## Confidential - Jon Dowling

<b></b>				
	Page 397		Pa	age 399
1	capability it might have to do	1	repositories of documents of any type?	
2	something you just described.	2	<ul> <li>A. I don't recall anything of</li> </ul>	
3	BY MR. SMITH:	3	that nature.	
4	<ul><li>Q. Maybe to try to rephrase it,</li></ul>	4	Q. Would it link to sales aids?	
5	but is there are you aware of any	5	A. No.	
6	collection of medical studies that are	6	Q. Can you e-mail from	
7	available to the PSSes?	7	Touchstone?	
8	MR. TORREGROSSA: Same	8	A. No.	
9	objection. Same instruction.	9	Q. If a PSS sends an e-mail to	
10	THE WITNESS: I am not aware	10	a client or a doctor, does Touchstone	
11	of a collection of any type that	11	capture that interaction?	
12	the PSSes would be able to search,	12	A. The system does not capture	
13	whether it be one or in each	13	that interaction.	
14	site to allow that search. I	14	Q. There is no record of it in	
15	can't recall that.	15	Touchstone?	
16	MR. TORREGROSSA: Mr. Smith,	16	A. The Touchstone system does	
17	Mr. Draper will address a database	17	not. If it was entered?	
18	that will involves literature. I	18	Q. For example, the Touchstone	
19	don't know how far it goes, but I	19	system, if you have a meeting with a	
20	put that in your mind.	20	doctor, you're going to enter that	
21	BY MR. SMITH:	21	through Touchstone. Correct?	
22	Q. Is there any medical	22	A. Correct.	
23	literature in Touchstone that you're	23	Q. And if you call the doctor	
24	aware of?	24	on the telephone, is that going to be	
		- '	on and tarophonological gaming to be	
		<del> </del>	<del></del>	
	Page 398		Pa	age 400
1	Page 398 A. Could you give me an example	1		age 400
1 2		1 2	entered through Touchstone? Would there	age 400
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Could you give me an example of what might be medical literature?  Q. If a sales representative wanted to look at an article that had been published in a medical journal about Seroquel, for example, you know, is there some place within Touchstone where such information might be maintained and accessible?  A. In reference to that, I believe that would be a document and that answer would be no.  Q. What sorts of documents would be available to the PSS using Touchstone?  A. There aren't. That's why my answer is based on it being a document. There's no document in Touchstone.  There's no documents stored in Touchstone.  Q. There are no links	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	entered through Touchstone? Would there be a record of that telephone call?  A. I'm not sure if they would enter a telephone call or not. If they wanted to record that dialogue, basically similar to how they might record a stand up detail, I believe the information would be the same.  Q. Similarly if you wanted to send a birthday card to a doctor, would that be recorded in Touchstone?  A. Touchstone has the capability of recording that information. Whether a person might put down if they sent a birthday card to a doctor, I don't know.  Q. Does it have the capability of recording the fact that an e-mail was sent to a doctor?  A. I'm not sure if when I think of what you're asking me, we spoke	age 400

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says e-mail in it.  Q. But you're pretty sure that there is nothing in Touchstone that there is nothing in Touchstone that clicks when it sends an e-mail? It's not an automatic logging of that transaction? A. Touchstone is not connected to the e-mail system.  MR. TORREGROSSA: I want to push through if you're almost done.  MR. MR. TORREGROSSA: I want to push through if you're almost done.  MR. MR. TORREGROSSA: I want to push through if you're almost data, been and go over my notes.  My don't I take a real short to push through if you're almost data and go over my notes.  MR. Greess was taken from to push through if you're almost data and the systems that you support which you are aware?  MR. SMITH: think we are.  MR. Greess was taken from to push with a push to push through if you're almost data and the systems that you support which you are aware?  MR. Greess was taken from to push through the systems that you support which you are aware?  MR. Greess was taken from to push was there been any serious corruptions of what we would that the exception of what we push through if you're almost data was the push of the push			·· · · · · · · · · · · · · · · · · · ·			, , ,
there is nothing in Touchstone that clicks when it sends an e-mail? It's not an automatic logging of that transaction? A. Touchstone is not connected to the e-mail system.  MR. TORREGROSSA: I want to push through if you're almost done.  MR. SMITH: I think we are.  Why don't I take a real short break here and go over my notes.  (A recess was taken from 12:14 p.m. to 12:30 p.m.)  (A recess was taken from 12:14 p.m. to 12:30 p.m.)  (A recess was taken from 12:14 p.m. to 12:30 p.m.)  (A recess was taken from 12:14 p.m. to 12:30 p.m.)  (A recess was taken from 12:14 p.m. to 19:30 p.m.)  (A recess was taken from 12:14 p.m. to 19:30 p.m.)  (A recess was taken from 13 break here and go over my notes.  14 c  (A recess was taken from 15 and wadvertent loss of data in any of 16 the systems that you support which you 17 are aware?  18 A. SnapPharma.  20 Q. Men bounderstand what 21 you're asking.  22 are aware?  23 A. SnapPharma.  24 Q. And that was the 1998  25 A. In the information call 26 A. In the information call 27 period? When was that?  A. In the information call 38 bene any backup for that 4 A. With the exception of what 4 we just talked about just now; 5 SnapPharma, to my knowledge, there have been no serious corruptions of any 6 database to cause lost or data integrity issues.  10 Q. When someone leaves or is 11 reassigned, what happens to that person's 12 records? 13 MR. TORREGROSSA: Objection 14 to form. 15 BY MR. SMITH: 17 Q. Come up with an example? 18 A. Help me understand what 19 you're asking. 20 Say in Touchstone you have a sales representative that is no longer working as a sales representative. What happens to the data, you know, in 14 to Touchstone or the systems that are linked 15 a. In's still there. 16 Q. Is there anybody who would 17 know what happened to them? 18 A. In's still there. 19 Q. How about for other systems, 10 Q. How about for other systems, 11 where a person made some sort of a data 12 entry or something or an entry keep it 13 tools not exist. 14 Q. Do we know why there is no 1			Page 401			age 403
3 there is nothing in Touchstone that 4 clicks when it sends an e-mail? It's not 5 an automatic logging of that transaction? 6 A. Touchstone is not connected 7 to the e-mail system. 8 MR. TORREGROSSA: I want to 9 push through if you're almost 10 done. 11 MR. SMITH: I think we are. 12 Why don't I take a real short 13 break here and go over my notes. 14 15 (A recess was taken from 16 12:14 p.m. to 12:30 p.m.) 17 y 18 BY MR. SMITH: 18 PY MR. SMITH: 19 Q. Mr. Dowling, has there been 20 any inadvertent loss of data in any of 21 the systems that you support which you 21 are aware? 22 A. SnapPharma. 23 A. SnapPharma. 24 Q. And that was the 1998 25 Q. And what happened to those? 6 A. I have no idea. 7 Q. Is there anybody who would 8 know what happened to them? 9 A. Not to my knowledge. 10 Q. Do we know why there is no 15 backup? 16 A. The retention time for the 17 beack in the pricid April 1, 1998 to 18 Q. Do we know why there is no 1989? 21 A. The retention time for the 22 accommissioned in 23 Q. For any data systems that 24 Q. For any data systems that 25 we just talked about just now, 5 snapPharma, to my knowledge, there have 6 SnapPharma, to my knowledge, there have 6 SnapPharma, to my knowledge, there have 6 SnapPharma, to my knowledge, there have 8 database to cause lost or data integrity 9 issues. 10 Q. When someone leaves or is 11 reassigned, what happenes to that person's 12 reassigned, what happenes to that person's 13 MR. TORREGROSSA: Objection 14 for form. 15 BY MR. SMITH: 16 BY MR. SMITH: 17 Q. Come up with an example? 18 A. Help me understand what 19 you're asking. 20 Q. Say in Touchstone you have a 21 sales representative. What 21 happens to the data, you know, in 22 working as a sales representative. What 23 happens to the data, you know, in 24 Touchstone or the systems that are linked 25 happens to the data, you know, in 26 A. It's still there. 27 A. In the information call 28 commissioned in 2000. 29 A. Not to my knowledge. 30 A. For that period, no. It 31 does not exist. 41 A. The snapPha				_		
de clicks when it sends an e-mail? It's not s an automatic logging of that transaction? A. Touchstone is not connected to the e-mail system.  MR. TORREGROSSA: I want to push through if you're almost done.  MR. SMITH: I think we are.  Why don't I take a real short break here and go over my notes.  A recess was taken from to 12:14 p.m. to 12:30 p.m.)  MR. SMITH: BY Q. Mr. Dowling, has there been any inadvertent loss of data in any of at the systems that you support which you are aware? A. SnapPharma. C. And that was the 1998  A. In the information call a notes in the period April 1, 1998 to A. In the verception of what we just talked about just now, SnapPharma, to my knowledge, The we just talked about just now, SnapPharma, to my knowledge, The we just talked about just now, SnapPharma, to my knowledge, The we just talked about just now, SnapPharma, to my knowledge, The we just talked about just now, SnapPharma, to my knowledge, The we just talked about just now, SnapPharma, to my knowledge, The we just talked about just now, SnapPharma, to my knowledge, The we just talked about just now, SnapPharma, to my knowledge, The we just talked about just now, SnapPharma, to my knowledge, The we just talked about just now, SnapPharma, to my knowledge, The we just talked about just now, SnapPharma, to my knowledge, The With the exception of what we just talked about just now, SnapPharma, to my knowledge, The With the exception of we just alked about just now, SnapPharma, to my knowledge, The With the exception of what dabase to cause lost or data integrity States a reassigned, what happens to that person's records? The WITNESS: Could you The W		• • • • •		i e		
5 an automatic logging of that transaction? 6 A. Touchstone is not connected 7 to the e-mail system. 8 MR. TORREGROSSA: I want to 9 push through if you're almost 10 done. 11 MR. SMITH: I think we are. 12 Why don't I take a real short 13 break here and go over my notes. 14 14 to form. 15 (A recess was taken from 15 (A recess was taken from 16 12:14 p.m. to 12:30 p.m.) 16 12:14 p.m. to 12:30 p.m.) 17 17 Q. Come up with an example? 18 BY MR. SMITH: 1 think was there been 20 any inadvertent loss of data in any of 21 the systems that you support which you 22 are aware? 23 A. SnapPharma. 24 Q. And that was the 1998 25 Q. And that was the 1998 26 A. In the information call 3 notes in the period April 1, 1998 to 4 August 31, 1999. 27 Q. Is there anybody who would 8 know what happened to those? 28 A. Not to my knowledge. 39 Q. Do we know why there is no backup? 30 List was decommissioned in 2000. Why would's 1998? 31 A. The SnapPharma system was decommissioned in 2000, why would's there be a backup from 1998? 31 A. The retention time for the 20 backup is not required. 31 A. The retention time for the 20 backup is not required. 32 G. For any data systems that 34 C. For that period, no. It backup? 35 A. The retention time for the 20 backup is not required. 36 A. The retention time for the 20 backup is not required. 37 Page 404 38 We just talked about just hom ye may to my know lody who would still be there. PREP would				_		
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24 you support, any data systems of 24 still be there. Northistar information is	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. In the information call notes in the period April 1, 1998 to August 31, 1999.  Q. And what happened to those? A. I have no idea. Q. Is there anybody who would know what happened to them? A. Not to my knowledge. Q. Is there any backup for that period? A. For that period, no. It does not exist. Q. Do we know why there is no backup? A. The SnapPharma system was decommissioned in 2000. Q. If it was decommissioned in 2000, why wouldn't there be a backup from 1998? A. The retention time for the backup is not required.		2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	to Touchstone, what happens to his data, his or her data?  A. It's still there. Q. It's not taken out? A. No. Q. How about for other systems, where a person made some sort of a data entry or something or an entry keep it to one question I guess. If somebody made a data entry?  A. I'm going to read through the listing of databases here. Touchstone, no. No meaning nothing happens, it's still there. Let me rephrase that. It's still there. Compass is still there. NICE it would be still there. MACS it would be there. ICON it would be still there. KNOWBOL is a document management system, that's not a data entry tool. Make sure it's clear if I didn't say that. ViewPoint would still be there. I believe LectureBureau	
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		Page 405			Page 407
1 in Co	mpass, it would still be there.		1	to form.	
2	Q. Does anything from		2	THE WITNESS: Yes.	
	hstone find its way into the GEL		3	BY MR. SMITH:	
4 syste	•		4	Q. And would it show how	
	A. I have to ask the question,		5	Touchstone interacts with other systems?	
4	is GEL? It's not something I cover,		6	A. It would, yes.	
	- · · · · · · · · · · · · · · · · · · ·			· ·	
B:	believe the answer, then, would be,		7	•	
	I don't know it, it mostly likely		8	agreement for all the databases that you	
9 does			9	support?	
10	MR. TORREGROSSA: That's		10	A. There is at least on all	
	outside his scope.		11	systems a service level agreement in	
12 BY M	R. SMITH:		12	terms of minimum up time, meaning the	
13	Q. It would be regulatory		13	system was available. Explicitly for	
14 affair	S.		14	each one, if there is any more detail	
15	MR. TORREGROSSA: Is there a		15	than that, I wouldn't be able to say.	
1	pending question?		16	But there's definitely up time.	
17	MR. SMITH: Yes. Before he		17	Q. What documentation would	
	answered the question, he wanted		18	show interaction between the systems you	
	to know what GEL was, and I said		19	support?	
			20	A. An interface list.	
1	it's a system in regulatory				
1	affairs.		21	Q. There is such a thing for	
22	THE WITNESS: And as we		22	• • • • • • • • • • • • • • • • • • • •	
1	talked about earlier, I'm not		23	A. There would be an interface	
24	familiar with regulatory affairs		24	list for the databases. I'm not sure if	
	4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4	Page 406			Page 408
1	systems and don't recall anything	rage 100	1	they would be 100 percent comprehensive.	-
	that would go there from		2	Q. Is there any reason why you	
3	Touchstone.		3	couldn't get those to us, a copy of those	
			1	interface lists?	
	IR. SMITH:		4		
	Q. If we had a data map for		5	MR. TORREGROSSA: Objection	
	chstone, would it show what other		6	to the extent you're suggesting we	
7 syste	ems it links to?		7	will produce them to you.	
8	A. When you refer to data map		8	THE WITNESS: Is there	
9 in ou	ır conversations, I call it Entity		9	any I'm sorry, repeat the	
10 Relat	tionship Diagram. That's within the		10	question.	
	base itself. That's the relationship		11	BY MR. SMITH:	
	een all		12	Q. Is there any impediment to	
13	Q. Between tables and fields?		13	getting us copies of those interface	
14	A. Yes.		14	lists?	
15	Q. But would there be any sort		15	MR. TORREGROSSA: Same	
1	diagram that would show how the		16	objection.	
1	<del>-</del>		17	THE WITNESS: Interface	
	chstone system relates to other		18	lists could be obtained.	
1	ems which I'm calling a data map?		19	BY MR. SMITH:	
19	A. Not within the database		1		
	f. There may be one, I would not		20	Q. Do you consider any piece of	
21 have					
1	e it readily there may be one.			data you are responsible for impossible	
22	e it readily there may be one. Q. Is there a service level		22	to get?	
22	e it readily there may be one.			· · · · · · · · · · · · · · · · · · ·	

	· · · · · · · · · · · · · · · · · · ·				
		Page 409			Page 411
1	THE WITNESS: If data exists		1	CERTIFICATE	
2	in the database, it's possible to		2 3		
3	get it, it would be my belief.		4	I HEREBY CERTIFY that the	
4	However, practical can be a		5	witness was duly sworn by me and that the	
5	challenge and the complexity		6	deposition is a true record of the	
6	around getting it, that piece of	,	7 8	testimony given by the witness.	
7	information, and making it		9		
8	sensical, a sensical piece of		10		
9	information, would definitely be			Linda Rossi Rios,	
10	where more challenges would lie.		11	A Federally Approved Registered	
11	MR. SMITH: Mr. Dowling,		12	Professional Reporter and Notary Public	
12	thank you for your time, and I		12	Dated: May 10, 2007	
13	thank the other counsel present		13		
14	for their time and cooperation.		14		
15	MR. TORREGROSSA: Thank you,		15	(The foregoing cortification	
16	sir.		16	(The foregoing certification of this transcript does not apply to any	
17	I have no questions. We'll			reproduction of the same by any means,	
18	read and sign. And we're going to		17	unless under the direct control and/or	
19	make the cross notices in all the		40	supervision of the certifying reporter.)	
20	other cases as an exhibit together		18 19		
21	as Dowling-3.		20		
22			21		
23	(Exhibit Dowling-3,		22		
24	Cross-Notices, was marked for		23 24		
			24		
		Page 410			Page 412
1	identification.)		1	INSTRUCTIONS TO WITNESS	
2	<u> </u>		2		
3	(Witness excused.)		3	Please read your deposition	
4	(Deposition concluded at		4	over carefully and make any necessary	
5	approximately 12:42 p.m.)		5	corrections. You should state the reason	
6	and the commence of the commen		6	in the appropriate space on the errata	
7			7	sheet for any corrections that are made.	
8			8	After doing so, please sign	
9			9	the errata sheet and date it.	
10			10	You are signing same subject	
11			11	to the changes you have noted on the	
12			12		
13			13	your deposition.	
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## Confidential - Jon Dowling

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1 2	ACKNOWLEDGMENT OF DEPONENT					
	I,, do hereby certify that I have read the					
l	foregoing pages, 276 - 410, and that the					
	same is a correct transcription of the answers given by me to the questions					PART AND
	therein propounded, except for the corrections or changes in form or					
6	substance, if any, noted in the attached Errata Sheet.					2000
7 8						110000000000000000000000000000000000000
	JON DOWLING DATE		ļ			
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11	Subscribed and sworn to before me this					2000
12	day of, 20					2000
13	My commission expires:					
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