

Confidential - Jon Dowling

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1 capability it might have to do
 2 something you just described.
 3 BY MR. SMITH:
 4 Q. Maybe to try to rephrase it,
 5 but is there -- are you aware of any
 6 collection of medical studies that are
 7 available to the PSSes?
 8 MR. TORREGROSSA: Same
 9 objection. Same instruction.
 10 THE WITNESS: I am not aware
 11 of a collection of any type that
 12 the PSSes would be able to search,
 13 whether it be one or -- in each
 14 site to allow that search. I
 15 can't recall that.
 16 MR. TORREGROSSA: Mr. Smith,
 17 Mr. Draper will address a database
 18 that will involves literature. I
 19 don't know how far it goes, but I
 20 put that in your mind.
 21 BY MR. SMITH:
 22 Q. Is there any medical
 23 literature in Touchstone that you're
 24 aware of?

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1 A. Could you give me an example
 2 of what might be medical literature?
 3 Q. If a sales representative
 4 wanted to look at an article that had
 5 been published in a medical journal about
 6 Seroquel, for example, you know, is there
 7 some place within Touchstone where such
 8 information might be maintained and
 9 accessible?
 10 A. In reference to that, I
 11 believe that would be a document and that
 12 answer would be no.
 13 Q. What sorts of documents
 14 would be available to the PSS using
 15 Touchstone?
 16 A. There aren't. That's why my
 17 answer is based on it being a document.
 18 There's no document in Touchstone.
 19 There's no documents stored in
 20 Touchstone.
 21 Q. There are no links --
 22 Touchstone is a tool basically. Right?
 23 A. Yes.
 24 Q. And does it link to any

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1 repositories of documents of any type?
 2 A. I don't recall anything of
 3 that nature.
 4 Q. Would it link to sales aids?
 5 A. No.
 6 Q. Can you e-mail from
 7 Touchstone?
 8 A. No.
 9 Q. If a PSS sends an e-mail to
 10 a client or a doctor, does Touchstone
 11 capture that interaction?
 12 A. The system does not capture
 13 that interaction.
 14 Q. There is no record of it in
 15 Touchstone?
 16 A. The Touchstone system does
 17 not. If it was entered?
 18 Q. For example, the Touchstone
 19 system, if you have a meeting with a
 20 doctor, you're going to enter that
 21 through Touchstone. Correct?
 22 A. Correct.
 23 Q. And if you call the doctor
 24 on the telephone, is that going to be

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1 entered through Touchstone? Would there
 2 be a record of that telephone call?
 3 A. I'm not sure if they would
 4 enter a telephone call or not. If they
 5 wanted to record that dialogue, basically
 6 similar to how they might record a stand
 7 up detail, I believe the information
 8 would be the same.
 9 Q. Similarly if you wanted to
 10 send a birthday card to a doctor, would
 11 that be recorded in Touchstone?
 12 A. Touchstone has the
 13 capability of recording that information.
 14 Whether a person might put down if they
 15 sent a birthday card to a doctor, I don't
 16 know.
 17 Q. Does it have the capability
 18 of recording the fact that an e-mail was
 19 sent to a doctor?
 20 A. I'm not sure if -- when I
 21 think of what you're asking me, we spoke
 22 about the interaction type yesterday,
 23 stand up detail, things like that. I'm
 24 not sure if it explicitly has one that

32 (Pages 397 to 400)

1 says e-mail in it.
 2 Q. But you're pretty sure that
 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 - - -
 18 BY 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
 22 are aware?
 23 A. SnapPharma.
 24 Q. And that was the 1998

1 period? When was that?
 2 A. In the information call
 3 notes in the period April 1, 1998 to
 4 August 31, 1999.
 5 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. Is there any backup for that
 11 period?
 12 A. For that period, no. It
 13 does not exist.
 14 Q. Do we know why there is no
 15 backup?
 16 A. The SnapPharma system was
 17 decommissioned in 2000.
 18 Q. If it was decommissioned in
 19 2000, why wouldn't there be a backup from
 20 1998?
 21 A. The retention time for the
 22 backup is not required.
 23 Q. For any data systems that
 24 you support, any data systems or

1 applications, has there been any serious
 2 corruption that would cause the data to
 3 be unreliable?
 4 A. With the exception of what
 5 we just talked about just now,
 6 SnapPharma, to my knowledge, there have
 7 been no serious corruptions of any
 8 database to cause lost or data integrity
 9 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 THE WITNESS: Could you --
 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 that is no longer
 22 working as a sales representative. What
 23 happens to the data, you know, in
 24 Touchstone or the systems that are linked

1 to Touchstone, what happens to his data,
 2 his or her data?
 3 A. It's still there.
 4 Q. It's not taken out?
 5 A. No.
 6 Q. How about for other systems,
 7 where a person made some sort of a data
 8 entry or something or an entry -- keep it
 9 to one question I guess. If somebody
 10 made a data entry?
 11 A. I'm going to read through
 12 the listing of databases here.
 13 Touchstone, no. No meaning nothing
 14 happens, it's still there. Let me
 15 rephrase that. It's still there.
 16 Compass is still there. NICE it would be
 17 still there. MACS it would be there.
 18 ICON it would be still there. KNOWBOL is
 19 a document management system, that's not
 20 a data entry tool. Make sure it's clear
 21 if I didn't say that. ViewPoint would
 22 still be there. I believe LectureBureau
 23 Express would still be there. PREP would
 24 still be there. Northstar information is

1 in Compass, it would still be there.
2 Q. Does anything from
3 Touchstone find its way into the GEL
4 system?
5 A. I have to ask the question,
6 what is GEL? It's not something I cover,
7 so I believe the answer, then, would be,
8 since I don't know it, it mostly likely
9 does not.
10 MR. TORREGROSSA: That's
11 outside his scope.
12 BY MR. SMITH:
13 Q. It would be regulatory
14 affairs.
15 MR. TORREGROSSA: Is there a
16 pending question?
17 MR. SMITH: Yes. Before he
18 answered the question, he wanted
19 to know what GEL was, and I said
20 it's a system in regulatory
21 affairs.
22 THE WITNESS: And as we
23 talked about earlier, I'm not
24 familiar with regulatory affairs

1 to form.
2 THE WITNESS: Yes.
3 BY MR. SMITH:
4 Q. And would it show how
5 Touchstone interacts with other systems?
6 A. It would, yes.
7 Q. Is there a service level
8 agreement for all the databases that you
9 support?
10 A. There is at least on all
11 systems a service level agreement in
12 terms of minimum up time, meaning the
13 system was available. Explicitly for
14 each one, if there is any more detail
15 than that, I wouldn't be able to say.
16 But there's definitely up time.
17 Q. What documentation would
18 show interaction between the systems you
19 support?
20 A. An interface list.
21 Q. There is such a thing for
22 all of the databases that you support?
23 A. There would be an interface
24 list for the databases. I'm not sure if

1 systems and don't recall anything
2 that would go there from
3 Touchstone.
4 BY MR. SMITH:
5 Q. If we had a data map for
6 Touchstone, would it show what other
7 systems it links to?
8 A. When you refer to data map
9 in our conversations, I call it Entity
10 Relationship Diagram. That's within the
11 database itself. That's the relationship
12 between all --
13 Q. Between tables and fields?
14 A. Yes.
15 Q. But would there be any sort
16 of a diagram that would show how the
17 Touchstone system relates to other
18 systems which I'm calling a data map?
19 A. Not within the database
20 itself. There may be one, I would not
21 have it readily -- there may be one.
22 Q. Is there a service level
23 agreement for Touchstone?
24 MR. TORREGROSSA: Objection

1 they would be 100 percent comprehensive.
2 Q. Is there any reason why you
3 couldn't get those to us, a copy of those
4 interface lists?
5 MR. TORREGROSSA: Objection
6 to the extent you're suggesting we
7 will produce them to you.
8 THE WITNESS: Is there
9 any -- I'm sorry, repeat the
10 question.
11 BY MR. SMITH:
12 Q. Is there any impediment to
13 getting us copies of those interface
14 lists?
15 MR. TORREGROSSA: Same
16 objection.
17 THE WITNESS: Interface
18 lists could be obtained.
19 BY MR. SMITH:
20 Q. Do you consider any piece of
21 data you are responsible for impossible
22 to get?
23 MR. TORREGROSSA: Objection
24 to form.

1 THE WITNESS: If data exists
 2 in the database, it's possible to
 3 get it, it would be my belief.
 4 However, practical can be a
 5 challenge and the complexity
 6 around getting it, that piece of
 7 information, and making it
 8 sensical, a sensical piece of
 9 information, would definitely be
 10 where more challenges would lie.

11 MR. SMITH: Mr. Dowling,
 12 thank you for your time, and I
 13 thank the other counsel present
 14 for their time and cooperation.

15 MR. TORREGROSSA: Thank you,
 16 sir.

17 I have no questions. We'll
 18 read and sign. And we're going to
 19 make the cross notices in all the
 20 other cases as an exhibit together
 21 as Dowling-3.

22 - - -
 23 (Exhibit Dowling-3,
 24 Cross-Notices, was marked for

1 identification.)
 2 - - -
 3 (Witness excused.)
 4 (Deposition concluded at
 5 approximately 12:42 p.m.)
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1 CERTIFICATE

2
 3
 4 I HEREBY CERTIFY that the
 5 witness was duly sworn by me and that the
 6 deposition is a true record of the
 7 testimony given by the witness.
 8
 9

10 _____
 11 Linda Rossi Rios,
 12 A Federally Approved Registered
 13 Professional Reporter and
 14 Notary Public
 15 Dated: May 10, 2007

16 (The foregoing certification
 17 of this transcript does not apply to any
 18 reproduction of the same by any means,
 19 unless under the direct control and/or
 20 supervision of the certifying reporter.)
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 24

1 INSTRUCTIONS TO WITNESS

2
 3 Please read your deposition
 4 over carefully and make any necessary
 5 corrections. You should state the reason
 6 in the appropriate space on the errata
 7 sheet for any corrections that are made.

8 After doing so, please sign
 9 the errata sheet and date it.

10 You are signing same subject
 11 to the changes you have noted on the
 12 errata sheet, which will be attached to
 13 your deposition.

14 It is imperative that you
 15 return the original errata sheet to the
 16 deposing attorney within thirty (30) days
 17 of receipt of the deposition transcript
 18 by you. If you fail to do so, the
 19 deposition transcript may be deemed to be
 20 accurate and may be used in court.
 21
 22
 23
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2	ERRATA		
3	-----		
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1	LAWYER'S NOTES		
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1 ACKNOWLEDGMENT OF DEPONENT

2

3 I, _____, do

4 hereby certify that I have read the

5 foregoing pages, 276 - 410, and that the

6 same is a correct transcription of the

7 answers given by me to the questions

8 therein propounded, except for the

9 corrections or changes in form or

10 substance, if any, noted in the attached

11 Errata Sheet.

12

13 _____

14 JON DOWLING DATE

15

16 Subscribed and sworn

17 to before me this

18 _____ day of _____, 20____.

19

20 My commission expires: _____

21

22 _____

23 Notary Public

24