

US District Court  
Middle District of Florida

**PLAINTIFFS' EXHIBIT**

Exhibit Number: 16.06

6:06-md-01769-ACC-DAB

**In Re: Seroquel Products Liability  
Litigation**

Date Identified:  
\_\_\_\_\_

Date Admitted:  
\_\_\_\_\_

# Exhibit 16.06

## Dennis Canty

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**From:** Miller, Rodney K. [rkmiller@sidley.com]  
**Sent:** Wednesday, March 14, 2007 12:17 PM  
**To:** Jaffe, Jonathan  
**Cc:** cbailey@bpblaw.com; ftrammell@bpblaw.com; kj@kjensenlaw.com; JDriscoll@brownandcrouppen.com; kbailey@bpblaw.com; KSmith@AWS-LAW.com; LROTH@roth-law.com; Larry J. Gornick; MPerrin@bpblaw.com; Pederson, Mike; Pennock, Paul; pschneider@gsnlaw.com; Schultz, Laurie; Kelber, Tamar B.; awinchester@mccarter.com  
**Subject:** RE: Additional issues with the Custodial Production format

Jonathan,

We have consulted with our vendor regarding your request for page breaks. As it stands, it is not feasible, within the time parameters established by the Court's Order, to comply with your request. Your request also would occasion the expenditure of significant -- and unnecessary -- time, money and effort. By providing you with extracted text and OCR text files, the documents as produced to you are reasonably searchable and, accordingly, we have met our obligations to you under the Federal Rules of Civil Procedure regarding e-discovery. Because of the costs involved, and the fast-approaching timeline to produce the bulk of our documents -- which plaintiffs' counsel sought from the MDL court -- we will not agree to further modify the format of our production.

Thank you,

Rodney K. Miller  
SIDLEY AUSTIN LLP  
One South Dearborn  
Chicago, IL 60603  
(312) 853 6098  
(312) 853 7036 FAX  
rkmiller@sidley.com

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

**From:** Jaffe, Jonathan [mailto:jjaffe@weitzlux.com]  
**Sent:** Wednesday, March 14, 2007 12:22 PM  
**To:** Miller, Rodney K.  
**Cc:** cbailey@bpblaw.com; ftrammell@bpblaw.com; kj@kjensenlaw.com; JDriscoll@brownandcrouppen.com; kbailey@bpblaw.com; KSmith@AWS-LAW.com; LROTH@roth-law.com; lgornick@lsgk-law.com; MPerrin@bpblaw.com; Pederson, Mike; Pennock, Paul; pschneider@gsnlaw.com; Schultz, Laurie; Kelber, Tamar B.  
**Subject:** RE: Additional issues with the Custodial Production format

Rodney, please see my email below. Any word? Thanks.

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

**From:** Jaffe, Jonathan  
**Sent:** Wednesday, March 07, 2007 10:27 AM  
**To:** 'Miller, Rodney K.'  
**Cc:** cbailey@bpblaw.com; ftrammell@bpblaw.com; kj@kjensenlaw.com; JDriscoll@brownandcrouppen.com; kbailey@bpblaw.com; KSmith@AWS-LAW.com; LROTH@roth-law.com; lgornick@lsgk-law.com; MPerrin@bpblaw.com; Pederson, Mike; Pennock, Paul; pschneider@gsnlaw.com; Schultz, Laurie; Kelber, Tamar B.  
**Subject:** RE: Additional issues with the Custodial Production format

Rodney, do you have any feedback on this? Thanks.

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

**From:** Miller, Rodney K. [mailto:rkmiller@sidley.com]  
**Sent:** Wednesday, February 14, 2007 10:56 AM  
**To:** Jaffe, Jonathan  
**Cc:** cbailey@bpblaw.com; ftrammell@bpblaw.com; kj@kjensenlaw.com; JDriscoll@brownandcrouppen.com; kbailey@bpblaw.com; KSmith@AWS-LAW.com; LROTH@roth-law.com; lgornick@lsgk-law.com; MPerrin@bpblaw.com; Pederson, Mike; Pennock,

Paul; pschneider@gsnlaw.com; Schultz, Laurie; Kelber, Tamar B.  
Subject: RE: Additional issues with the Custodial Production format

Jonathan, I've received both of your e-mails, and appreciate your recent efforts to come up with a solution. We will communicate your suggestion to our vendor, and let you know whether this fix will work or, if not, what we can do to remedy this issue.

Let me know if you have any additional questions or concerns.

Thanks,  
Rodney

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

From: Jaffe, Jonathan [mailto:jjaffe@weitzlux.com]  
Sent: Wednesday, February 14, 2007 9:44 AM  
To: Miller, Rodney K.  
Cc: cbailey@bpblaw.com; ftrammell@bpblaw.com; kj@kjensenlaw.com; JDriscoll@brownandcrouppen.com; kbailey@bpblaw.com; KSmith@AWS-LAW.com; LROTH@roth-law.com; lgornick@lsgk-law.com; MPerrin@bpblaw.com; Pederson, Mike; Pennock, Paul; pschneider@gsnlaw.com; Schultz, Laurie; Kelber, Tamar B.  
Subject: RE: Additional issues with the Custodial Production format

Rodney,

I do not know your current process to generate the text files, but here's a recommendation that would make putting in the text page breaks trivial for all document types.

Windows has a Generic Text Printer driver.

I spent this morning testing and confirming, but not only does it designate page breaks, it will do so consistent with how the document is printed/imaged to TIFF.

From Control Panel, add printer, select the local, non plug and play, select the FILE: port (this will allow saving to a file), from the list of drivers, select Generic, then select the Generic/Text driver (1st option on the right), follow the Wizard to its conclusion.

Best regards,  
Jonathan Jaffe

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

From: Jaffe, Jonathan  
Sent: Wednesday, February 14, 2007 9:54 AM  
To: 'Miller, Rodney K.'  
Cc: cbailey@bpblaw.com; ftrammell@bpblaw.com; kj@kjensenlaw.com; JDriscoll@brownandcrouppen.com; kbailey@bpblaw.com; KSmith@AWS-LAW.com; LROTH@roth-law.com; lgornick@lsgk-law.com; MPerrin@bpblaw.com; Pederson, Mike; Pennock, Paul; pschneider@gsnlaw.com; Schultz, Laurie; Kelber, Tamar B.  
Subject: RE: Additional issues with the Custodial Production format

Rodney,

Here's to what the issue boils down. Some of the documents previously produced exceeded 22,000 pages. If we search the text file for "John Doe" and discover 12 instances throughout the document, there is no way to tell which imaged page, i.e. Bates number stamped image, corresponds to the text found. Even in a 10 page document, given that you (AZ) can search the actual Word/Excel/Email and instantly know the page you are on, this constitutes an unreasonable burden on us.

Since the documents were printed with 8.5 x 11 settings, page breaks in the text should be designated similarly. Preferably numbered.

I fully appreciate that doing so is more challenging for some document types than others. Accordingly, please break down by document type whether this is trivial or extremely difficult. For example, Word processing documents should be trivial to designate in this way, while Excel spreadsheets might pose more of a challenge.

Regards,

Jonathan Jaffe

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

From: Miller, Rodney K. [mailto:rkmill@sidley.com]

Sent: Tuesday, February 13, 2007 5:26 PM

To: Jaffe, Jonathan

Cc: cbailey@bpblaw.com; fframmell@bpblaw.com; kj@kjensenlaw.com; JDriscoll@brownandcrouppen.com; kbailey@bpblaw.com; KSmith@AWS-LAW.com; LROTH@roth-law.com; lgornick@lsg-law.com; MPerrin@bpblaw.com; Pederson, Mike; Pennock, Paul; pschneider@gsnlaw.com; Schultz, Laurie; Kelber, Tamar B.

Subject: RE: Additional issues with the Custodial Production format

Jonathan,

After speaking with our vendor, page breaks are provided only for those documents for which page breaks were affirmatively inserted into the document by its author. These "explicit" page breaks are indicated by a page break character, as I indicated to you in my earlier e-mail regarding the sample production.

For other documents, however, where page breaks were not affirmatively inserted, but instead would be dependent on the printer/formatting settings at the time the document is printed, no page break was, nor could have been inserted. Because many of the documents collected were in native format, their extracted text files do not contain these "implicit" page breaks (or breaks determined by printer/page format) for this very reason.

Although the TIFF images produced to you necessarily were produced in a standard 8 1/2 x 11 format, these TIFF images were created after collection of the native documents and associated text files, and solely for the purposes of production. Their creation did not modify the existing, underlying text files and, thus, the insertion of page breaks based on the "TIFFing" process did not take place.

We will look into whether the existing page breaks can be numbered with the document's Bates numbers, and the cost and time required to comply with such a request. In addition we are looking into the remaining three issues in your e-mail below, and will discuss with you the answers to those questions prior to our next production.

Thanks,  
Rodney

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

From: Jaffe, Jonathan [mailto:jjaffe@weitzlux.com]

Sent: Tuesday, February 13, 2007 8:58 AM

To: Miller, Rodney K.

Cc: cbailey@bpblaw.com; fframmell@bpblaw.com; kj@kjensenlaw.com; JDriscoll@brownandcrouppen.com; kbailey@bpblaw.com; KSmith@AWS-LAW.com; LROTH@roth-law.com; lgornick@lsg-law.com; MPerrin@bpblaw.com; Pederson, Mike; Pennock, Paul; pschneider@gsnlaw.com; Schultz, Laurie

Subject: Additional issues with the Custodial Production format

Rodney,

Continuing our review of the custodial files, we have discovered an issue with the page breaks in the custodial files.

During my first pass, it appeared that page breaks were designated by <<  
>> as in AZSER-0484738-0484747.txt.

Upon further inspection, it is clear that most, if not the remainder of the documents do not have any breaks designated. We did not see the page break character your previous email mentioned. For an example, please refer to AZSER-0484770-0484809.txt.

Even with a designation, I was hoping that the breaks might be numbered corresponding to the Bates or page, especially since receiving the documents it is evident that some are a considerable number of pages.

In addition, there were several minor inconveniences easily remedied with the way in the files were produced, that we were hoping you would address going forward.

1. The images and text files are all in, respectively, a single folder for each. With 250,000+ images and tens of thousands of text files,

it would be much less cumbersome for us both to work with these files if we kept no more than 1000 per folder.

2. The load files (and here I refer to all besides load.dat) do not contain a relative location or path to the image and text files. While it is evident where they are and admittedly this is a minor detail, this will have to be corrected if (1) above is adopted.

3. The image file ending bates in the load files (again referring to load files other than load.dat) are missing a leading zero, so they don't match the text file names. Either the load or the text files need to be corrected going forward.

Please let me know about the first issue with the page breaks as soon as you can.

Best regards,  
Jonathan Jaffe

Sidley Austin LLP mail server made the following annotations on 02/13/07, 16:23:30:

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Sidley Austin LLP mail server made the following annotations on 03/14/07, 14:17:18:

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to by other parties in promoting, marketing or recommending any partnership or other entity, investment plan or arrangement, then (i) the advice should be construed as written in connection with the promotion or marketing by others of the transaction(s) or matter(s) addressed in this communication and (ii) the taxpayer should seek advice based on the taxpayer's particular circumstances from an independent tax advisor.

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