

# **EXHIBIT A**

1 Q. And why is it that those numbers may vary  
2 depending on the individual?

3 MS. BEN-AMI: Objection, expert testimony.

4 THE WITNESS: I don't know the answer to  
5 that for sure. Many of these patients have multiple  
6 other illnesses as well, which may influence their  
7 hematocrit, their blood volumes, their performance  
8 status, the function of their end organ like the  
9 heart, et cetera, so that arbitrary numbers don't  
10 always predict accurately what the status of the  
11 patient's response is.

12 BY MR. MADRID:

13 Q. If we can take a look at Page 334 of this  
14 letter, which would be the next page, there's a  
15 sentence in this longer paragraph that carries over  
16 from the previous page that reads, the hope is that  
17 epo can be given to patients with chronic kidney  
18 disease, open paren, like the hormone insulin is  
19 given to diabetics, helping them to utilize sugar,  
20 closed paren, so that their anemia can be either  
21 improved or cured altogether.

22 Do you see that?

23 A. Yes.

24 Q. Now, before initiating your three-patient

1 urinary epo experiment, did you have any hopes as to  
2 what that experiment would do for the three patients  
3 that were involved in the study?

4 A. Yes.

5 Q. And what were those hopes?

6 A. Those hopes were that there would be  
7 significant response of the hematocrit, and in  
8 tandem with that would be an improvement in the  
9 patient's quality of life and would spare them the  
10 need for repetitive blood transfusions.

11 Q. Do you know whether or not those hopes  
12 were fulfilled by the study for those three  
13 patients?

14 A. Again, we will refer to the two parameters  
15 that we talk about. The clinical parameters were  
16 not fulfilled in terms of sustained significant  
17 laboratory change, and there was no significant  
18 clinical improvement in terms of performance of  
19 these patients.

20 Q. Was there -- what was their response in  
21 the way of hematocrit, the three patients in the  
22 urinary epo study?

23 A. I would have to go through the details  
24 that we've done before. I think we've explicated

OBS:  
702, expert  
testimony

OBS:  
702, expert  
testimony

OBS:  
702,  
expert  
testimony