

Confidential - Darryl Draper

Page 393

1 A. GDMRS is one of those
2 systems, seeing that they are -- this
3 organization chart represents some of the
4 drug development functions. I would
5 assume a system also such as AZ IMPACT.

6 MR. SMITH: Thank you.
7 Could you mark this for me,
8 please.

9 - - -
10 (Deposition Exhibit No.
11 Draper-11, Information Strategy,
12 was marked for identification.)

13 - - -
14 MR. TORREGROSSA: Can we go
15 off the record while the witness
16 is looking at this.

17 MR. SMITH: Yes.

18 - - -
19 (A discussion off the record
20 occurred.)

21 - - -

22 BY MR. SMITH:

23 Q. Do you know who information
24 strategy is?

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1 A. Can't say I recognize that
2 name, information strategy.

3 Q. Or any of the people or
4 positions that are listed there in
5 Exhibit 11?

6 A. I recognize two names.

7 Q. Which ones?

8 A. Dan Ringenbach and Nick
9 Ronca.

10 Q. Do you know if GDDIS
11 provides any IS support to them?

12 A. Just in general, I'd just
13 like to say that as I said earlier, the
14 owners of these systems decide who gets
15 access to what systems, not the IT
16 function. Okay.

17 And as an IT organization,
18 we're not going to know all of the names
19 and all of the individuals that use these
20 systems or when they're granted access.
21 It's a business decision. It's like I
22 said earlier about using the car. It's
23 used for transportation, but people use
24 it for other things other than just

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1 transportation. Manufacturer doesn't
2 necessarily understand or know that
3 somebody's going to use it outside of its
4 intended purpose.

5 So you're asking me
6 questions that, you know, individuals
7 having access and using these systems and
8 do we support them, it's very, very
9 difficult to give you answers to those
10 questions.

11 Q. Can you give me an answer
12 for the two persons that you identified
13 in Exhibit 11?

14 A. I recognize these
15 individuals as being IT -- former IT
16 people that were part of GDDIS who have
17 moved into the business. And I believe
18 they're part of the organization not
19 called clinical information systems. And
20 this appears to be information strategy,
21 seems to be just kind of a think tank
22 team, if you want to call it that.

23 Q. Okay.

24 A. For that group.

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1 Q. Thank you. Let me ask you
2 if you're familiar with a group called
3 clinical project coordination?

4 A. Yes, I am.

5 Q. Okay. Do you know if GDDIS
6 provides support for them?

7 A. Yes, we do.

8 Q. What type of support?

9 A. Planning and forecasting.

10 Q. What system is used or
11 systems are used to do that?

12 A. We use a resource planning
13 and forecasting system. It's also used
14 for time sheet reporting for clinical
15 project teams. And it's called Matrix.

16 Q. And you support Matrix?

17 A. I don't directly support

18 Matrix.

19 Q. Somebody in GDDIS supports
20 Matrix?

21 A. Yes.

22 Q. Do you know who?

23 A. Yes.

24 Q. Who?

34 (Pages 393 to 396)

1 A. Susan Maw, M-A-W.
 2 Q. Matrix --
 3 A. Can I just simply also state
 4 that clinical project coordination use
 5 tools and technologies such as Microsoft
 6 Project.
 7 Q. Are you familiar with a
 8 group called clinical outsourcing that
 9 may be part of or connected with clinical
 10 project coordination?
 11 A. Yes.
 12 Q. Okay. What does that group
 13 do?
 14 MR. TORREGROSSA: Objection
 15 to form and scope.
 16 BY MR. SMITH:
 17 Q. Briefly.
 18 A. Again, their business
 19 function and process, I'm not going to
 20 know or understand from an IT person.
 21 Q. Do you know what IS services
 22 your group provides to them?
 23 A. Matrix.
 24 Q. How about clinical agreement

1 And does GDDIS support them?
 2 A. Yes.
 3 Q. In what way?
 4 A. Again, the clinical project
 5 planning and forecasting system, Matrix.
 6 Q. Who in ISS would be
 7 responsible for -- would have those
 8 responsibilities?
 9 MR. TORREGROSSA: Objection,
 10 scope.
 11 THE WITNESS: I --
 12 BY MR. SMITH:
 13 Q. Did I say ISS or GDDIS?
 14 I meant to say GDDIS.
 15 GDDIS.
 16 MR. TORREGROSSA: I withdraw
 17 my objection.
 18 THE WITNESS: I don't know.
 19 BY MR. SMITH:
 20 Q. Who would know?
 21 A. Can I have the earlier
 22 question given back to me, please, by the
 23 court reporter.
 24 Q. I'll just rephrase it.

1 and grant management, are you familiar
 2 with that group?
 3 A. What was the group name
 4 again?
 5 Q. Clinical agreement and grant
 6 management.
 7 A. I can't say that I'm
 8 familiar with that function.
 9 Q. Next question. Clinical
 10 project management number 4, ISS
 11 coordination?
 12 MR. TORREGROSSA: As opposed
 13 to number 3.
 14 THE WITNESS: Information
 15 overload.
 16 I'm sorry, can you --
 17 BY MR. SMITH:
 18 Q. Clinical project management
 19 number 4, ISS coordination?
 20 A. I believe that is a function
 21 or a component of clinical project
 22 coordination.
 23 Q. Yes. That also says that on
 24 the paper that I have.

1 Responsibilities for the
 2 Matrix, providing Matrix support to the
 3 people in ISS coordination, who in GDDIS
 4 would be the person responsible for that?
 5 A. Susan Maw. I'm sorry.
 6 Thank you.
 7 Q. GDDIS supports a group
 8 having to do with study delivery; is that
 9 correct?
 10 A. Yes.
 11 Q. And what is the name of that
 12 group --
 13 A. Study delivery.
 14 Q. -- relating to study
 15 delivery?
 16 A. Study -- I'm not sure I
 17 understand the question.
 18 Q. Is there a group that
 19 performs functions related to study
 20 delivery?
 21 A. Yes.
 22 Q. And do you know the name of
 23 that group?
 24 A. I believe it's called study

1 delivery enablement.
 2 Q. Study delivery enablement.
 3 I believe you've used that term before.
 4 And GDDIS provides support
 5 for that?
 6 A. To study delivery
 7 enablement, yes.
 8 Q. Yes. And what systems do
 9 they use?
 10 MR. TORREGROSSA: Objection
 11 to the form. Go ahead. And
 12 scope.
 13 You can answer.
 14 THE WITNESS: Investigator
 15 safety letter process. It's
 16 called SAMSON.
 17 BY MR. SMITH:
 18 Q. Is there a system that would
 19 manage preclinical studies such as animal
 20 studies or laboratory studies?
 21 A. Yes, there are preclinical
 22 applications.
 23 Q. What system would do that?
 24 A. Preclinical. LIMS.

1 MR. SMITH: We'll then skip
 2 over that.
 3 THE WITNESS: You don't have
 4 any other questions for LIMS,
 5 though? Yeah.
 6 BY MR. SMITH:
 7 Q. Is there anything you'd like
 8 to say about LIMS? Just kidding.
 9 MR. TORREGROSSA: You're
 10 talking about the similar requests
 11 you've made in the past, the same
 12 questions we've gone over.
 13 MR. SMITH: Yes, sir.
 14 MR. TORREGROSSA: Yes, sir.
 15 We'll look into those.
 16 BY MR. SMITH:
 17 Q. What kind of support does
 18 GDDIS provide for SAP?
 19 MR. TORREGROSSA: I'm sorry,
 20 SAP?
 21 MR. SMITH: Yes.
 22 MR. TORREGROSSA: I have a
 23 scope objection. It was covered
 24 by Mr. Dowling.

1 Q. LIMS? Can you spell that,
 2 please.
 3 A. L-I-M-S.
 4 Q. L-I-M-S. And what does that
 5 stand for?
 6 A. Laboratory information
 7 management system.
 8 Q. What is your degree of
 9 involvement with LIMS?
 10 A. Zero.
 11 Q. Who's the application
 12 manager?
 13 A. Suzanne Taylor.
 14 Q. Is there a predecessor
 15 system to the LIMS system?
 16 A. No.
 17 MR. SMITH: Counsel, could I
 18 just send you a request for the
 19 same types of information,
 20 documentation I've requested on
 21 all of these systems?
 22 MR. TORREGROSSA: For LIMS?
 23 MR. SMITH: For LIMS.
 24 MR. TORREGROSSA: Yes, sir.

1 You can answer.
 2 I'm sorry, you said what
 3 support does GDDIS --
 4 MR. SMITH: Yes.
 5 MR. TORREGROSSA: I withdraw
 6 my objection.
 7 THE WITNESS: None.
 8 BY MR. SMITH:
 9 Q. Do you know where within the
 10 AstraZeneca system you would find
 11 unpublished literature?
 12 MR. TORREGROSSA: Objection
 13 to form and scope.
 14 THE WITNESS: If what you
 15 mean by unpublished is not
 16 appearing in a medical journal --
 17 BY MR. SMITH:
 18 Q. Yes.
 19 A. Yes.
 20 Q. Where would that be?
 21 A. PLANET.
 22 Q. Where would you find the
 23 patent application for Seroquel?
 24 MR. TORREGROSSA: Objection

1 to form and scope.
 2 You can answer if you know.
 3 THE WITNESS: There may be
 4 patent information in GEL as it
 5 relates to the submission.
 6 BY MR. SMITH:
 7 Q. Anyplace else that you can
 8 think of?
 9 MR. TORREGROSSA: Same
 10 objections.
 11 THE WITNESS: No.
 12 BY MR. SMITH:
 13 Q. Where would one find minutes
 14 of meetings of the medical advisory panel
 15 for Seroquel?
 16 MR. TORREGROSSA: Objection
 17 to the form and to the scope.
 18 THE WITNESS: Can I have the
 19 question again from the court
 20 reporter.
 21 - - -
 22 (The court reporter read the
 23 pertinent part of the record.)
 24 - - -

1 A. Right.
 2 Q. How about physicians that
 3 advise AstraZeneca on a drug such as
 4 Seroquel?
 5 MR. TORREGROSSA: Same
 6 objections, form and scope.
 7 THE WITNESS: I don't know.
 8 BY MR. SMITH:
 9 Q. Okay. Where would one find
 10 minutes of a drug safety review
 11 committee?
 12 MR. TORREGROSSA: Same
 13 objection, form and scope.
 14 THE WITNESS: I don't know.
 15 BY MR. SMITH:
 16 Q. Do you understand what is
 17 meant by a drug safety review committee?
 18 A. I'm not sure I do.
 19 Q. Is there a committee within
 20 AstraZeneca that reviews adverse events
 21 for a drug, for each drug?
 22 MR. TORREGROSSA: Form and
 23 scope.
 24 THE WITNESS: Again, those

1 THE WITNESS: Assuming that
 2 those materials would be
 3 copyrighted by whatever --
 4 whatever group or organization
 5 that represents, they would I
 6 assume have those materials.
 7 BY MR. SMITH:
 8 Q. Who would have those
 9 materials?
 10 MR. TORREGROSSA: Same
 11 objections.
 12 THE WITNESS: Could -- could
 13 I just have the group or the name,
 14 I guess the earlier question,
 15 please.
 16 BY MR. SMITH:
 17 Q. I think I said medical
 18 advisory panel.
 19 A. Medical advisory panel.
 20 Q. And it may be that it should
 21 be medical advisory group.
 22 A. It's my understanding
 23 medical advisory panel is a regulators...
 24 Q. An FDA thing?

1 are very business-oriented
 2 questions, and I don't have
 3 knowledge of that.
 4 BY MR. SMITH:
 5 Q. Getting down to the bottom
 6 of the pile here.
 7 Is there a list of the
 8 people in teams that work in GDDIS?
 9 A. I'm sorry, is there --
 10 Q. A list of people in teams in
 11 GDDIS?
 12 A. Yes.
 13 Q. Are there any other
 14 systems -- well, strike that.
 15 I was going to ask you
 16 questions pertaining to GEL, but let me
 17 just ask a couple and then I'll ask
 18 counsel to provide the same information
 19 for GEL that we've requested on the other
 20 systems.
 21 What is your involvement
 22 with GEL?
 23 A. I don't have any direct
 24 involvement with GEL.

1 Q. Did you at any time have any
 2 direct involvement with GEL?
 3 A. No.
 4 Q. Who is the application
 5 service manager for GEL?
 6 A. Christine Gallia.
 7 Q. And the predecessor for GEL,
 8 if there was one?
 9 A. I think prior to GEL, it was
 10 primarily, if not all, paper -- I don't
 11 believe that we had an electronic
 12 library, per se, before GEL.
 13 Q. Is there an electronic
 14 collection of pre-GEL documents today?
 15 A. Yes. They are in GEL. You
 16 can scan documents into GEL, so if they
 17 were paper, they...
 18 Q. Are you aware of any data
 19 corruption or loss for GEL?
 20 A. No.
 21 Q. Does GDDIS provide support
 22 to medical affairs?
 23 A. No.
 24 Q. Who does provide IS support

1 Q. EStar is utilized by medical
 2 affairs?
 3 MR. TORREGROSSA: Form and
 4 scope.
 5 THE WITNESS: Yes.
 6 BY MR. SMITH:
 7 Q. And that's supported by
 8 GDDIS then; is that correct?
 9 A. No.
 10 Q. Who supports eStar? BIS?
 11 A. Correct. The application
 12 service manager provides delivery and
 13 support.
 14 Q. Who's the head of BIS?
 15 MR. TORREGROSSA: I will get
 16 you the current head of BIS.
 17 BY MR. SMITH:
 18 Q. Now, with regard to
 19 regulatory affairs, GEL supports
 20 regulatory affairs. Right?
 21 A. Yes.
 22 Q. Do they use CLINTRACE?
 23 MR. TORREGROSSA: Form,
 24 scope.

1 to them?
 2 A. That would be BIS, business
 3 IS.
 4 Q. Who would be the person to
 5 ask about BIS?
 6 A. Could you be a bit more
 7 specific?
 8 Q. Do you know who the
 9 application service manager would be for
 10 BIS?
 11 A. I guess what I'm trying to
 12 say is I've answered questions with
 13 regard to eStar.
 14 Q. So eStar supports medical
 15 affairs and GDDIS supports eStar.
 16 Correct?
 17 MR. TORREGROSSA: Objection
 18 to form.
 19 THE WITNESS: No.
 20 BY MR. SMITH:
 21 Q. Okay.
 22 MR. TORREGROSSA: I think,
 23 Mr. Smith --
 24 BY MR. SMITH:

1 Go ahead.
 2 THE WITNESS: No.
 3 BY MR. SMITH:
 4 Q. What systems do they use
 5 besides GEL?
 6 MR. TORREGROSSA: Same
 7 objection.
 8 You can answer.
 9 THE WITNESS: I don't
 10 believe they use any system. GEL
 11 is the regulatory affairs system.
 12 BY MR. SMITH:
 13 Q. Are there any systems other
 14 than the ones we have discussed for the
 15 last two days for which GDDIS provides IS
 16 support to the drug safety department?
 17 MR. TORREGROSSA: Form.
 18 THE WITNESS: Can I have --
 19 I'm not sure I understood.
 20 BY MR. SMITH:
 21 Q. Any applications that we
 22 have not discussed for which GDDIS
 23 provides support to the drug safety
 24 department?

1 MR. TORREGROSSA: Form.
 2 THE WITNESS: Again, your
 3 question was -- I mean, I'm
 4 thinking of things like Office
 5 Tools, e-room.
 6 BY MR. SMITH:
 7 Q. What's e-room?
 8 A. It's like a file system.
 9 Q. What type of system, what
 10 sort of software does e-room use?
 11 A. It's called e-room.
 12 Q. Is that the name of an
 13 application?
 14 A. It's the name of -- it's
 15 like Windows. It simply allows you to
 16 visualize documents on a file share.
 17 Q. And that's used by drug
 18 safety?
 19 MR. TORREGROSSA: Form and
 20 scope.
 21 THE WITNESS: I don't know.
 22 BY MR. SMITH:
 23 Q. Does GDDIS provide support
 24 for e-room?

1 earlier. It's a medium for storing
 2 information and documents.
 3 Q. Do you know when that came
 4 into use?
 5 A. 2002, possibly earlier, a
 6 year or so, around the time of the
 7 merger.
 8 Q. Do you know if it is, for
 9 lack of a better term, cleaned out
 10 periodically?
 11 MR. TORREGROSSA: Objection
 12 to form.
 13 THE WITNESS: I would tend
 14 to believe that anything --
 15 MR. TORREGROSSA: And scope,
 16 go ahead.
 17 THE WITNESS: -- that is
 18 required to be retained by
 19 AstraZeneca would be retained.
 20 There's no automated cleaning
 21 process whereby things would
 22 expire and disappear or be
 23 removed.
 24 BY MR. SMITH:

1 A. We provide very limited
 2 support. The primary support for that
 3 technology comes from IT services.
 4 Q. If I had questions about
 5 backing up e-room or making copies of
 6 data in e-room, I should direct those to
 7 IT rather than to you?
 8 A. You can ask me those
 9 questions.
 10 Q. Okay. Do you know whether
 11 you can download documents from e-room?
 12 MR. TORREGROSSA: I didn't
 13 catch one part. Into or --
 14 MR. SMITH: From.
 15 MR. TORREGROSSA: From.
 16 Sorry.
 17 THE WITNESS: I can download
 18 a document from a file share to my
 19 C drive, yes.
 20 BY MR. SMITH:
 21 Q. I guess you can upload or
 22 download documents in e-room. Right?
 23 A. Yes. I would -- very
 24 similar to your flash drive that you used

1 Q. And is there a backup for
 2 e-room?
 3 A. There is a backup of the
 4 underlying hardware for e-room which
 5 contains the data.
 6 Q. Is there backup of the data
 7 in e-room?
 8 A. Yes.
 9 Q. Is there a separate e-room
 10 for clinical studies, the group clinical
 11 studies?
 12 A. Again, you're asking me a
 13 question that's very similar to what I
 14 tried to explain earlier, what is --
 15 there's a service, and how and when it's
 16 used is a business decision.
 17 Q. Well, maybe you can answer
 18 this question.
 19 Is e-room an
 20 AstraZeneca-wide thing that's used by
 21 everybody, or do different department
 22 have separate E. Rooms?
 23 A. It's a technology used at
 24 AstraZeneca very much like Windows.

1 Q. Are there various servers,
 2 are there separate independent servers
 3 for different departments?
 4 A. No.
 5 Q. What can you tell me about
 6 voice mail for drug safety? Do they use
 7 voice mail?
 8 MR. TORREGROSSA: Objection
 9 to form.
 10 THE WITNESS: Yes.
 11 BY MR. SMITH:
 12 Q. Is it archived?
 13 A. Sorry?
 14 Q. Is voice mail in drug safety
 15 archived in some fashion?
 16 A. No.
 17 Q. Would GDDIS be responsible
 18 for it if it were?
 19 MR. TORREGROSSA: Objection
 20 to form.
 21 BY MR. SMITH:
 22 Q. Strike the question.
 23 What responsibilities does
 24 GDDIS have for voice mail pertaining to

1 separate questions.
 2 Do they exist?
 3 MR. TORREGROSSA: Objection
 4 to form and also to the scope to
 5 the extent it's calling for legal
 6 retention testimony.
 7 Go ahead.
 8 BY MR. SMITH:
 9 Q. I'm not asking you for
 10 anything your lawyers told you. I just
 11 want to know if the old voice mails,
 12 after 10 days, if they exist?
 13 MR. TORREGROSSA: Same
 14 objections.
 15 Go ahead.
 16 THE WITNESS: No.
 17 BY MR. SMITH:
 18 Q. I just want to follow up on
 19 a question I asked you yesterday.
 20 My understanding is that you
 21 don't have a job description, a
 22 description of your objectives or a
 23 performance review or any other document
 24 that would list your job

1 drug safety?
 2 A. None.
 3 Q. Who handles the voice mail?
 4 Who services it?
 5 A. IBM.
 6 Q. Do you know how long voice
 7 mails in drug safety are ordinarily
 8 retained?
 9 A. Ordinarily they would be
 10 retained, the system would retain them
 11 for 10 days.
 12 Q. After 10 days, would they be
 13 archived?
 14 A. No.
 15 Q. Would they be erased?
 16 MR. TORREGROSSA: Objection
 17 to form.
 18 THE WITNESS: They are no
 19 longer retrievable by the owner of
 20 the mailbox or the system
 21 administrator.
 22 BY MR. SMITH:
 23 Q. Are they retrievable by
 24 anybody? Do they exist? That's two

1 responsibilities; is that correct?
 2 MR. TORREGROSSA: Form.
 3 BY MR. SMITH:
 4 Q. Do you want it read back?
 5 A. Yes, please.
 6 - - -
 7 (The court reporter read the
 8 pertinent part of the record.)
 9 - - -
 10 THE WITNESS: No.
 11 BY MR. SMITH:
 12 Q. It's not correct.
 13 How is it incorrect?
 14 A. I have performance reviews
 15 that will have not direct -- not directly
 16 listing every single application that I'm
 17 responsible for, but in general, the role
 18 requires certain activities and
 19 responsibilities, behaviors, so on and so
 20 forth, and those are listed. So I do
 21 have performance review information.
 22 Q. And that will list some
 23 systems or applications that you're
 24 responsible for?

1 A. That will list activities
 2 that I was involved in, maybe systems
 3 listed in there during a particular
 4 performance period.
 5 I also want to say that
 6 there are job descriptions for our
 7 department that list roles and
 8 responsibilities.
 9 Q. Okay. And there would be in
 10 your department a description of your job
 11 roles and responsibilities, is that what
 12 you're saying?
 13 A. The information that you're
 14 referring to is typically held and
 15 maintained by human resources.
 16 Q. But it exists?
 17 A. Yes, yes.
 18 Q. In your meeting request to
 19 your colleagues, did you specifically ask
 20 them not to send or bring you any
 21 documents about their systems?
 22 MR. TORREGROSSA: Don't
 23 answer that. That request was
 24 privileged or at the direction of

1 THE WITNESS: Did I
 2 understand --
 3 BY MR. SMITH:
 4 Q. I hope so.
 5 A. Did I understand the
 6 question correctly?
 7 Q. The question was, did your
 8 lawyer tell you to send a letter to your
 9 colleagues requesting a meeting but
 10 asking them not to send you any or bring
 11 you any documents about their systems?
 12 MR. TORREGROSSA: Don't
 13 answer that. That's privileged,
 14 and that was not the question that
 15 was asked.
 16 MR. SMITH: Well, I think it
 17 was, but we'll let the court
 18 reporter be the arbiter and ask
 19 her to read back the question.
 20 - - -
 21 (The court reporter read the
 22 pertinent part of the record.)
 23 - - -
 24 BY MR. SMITH:

1 counsel.
 2 BY MR. SMITH:
 3 Q. Are you refusing to answer
 4 that question then?
 5 MR. TORREGROSSA: You're
 6 following my instructions.
 7 THE WITNESS: I'm following
 8 my lawyer's instructions not to
 9 answer the question.
 10 BY MR. SMITH:
 11 Q. Did your lawyer tell you to
 12 send such a communication to your
 13 colleagues?
 14 MR. TORREGROSSA: You can
 15 answer that yes or no.
 16 THE WITNESS: No.
 17 MR. SMITH: And Counsel, if
 18 you didn't tell him to do it, then
 19 how is it privileged?
 20 MR. TORREGROSSA: It's my
 21 determination what's privileged.
 22 I met with him. I told him what
 23 to do. It's my determination. I
 24 stand by my instruction.

1 Q. Do you still have the notes
 2 that you made when you met with your
 3 colleagues in preparation for this
 4 deposition?
 5 MR. TORREGROSSA: You can
 6 answer that yes or no.
 7 THE WITNESS: I'm sorry, the
 8 question again, please.
 9 MR. SMITH: Could you read
 10 it back to him.
 11 - - -
 12 (The court reporter read the
 13 pertinent part of the record.)
 14 - - -
 15 THE WITNESS: Yes.
 16 BY MR. SMITH:
 17 Q. Where are they located?
 18 A. They're in my briefcase.
 19 Q. Where is your briefcase?
 20 A. I think I brought that to --
 21 here to Philadelphia.
 22 Q. Where in Philadelphia?
 23 A. DoubleTree Hotel.
 24 MR. SMITH: That's all the

1 questions I have.
 2 MR. TORREGROSSA: Counsel
 3 for Lilly, any questions?
 4 MS. THOMAS: No.
 5 MR. TORREGROSSA: We will
 6 read and sign. We would like to
 7 mark the cross-notices of this
 8 deposition as Draper-12 and ask
 9 the court reporter to put the
 10 state case cross-notices on the
 11 caption.
 12 COURT REPORTER: All of
 13 them?
 14 MR. TORREGROSSA: Please.
 15 And we would note for the
 16 record that at this time we would
 17 allow other counsel to ask
 18 questions, but Tom Mellon from the
 19 Scheller firm is not here, nor are
 20 any other counsel.
 21 MR. SMITH: When I say
 22 that's all the questions I have at
 23 this time, I'm not concluding the
 24 deposition, I'm suspending the

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 ANN MARIE MITCHELL, a Federally Approved
 12 Certified Realtime Reporter, Registered
 13 Diplomate Reporter and Notary Public
 14 Dated: May 21, 2007

15 (The foregoing certification
 16 of this transcript does not apply to any
 17 reproduction of the same by any means,
 18 unless under the direct control and/or
 19 supervision of the certifying reporter.)
 20
 21
 22
 23
 24

1 deposition, because I think we're
 2 going to have some matters to take
 3 up with the magistrate.
 4 MR. TORREGROSSA: And of
 5 course our position is this
 6 deposition is closed.
 7 - - -
 8 (Deposition Exhibit No.
 9 Draper-12, Packet of
 10 Cross-Notices, was marked for
 11 identification.)
 12 - - -
 13 (Deposition adjourned at
 14 approximately 1:42 p.m.)
 15 - - -
 16
 17
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 20
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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
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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, 261 - 428, 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 DARRYL DRAPER 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