, custody or control, setting forth and/or describing the pharmacovigilence program in effect related to monitoring the safety of Reglan and/or metoclopramide. This request includes, but is not limited to, documents describing its operation, composition and any changes made to the system at any time.

119. Produce organizational charts or other documents sufficient to identify the structure and membership of the following departments and/or teams responsible for Reglan and/or metoclopramide, from the year preceding your first filing of an NDA or ANDA for Reglan and/or Metoclopramide to date. In each instance, if you do not have a department and/or team dedicated to Reglan and/or Metoclopramide in the identified area, you should produce the requested documents for the general department and/or team in the identified area whose responsibilities included Reglan and/or Metoclopramide.

a. Preclinical Investigation
b. Clinical Development
c. Product Development
d. Adverse Drug Events (ADEs) / Pharmacovigilance / Post-Marketing Safety Surveillance
e. Regulatory Affairs
f. Marketing and Sales
g. Scientific Affairs
h. Medical Affairs
i. Preparation for / participation in any FDA Advisory Committee Meetings related to Reglan and/or metoclopramide
j. Public Relations, including press and media relations
k. Any and all training programs involving Reglan and/or metoclopramide
l. Development of relationships with non-employee medical doctors and/or Pharm.D. professionals retained, paid or compensated in any other way, by or on behalf of Defendant to present materials and information regarding Reglan and/or Metoclopramide (excluding experts retained for Litigqtion)
m. To the extent that Defendant has a product specific group and/or team devoted to Reglan and/or Metoclopramide, that group and/or team
n. Documents sufficient to identify or demonstrate the reporting relationships between and among each of the above departments and/or teams in Defendant's overall management structure.

120. Produce all documents relating, referring to or embodying all inspection reports (including 483s, detention reports, and/or warning letters) or consent decrees which relate in any way to Reglan and/or metoclopramide.

121. Produce all Standard Operating Procedures (SOPs) in place between 1980 and the present relating to Reglan and/or metoclopramide, whether as a part of its development, the tracking of adverse event/injury reports; compliance with C.F.R. 314.80 and/or C.F.R. 314.81, oversight, safety evaluations, data management or other safety aspects.

122. Produce any and any databases maintained by you concerning both domestic and international adverse event reports, including the underlying medical records maintained by you.

123. Produce any and all copies of all drafts and finals of Question & Answer documents, talking points documents or "internal use only" documents prepared in anticipation of safety questions from the medical or lay public regarding Reglan and/or metoclopramide.

124. Produce any and all drafts and finals of all press releases prepared in anticipation of inquiries from the media regarding the safety of Reglan and/or metoclopramide.

125. Produce any and all documents relating to, referring to or embodying any financial payments, contributions or support, related to Reglan and/or metoclopramide, provided by Defendant to any physician, scientist, medical or scientific expert, or any institution, agency or entity with which said individual is affiliated. Please note that this request excludes payments made to experts retained exclusively for litigation purposes.

126. Produce any and all documents evidencing, describing, explaining or otherwise relating to Defendant's annual budget for field sales force costs and activities relating to the promotion of Reglan and/or metoclopramide for the time you marketed Reglanand/or metoclopramide.

127. Produce any and all general liability, comprehensive general liability, or product liability insurance policy (and any other insurance policy which you believe may provide coverage for any personal injury and/or product liability claim arising from the use and/or ingestion of Reglan and/or metoclopramide) that you purchased or on which you are a named insured (including policies purchased by related corporate entities), including all excess layers, for the years 1980 through 2001.

128. Produce any and all indemnity agreements, agreements to assume liability, agreements to assume the defense or any other such agreement between you and any other Defendant in the coordinated litigation, regarding or pertaining to claims for injuries alleged as a result of ingestion of Reglan and/or metoclopramide.

129. Produce any and all charts or schedules of layers of insurance or self-insured retention (and any other insurance policy which you believe may provide coverage for any personal injury and/or product liability claim arising from the use and/or ingestion of Reglan and/or metoclopramide) for any of the respective years of coverage.

130. Produce any and all documents relating or referring to any disputes or reservations of rights as to coverage (and any other insurance policy which you believe may provide coverage for any personal injury and/or product liability claim arising from the use and/or ingestion of Reglan and/or metoclopramide) for the years 1989 through 2001.

131. Produce any and all documents reflecting Defendant's year-end financial statements for the years you marketed Reglan and/or metoclopramide, including:

    a. Quarterly reports for the current fiscal year, including 10-K and 10-Q forms;
    b. All of your filings with the National Association of Securities Dealers for the years 1989 – 2001;
    c. Gross sales of Reglan and/or metoclopramide for each year; and
    d. Net profits attributable to the sale of Reglan and/or metoclopramide by State of sale (including the District of Columbia, Puerto Rico, and the Virgin Islands) for each year you owned the NDA for Reglan.

132. Produce your annual report to shareholders for the years you marketed to Reglan and/or metoclopramide.

133. Produce any and all documents, in Defendant's possession, custody or control, which relate to, refer to or embody patents, patent applications or alleged infringement of any patents for any Reglan and/or metoclopramide product, including any litigation related to such.

134. Produce any and all documents, in Defendant's possession, custody or control, which relate to, refer to or embody all product licensing agreements concerning any product or technology contained in patents or patent applications for any Reglan and/or metoclopramide product.

135. All document retention and/or document destruction policies in effect from the time the NDA for Reglan was filed to present and all documents which discuss or refer thereto. This request includes, but is not limited to, policies for: paper documents, databases, electronic mail, electronic documents, voicemail and instant messaging.

136. Produce documents sufficient to allow Plaintiffs to identify Defendant's corporate officers and Board of Directors for the years you marketed Reglan and/or metoclopramide.

137. Produce any and all documents reflecting the hiring or retention by Defendant or on Defendant's behalf, of any public relations firm or law firm specializing in drug regulatory practices to participate in, orchestrate, organize or otherwise direct any evaluation of recall discussions for Reglan and/or metoclopramide and produce all documents regarding said engagement, including but not limited to questions and answers, talk papers, scripts for telephone calls, creation of special advisory or consulting boards, retention of scientific or medical researchers, advisors or experts and other such public relations strategies.

138. Produce any and all documents relating to, referring to or embodying Defendant's retention of persons in any medical discipline to study, assess or analyze the safety of Reglan and/or metoclopramide.

139. Produce any and all documents which you were asked or required to identify and/or produce in response to and/or referenced in Plaintiffs' interrogatories.

140. Produce any and all electronic databases or electronically stored media relating, reflecting or embodying the following subject areas that concern or relate to Reglan and/or metoclopramide:

    a. payments made to physicians or healthcare providers;
    b. clinical trial tracking, management or data;
    c. sales call tracking or contacts with physicians or other individual health care providers or institutions;
    d. distribution of samples;
    e. management or repository of publications;
    f. product complaints;
    g. marketing, advertising or promotional materials;
    h. information requests and/or questions submitted by physicians or healthcare providers;
    i. tracking or management of communications with, payments to or activities of thought leaders, consultants or institutions;
    j. label changes;
    k. marketing activities;
    l. approval of promotional, advertising or marketing materials.

141. Produce any and all foreign labeling, in Defendant's possession, custody or control, for Reglan and/or metoclopramide sold outside the U.S.

142. Produce any and all promotional materials, advertisements, notices and all other documents announcing the launch or sale of Reglan and/or metoclopramide after its approval by the FDA.

143. Produce any and all written job descriptions, to the extent they exist, for each of the positions identified in Interrogatory No. 1 of Plaintiffs' Master First Set of Interrogatories to All Defendants.

144. Produce any and all sale documents, asset purchase documents and/or merger summaries memorializing or otherwise documenting: (a) the purchase of Defendant by any other Defendants involved in this litigation; (b) Defendant's purchase of any other Defendant in this litigation or (c) the merger of any Defendants in this litigation.

145. Produce a true and correct copy of the complaint filed in any and all lawsuits you were involved in concerning Reglan and/or metoclopramide. Please note that this request

includes, but is not limited to lawsuit claiming personal injury, product defects and/or patent disputes.

146. Produce a true and correct copy of any and all expert reports published and/or served by Defendant and/or Defendant's experts in lawsuits involving Reglan and/or metoclopramide.

147. Produce a true and correct copy of any and all published trial exhibits created and/or used by Defendant in any lawsuit involving Reglan and/or metoclopramide.

148. Produce any and all bills, invoices and/or documented charges, which have been previously published, created by Defendant's retained experts for lawsuits involving Reglan and/or metoclopramide.

149. Excluding documents either soliciting or conveying legal advice from counsel and associated work product of counsel, produce any and all documents retained in the files of Defendant's legal department concerning Defendant's compliance with FDA regulations with respect to Defendant's Reglan and/or metoclopramide products, including, without limitation, as pertains to:

    a. filing, approval and maintenance of relevant NDAs/ANDAs;
    b. product labeling;
    c. drug safety;
    d. post-marketing surveillance; and
    e. pharmacovigilance.

    It is intended that the mere fact that counsel is "cc"ed on a document, without more, is not to be construed as a basis for excluding the document as one which solicits or conveys legal advice. It is also intended that documents relating generally to Defendant's regulatory compliance policies may be responsive to the Request, notwithstanding such documents' failure to specifically refer to Reglan and/or metoclopramide.

150. Produce any and all documents referring to, relating to or describing any and all protocols for contacting Reglan and/or Metoclopramide patients by U.S. mail, electronic mail or telephone concerning Reglan and/or metoclopramide or its risks, benefits, potential side effects or any other aspects of the drugs.

151. Produce any and all agreements with each and every distributor that you contracted with to distribute Reglan and/or metoclopramide.

152. Produce any and all agreements with each and every pharmacy that you contracted with to distribute Reglan and/or metoclopramide.

EXHIBIT D

Beg Bates Number	End Bates Number	Attachment Bates Number (beg)	Attachment Bates Number (end)	Parent (P)/Child (C)	Doc Date (MM,DD, YYYY)	Custodian	From	To	CC	BCC	Title/Employer for all entities listed in From/To/CC/ BCC	Privilege Category (e.g. Attorney Client, Work Product)	Narrative Description (must include the document title and document type)	Withheld/ Redacted
WYE90000001	WYE90000002			P	1/1/2001	Mac the Knife	Cleopatra	Denis, Able; George Brown	Mac the Knife	Jeremiah Bullfrog	Mac the Knife, VP Sales, Wyeth Cleopatra, Counsel, ABC Law Firm Able Denis, Sales Rep, Wyeth George Brown, Regional VP, Wyeth Jeremiah Bullfrog, General Counsel, Wyeth	AC	Email attaching Meeting Minutes of yearly sales force meeting where information was obtained in order to render legal advice	W
WYE90000001	WYE90000002	WYE90000003	WYE90000004	C	1/1/2001	Mac the Knife					Mac the Knife, VP Sales, Wyeth	AC	Meeting Minutes of yearly sales force meeting where information was obtained in order to render legal advice	W
WYE90000005	WYE90000007				1/1/2001	Mac the Knife	Cleopatra	Mac the Knife	Wyeth Sales Group	Jeremiah Bullfrog	Mac the Knife, VP Sales, Wyeth Cleopatra, Counsel, ABC Law Firm Jeremiah Bullfrog, General Counsel, Wyeth	AC	Communications to sales force regarding the legal requirements as to such	W
WYE00000001	WYE00000003			P	1/1/2001	Mac the Knife	Cleopatra	Wyeth Sales Group; Wyeth Worldwide Marketing	Mac the Knife	Jeremiah Bullfrog	Mac the Knife, VP Sales, Wyeth Cleopatra, Counsel, ABC Law Firm Jeremiah Bullfrog, General Counsel, Wyeth	AC	Title is privileged because it contains the request for legal advice and the communications within the document are privileged as the request for legal advice is communicated within the memo	R
WYE00000001	WYE00000003	WYE00000004	WYE00000005	C										