

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

In re:	:	MDL Docket No. 4:03CV1507-WRW
	:	4:04CV00744
PREMPRO PRODUCTS LIABILITY LITIGATION	:	
	:	
	:	
JAN LOVE	:	PLAINTIFF
	:	
v.	:	
	:	
WYETH, INC., et. al.	:	DEFENDANTS

ORDER

Pending is Plaintiff’s Motion to Compel (Doc. No. 23). Wyeth has responded.¹

Terry Cole, a retired Wyeth sales representative, was deposed on March 4, 2009.

Attached to Plaintiff’s Notice of Deposition was a list of “Documents to be Produced at Deposition.” According to Plaintiff, although Mr. Cole did not bring any documents in response to the notice, “Wyeth did produce a large number of documents from Mr. Cole’s files . . . but did not identify those documents that had been used to prepare Mr. Cole for his deposition.”²

Plaintiff now asks that Wyeth be compelled to specifically identify the documents that Wyeth and Mr. Cole reviewed in preparation for the deposition.

Wyeth contends that Plaintiff “is in possession of every document shown to Mr. Cole . . . [and that] no document was shown to Mr. Cole prior to his deposition which has not already been produced to plaintiffs in the litigation.”³

¹Doc. No. 24.

²Doc. No. 23.

³Doc. No. 25.

Notably, Plaintiff does not assert that Wyeth and Mr. Cole are withholding documents that may have been reviewed. Rather, Plaintiff wants Wyeth to pinpoint which specific documents it considered important enough to review before the deposition. Plaintiff has not provided, and I am unable to glean, any compelling reason to require the disclosure.

Plaintiff also requested the wholesale production of Mr. Cole's personnel file. After Wyeth objected, Plaintiff narrowed her request to "those materials that document Terry Cole's performance evaluations" ⁴ It appears to me that Wyeth has agreed to turn over the documents included in Plaintiff's narrowed request.

CONCLUSION

Plaintiff's Motion to Compel is GRANTED in PART and DENIED in PART. Within two weeks of the date of this Order, Wyeth must give Plaintiff the relevant portions of Mr. Cole's personnel file. The remainder of the motion, including the request for attorney's fees, is DENIED.

IT IS SO ORDERED this 19th day of May, 2009.

/s/ Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

⁴Doc. No. 23.