

EXHIBIT

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From: Freebery, James J.
ent: Thursday, May 17, 2007 2:23 PM
To: Cosgrove, Noriss; Lyseight, Jo Ann
Subject: Fw: Definition of Custodial File

Here we go.

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

From: Magaziner, Fred <fred.magaziner@dechert.com>
To: Pennock, Paul <PPennock@weitzlux.com>
CC: Freebery, James J.
Sent: Mon May 07 15:08:29 2007
Subject: RE: Definition of Custodial File

Paul,

It looks to me like we're not actually that far apart on this issue.

Jim Freebery (along with one or two others, perhaps) will be in touch with you to discuss. If you and he agree that the certifications should be changed, we'll change them going forward, and I guess that we might be able to go back and amend the prior certifications as well. Until we resolve the issue, however, we will continue to use the form that we developed.

Anyhow, Jim will contact you or, if your prefer, you can contact him.

Thanks.

red

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From: Pennock, Paul [mailto:PPennock@weitzlux.com]
Sent: Wednesday, May 02, 2007 7:42 PM
To: Magaziner, Fred
Subject: Definition of Custodial File

Fred,

As you know, we've been proposing a definition for a custodial file for a couple of months. It was in a motion and proposed order that I filed in late February but you would not agree to it.

There are numerous flaws in your definitions, including the statement at the outset that your collection may have been subject to unspecified and undefined "technical limitations". You also do not include productions from PDA or Blackberries. Also, we proposed that the all documents "relating to Seroquel in any way" be produced. You have

only agreed to produce "relevant" documents. Relevance is not, as you know, the test for whether something is discoverable.

We now have your Certification of Completeness, which we reject as being inadequate. Can you please let me know if you are willing to agree to the definition we have been proposing?

Thanks.

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