

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____ )	
IN RE NEURONTIN MARKETING, SALES )	
PRACTICES, AND PRODUCTS LIABILITY )	
LITIGATION )	MDL Docket No. 1629
_____ )	Master File No. 04-10981
)	
THIS ORDER RELATES TO: )	Judge Patti B. Saris
)	Mag. Judge Leo T. Sorokin
Feyer v. Pfizer 05cv11035-PBS )	
_____ )	

ORDER REGARDING MOTION TO DISMISS AS A SANCTION

October 19, 2010

SOROKIN, M.J.

One relevant fact is beyond dispute: the suicide note produced in discovery by Shanana Feyer had been altered deliberately. Pfizer discovered this alteration when it obtained a copy of the note from the Sheriff and now seeks dismissal as a sanction. See Aoude v. Mobil Oil, 892 F.2d 1115, 1118 (1<sup>st</sup> Cir. 1989). Plaintiff opposes the motion asserting that: Ms. Feyer testified at her deposition to a lack of knowledge of the alteration; Defendants have not established Ms. Feyer’s knowledge of or participation in the alteration, by clear and convincing evidence; and the alteration was performed by her now deceased mother without Ms. Feyer’s knowledge for a purpose other than influencing this lawsuit.

In light of the serious nature of the charge of fraud on the Court and after a careful review of the parties’ submissions, the Court requests some limited supplemental information. The parties shall submit a complete copy of Ms. Feyer’s deposition (preferably in the condensed version in which four deposition pages appear on one page, if practicable), the date of death for

Ms. Feyer's mother and citation to the evidence, if any, concerning the possession of the suicide note between the time Ms. Feyer stated her mother took possession of the note from the Sheriff until the time that Ms. Feyer's mother-in-law states she took possession of the note. These supplemental submissions are due by October 25, 2010. Thereafter, the Court may have an evidentiary hearing. The defendants may depose Ms. Hill and Ms. Schread. Defendants shall indicate in the supplemental submission whether they intend to take these depositions.

SO ORDERED.

/s/ Leo T. Sorokin  
LEO T. SOROKIN  
United States Magistrate Judge