

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
AMGEN INC.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	CIVIL ACTION No.: 05-CV-12237WGY
F. HOFFMANN-LA ROCHE LTD;	)	
ROCHE DIAGNOSTICS GmbH; and	)	
HOFFMANN-LA ROCHE INC.	)	
	)	
Defendants.	)	
_____	)	

**DECLARATION OF ALFRED H. HECKEL IN SUPPORT OF DEFENDANTS' MOTION TO  
PRECLUDE TESTIMONY FROM AMGEN'S BELATEDLY DISCLOSED FACT  
WITNESSES**

I, Alfred H. Heckel, declare under penalty of perjury that:

1. I am an attorney admitted to the Bar of the State of New York and before this Court (*pro hac vice*). I am an attorney at the law firm of Kaye Scholer LLP, counsel for Defendants in the above-referenced case.

2. I make this declaration in support of Defendants' Motion to Preclude Testimony From Amgen's Belatedly Disclosed Fact Witnesses, dated July 13, 2007.

3. Attached hereto as Exhibit A is a true and correct copy of Amgen's Initial Disclosures Pursuant to Fed.R.Civ.P. 26(a)(1), dated November 6, 2006.

4. Attached hereto as Exhibit B is a true and correct copy of Plaintiff Amgen's Supplemental Disclosures Pursuant to Fed.R.Civ.P. 26(a)(1), dated March 8, 2007.

5. Attached hereto as Exhibit C is a true and correct copy of Plaintiff Amgen's Second Supplemental Disclosures Pursuant to Fed.R.Civ.P. 26(a)(1), dated May 7, 2007.

6. Attached hereto as Exhibit D is a true and correct copy of Plaintiff Amgen's Third Supplemental Disclosures Pursuant to Fed.R.Civ.P. 26(a)(1), dated July 10, 2007.

7. Attached hereto as Exhibit E is a true and correct copy of a letter from David Madrid to Thomas Fleming, dated July 5, 2007.

Executed this 13<sup>th</sup> day of July 2007 at New York, NY.

/s/ Alfred H. Heckel  
Alfred H. Heckel

#### **CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on the above-referenced date.

/s/ Keith E. Toms  
Keith E. Toms

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