

EXHIBIT 25

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

Docket No. 6:06-MD-1769-Orl-22DAB

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IN RE: :
SEROQUEL PRODUCTS LIABILITY :
LITIGATION : Orlando, Florida
MDL DOCKET No. 1769 : August 22, 2007
: 1:30 p.m.
ALL CASES :
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TRANSCRIPT OF PRETRIAL CONFERENCE
BEFORE THE HONORABLE DAVID A. BAKER
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For The Plaintiffs: Larry M. Roth
Scott Allen
F. Kenneth Bailey
Camp Bailey
E. Ashley Cranford
Dennis Canty
Lawrence Gornick
Glenn Kramer
Fletch Trammell
Holly Wheeler
Angela Nixon
Robert Cowen
Gail Pearson

1 For the Defendant

2 AstraZeneca: Fred Magaziner

3 Stephen J. McConnell

4 James Freebery

5 Robert Ciotti

6 Liz Balakhani

7

8 ALSO PRESENT: Orran Brown, Special Master

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10 Court Reporter: Sandra K. Tremel

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12 Proceedings recorded by mechanical stenography, transcript

13 produced by computer-aided transcription.

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1 right now, today, and this week without all the documents
2 we need. And now we're going to build in --

3 THE COURT: You're talking about the marketing
4 materials and the --

5 MR. GORNICK: And the training materials --

6 THE COURT: Yes.

7 MR. GORNICK: -- and all that stuff.

8 THE COURT: But you've gotten some of that. You
9 had access to --

10 MR. GORNICK: We have some. We definitely have
11 some. And I'm worried that not having that stuff -- and
12 some of this doesn't have to do with technical reps. Some
13 of it we just don't have categories. We still don't have
14 voice mails. We still don't have that fax attachments.
15 We still don't have track change documents. The document
16 they put into evidence the last time --

17 THE COURT: Well, I'm going to deal with all
18 that in September.

19 MR. GORNICK: Okay. I understand. And we'll
20 move to case specific discovery. Mr. Canty has a
21 situation that hasn't arisen yet and he's prepared to
22 explain that.

23 MR. CANTY: Thank you, Your Honor.

24 I guess point by point, first, with respect to case
25 specific disclosures that are ongoing and ongoing

1 deficiencies in those disclosures, on July 27th you
2 ordered and defendants agreed that there would be a
3 production of the disclosure materials in the electronic
4 format in which they were maintained by the defendants,
5 manipulable, searchable and it's not happening.

6 On August 6, they made the September disclosures in
7 the same format that they made them before. And despite
8 meet and confer efforts following that, they remain -- the
9 September disclosures are without the electronic Excel
10 files that the defendants are maintaining.

11 Further, the -- and this is the kind of thing that
12 we're getting as far as the IMS data and this is, you
13 know, virtually illegible for someone particularly like
14 somebody I'm trying to take a deposition but also
15 incomplete. There are various forms -- various kinds of
16 data that are available to this sales representative
17 detailing the positions among them, not just Seroquel
18 prescription, total Seroquel prescriptions, new Seroquel
19 prescriptions and the same prescriptions for the other
20 atypical anti-psychotics on the market and those materials
21 just aren't being provided.

22 And that's one point I think it probably should be a
23 response and then I'll continue.

24 MR. MAGAZINER: With regard to electronic, as I
25 understand it, and this is being handled by Fabian,

1 Benson -- maybe Mr. Freebery knows something about this.
2 No? It's handled by Fabian, Benson. This is the first
3 I've heard that there was a problem.

4 As far as I know, we are giving them in electronic
5 for the call notes. Mr. Canty says they're not --
6 Mr. Canty says he's only receiving hard copies. That's
7 news to me.

8 May I address Mr. Canty directly, Your Honor, try to
9 figure out what the problem is?

10 THE COURT: No. I'll tell you how we're going
11 to deal with this issue. Let's wait until you finish the
12 August depositions and you can have a -- if there's -- you
13 can flesh this out in your meet and confer. And then if
14 plaintiffs need to file a motion to compel after that,
15 I'll hear it in our September conference.

16 MR. CANTY: If I may, Your Honor, there are a
17 number of things that are supposed to be -- that are going
18 to be triggered from the production of those disclosures.
19 It's going to be -- we're going to have to designate a
20 sales representative.

21 Now, we can't -- if we have the proper electronic
22 form, we can search the data, we can sort it, we can sort
23 it by, for example, sales representative by date and make
24 an assessment as to which sales rep it is that we want,
25 then we disclose a sales rep for them to find. And if

1 that sales rep is a former employee, they have to go
2 subpoena that person, possibly, if they don't make an
3 offer of representation.

4 THE COURT: Let me back off what I just said.
5 I'll say this, that this is -- I didn't think this would
6 be an issue, but I anticipated it might be.

7 It's a -- this is a -- the whole case specific
8 scheduling for each month is a difficult and delicate
9 dance for each side to pick your plaintiffs, pick your
10 doctor, pick your sales rep and make sure you got the
11 relevant documents and has to happen very fast in
12 sequence. And you need to have the information -- enough
13 information to pick the sales rep you think you want, just
14 as defendants need to figure out which doctor they want so
15 that you can get these people onto a calendar.

16 So I'm going to dump this on to Mr. Brown as to
17 whether if you think you're not getting the documentation
18 you need to make your designation timely, you take it up
19 with the PMO in a specific case and he will bash heads and
20 resolve it. And if he needs to get an order, he can get
21 an order.

22 And if he thinks you've got enough information for
23 you to proceed, you proceed. And the whole point of
24 having the PMO is that you can do this fast enough so that
25 we don't end up running these things out beyond the end of

1 the month.

2 And, like I say, I recognize it's just a whole lot of
3 things have to happen one right after the other. So
4 everybody has to be proceeding on that basis and that's
5 why we'll have -- that'll be a more substantive portion of
6 the PMO's undertaking and simply scheduling and telling
7 doctors to do what doctors don't like to do, just listen
8 to lawyers.

9 And if that's not working, I'll find out about it
10 from Mr. Brown in his next report.

11 What else have you got?

12 MR. CANTY: One other issue, Your Honor, is --
13 and I'll try and fuss with my electronics here a little
14 bit at the same time, too -- but it's an issue that isn't
15 contemplated by CMO4 and it isn't something that's been
16 before the Court yet but it's something that we're
17 probably going to see a lot of and that is, CMO4
18 contemplates a situation where plaintiff has gone to one
19 physician, perhaps a psychiatrist, got a prescription for
20 Seroquel and then perhaps received treatment for the
21 resulting injuries from a different physician, more
22 typically a general practitioner or a PCP, a primary care
23 physician.

24 CMO4 has ordered disclosures of -- related to those
25 prescribing physicians, and particularly the prescribing