

EXHIBIT

46

1 IN THE SUPERIOR COURT
2 OF THE STATE OF DELAWARE
3 IN AND FOR NEW CASTLE COUNTY

4 IN RE:
5 SEROQUEL LITIGATION : MDL NO. 1769

6 :
7 THIS DOCUMENT RELATES:
8 TO ALL ACTIONS :

9 -----
10 IN RE: : SUPERIOR COURT
11 RISPERDAL/SEROQUEL/ : OF NEW JERSEY
12 ZYPREXA LITIGATION : LAW DIVISION
13 : MIDDLESEX COUNTY
14 : CASE NO. 274

15 -----
16 AIMEE DANIELS, : IN THE CIRCUIT
17 : COURT OF THE
18 : COUNTY OF ST. LOUIS
19 : STATE OF
20 ASTRAZENECA : MISSOURI
21 PHARMACEUTICALS, L.P. : 05CC-004759
22 ET AL. : DIVISION 6

23 -----
24 SANTOS MALDANADO, : IN THE CIRCUIT
25 minor, by and through: COURT OF THE
26 his natural mother : COUNTY OF ST. LOUIS
27 and next friend, : STATE OF
28 LOUISE WILSON : MISSOURI
29 : 06CC-003930
30 JANSSEN PHARMACEUTICA: DIVISION 6
31 L.P., ET AL. :

32 - - -
33 May 17, 2007
34 - - -

35 C O N F I D E N T I A L
36 - - -

37 30(b)(6) deposition of ASTRAZENECA
38 PHARMACEUTICALS, L.P., by and through
39 DARRYL DRAPER.

40 - - -
41 Golcow Technologies, Inc.
42 Suite 760
43 1880 John F. Kennedy Boulevard
44 Philadelphia, Pennsylvania 19103

1 LENA BARNETT, minor, : IN THE CIRCUIT
 2 by and through her : COURT OF THE
 3 natural mother and : COUNTY OF ST. LOUIS
 4 next friend, : STATE OF
 5 MARY BARNETT : MISSOURI
 6 V. : 06CC-000333
 7 JANSSEN PHARMACEUTICA: DIVISION 6
 8 L.P., ET AL. :

 9 LOIS BAER, as : IN THE CIRCUIT
 10 Representative of the: COURT OF THE
 11 Estate of MATTHEW : COUNTY OF ST. LOUIS
 12 BAER, Deceased : STATE OF
 13 V. : MISSOURI
 14 JANSSEN PHARMACEUTICA: 06CC-002401
 15 L.P., ET AL. : DIVISION 6

 16 TERRY STRINGER : IN THE CIRCUIT
 17 : COURT OF THE
 18 V. : COUNTY OF ST. LOUIS
 19 : STATE OF
 20 JANSSEN PHARMACEUTICA: MISSOURI
 21 L.P., ET AL. : 06CC-002173
 22 : DIVISION 6

 23 STEPHEN ROSAS : IN THE CIRCUIT
 24 : COURT OF THE
 V. : COUNTY OF ST. LOUIS
 : STATE OF
 ASTRAZENECA : MISSOURI
 PHARMACEUTICALS, : 05CC-004755
 L.P., ET AL. : DIVISION 6

 PAMELA MOORE, : IN THE CIRCUIT
 : COURT OF THE
 V. : COUNTY OF ST. LOUIS
 : STATE OF
 JANSSEN PHARMACEUTICA: MISSOURI
 L.P., ET AL. : 05CC-006375
 : DIVISION 6

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1 KATHRYN SCHULTZ, : SUPERIOR COURT OF
 2 ET. AL. : THE STATE OF
 3 : CALIFORNIA IN AND
 4 V. : FOR THE COUNTY OF
 5 : SAN FRANCISCO
 6 ASTRAZENECA : CGC-06-453676
 7 PHARMACEUTICALS, :
 8 L.P., ET AL. :
 9 -----
 10 30(b)(6) deposition of
 11 ASTRAZENECA PHARMACEUTICALS, L.P., by and
 12 through DARRYL DRAPER, taken pursuant to
 13 notice, was held at the Four Seasons
 14 Hotel, One Logan Square, Philadelphia,
 15 Pennsylvania, commencing at 9:36 a.m., on
 16 the above date, before Ann Marie
 17 Mitchell, a Federally Approved RDR, CRR,
 18 CSR and Notary Public.
 19 -----
 20 -----
 21 -----
 22 -----
 23 -----
 24 -----

1 APPEARANCES (cont.'d):
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 13 RHONDA RADLIFF
 14 PROJECT MANAGEMENT
 15
 16
 17
 18
 19
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 21
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 23
 24

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 AstraZeneca
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1 - - -
 2 DARRYL DRAPER, after having
 3 been duly sworn, was examined and
 4 testified as follows:
 5 - - -
 6 EXAMINATION
 7 - - -
 8 BY MR. SMITH:
 9 Q. Good morning, Mr. Draper.
 10 A. Good morning.
 11 Q. Good to see you again.
 12 Would you please state your
 13 name and address for the record?
 14 A. Darryl Draper. Do you need
 15 street address or my billing address?
 16 Q. Sure. Please.
 17 A. 155 Ascot Court, Bear,
 18 Delaware, 19701.
 19 Q. And where are you employed,
 20 sir?
 21 A. AstraZeneca Pharmaceuticals.
 22 Q. And your position there?
 23 A. I'm a service performance
 24 manager, is the title.

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 2 DEPOSITION SUPPORT INDEX
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1 MR. TORREGROSSA: When you
 2 get a chance, Mr. Smith, if I
 3 could enter my appearance.
 4 MR. SMITH: Yeah, go ahead.
 5 Why don't we do that. We'll go
 6 around the table then.
 7 I'm Kenneth Smith from
 8 Aylstock, Witkin, Kreis &
 9 Overholtz for the plaintiffs in
 10 the MDL in the mass tort
 11 litigation in New Jersey and in
 12 the Delaware Seroquel litigation.
 13 MR. MELLON: Good morning,
 14 Tom Mellon with the Scheller firm
 15 for the plaintiffs.
 16 MS. THOMAS: Andrea Thomas
 17 for Eli Lilly.
 18 MS. BALAKHANI: Liz
 19 Balakhani for AstraZeneca and for
 20 the witness.
 21 MR. TORREGROSSA: Brennan
 22 Torregrossa for AstraZeneca and
 23 the witness, and we'd like to mark
 24 this deposition as confidential

1 under the protective stipulation.
 2 If you could put confidential in
 3 the legend in the top of the
 4 caption, I would appreciate it.
 5 And we will be cross noticing this
 6 case, and I'll attach those as
 7 exhibits at the end of the
 8 deposition.
 9 If I could just get
 10 agreement from counsel that
 11 they've agreed to be bound by the
 12 MDL protective stipulation.
 13 MS. THOMAS: Yes.
 14 MR. MELLON: I have agreed.
 15 MR. TORREGROSSA: Thank you.
 16 MR. SMITH: For the record,
 17 plaintiffs object to designating
 18 the entire transcript as
 19 confidential. And if you don't
 20 mind, would you get me a copy of
 21 the cross notices before they're
 22 introduced, sometime before you
 23 introduce them into evidence?
 24 MR. TORREGROSSA: Yes, sir.

1 heard the question, understood it and
 2 that you gave a complete and truthful
 3 answer to it; is that fair?
 4 A. Yes.
 5 Q. Okay. Thanks.
 6 Now, let's mark the cross
 7 notice and attach the exhibits as
 8 Draper-1, if you would, please.
 9 - - -
 10 (Deposition Exhibit No.
 11 Draper-1, AstraZeneca LP and
 12 AstraZeneca Pharmaceuticals LP's
 13 Cross-Notice of Rule 30(b)(6)
 14 Depositions, was marked for
 15 identification.)
 16 - - -
 17 MR. TORREGROSSA: Mr. Smith,
 18 if I could just run through,
 19 you're, of course, welcome to go
 20 through this with the witness.
 21 Mr. Draper is here to talk about
 22 the following databases: AMOS,
 23 DIPLOMAT, COOL, CRF/DEN, DIRM,
 24 PLANET, CLINTRACE, SAM, GEL,

1 MR. SMITH: Appreciate that,
 2 thanks.
 3 BY MR. SMITH:
 4 Q. Mr. Draper, have you ever
 5 had your deposition taken before?
 6 A. No.
 7 Q. Well, there are a few things
 8 we should go over then, make it easier.
 9 You understand that you're
 10 under oath here today and you're
 11 testifying just as though you were in
 12 court. Okay?
 13 A. Yes.
 14 Q. And if for any reason you
 15 don't understand one of my questions, and
 16 I'm sure that will happen, would you
 17 please let me know and I'll try to
 18 rephrase it, say it in a different way,
 19 so that we end up talking about the same
 20 thing, you and me?
 21 A. Sure.
 22 Q. So you'll let me know.
 23 Okay. Then if you answer my
 24 question, I'm going to assume that you

1 GESISS, AstraZeneca IMPACT, IIRIS,
 2 which is I-I-R-I-S, SAMSON, under
 3 the agreed upon 30(b)6 notice.
 4 He is also the witness you
 5 should direct any questions to
 6 relating to section 3(a), related
 7 to any computer systems or
 8 database that concern adverse
 9 event reports relating to Seroquel
 10 and data from clinical and
 11 preclinical studies relating to
 12 Seroquel.
 13 With respect to 3(b), he has
 14 no involvement in that except for
 15 the phone and voicemail systems.
 16 MR. SMITH: We'll see how it
 17 goes. Thank you.
 18 MR. TORREGROSSA: Sure.
 19 BY MR. SMITH:
 20 Q. I'll give you a moment to
 21 look at that, Mr. Draper.
 22 MR. TORREGROSSA: Very good.
 23 BY MR. SMITH:
 24 Q. All right. Mr. Draper, have

1 you had an opportunity to look over
 2 Exhibit 1?
 3 A. Yes.
 4 Q. Have you seen that document
 5 prior to today?
 6 A. No.
 7 Q. Have you seen any portion of
 8 that document prior to today?
 9 A. Yes.
 10 Q. What portions?
 11 A. The portions from Dechert
 12 dated May 1 -- I'm sorry, May 1, 2007. I
 13 have seen those five pages.
 14 Q. Okay. Thank you.
 15 And when do you believe you
 16 might have seen those?
 17 A. Approximately May 10th, May
 18 12th.
 19 Q. When did you first become
 20 aware that you would be asked to give a
 21 deposition in this case?
 22 A. I believe it was that same
 23 date, those same dates.
 24 Q. Do you understand -- I'm

1 ability to recall information or
 2 communicate your responses today?
 3 A. No, I'm not.
 4 Q. Have you ever been convicted
 5 of any felony or crime of moral turpitude
 6 such as that would involve lying,
 7 cheating or stealing?
 8 A. Not that I'm aware of, no.
 9 Q. Do you understand you've
 10 been designated as a corporate designee
 11 by AstraZeneca on certain topics today,
 12 including those that your counsel has
 13 previously recited?
 14 A. Yes.
 15 Q. And you've agreed to do
 16 that?
 17 A. Yes.
 18 Q. You understand that
 19 AstraZeneca is a defendant in this
 20 action. Correct?
 21 A. Yes.
 22 Q. Are you prepared to testify
 23 on each of the topics that your counsel
 24 listed here today?

1 sorry.
 2 A. Around that same time.
 3 Q. I really didn't finish going
 4 through some of the things that might be
 5 helpful. One is I shouldn't interrupt
 6 you, and then, of course, you shouldn't
 7 interrupt me, because it's difficult for
 8 the court reporter to take down two
 9 people's conversations at the same time.
 10 The other thing is in
 11 answering a question, if you're giving an
 12 affirmative or negative response, if you
 13 say yes or no, that's better than shaking
 14 your head or saying uh-huh or uh-uh,
 15 which are very difficult for the court
 16 reporter to get down. And if you need to
 17 explain your answer, you can.
 18 Also, if you need to take a
 19 break at any time, just say so and we'll
 20 do that. I plan to take a break about
 21 once an hour approximately.
 22 A. Okay.
 23 Q. Are you taking any
 24 medications that would affect your

1 A. Yes, I believe so.
 2 Q. Can you tell me what you've
 3 done to prepare yourself to discuss those
 4 matters?
 5 MR. TORREGROSSA: You can
 6 answer the question, but in doing
 7 so, don't reveal any discussions
 8 you've had with counsel or myself.
 9 THE WITNESS: I set up
 10 interviews with individuals,
 11 one-on-one interviews -- well,
 12 interviews with individuals who
 13 have knowledge and/or experience
 14 with some of these systems.
 15 BY MR. SMITH:
 16 Q. Did some of these people
 17 work under you?
 18 A. At one time or another, some
 19 of these people may have worked under me,
 20 yes.
 21 Q. Do these people all still
 22 work for AstraZeneca?
 23 A. Most, if not all, are
 24 employees of AstraZeneca, yes.

1 Q. Can you think of anyone you
2 talked to in preparing for today's
3 deposition other than your attorney who
4 is not an employee of AstraZeneca?

5 A. I'm sorry, can you restate
6 the question?

7 Q. Yes.
8 Can you tell me if any of
9 the people you talked to other than your
10 counsel is not an employee of
11 AstraZeneca, anyone you can think of?

12 A. There may have been -- I
13 believe there were a few contractors.
14 They're employed by AstraZeneca, but they
15 don't work for AstraZeneca.

16 Q. Would it be fair to say that
17 they're employed at AstraZeneca but
18 they're somebody else's employees?

19 A. Correct.

20 Q. Okay. We'll get to those
21 later.

22 When I say AstraZeneca, for
23 the purposes of the deposition today, I
24 mean any entity that's involved with the

1 that. We'll come back to that
2 later.

3 BY MR. SMITH:

4 Q. When you talked to people in
5 preparing for your deposition today, did
6 you go over any system documentation with
7 them of any type?

8 MR. TORREGROSSA: That's a
9 yes or no.

10 THE WITNESS: No.

11 MR. SMITH: Please don't
12 instruct the witness.

13 MR. TORREGROSSA: I just
14 didn't want to get into any
15 attorney/client privilege. But
16 you're right. Nothing he gave
17 revealed that.

18 Go ahead.

19 BY MR. SMITH:

20 Q. Your answer was no?

21 A. I did not review any
22 documents relating to system -- these
23 systems.

24 Q. Okay. When I say

1 production and marketing of Seroquel,
2 whether it's AstraZeneca, LP or
3 AstraZeneca Pharmaceuticals, LP, Zeneca,
4 Inc. or a, you know, British or Swedish
5 parent corporation, any of those related
6 entities. And I'll just say AstraZeneca
7 unless -- and if that creates a problem
8 for you, if you'll let me know, then
9 we'll break it up. But I'm going to say
10 AstraZeneca, and I'm going to mean
11 everybody, unless you tell me different.
12 Okay?

13 A. Okay.

14 Q. All right.

15 MR. TORREGROSSA: That's
16 fine with respect to the question
17 who he met with. We, of course,
18 will hold you to the agreement
19 that, under section G, we're not
20 talking about foreign issues or
21 foreign databases. Put that on
22 the record.

23 MR. SMITH: We'll come back
24 to that later. I don't agree with

1 documentation, I mean more than just
2 paper then.

3 So I mean, you could have
4 looked at some documentation for these
5 systems online, couldn't you?

6 A. I did not review any
7 materials, including electronic
8 materials, that would otherwise be on the
9 AstraZeneca network or in AstraZeneca's
10 systems.

11 Q. So with all the people that
12 you talked to, you didn't look at any
13 materials online or in hard copy or
14 otherwise with any of these people.

15 Is that your testimony?

16 A. That's correct.

17 Q. So when you're testifying
18 today, everything is just off the top of
19 your head.

20 Is that what you're saying?

21 MR. TORREGROSSA: Objection
22 to the form.

23 BY MR. SMITH:

24 Q. You can answer.

1 A. I had interviews, spoke
 2 directly to people who had information
 3 about these systems, and I'm committing
 4 to memory that -- those conversations.
 5 Q. Did you take any notes of
 6 those interviews?
 7 A. I had written a few -- I
 8 wouldn't call them notes. I did write
 9 down a few I guess dates.
 10 Q. Is that for the purpose of
 11 refreshing your memory?
 12 MR. TORREGROSSA: Objection
 13 to form.
 14 BY MR. SMITH:
 15 Q. You can answer.
 16 A. The reason -- the reason I
 17 took the notes was in the event that I
 18 had difficulty, you know, trying to share
 19 this information with you.
 20 Q. Were those handwritten notes
 21 or did you make notes in your computer?
 22 A. They were just written on a
 23 piece of paper.
 24 Q. Do you still have those

1 question so we don't have a messy
 2 record.
 3 BY MR. SMITH:
 4 Q. By that I mean to
 5 Philadelphia, not just to this room.
 6 MR. TORREGROSSA: And the
 7 question again was, did he bring
 8 any notes?
 9 BY MR. SMITH:
 10 Q. Did you bring a briefcase
 11 with you or a laptop to Philadelphia, not
 12 just to this room, but did you bring it
 13 to the city today?
 14 MR. TORREGROSSA: Thank you.
 15 THE WITNESS: I did come
 16 with my computer. I still have a
 17 responsibility to perform my day
 18 work, and so I'll have plans to
 19 use that computer to answer
 20 e-mails regarding systems that I
 21 support or have responsibility
 22 for.
 23 BY MR. SMITH:
 24 Q. Are you able to -- that's a

1 notes?
 2 A. Yes.
 3 Q. Could you produce them?
 4 MR. TORREGROSSA: Objection
 5 to form.
 6 BY MR. SMITH:
 7 Q. Could you produce them to
 8 me?
 9 MR. TORREGROSSA: Objection
 10 to form. I object to the extent
 11 you are suggesting we will produce
 12 them to you, but you can answer
 13 the question if you understand it.
 14 THE WITNESS: I still have
 15 the notes.
 16 BY MR. SMITH:
 17 Q. How did you get to today's
 18 deposition?
 19 A. By taxi.
 20 Q. Did you bring a briefcase or
 21 any papers with you?
 22 A. No, I did not.
 23 MR. TORREGROSSA: Let -- I'm
 24 sorry. Just let him finish the

1 laptop, I presume?
 2 A. Yes.
 3 Q. Are you able to access
 4 documentation for the systems that you
 5 are responsible for via your laptop?
 6 A. Yes.
 7 Q. And where would you --
 8 A. Not -- I'm sorry, can I --
 9 Q. Go ahead.
 10 A. Not all system materials are
 11 documentation.
 12 Q. What types of system
 13 material and documentation would you have
 14 on your laptop on the hard drive?
 15 A. None.
 16 Q. What types of system
 17 documentation or materials could you
 18 access online?
 19 A. It would be general
 20 information about the application.
 21 Q. Would you be able to access
 22 training materials for the systems?
 23 A. There -- I may have access
 24 to some training materials, yes.

1 Q. If you were looking for
2 training materials on these systems,
3 there would be training materials both
4 for the user and for maintenance.
5 Correct?

6 A. Yes.

7 Q. And where would these
8 materials be located?

9 A. I'm not sure I understand
10 you.

11 Q. On a particular server or
12 drive somewhere?

13 A. Yes.

14 Q. Okay. Where would that be?

15 A. On a server or a drive or
16 a -- I'm not sure.

17 Q. Would there be one
18 centralized location for any of these
19 materials?

20 A. No.

21 Q. So the materials pertaining
22 to a particular system would be found
23 somewhere within that system?

24 A. Some materials are available

1 A. I'm sorry, could you just
2 state the question again?

3 Q. Phone lists or directories
4 for business users of the systems you are
5 responsible for?

6 A. No, not phone lists or
7 directories.

8 Q. Where would you find e-mails
9 from AstraZeneca personnel discussing the
10 systems that you are responsible for?

11 A. I'm sorry, could you ask the
12 question again?

13 Q. Where would you find e-mails
14 from AstraZeneca personnel discussing the
15 systems that you are responsible for?

16 A. Where would I find e-mails?
17 In the e-mail system, in a mailbox.

18 Q. I guess that could be
19 Outlook or something.

20 Is it Outlook?

21 A. Outlook, yes, we use
22 Outlook.

23 Q. Does everybody at
24 AstraZeneca use a single e-mail server?

1 on servers, and those servers on -- you
2 know, in some cases are on a information
3 server or a file share.

4 Q. Can you describe the file
5 share servers that you have access to?

6 A. I'm not quite sure what
7 you're asking for.

8 You mean describe the
9 technical components of the file server?

10 Q. Yes.

11 Where are they located, what
12 type of system is utilized to view those
13 things?

14 A. Well, AstraZeneca have what
15 are known as infrastructure servers. And
16 they are generally environments that are
17 used by a number of personnel to store
18 information.

19 Q. Would you be able to access
20 service level agreements for the systems
21 you are responsible for?

22 A. Yes.

23 Q. Phone lists or directories
24 for business users for those systems?

1 MR. TORREGROSSA: I'll allow
2 him to answer the question, but
3 this, of course, was Mr. Dowling's
4 testimony. We went over all of
5 this.

6 But you can answer if you
7 know.

8 THE WITNESS: Can you ask
9 the question again, please?

10 BY MR. SMITH:

11 Q. Does everybody at
12 AstraZeneca use a single e-mail server?

13 A. No.

14 Q. How many different e-mail
15 servers are there? I'm not really asking
16 to count them so much as just give me a
17 description of, you know, in general
18 where they are, what kind they are?

19 MR. TORREGROSSA: Objection,
20 scope, this is outside of the
21 testimony. We went over this with
22 Mr. Dowling. I will let you
23 testify on your individual
24 knowledge, if you have any, and

1 keep it to the United States,
2 please.

3 MR. SMITH: Well, I don't
4 want his answer restricted to the
5 United States. There's nothing in
6 the agreement to that.

7 MR. TORREGROSSA: But
8 section G does. Section G of our
9 agreement is nothing foreign. You
10 agreed to take it off.

11 MR. SMITH: This does not
12 prevent questioning concerning the
13 witness's personal knowledge of
14 these topics that were reported to
15 the United States. And clearly,
16 you know, he's going to have
17 interaction with foreign entities.

18 MR. TORREGROSSA: I have two
19 problems. First of all, it was
20 very clear, and has been clear,
21 that e-mail was something to be
22 discussed with Mr. Dowling, not
23 Mr. Draper. Okay?

24 Having said that, I will let

1 respect to these questions.

2 MR. SMITH: You're going to
3 follow your counsel's advice, his
4 instruction not to answer?

5 THE WITNESS: Yes.

6 MR. TORREGROSSA: You can
7 answer the question with respect
8 to the United States. And I
9 believe it was how many servers
10 generally are used.

11 - - -
12 (The court reporter read the
13 pertinent part of the record.)

14 - - -
15 THE WITNESS: I don't have a
16 lot of personal knowledge of the
17 e-mail system or architecture. I
18 know that my account is linked to
19 a server. I believe it's here in
20 the US. I honestly don't know
21 whether or not it's in the US. I
22 know that my account is linked to
23 a specific Exchange server.

24 BY MR. SMITH:

1 him testify on his individual
2 basis, if he knows the answer to
3 your questions.

4 I object to any foreign
5 discussion. We drew a line there.
6 You made an agreement. I'm
7 holding you to the agreement.

8 You can answer the question
9 as I instructed.

10 THE WITNESS: From my
11 personal --

12 MR. TORREGROSSA: Personal
13 knowledge, US only.

14 THE WITNESS: Personal
15 knowledge.

16 MR. SMITH: Not US only. I
17 want an answer. You'll have to
18 instruct him not to answer.

19 MR. TORREGROSSA: I instruct
20 you not to answer under the
21 agreement of the parties under
22 section G not to discuss foreign
23 related e-mail. You can answer
24 your personal knowledge with

1 Q. Do you have any
2 responsibilities yourself for operating
3 or maintaining e-mail systems for
4 AstraZeneca?

5 A. No.

6 Q. Now, you were requested to
7 bring to the deposition today, through
8 your counsel, any documents that you
9 reviewed in preparation for today's
10 deposition.

11 Did you bring any such
12 documents with you?

13 A. No.

14 Q. Are there any such
15 documents?

16 A. I did not review any
17 documents for the preparation of this
18 deposition.

19 Q. Have you reviewed the
20 transcript or summary of the transcript
21 of Mr. Dowling's testimony from last
22 week?

23 A. No.

24 Q. Can you describe your