



**Pfizer's Production of Clinical Trial Materials:** Since the last conference, Pfizer has produced additional clinical trial materials and conferred with Plaintiffs' counsel regarding additional inquiries regarding previously-produced clinical trial SAS datasets and codebooks. On July 23, Pfizer produced the SAS general codelist in native format pursuant to Plaintiffs' July 22 request, and on July 25, provided a specific response to the remaining inquiry raised prior to the last conference. Pfizer is working to respond to Plaintiffs' additional inquiries that were communicated on May 30, July 25, and July 26, and is aiming to provide specific responses to these inquiries, as well as produce the clinical trial data requested, by August 15. To the extent Pfizer requires additional time for production, this will be promptly communicated to Plaintiffs.

**Discovery From Plaintiffs:** Plaintiffs have continued to serve original and supplemental Fact Sheets and mandatory disclosures and Pfizer continues to review them, identify any deficiencies to counsel in each case, and identify cases in which Fact Sheets or required documents have not been provided. In addition, in Discovery Pool cases, Plaintiffs have served responses to Pfizer's Requests for Documents and Interrogatories, and Pfizer has been evaluating them and identifying deficiencies to counsel. Pfizer also filed a letter motion with the Court on August 6 requesting relief regarding Plaintiffs' responses and discovery obligations. Pfizer has also begun working with Plaintiffs to schedule depositions of Plaintiffs in the Discovery Pool cases as soon as possible based on completeness of medical records collection, and potentially resolution of certain deficiencies in written discovery responses and document productions by Plaintiffs.

**(b) Updates about related federal cases not yet transferred to this District:**

The parties have continued to systematically tag for transfer by the JPML other related federal cases that have been filed around the country and the JPML has issued Conditional Transfer Orders (“CTOs”) 1 through 36, many of which have been finalized.

There are also six cases that were removed from state court to federal court and are subject to CTOs issued by the JPML. In these cases, Plaintiffs have moved to vacate the applicable CTOs, and the JPML heard motions in five of them on July 31, 2014 (without argument).

**(c) Updates about related state cases:**

There are several related cases pending in various state courts, all in their initial stages of litigation. The cases are identified below:

Case Name, Court, and Judge	Plaintiffs’ Counsel	Number of Plaintiffs	Case Status
<i>Almond, et al. v. Pfizer Inc.</i> , No. 13-C-59, W. Va. Cir. Ct. (McDowell Cty.) Judge Rudolph J. Murensky, II	Richardson, Patrick, Westbrook & Brickman, LLC	40 Plaintiffs	Removed and remanded to state court.
<i>Jackson, et al. v. Pfizer Inc.</i> , No. 1322-CC09218, 22nd Jud. Cir. Ct. of Mo. (St. Louis Cty.) Judge John Garvey	Simmons Browder Gianaris Angelides & Barnerd LLC (“Simmons”)	70 Plaintiffs	Removed and remanded to state court. A scheduling conference was held on June 30, 2014, and a follow-up conference was held on July 31, 2014. The parties are submitting a joint proposed scheduling order this week.
<i>Jennings v. Pfizer Inc.</i> , No. 1422-CC00091, 22nd Jud. Cir. Ct. of Mo. (St. Louis Cty.)	Simmons	94 Plaintiffs	Removed and remanded to state court. Conference not yet set.

Case Name, Court, and Judge	Plaintiffs' Counsel	Number of Plaintiffs	Case Status
<i>Lovett, et al. v. Pfizer Inc.</i> , No. 1422-CC00225, 22nd Jud. Cir. Ct. of Mo. (St. Louis Cty.), Judge John Garvey	Simmons	89 Plaintiffs	Removed and remanded to state court. . A scheduling conference was held on June 30, 2014, and a follow-up conference was held on July 31, 2014. The parties are submitting a joint proposed scheduling order this week.
<i>Davood, et al. v. Pfizer Inc.</i> , No. 1422-CC00463, 22nd Jud. Cir. Ct. of Mo. (St. Louis Cty.)	Goldenberg Heller Antognoli & Rowland, P.C.	13 Plaintiffs	Removed and remanded to state court. Conference not yet set.
<i>Maus v. Pfizer Inc.</i> N.Y. Sup. Ct. 1360862 (Not yet assigned)	Hanly Conroy Bierstein Sheridan Fisher & Hayes LLP ("Hanly Conroy")	1 Plaintiff	Status conference not yet scheduled.
<i>Montgomery v. Pfizer Inc.</i> N.Y. Sup. Ct. 1360863 (Not yet assigned)	Hanly Conroy  Simmons	1 Plaintiff	Status conference not yet scheduled.

**(d) Any issues that the parties wish to raise to the Court, and (e) if the parties have differing views on issues raised to the Court, their respective positions on these issues:**

1. Japanese Label Confidentiality Designation

**Plaintiffs' Position**

Pursuant to paragraph 8 of the protective order adopted in CMO 4 the PSC wrote Pfizer's counsel on July 24, 2014 challenging the confidentiality designation of the Japanese label for Lipitor. Pfizer has 14 business days to respond by either changing the designation or explaining the basis of the designation, making Pfizer's reply due on August 13, 2014. Should Pfizer maintain the designation, the PSC will ask the Court to decide the issue if necessary at the Status Conference.

**Pfizer's Position**

Despite Pfizer's frequent reminders and requests, Plaintiffs' correspondence was not sent to the correct set of counsel in accordance with the provisions of CMO 4, which requires copies to Amanda Kitts, Rachel Passaretti-Wu, and Mara Cusker Gonzalez. Pfizer is currently evaluating this issue, and will respond accordingly in due course. In addition, Pfizer notes that it has repeatedly requested that Plaintiffs not include issues, such as these, on the Joint Status Report that are not yet ripe for discussion with the Court.

2. Plaintiffs' Electronic Discovery

**Plaintiffs' Position**

Plaintiffs object to Pfizer's request that Plaintiffs' counsel in all Early Discovery Pool cases search Plaintiffs hard drives and provide Pfizer with search terms used to search for potentially relevant ESI. Pfizer initially raised this issue in a July 28, 2014 meet and confer with Lopez McHugh concerning discovery responses in the Ponce and Jennings Early Discovery cases. Pfizer extended this request to all Early Discovery Pool Plaintiffs in their letter to the Court of Wednesday, August 6, 2014. Plaintiffs will respond more fully to Pfizer's letter on or before Tuesday, August 12. Pfizer's request is tantamount to re-writing counsel's obligations under Rule 26. The Advisory Committee Notes to Rule 26(g) (requiring counsel's signature on, inter alia, discovery responses) provide that "Rule 26(g) does not require the signing attorney to certify the truthfulness of the client's factual responses to a discovery request. Rather, the signature certifies that the lawyer has made a reasonable effort to assure that the client has provided all the information and documents available to him that are responsive to the discovery demand." Plaintiffs' counsel have informed Pfizer that they have made such reasonable efforts as to each Plaintiffs' ESI.

**Pfizer’s Position**

Pfizer submitted letter briefing on this issue on August 6, 2014 [Dkt 383] after meeting and conferring with members of the PEC and reaching an impasse. It is Pfizer’s position that Plaintiffs’ ESI collection and preservation obligations have not been met, and Plaintiffs’ document productions are deficient for all the reasons stated in its brief. Pfizer is entitled to properly conducted searches and production of Plaintiffs’ ESI discovery such that depositions of Plaintiffs can commence.

3. Motion to Compel Custodial Files

**Plaintiffs’ Position**

Pursuant to paragraph 43 of CMO 4 the PSC filed a letter brief seeking to compel Pfizer to produce four custodial files for which Pfizer has made objections pursuant to the “Apex doctrine.”

**Pfizer’s Position**

As noted above, Pfizer objects to the inclusion of topics that are not ripe for discussion with the Court in that the time for Pfizer to respond to Plaintiffs’ letter brief has not yet run. Pfizer has asked the PSC to refrain from doing this. Indeed, Pfizer’s response to Plaintiffs’ brief is due on August 20, 2014. Moreover, Pfizer has informed the PSC that it intends to meet and confer with them on this issue, and it is possible the parties will not need any intervention from the Court at this time.

4. CMO 14 Discussion

5. Timing of Discovery Responses To Date

**Plaintiffs' Position**

Plaintiffs continue to be concerned about the timing of Pfizer's discovery responses as presented to the Court at the last Status Conference.

**Pfizer's Position**

Pfizer has and will continue to work diligently to meet its discovery obligations and deadlines.

DATED: August 8, 2014

Respectfully submitted,

By: /s/ H. Blair Hahn

H. Blair Hahn

*Plaintiffs' Lead Counsel*

Richardson Patrick Westbrook & Brickman, LLC

1037 Chuck Dawley Blvd., Bldg. A

Mount Pleasant, SC 29464

Telephone: (843) 727-6500

Facsimile: (843) 727-6642

hahn@rpwb.com

Mark Charles Tanenbaum

*Plaintiffs' Liaison Counsel*

P.O. Box 20757

Charleston, SC 29413-0757

Telephone: (843) 577-5100

Facsimile: (843) 722-4688

mark@tanenbaumlaw.com

By: /s/ Mark S. Cheffo

Mark S. Cheffo  
Rachel Passaretti-Wu  
Mara Cusker Gonzalez  
Quinn Emanuel Urquhart & Sullivan, LLP  
51 Madison Avenue  
New York, NY 10010  
Telephone: (212) 849-7000  
Facsimile: (212) 849-7100  
MarkCheffo@quinnemanuel.com  
RachelPassarettiWu@quinnemanuel.com  
MaraCuskerGonzalez@quinnemanuel.com

Michael T. Cole  
Nelson Mullins Riley & Scarborough LLP  
151 Meeting Street/Sixth Floor  
Post Office Box 1806 (29402-1806)  
Charleston, South Carolina 29401  
Telephone: (843) 853-5200  
Facsimile: (843) 722-8700  
mike.cole@nelsonmullins.com

David E. Dukes  
Amanda S. Kitts  
Nelson Mullins Riley & Scarborough LLP  
1320 Main Street / 17th Floor  
Post Office Box 11070 (29211-1070)  
Columbia, SC 29201  
Telephone: (803) 799-2000  
Facsimile: (803) 256-7500  
david.dukes@nelsonmullins.com  
amanda.kitts@nelsonmullins.com

*Counsel for Defendant Pfizer Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that, this 8th day of August, 2014, I have electronically filed a copy of the above and foregoing with Clerk of the Court using the ECF system, which sent notification of such filing to counsel of record.

s/ Rachel Passaretti-Wu