

US District Court
Middle District of Florida

PLAINTIFFS' EXHIBIT

Exhibit Number: 16.13

6:06-md-01769-ACC-DAB

**In Re: Seroquel Products Liability
Litigation**

Date Identified:

Date Admitted:

Exhibit 16.13

Jaffe, Jonathan

From: Pennock, Paul
Sent: Wednesday, July 11, 2007 5:49 PM
To: 'McConnell, Stephen'
Cc: Fletch Trammell (ftrammell@bpblaw.com); Lawrence J. Gornick (lgornick@lsg-law.com); Camp Bailey (cbailey@bpblaw.com); Kenneth Bailey (kbailey@bpblaw.com); Allen Scott (sallen@crusescott.com); Edward Blizzard (eblizzard@blizzardlaw.com); Pederson, Mike; Jaffe, Jonathan
Subject: RE: Meet-and-confer re sanctions motion

IND/NDA

Your statement is incorrect. Plaintiffs counsel are aware of problems that remain. Plaintiffs counsel on the phone could not delineate them. Just as, for example, none of the several defense lawyers on the phone could tell us if the "key term" search for a particular word would pick up a partial spelling of the word. Collectively, none of you knew.

Org Charts

Our positions have been made clear in numerous discussions, depositions and demands, as well as your commitments.

Custodial Productions

Again, your statements are incorrect and are emblematic of the manner in which AZ and its counsel have dealt with discovery. We said that defendants' counsel should have looked through all of the documents that each custodian had. Munno, or someone else on your side, made reference to looking through all of the documents in the company. We had been led to believe, and so has the Court, that you did look through all of the documents for each custodian. Considering the fact that many of the custodians only worked on Seroquel for years, the "non" Seroquel documents would be few and far between. In any event, you have misled us and the Court and have produced a set of documents that by definition is incomplete.

Databases

Your characterization of the lengthy discussion is incomplete and thus inaccurate. In any event, we continue to await your production of the databases that contain discoverable information in this litigation, as has been formally demanded and then discussed, ad nauseum, for months. You said that the databases are not ready to be produced, and we pointed out that given the fact that they have been discussed for months, they should have been prepared for production a long time ago.

There was a great deal more said and discussed. Your "Readers Digest" version, requiring a similar reply, is not helpful.

-----Original Message-----

From: McConnell, Stephen [mailto:stephen.mccconnell@dechert.com]
Sent: Wednesday, July 11, 2007 5:16 PM
To: Pennock, Paul
Cc: Munno, Thomas; Magaziner, Fred; Kerns, Kevin; Balakhani, Elizabeth; Jim Freebery; Adupre@mccarter.com
Subject: Meet-and-confer re sanctions motion

Paul,

In today's call, we went over the issues raised in your sanctions motion.

IND-NDA

Plaintiffs' counsel is not currently aware of any IND-NDA documents that plaintiffs do not already have. I understand that you will contact your NDA review team and alert us if they know of any missing documents. (We do not believe there are any).

Organization Charts

Defendants produced organization charts in January and at the 30(b)(6) depositions. We also agreed to produce additional charts in response to your amended set of 76 document requests. Plaintiffs' primary objection is that, although you received several additional charts during depositions, and have requested others through RFPs, you did not receive every company organization chart in January. I am not sure how we can address that complaint -- which we disagree is what the Judge ordered -- but please let us know if there is something more you seek.

Custodial production

Your sanctions motion contends that our search terms were incomplete. Defendants requested that plaintiffs provide additional search terms. Plaintiffs' counsel said that "we'd never be able to come up with a comprehensive list," but agreed to consider providing a list of additional search terms. At the same time, you suggested that nothing less than having defense lawyers read all of the company's documents would satisfy you.

Databases

Plaintiffs request immediate production of all 59 databases they identified (some of those are not actually databases). Defendants provided interviews, depositions, and additional information regarding databases. Some of those databases are enormous and not reasonably searchable. Nonetheless, Defendants are already producing materials from databases in response to certain subject matter document requests.

We believe that our positions are reasonable while yours are extreme. But we remain willing to discuss these issues with you right up to the hearing before Judge Baker.

- Steve

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