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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10  
11 IN RE INCRETIN-BASED  
12 THERAPIES PRODUCTS  
LIABILITY LITIGATION

13 *As to All Related and Member Cases*

CASE NO. 13md2452-AJB (MDD)

**MDL 2452**

Magistrate: Hon. Mitchell D. Dembin  
Judge: Hon. Anthony J. Battaglia

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17 PROPOUNDING PARTY: Plaintiffs

18 OBJECTING PARTY: Defendant Amylin Pharmaceuticals, LLC

19 SET NUMBER: Requests for Production Set Two/Five  
20 December 13, 2013  
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1 Under Rule 34 of the Federal Rules of Civil Procedure, defendant Amylin  
2 Pharmaceuticals, LLC (“Amylin”) objects to the December 13, 2013 Requests to  
3 Produce (the “Requests”) propounded by Plaintiffs as follows:

4 **PRELIMINARY STATEMENT**

5 Plaintiffs’ discovery requests substantially duplicate the extensive discovery  
6 that has already occurred in this litigation. To the extent that Plaintiffs intend for  
7 these Requests to require Amylin to engage in any further collection and production  
8 effort at this time, Amylin objects on the grounds that (1) such discovery is  
9 unreasonably cumulative, and (2) the burden of any additional collection and  
10 production outweighs the benefit. Fed. R. Civ. P. 26(b)(2)(C).

11 Plaintiffs style their December 13th Requests as “Plaintiffs’ Second Set of  
12 Requests to Produce” even though four previous requests to produce have been  
13 propounded upon Amylin. The first set of requests was propounded on February  
14 21, 2013, and Amylin responded on May 6, 2013 (“*Raesky* First Request for  
15 Production”). The second set of requests was propounded on August 23, 2013, and  
16 Amylin responded on September 26, 2013 (“*Raesky* Second Request for  
17 Production”). The third set of requests was propounded on September 12, 2013,  
18 and Amylin responded on October 3, 2013 (“*Raesky* Third Request for  
19 Production”). All three of these sets were propounded in *Raesky v. Merck & Co.,*  
20 *Inc.*, 13-CV-76-AJB-MD, as part of the coordinated proceeding in *Scott v. Merck &*  
21 *Co., Inc.*, 12-CV-2549-AJB-MDD. Plaintiffs have also propounded two additional,  
22 duplicative sets of Requests to Produce in the MDL. The fourth set of sixteen  
23 requests was propounded on November 22, 2013, styled as “Plaintiffs’ First Set of  
24 Requests to Produce,” and Amylin responded on January 10, 2014 (“November  
25 2013 Set of Requests for Production”). Plaintiffs propounded 152 additional  
26 requests to produce on January 7, 2014, styled as “Plaintiffs’ Third Set of Requests  
27 to Produce.” These objections will refer to these December 13th Requests as the  
28 December 2013 Set of Requests for Production.

1 Amylin objects that Plaintiffs have propounded these and other discovery  
2 requests in an uncoordinated fashion, which is inconsistent with the creation of a  
3 multidistrict litigation proceeding and the appointment of a Plaintiffs' Steering  
4 Committee. Reflecting this lack of coordination, each Request in the December  
5 2013 Set of Requests for Production is subsumed by outstanding requests for  
6 production. The December 2013 Set of Requests for Production asks for no new  
7 information, and it will serve no use purpose for Amylin to serve written responses  
8 to these requests, as Amylin's written responses would simply refer back to  
9 discovery responses that Amylin served months ago.

10 Amylin is willing to meet and confer with Plaintiffs' counsel in order to  
11 create an orderly process for propounding centralized discovery in this litigation.  
12 But until the parties agree on such an orderly, centralized process or one is created  
13 by order of the Court, Amylin will not respond substantively to any further written  
14 discovery requests.

15 All references to "Byetta®" within Amylin's objections shall refer to the  
16 twice-daily injectable prescription medication that was first approved by the Food  
17 and Drug Association as safe and effective on April 28, 2005.

18 All references to "exenatide" (also known as "exendin-4") shall refer to the  
19 39-amino acid synthetic peptide that was originally identified in the lizard  
20 *Heloderma suspectum* and is the active ingredient in Byetta®.

### 21 **GENERAL OBJECTIONS**

22 These general objections (the "General Objections") shall be incorporated  
23 into each of Amylin's objections to each Request set forth below. Amylin's  
24 objections to each Request are submitted without prejudice to, and without in any  
25 respect waiving or intending to waive, the General Objections not expressly set  
26 forth in that objection. Accordingly, the inclusion of any specific objection to a  
27 Request in any objection below is neither intended as, nor shall be deemed to be, a  
28 waiver of the General Objections or of any other specific objection made here or

1 asserted at a later date.

2 Amylin's objections are based on the information currently known to  
3 Amylin. Because Amylin has not concluded its investigation or discovery of the  
4 facts surrounding the Requests, Amylin reserves the right to supplement, amend, or  
5 correct its objections as needed.

6 Amylin has objected to each Request as Amylin understands and interprets  
7 the Request. If Plaintiffs subsequently assert an interpretation of a Request that  
8 differs from that of Amylin, Amylin reserves the right to supplement its objections.

9 Amylin objects to each and every Request on the following grounds:

10 1. Amylin does not adopt Plaintiffs' purported instructions or definitions  
11 of words and phrases contained in the December 2013 Set of Requests for  
12 Production and reserves the right to object to them to the extent they are  
13 inconsistent with the ordinary and customary meaning of such words and phrases.  
14 Likewise, Amylin objects to Plaintiffs' proposed definitions to the extent they  
15 purport to impose any obligations broader than, or inconsistent with, applicable  
16 discovery rules or common law.

17 2. Amylin further objects to each and every Request to the extent it uses  
18 or refers to Plaintiffs' defined term "BYETTA," on the ground that that term is  
19 vague, ambiguous, and overbroad. Amylin construes all references to "Byetta®" to  
20 refer to the twice-daily injectable prescription medication that was first approved by  
21 the FDA as safe and effective on April 28, 2005. To the extent Plaintiffs seek  
22 information about formulations other than Byetta®, Amylin objects on the ground  
23 that such information is not reasonably calculated to lead to the discovery of  
24 admissible evidence, as there is no evidence that Plaintiffs were prescribed a  
25 formulation other than Byetta®.

26 3. Amylin further objects to each and every Request on the grounds that  
27 it is overbroad, unduly burdensome, and not reasonably calculated to lead to the  
28 discovery of admissible evidence. As noted, the December 2013 Set of Requests

1 for Production duplicate information that Amylin has either already produced or has  
2 already been requested in this proceeding. Such requests are prohibited and may be  
3 limited under Federal Rule of Civil Procedure 26(b)(2)(C)(i).

4 4. Amylin further objects to each and every Request to the extent it seeks  
5 production of documents in native form or native format, except as Amylin has  
6 otherwise agreed to produce information in native form or native format.

7 5. Amylin further objects to each and every Request to the extent it  
8 requires Amylin to produce documents that post-date Plaintiffs' use of Byetta®.

9 6. Although Amylin does not construe any of Plaintiffs' Requests to seek  
10 privileged information, it nonetheless further objects to the extent that Plaintiffs  
11 seek privileged information; information prepared in anticipation of litigation,  
12 constituting attorney work product, or disclosing mental impressions, conclusions,  
13 opinions or legal theories of any attorney or other representative of Amylin;  
14 information containing privileged attorney-client communications; and/or  
15 information that is otherwise protected from disclosure under applicable privileges,  
16 laws, or rules, including, but not limited to, the attorney-client privilege, the  
17 attorney work product doctrine, the joint defense and/or common interest  
18 privileges, or similar privileges or protections. Any disclosure of such protected or  
19 privileged information is inadvertent and is not intended to be, and shall not operate  
20 as, a waiver of any privileges or protections, nor is such inadvertent disclosure or  
21 production intended to be, nor shall it constitute a waiver of the right to object to  
22 any use of such response, document, or of the information contained therein.

23 7. Amylin further objects to each and every Request to the extent it seeks  
24 information or documents that are: (a) in the possession, custody or control of  
25 Plaintiffs; (b) publicly available; or (c) equally available and/or as readily  
26 accessible to Plaintiffs as to Amylin.

27 8. Amylin further objects to each and every Request to the extent it  
28 requests Amylin to produce documents or data using the "format" conventions set

1 forth in Plaintiffs' Requests. The parties have been discussing a protocol for  
2 Electronically Stored Information that will cover future production and Amylin will  
3 continue to meet and confer. In particular, Amylin objects to the extent that  
4 Plaintiffs seeks the wholesale production of company databases. If applied  
5 uniformly without exception, Plaintiffs' prescribed production and database formats  
6 would cause Amylin undue and unjustified burden and expense.

7 9. Amylin also objects to each and every Request to the extent that  
8 Plaintiffs seek confidential, proprietary and/or trade secret information, the  
9 disclosure of which would unduly and improperly invade Amylin's protected  
10 rights. Any production of relevant material pursuant to these Requests will be  
11 subject to applicable protective orders.

12 10. Amylin further objects to each and every Request as overly broad and  
13 unduly burdensome to the extent it calls for the identification of all documents,  
14 individuals, information, as well as any and/or every document, individual, piece of  
15 information when all relevant facts can be obtained from fewer than "all"  
16 documents or "any" document. Read literally, such a Request is harassing,  
17 overbroad, unduly burdensome, and not reasonably calculated to lead to the  
18 discovery of admissible evidence.

19 11. Amylin further objects to each and every Request as overly broad and  
20 unduly burdensome to the extent that it is duplicative of the deposition notices for  
21 testimony pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure that  
22 Plaintiffs have also served on Amylin in this action.

23 12. Amylin further objects to each and every Request to the extent it seeks  
24 information that, if disclosed, would unduly and improperly invade the protected  
25 privacy rights of Amylin and/or third-party non-litigants.

26 13. Amylin further objects to each and every Request to the extent it is  
27 improperly compound, conjunctive, disjunctive, and/or cumulative of other requests  
28 or interrogatories.

1           14. Amylin further objects to each and every Request to the extent it  
2 purports to impose obligations different from, or in excess of, those set forth in the  
3 Federal Rules of Civil Procedure and Case Management Orders issued in this case.  
4 Amylin's objections are made pursuant to, and as limited by, the Federal Rules and  
5 applicable Case Management Orders.

6           15. Amylin further objects to each and every Request to the extent it  
7 requests that Amylin produce or provide documents, data, or information relating to  
8 foreign entities or countries outside of the United States. Such information is  
9 irrelevant to the claims and defenses of the parties in this case, and Requests for  
10 such information are not reasonably calculated to lead to the discovery of  
11 admissible evidence. This case involved events that occurred in the United States.  
12 Responding to these Requests would cause Amylin undue and unjustified burden  
13 and expense.

14           16. Amylin further objects to each and every Request to the extent it seeks  
15 the production of documents that are not "reasonably accessible" as defined by  
16 Federal Rule of Civil Procedure 26(b)(2)(B).

17           17. Amylin further objects to each and every Request to the extent it seeks  
18 cumulative evidence, including asking a witness to reiterate policy or information  
19 Plaintiffs already possess in the form of prior depositions or documentary evidence.  
20 Amylin will not reproduce that evidence during the deposition and refers Plaintiffs  
21 to previous productions and depositions. *See* Rule 26(b)(2)(C).

22           18. Amylin further objects to any asserted requirement to provide  
23 information that is not known or knowable to Amylin or its corporate affiliates.

24           19. Amylin further objects that Plaintiffs have propounded these and other  
25 discovery requests in an uncoordinated fashion, which is inconsistent with the  
26 creation of a multidistrict litigation proceeding and the appointment of a Plaintiffs'  
27 Steering Committee. Amylin is willing to meet and confer with Plaintiffs' counsel  
28 in order to create an orderly process for propounding centralized discovery in this

1 litigation. But until the parties agree on such an orderly, centralized process or one  
2 is created by order of the Court, Amylin will not respond substantively to any  
3 further written discovery requests.

4 The foregoing objections are made without in any way waiving or intending  
5 to waive, but, instead, preserving: (a) the right to raise in any subsequent  
6 proceeding or in the trial of this or any other action all questions of authenticity,  
7 foundation, relevancy, materiality, privilege, and evidentiary admissibility of any  
8 information or document provided or identified in these objections; (b) the right to  
9 object on any ground to the use or introduction into evidence of any information or  
10 document in any subsequent proceeding or in the trial of this or any other action on  
11 any ground; and (c) the right to object on any ground at any time to additional  
12 discovery.

### 13 **SPECIFIC OBJECTIONS**

#### 14 **REQUEST NO. 1:**

15 Produce in electronic format complete copies of all Databases that YOU  
16 use(d) to track, trend, or record information regarding any ADVERSE EVENT that  
17 YOU associated with BYETTA, and attach source and other related documentation.  
18 This request includes, to the extent that the databases incorporate this information,  
19 any and all information regarding the nature and type of ADVERSE EVENTS;  
20 when they were received by YOU; what action YOU took in response to the  
21 ADVERSE EVENTS; who YOU contacted or communicated with regarding the  
22 ADVERSE EVENTS; any follow-up efforts or investigation YOU made to obtain  
23 further information regarding the ADVERSE EVENTS; if and when YOU and the  
24 Food and Drug Administration (“FDA”) communicated regarding the ADVERSE  
25 EVENTS; whether the ADVERSE EVENT was in the form of a Medwatch Report,  
26 communication from a medical provider or consumer, an ADVERSE EVENT  
27 REPORT (“AER”) or other form; what YOUR conclusions were as to each  
28 ADVERSE EVENT; and the current status or final disposition of the ADVERSE

1 EVENT or REPORTABLE EVENT.

2 **OBJECTIONS TO REQUEST NO. 1:**

3 In addition to the General Objections, Amylin objects to this Request to the  
4 extent that Plaintiffs seek the wholesale production of company databases. If  
5 applied uniformly and without exception, Plaintiffs' prescribed production and  
6 database formats would cause Amylin undue and unjustified burden and expense.

7 Amylin further objects to this Request on the grounds that it is overbroad,  
8 unduly burdensome, and not reasonably calculated to lead to admissible evidence,  
9 including to the extent the Request seeks documents relating to injuries other than  
10 the injuries alleged by Plaintiffs in this action; to the extent it seeks "any and all  
11 correspondence" without limitation to scope or time; to the extent it seeks  
12 "attachments, data and articles" without limitation to subject matter, scope or time;  
13 and to the extent it seeks documents relating to consumers other than Plaintiffs.

14 Amylin further objects to this Request to the extent it seeks information  
15 protected by the attorney-client privilege, attorney work product doctrine, and/or  
16 joint defense privilege, and confidential proprietary and/or trade secret information.  
17 Amylin further objects to this Request to the extent it seeks confidential patient or  
18 reporter information that is protected under applicable law.

19 Amylin further objects to this Request on the ground that it seeks information  
20 outside of Amylin's custody and control. Amylin can only respond as to  
21 documents within its custody or control and cannot purport to provide documents  
22 maintained by other Defendants or third parties.

23 Amylin further objects that Plaintiffs have propounded these and other  
24 discovery requests in an uncoordinated fashion, which is inconsistent with the  
25 creation of a multidistrict litigation proceeding and the appointment of a Plaintiffs'  
26 Steering Committee. Amylin is willing to meet and confer with Plaintiffs' counsel  
27 in order to create an orderly process for propounding centralized discovery in this  
28 litigation. But until the parties agree on such an orderly, centralized process or one

1 is created by order of the Court, Amylin will not respond substantively to any  
2 further written discovery requests.

3 Amylin further objects to this request as unduly duplicative and cumulative  
4 of Plaintiffs' prior requests, including *Raesky* First Request for Production Nos. 1,  
5 2, 34, 35, 38, 39, 51, 52, 53, 54, 55, and 56, and the set of interrogatories  
6 propounded by Plaintiffs on February 21, 2013 ("*Raesky* First Set of  
7 Interrogatories") Nos. 11, 27, 39, 40, and 45.

8 **REQUEST NO. 2:**

9 Produce copies of each file that YOU established and maintained in response  
10 to each individual ADVERSE EVENT (commonly known as Adverse Event Report  
11 event files, source files, backup files, or any other files containing source  
12 documentation related to ADVERSE EVENTS) for BYETTA, including all  
13 DOCUMENTS and ESI contained therein EVIDENCING or RELATING to any  
14 and all information in YOUR possession, or references to information in YOUR  
15 possession related to the underlying ADVERSE EVENT, including what attempts,  
16 if any, YOU made to communicate with anyone, including, but not limited to health  
17 care providers, consumers, sales reps or person/entity who reported the AER, to  
18 gather further information regarding the ADVERSE EVENT, any analysis,  
19 investigation, internal communications, follow-up efforts, or evaluation YOU  
20 conducted, YOUR deliberations and decision-making processes used to determine  
21 whether the ADVERSE EVENT was or was not a REPORTABLE EVENT, related  
22 or unrelated, listed or not listed, associated or caused by BYETTA; any  
23 investigations YOU conducted to determine the cause of the event, and copies of all  
24 ADVERSE EVENT forms, including supplemental reports, MedWatch Reports,  
25 and other information submitted to the food and drug administration.

26 **OBJECTIONS TO REQUEST NO. 2:**

27 In addition to the General Objections, Amylin objects to the requests as  
28 overly broad and unduly burdensome to the extent it calls for "source files, backup

1 files, or any other files,” when all relevant facts can be obtained from fewer than  
2 “all” documents or “any” documents. Read literally, such a Request is harassing,  
3 overbroad, unduly burdensome, and not reasonably calculated to lead to the  
4 discovery of admissible evidence.

5 Amylin further objects that this Request is not limited to adverse event  
6 reports that relate to the injuries alleged by Plaintiffs.

7 Amylin further objects to this Request to the extent it seeks information  
8 protected by the attorney-client privilege, attorney work product doctrine, and/or  
9 joint defense privilege, and confidential proprietary and/or trade secret information.

10 Amylin further objects to this Request to the extent it seeks confidential patient or  
11 reporter information that is protected under applicable law.

12 Amylin further objects that Plaintiffs have propounded these and other  
13 discovery requests in an uncoordinated fashion, which is inconsistent with the  
14 creation of a multidistrict litigation proceeding and the appointment of a Plaintiffs’  
15 Steering Committee. Amylin is willing to meet and confer with Plaintiffs’ counsel  
16 in order to create an orderly process for propounding centralized discovery in this  
17 litigation. But until the parties agree on such an orderly, centralized process or one  
18 is created by order of the Court, Amylin will not respond substantively to any  
19 further written discovery requests.

20 Amylin further objects to this request as unduly duplicative and cumulative  
21 of Plaintiffs’ prior requests, including *Raesky* First Request for Production Nos. 1,  
22 2, 17, 35, 38, 39, 52, 53, 54, 55, and 56, and *Raesky* First Set of Interrogatories Nos.  
23 11 and 27.

24 **REQUEST NO. 3:**

25 To the extent not produced in response to the preceding request for  
26 production, produce all DOCUMENTS AND ESI EVIDENCING and/or  
27 RELATING to the following: any and all ADVERSE EVENTS YOU became  
28 aware of for BYETTA, including what the ADVERSE EVENTS consisted of, and

1 when they were received by YOU; what action YOU took, if any, in response to  
2 each ADVERSE EVENT regarding BYETTA including any attempts to obtain  
3 further information from the health care providers who treated the person whom  
4 was allegedly injured by the drug; any communications YOU made or received  
5 regarding each ADVERSE EVENT for BYETTA, including internal  
6 communications; the results of any investigations regarding each ADVERSE  
7 EVENT for BYETTA and/or the basis for the decision to not investigate; and what  
8 YOUR conclusions were as to each ADVERSE EVENT; and the current status or  
9 final disposition of the ADVERSE EVENT.

10 **OBJECTIONS TO REQUEST NO. 3:**

11 In addition to the General Objections, Amylin objects to the requests as  
12 overly broad and unduly burdensome to the extent it calls for documents regarding  
13 “any and all adverse events you became aware of for Byetta,” without limitation to  
14 scope, time , or subject matter. Read literally, such a Request is harassing,  
15 overbroad, unduly burdensome, and not reasonably calculated to lead to the  
16 discovery of admissible evidence.

17 Amylin further objects to this Request to the extent it seeks information  
18 protected by the attorney-client privilege, attorney work product doctrine, and/or  
19 joint defense privilege, and confidential proprietary and/or trade secret information.  
20 Amylin further objects to this Request to the extent it seeks confidential patient or  
21 reporter information that is protected under applicable law.

22 Amylin further objects that this Request is not limited to adverse event  
23 reports that relate to the injuries alleged by Plaintiffs.

24 Amylin further objects to this Request on the ground that it seeks information  
25 outside of Amylin’s custody and control. Amylin can only respond as to  
26 documents within its custody or control and cannot purport to provide documents  
27 maintained by other Defendants or third parties.

28 Amylin further objects that Plaintiffs have propounded these and other

1 discovery requests in an uncoordinated fashion, which is inconsistent with the  
2 creation of a multidistrict litigation proceeding and the appointment of a Plaintiffs'  
3 Steering Committee. Amylin is willing to meet and confer with Plaintiffs' counsel  
4 in order to create an orderly process for propounding centralized discovery in this  
5 litigation. But until the parties agree on such an orderly, centralized process or one  
6 is created by order of the Court, Amylin will not respond substantively to any  
7 further written discovery requests.

8 Amylin further objects to this request as unduly duplicative and cumulative  
9 of Plaintiffs' prior requests, including *Raesky* First Request for Production Nos. 1,  
10 2, 35, 38, 39, 52, 53, 54, 55, and 56, and *Raesky* First Set of Interrogatories Nos. 11,  
11 39, 40, and 45.

12 **REQUEST NO. 4:**

13 Produce all DOCUMENTS AND ESI EVIDENCING or RELATING to any  
14 ADVERSE EVENTS you received related to any PLAINTIFF in this matter,  
15 including all DOCUMENTS and ESI EVIDENCING or RELATING to what the  
16 ADVERSE EVENT consisted of; when it was received by YOU; what action YOU  
17 took in response to the ADVERSE EVENT; any and all communications YOU  
18 made or received regarding the ADVERSE EVENT, including internal  
19 communications; any follow-up efforts YOU made to obtain further information  
20 regarding the ADVERSE EVENT; whether and on what basis YOU decided to not  
21 investigate; whether the ADVERSE EVENT was in the form of a Medwatch  
22 Report, communication from a medical provider or consumer, an adverse event  
23 report or other form; what YOUR conclusions were as to the ADVERSE EVENT;  
24 and the current status or final disposition of the ADVERSE EVENT.

25 **OBJECTIONS TO REQUEST NO. 4:**

26 In addition to the General Objections, Amylin objects to this Request to the  
27 extent it seeks information protected by the attorney-client privilege, attorney work  
28 product doctrine, and/or joint defense privilege, and confidential proprietary and/or

1 trade secret information. Amylin further objects to this Request to the extent it  
2 seeks confidential patient or reporter information that is protected under applicable  
3 law.

4 Amylin further objects to this request on the grounds that it is overbroad,  
5 unduly burdensome, and not reasonably calculated to lead to admissible evidence,  
6 including to the extent the Request seeks documents relating to injuries other than  
7 the injuries alleged by Plaintiffs in this action, to the extent that it seeks documents  
8 and communications regarding “any adverse events” without limitation to scope or  
9 time, and to the extent it seeks documents relating to consumers other than  
10 Plaintiffs.

11 Amylin further objects to Plaintiffs’ attempt to circumvent this Court’s case  
12 management orders by seeking plaintiff-specific discovery outside of the process  
13 for seeking plaintiff-specific discovery set forth in this Court’s applicable case  
14 management orders. Amylin further objects to this Request to the extent it seeks  
15 confidential patient or reporter information that is protected under applicable law

16 Amylin further objects to the extent that plaintiffs seek confidential,  
17 proprietary and/or trade secret information, the disclosure of which would unduly  
18 and improperly invade Amylin’s protected rights. Any production of relevant  
19 material pursuant to these requests will be subject to applicable protective orders.  
20 Amylin further objects to this Request to the extent it seeks confidential patient or  
21 reporter information that is protected under applicable law.

22 Amylin further objects to this Request to the extent that it seeks information  
23 that is not reasonably calculated to lead to the discovery of admissible evidence in  
24 this Litigation, which as it applies to Amylin, only concerns claims related to  
25 Byetta®. Amylin specifically objects to searching for or producing documents  
26 related to drugs other than Byetta® except where such documents are also relevant  
27 to Byetta®.

28 Amylin further objects to this request as unduly duplicative and cumulative

1 of Plaintiffs' prior requests, including *Raesky* First Request for Production Nos. 1,  
2 2, 35, 38, 29, 52, 53, 54, 55, and 56, and *Raesky* First Set of Interrogatories Nos. 11,  
3 39, 40, and 45.

4 **REQUEST NO. 5:**

5 To the extent not produced in response to the preceding request for  
6 production, produce all DOCUMENTS AND ESI EVIDENCING or RELATING to  
7 the following information for each individual REPORTABLE EVENT for BYETTA:

- 8 a. any information in YOUR possession or references to  
9 information in YOUR possession related to the REPORTABLE  
10 EVENT;
- 11 b. any attempts YOU made to communicate with anyone to gather  
12 further information regarding the ADVERSE EVENT;
- 13 c. any communications YOU made or received, including internal  
14 communications, regarding the REPORTABLE EVENT;
- 15 d. YOUR deliberations and decision-making processes used to  
16 determine whether the ADVERSE EVENT was or was not a  
17 REPORTABLE EVENT;
- 18 e. any investigations YOU conducted to determine the cause of the  
19 event;
- 20 f. any action YOU took as a result of the REPORTABLE EVENT  
21 to prevent recurrence of the REPORTABLE EVENT;
- 22 g. experts and/or consultants whom YOU contacted regarding the  
23 ADVERSE EVENT;
- 24 h. copies of all adverse event report forms, including supplemental  
25 reports, and other information submitted to the FDA;
- 26 i. analysis of nature, severity and frequency of the ADVERSE  
27 EVENT;
- 28 j. reporting rates analysis and trending of the ADVERSE EVENT.

1 **OBJECTIONS TO REQUEST NO. 5:**

2 In addition to the General Objections, Amylin objects to this Request to the  
3 extent it seeks information protected by the attorney-client privilege, attorney work  
4 product doctrine, and/or joint defense privilege, and confidential proprietary and/or  
5 trade secret information. Amylin further objects to this Request to the extent it  
6 seeks confidential patient or reporter information that is protected under applicable  
7 law.

8 Amylin further objects to the extent that plaintiffs seek confidential,  
9 proprietary and/or trade secret information, the disclosure of which would unduly  
10 and improperly invade Amylin’s protected rights. Any production of relevant  
11 material pursuant to these requests will be subject to applicable protective orders.  
12 Amylin further objects to this Request to the extent it seeks confidential patient or  
13 reporter information that is protected under applicable law.

14 Amylin further objects that this Request is not limited to adverse event  
15 reports that relate to the injuries alleged by Plaintiffs.

16 Amylin further objects to this request on the grounds that it is overbroad,  
17 unduly burdensome, and not reasonably calculated to lead to admissible evidence,  
18 including to the extent the Request seeks documents relating to “each individual  
19 reportable event for BYETTA” without limitation to scope or time, and to the  
20 extent it seeks documents relating to consumers other than Plaintiffs.

21 Amylin further objects to this request as unduly duplicative and cumulative  
22 of Plaintiffs’ prior requests, including *Raesky* First Request for Production Nos. 1,  
23 2, 17, 34, 35, 38, 39, 52, 53, 54, 55, 56, and 57, and *Raesky* First Set of  
24 Interrogatories Nos. 5, 27, 39, 40, and 45.

25 **REQUEST NO. 6:**

26 Produce all DOCUMENTS AND ESI EVIDENCING or Relating to any  
27 request by the Food and Drug Administration for YOU to conduct post-market  
28 surveillance of BYETTA; and any plans, reports, or other information YOU

1 submitted to the Food and Drug Administration in response.

2 **OBJECTIONS TO REQUEST NO. 6:**

3 In addition to the General Objections, Amylin objects to this Request as  
4 vague and ambiguous, including the terms “request” and “plans, reports, or other  
5 information.”

6 Amylin further objects to this Request on the ground that it seeks information  
7 outside of Amylin’s custody and control. Amylin can only respond as to  
8 documents within its custody or control and cannot purport to provide documents  
9 maintained by other Defendants or third parties, including documents submitted on  
10 Amylin’s behalf but not submitted by Amylin. Amylin further objects to the  
11 Request as vague and ambiguous, including the term “scientific journal,” which  
12 covers an unreasonably expansive number of publications.

13 Amylin further objects that this Request is overbroad and not reasonably  
14 calculated to lead to the discovery of admissible evidence, and that it is not tailored  
15 to focus on the types of “post-market surveillance” concerning the types of events  
16 alleged by Plaintiffs.

17 Amylin further objects that Plaintiffs have propounded these and other  
18 discovery requests in an uncoordinated fashion, which is inconsistent with the  
19 creation of a multidistrict litigation proceeding and the appointment of a Plaintiffs’  
20 Steering Committee. Amylin is willing to meet and confer with Plaintiffs’ counsel  
21 in order to create an orderly process for propounding centralized discovery in this  
22 litigation. But until the parties agree on such an orderly, centralized process or one  
23 is created by order of the Court, Amylin will not respond substantively to any  
24 further written discovery requests.

25 Amylin further objects to this request as unduly duplicative and cumulative  
26 of Plaintiffs’ prior requests, including *Raesky* First Request for Production Nos. 1,  
27 2, 17, 33, 45, 46, 51, 53, and 57; *Raesky* Second Request for Production No. 6;  
28 *Raesky* Third Request for Production No. 12; and *Raesky* First Set of

1 Interrogatories No. 27.

2 **REQUEST NO. 7:**

3 Produce all DOCUMENTS AND ESI EVIDENCING or referring to any and  
4 all data analysis or trends of adverse events that were reported to, or conducted by,  
5 YOU regarding BYETTA, including any studies, research or documents prepared  
6 to reflect any analysis or trend.

7 **OBJECTIONS TO REQUEST NO. 7:**

8 In addition to the General Objections, Amylin objects to the extent that  
9 plaintiffs seek confidential, proprietary and/or trade secret information, the  
10 disclosure of which would unduly and improperly invade amylin's protected rights.  
11 Any production of relevant material pursuant to these requests will be subject to  
12 applicable protective orders.

13 Amylin further objects that this Request is not limited to adverse event  
14 reports that relate to the injuries alleged by Plaintiffs.

15 Amylin further objects to this Request as vague and ambiguous, including the  
16 terms "data analysis" and "studies, research or documents."

17 Amylin further objects that Plaintiffs have propounded these and other  
18 discovery requests in an uncoordinated fashion, which is inconsistent with the  
19 creation of a multidistrict litigation proceeding and the appointment of a Plaintiffs'  
20 Steering Committee. Amylin is willing to meet and confer with Plaintiffs' counsel  
21 in order to create an orderly process for propounding centralized discovery in this  
22 litigation. But until the parties agree on such an orderly, centralized process or one  
23 is created by order of the Court, Amylin will not respond substantively to any  
24 further written discovery requests.

25 Amylin further objects to this request as unduly duplicative and cumulative  
26 of Plaintiffs' prior requests, including *Raesky* First Request for Production Nos. 1,  
27 2, 4, 34, 35, 38, 39, 52, 53, 54, 55, and 56; *Raesky* Third Request for Production  
28 Nos. 1, 2, 3, 4, 5, 6, 7, 8, and 10; and *Raesky* First Set of Interrogatories Nos. 11,

1 19, 39, and 40.

2 **REQUEST NO. 8:**

3 Produce all DOCUMENTS AND ESI EVIDENCING or referring to any and  
4 all written policies, procedures or standard operating procedures YOU had in place  
5 at the time YOU first began to market or distribute BYETTA regarding receiving,  
6 reviewing, investigating, evaluating, and/or documenting ADVERSE EVENTS  
7 YOU received for drugs that YOU marketed or distributed, including BYETTA.  
8 This includes for example any questionnaires or follow-up procedure YOU  
9 developed to deal with specific types of injuries related to BYETTA such as, but  
10 not limited to, pancreatitis, pancreatic and thyroid cancers.

11 **OBJECTIONS TO REQUEST NO. 8:**

12 In addition to the General Objections, Amylin objects to this Request as  
13 unduly duplicative and cumulative of Plaintiffs' prior requests as well as not  
14 reasonably calculated to lead to the discovery of admissible evidence in this  
15 Litigation.

16 Amylin further objects to producing historical policies and procedures. Read  
17 literally, such a Request is harassing, overbroad, unduly burdensome, and not  
18 reasonably calculated to lead to the discovery of admissible evidence.

19 Amylin further objects to this request as overbroad, unduly burdensome, and  
20 not reasonably calculated to lead to admissible evidence, including to the extent the  
21 Request seeks documents relating to injuries other than the injuries alleged by  
22 Plaintiffs in this action, to the extent it seeks "all documents" without limitation to  
23 scope or time, and to the extent it seeks documents relating to consumers other than  
24 Plaintiffs.

25 Amylin further objects to this Request to the extent that it seeks information  
26 that is not reasonably calculated to lead to the discovery of admissible evidence in  
27 this litigation, which as it applies to Amylin, only concerns claims related to  
28 Byetta®. Amylin specifically objects to searching for or producing documents

1 related to drugs other than Byetta®, except where such documents are also relevant  
2 to Byetta®.

3 Amylin further objects that Plaintiffs have propounded these and other  
4 discovery requests in an uncoordinated fashion, which is inconsistent with the  
5 creation of a multidistrict litigation proceeding and the appointment of a Plaintiffs'  
6 Steering Committee. Amylin is willing to meet and confer with Plaintiffs' counsel  
7 in order to create an orderly process for propounding centralized discovery in this  
8 litigation. But until the parties agree on such an orderly, centralized process or one  
9 is created by order of the Court, Amylin will not respond substantively to any  
10 further written discovery requests.

11 Amylin further objects to this request as unduly duplicative and cumulative  
12 of Plaintiffs' prior requests, including *Raesky* First Request for Production Nos. 2,  
13 34, 35, 54, 55, 56, and 59; and Document Requests Nos. 1, 2, 3, and 4 in Exhibit B  
14 to Plaintiffs' December 13, 2013 Notice of Taking Rule 30(b)(6) Deposition;  
15 Adverse Event/Post-Marketing Surveillance.

16 **REQUEST NO. 9:**

17 Produce all DOCUMENTS AND ESI EVIDENCING any and all written  
18 policies, procedures, or standard operating procedures YOU had in place during the  
19 entire period of time since BYETTA was first marketed anywhere regarding the  
20 timely identification, communication, investigation, and evaluation of ADVERSE  
21 EVENTS that may constitute REPORTABLE EVENTS; the review process for  
22 determining when an ADVERSE EVENT meets the criteria for being a  
23 REPORTABLE EVENT; the documentation and recordkeeping requirements for  
24 information YOU evaluated to determine whether ADVERSE EVENTS YOU  
25 received constituted REPORTABLE EVENTS, the documentation and  
26 recordkeeping requirements for all REPORTABLE EVENTS and information  
27 related thereto actually submitted to the FDA; and the documentation and  
28 recordkeeping requirements regarding any information that was evaluated for the

1 purpose of preparing the submission of annual reports, PADERS and PSURs.

2 **OBJECTIONS TO REQUEST NO. 9:**

3 In addition to the General Objections, Amylin objects to this Request as  
4 unduly duplicative and cumulative of Plaintiffs' prior requests as well as not  
5 reasonably calculated to lead to the discovery of admissible evidence in this  
6 Litigation.

7 Amylin further objects to producing historical policies and procedures. Read  
8 literally, such a Request is harassing, overbroad, unduly burdensome, and not  
9 reasonably calculated to lead to the discovery of admissible evidence.

10 Amylin further objects to this request as overbroad, unduly burdensome, and  
11 not reasonably calculated to lead to admissible evidence, including to the extent the  
12 Request seeks documents relating to injuries other than the injuries alleged by  
13 Plaintiffs in this action, to the extent it seeks "all documents" without limitation to  
14 scope or time, and to the extent it seeks documents relating to consumers other than  
15 Plaintiffs.

16 Amylin further objects to this Request to the extent that it seeks information  
17 that is not reasonably calculated to lead to the discovery of admissible evidence in  
18 this litigation, which as it applies to Amylin, only concerns claims related to  
19 Byetta®. Amylin specifically objects to searching for or producing documents  
20 related to drugs other than Byetta®, except where such documents are also relevant  
21 to Byetta®.

22 Amylin further objects that Plaintiffs have propounded these and other  
23 discovery requests in an uncoordinated fashion, which is inconsistent with the  
24 creation of a multidistrict litigation proceeding and the appointment of a Plaintiffs'  
25 Steering Committee. Amylin is willing to meet and confer with Plaintiffs' counsel  
26 in order to create an orderly process for propounding centralized discovery in this  
27 litigation. But until the parties agree on such an orderly, centralized process or one  
28 is created by order of the Court, Amylin will not respond substantively to any

1 further written discovery requests.

2 Amylin further objects to this request as unduly duplicative and cumulative  
3 of Plaintiffs' prior requests, including *Raesky* First Request for Production Nos. 1,  
4 2, 17, 34, 35, 52, 53, 54, 55, 56, and 57; *Raesky* First Set of Interrogatories Nos. 1  
5 and 27; and Document Requests Nos. 1, 2, 3, and 4 in Exhibit B to Plaintiffs'  
6 December 13, 2013 Notice of Taking Rule 30(b)(6) Deposition; Adverse  
7 Event/Post-Marketing Surveillance.

8 **REQUEST NO. 10:**

9 Produce all DOCUMENTS AND ESI EVIDENCING or RELATING to any  
10 and/or all changes or additions YOU made to the procedures and standards  
11 identified in the preceding request for production from January 2003 through the  
12 present.

13 **OBJECTIONS TO REQUEST NO. 10:**

14 In addition to the General Objections, Amylin objects to this Request as  
15 unduly duplicative and cumulative of Plaintiffs' prior requests as well as not  
16 reasonably calculated to lead to the discovery of admissible evidence in this  
17 Litigation.

18 Amylin further objects to producing historical policies and procedures. Read  
19 literally, such a Request is harassing, overbroad, unduly burdensome, and not  
20 reasonably calculated to lead to the discovery of admissible evidence.

21 Amylin further objects to this request as overbroad, unduly burdensome, and  
22 not reasonably calculated to lead to admissible evidence, including to the extent the  
23 Request seeks documents relating to injuries other than the injuries alleged by  
24 Plaintiffs in this action, to the extent it seeks "all documents" without limitation to  
25 scope or time, and to the extent it seeks documents relating to consumers other than  
26 Plaintiffs.

27 Amylin further objects to this Request to the extent that it seeks information  
28 that is not reasonably calculated to lead to the discovery of admissible evidence in

1 this litigation, which as it applies to Amylin, only concerns claims related to  
2 Byetta®. Amylin specifically objects to searching for or producing documents  
3 related to drugs other than Byetta®, except where such documents are also relevant  
4 to Byetta®.

5 Amylin further objects to this Request to the extent it seeks information  
6 protected by the attorney-client privilege, attorney work product doctrine, and/or  
7 joint defense privilege, and confidential proprietary and/or trade secret information.  
8 Amylin further objects to this Request to the extent it seeks confidential patient or  
9 reporter information that is protected under applicable law.

10 Amylin further objects that Plaintiffs have propounded these and other  
11 discovery requests in an uncoordinated fashion, which is inconsistent with the  
12 creation of a multidistrict litigation proceeding and the appointment of a Plaintiffs'  
13 Steering Committee. Amylin is willing to meet and confer with Plaintiffs' counsel  
14 in order to create an orderly process for propounding centralized discovery in this  
15 litigation. But until the parties agree on such an orderly, centralized process or one  
16 is created by order of the Court, Amylin will not respond substantively to any  
17 further written discovery requests.

18 Amylin further objects to this request as unduly duplicative and cumulative  
19 of Plaintiffs' prior requests, including *Raesky* First Request for Production No. 2.

20 **REQUEST NO. 11:**

21 To the extent not already produced, produce all DOCUMENTS AND ESI  
22 EVIDENCING or referring to any information provided to any of YOUR  
23 employees or agents who were responsible for following up with or communicating  
24 with health care providers regarding adverse events associated with BYETTA  
25 regarding the following: the potential for BYETTA to cause pancreatitis, pancreatic  
26 and/or thyroid cancer, any information that these persons were to communicate to  
27 and/or obtain from the health care provider(s), and any training materials, scripts,  
28 questionnaires, and instructions that were to guide interactions with health care

1 providers regarding adverse events for BYETTA.

2 **OBJECTIONS TO REQUEST NO. 11:**

3 In addition to the General Objections, Amylin objects to this Request on the  
4 grounds that it is overbroad, unduly burdensome, and not reasonably calculated to  
5 lead to admissible evidence, including to the extent the Request seeks documents  
6 relating to injuries other than the injuries alleged by Plaintiffs in this action, to the  
7 extent it seeks “all documents” without limitation to scope or time, and to the extent  
8 it seeks documents relating to consumers other than Plaintiffs.

9 Amylin further objects to this Request as vague and ambiguous, including the  
10 terms “training materials, scripts, questionnaires, and instructions.”

11 Amylin further objects to this Request to the extent it seeks information  
12 protected by the attorney-client privilege, attorney work product doctrine, and/or  
13 joint defense privilege, and confidential proprietary and/or trade secret information.  
14 Amylin further objects to this Request to the extent it seeks confidential patient or  
15 reporter information that is protected under applicable law.

16 Amylin further objects that Plaintiffs have propounded these and other  
17 discovery requests in an uncoordinated fashion, which is inconsistent with the  
18 creation of a multidistrict litigation proceeding and the appointment of a Plaintiffs’  
19 Steering Committee. Amylin is willing to meet and confer with Plaintiffs’ counsel  
20 in order to create an orderly process for propounding centralized discovery in this  
21 litigation. But until the parties agree on such an orderly, centralized process or one  
22 is created by order of the Court, Amylin will not respond substantively to any  
23 further written discovery requests.

24 Amylin further objects to this request as unduly duplicative and cumulative  
25 of Plaintiffs’ prior requests, including *Raesky* First Request for Production Nos. 2,  
26 35, 52, 54, and 55; *Raesky* First Set of Interrogatories No. 1; and Document  
27 Requests Nos. 1, 2, 3, and 4 in Exhibit B to Plaintiffs’ December 13, 2013 Notice  
28 of Taking Rule 30(b)(6) Deposition; Adverse Event/Post-Marketing Surveillance.

1 **REQUEST NO. 12:**

2 Produce all DOCUMENTS AND ESI EVIDENCING any and/or all written  
3 policies, procedures or standard operating procedures YOU had in place during the  
4 entire period of time since BYETTA was first marketed anywhere regarding  
5 establishing and maintaining files for each ADVERSE EVENT that would contain  
6 any and/or all information in YOUR possession or references to information in  
7 YOUR possession related to the underlying ADVERSE EVENT, including all  
8 documentation of YOUR deliberations and decision-making processes used to  
9 determine if a drug-related death, serious injury, or injury of special interest was or  
10 was not a REPORTABLE EVENT, and copies of all adverse event report forms  
11 and other information submitted to the FDA.

12 **OBJECTIONS TO REQUEST NO. 12:**

13 In addition to the General Objections, Amylin objects to this Request on the  
14 grounds that it is overbroad, unduly burdensome, and not reasonably calculated to  
15 lead to admissible evidence, including to the extent the Request seeks documents  
16 relating to injuries other than the injuries alleged by Plaintiffs in this action, to the  
17 extent it seeks “all documents” without limitation to scope or time, and to the extent  
18 it seeks documents relating to consumers other than Plaintiffs.

19 Amylin further objects to producing historical policies and procedures. Read  
20 literally, such a Request is harassing, overbroad, unduly burdensome, and not  
21 reasonably calculated to lead to the discovery of admissible evidence.

22 Amylin further objects that Plaintiffs have propounded these and other  
23 discovery requests in an uncoordinated fashion, which is inconsistent with the  
24 creation of a multidistrict litigation proceeding and the appointment of a Plaintiffs’  
25 Steering Committee. Amylin is willing to meet and confer with Plaintiffs’ counsel  
26 in order to create an orderly process for propounding centralized discovery in this  
27 litigation. But until the parties agree on such an orderly, centralized process or one  
28 is created by order of the Court, Amylin will not respond substantively to any

1 further written discovery requests.

2 Amylin further objects to the extent that the request is duplicative of the  
3 deposition notices for testimony pursuant to Rule 30(b)(6) of the Federal Rules of  
4 Civil Procedure that Plaintiffs have also served on Amylin in this action.

5 Amylin further objects that Plaintiffs have propounded these and other  
6 discovery requests in an uncoordinated fashion, which is inconsistent with the  
7 creation of a multidistrict litigation proceeding and the appointment of a Plaintiffs'  
8 Steering Committee. Amylin is willing to meet and confer with Plaintiffs' counsel  
9 in order to create an orderly process for propounding centralized discovery in this  
10 litigation. But until the parties agree on such an orderly, centralized process or one  
11 is created by order of the Court, Amylin will not respond substantively to any  
12 further written discovery requests.

13 Amylin further objects to this request as unduly duplicative and cumulative  
14 of Plaintiffs' prior requests, including *Raesky* First Request for Production Nos. 1,  
15 2, 17, 35, 53, 54, 55, 56, and 57; *Raesky* First Set of Interrogatories Nos. 1 and 27;  
16 and Document Requests Nos. 1, 2, 3, and 4 in Exhibit B to Plaintiffs' December 13,  
17 2013 Notice of Taking Rule 30(b)(6) Deposition; Adverse Event/Post-Marketing  
18 Surveillance.

19 **REQUEST NO. 13:**

20 Produce all DOCUMENTS AND ESI EVIDENCING or RELATING to any  
21 and/or all changes or additions YOU made to the procedures and standards  
22 identified in the preceding request for production during the entire period of time  
23 since BYETTA was first marketed anywhere.

24 **OBJECTIONS TO REQUEST NO. 13:**

25 In addition to the General Objections, Amylin objects to this Request on the  
26 grounds that it is overbroad, unduly burdensome, and not reasonably calculated to  
27 lead to admissible evidence, including to the extent the Request seeks documents  
28 relating to injuries other than the injuries alleged by Plaintiffs in this action, to the

1 extent it seeks “all documents” and “any and/or all changes or additions” without  
2 limitation to scope or time, to the extent it seeks documents that do not relate to  
3 Byetta®, and to the extent it seeks documents relating to consumers other than  
4 Plaintiffs.

5 Amylin further objects to producing historical policies and procedures.  
6 Especially any policy “during the entire period of time since BYETTA was first  
7 marketed anywhere.” Such a Request is harassing, overbroad, unduly burdensome,  
8 and not reasonably calculated to lead to the discovery of admissible evidence.

9 Amylin further objects to this Request to the extent it seeks information  
10 protected by the attorney-client privilege, attorney work product doctrine, and/or  
11 joint defense privilege, and confidential proprietary and/or trade secret information.  
12 Amylin further objects to this Request to the extent it seeks confidential patient or  
13 reporter information that is protected under applicable law.

14 Amylin further objects that Plaintiffs have propounded these and other  
15 discovery requests in an uncoordinated fashion, which is inconsistent with the  
16 creation of a multidistrict litigation proceeding and the appointment of a Plaintiffs’  
17 Steering Committee. Amylin is willing to meet and confer with Plaintiffs’ counsel  
18 in order to create an orderly process for propounding centralized discovery in this  
19 litigation. But until the parties agree on such an orderly, centralized process or one  
20 is created by order of the Court, Amylin will not respond substantively to any  
21 further written discovery requests.

22 Amylin further objects to this request as unduly duplicative and cumulative  
23 of Plaintiffs’ prior requests, including *Raesky* First Request for Production Nos. 2,  
24 34, and 35.

25 **REQUEST NO. 14:**

26 Produce all DOCUMENTS AND ESI EVIDENCING or RELATING to  
27 communications and/or correspondence known as “Dear Doctor” or “Dear  
28 Healthcare Professional” letters prepared, generated, authored, and/or sent by YOU

1 to health care professionals, including physicians, hospitals, pharmacies and clinics,  
2 in the United States and other countries, including any and all preliminary and final  
3 drafts of such letters, all minutes from company, departmental or directors meetings  
4 in which revisions or amendments to such communications and letters were  
5 discussed, as well as all editions or notations made by YOU, concerning BYETTA.

6 **OBJECTIONS TO REQUEST NO. 14:**

7 In addition to the General Objections, Amylin objects to this Request on the  
8 grounds that it is overbroad, unduly burdensome, and not reasonably calculated to  
9 lead to admissible evidence, including to the extent the Request seeks documents  
10 relating to injuries other than the injuries alleged by Plaintiffs in this action, to the  
11 extent it seeks “all documents” without limitation to scope or time, and to the extent  
12 it seeks documents relating to consumers other than Plaintiffs.

13 Amylin further objects to producing historical policies and procedures  
14 including drafts. Read literally, such a Request is harassing, overbroad, unduly  
15 burdensome, and not reasonably calculated to lead to the discovery of admissible  
16 evidence.

17 Amylin further objects to this Request on the ground that it seeks information  
18 outside of Amylin’s custody and control. Amylin can only respond as to  
19 documents within its custody or control and cannot purport to provide documents  
20 maintained by other Defendants or third parties.

21 Amylin further objects to this Request to the extent it seeks information  
22 protected by the attorney-client privilege, attorney work product doctrine, and/or  
23 joint defense privilege, and confidential proprietary and/or trade secret information.  
24 Amylin further objects to this Request to the extent it seeks confidential patient or  
25 reporter information that is protected under applicable law.

26 Amylin further objects that Plaintiffs have propounded these and other  
27 discovery requests in an uncoordinated fashion, which is inconsistent with the  
28 creation of a multidistrict litigation proceeding and the appointment of a Plaintiffs’

1 Steering Committee. Amylin is willing to meet and confer with Plaintiffs' counsel  
2 in order to create an orderly process for propounding centralized discovery in this  
3 litigation. But until the parties agree on such an orderly, centralized process or one  
4 is created by order of the Court, Amylin will not respond substantively to any  
5 further written discovery requests.

6 Amylin further objects to this request as unduly duplicative and cumulative  
7 of Plaintiffs' prior requests, including *Raesky* First Request for Production Nos. 1,  
8 2, 30, 31, 38, 48, 49, and 55, and *Raesky* First Set of Interrogatories No. 50.

9 **REQUEST NO. 15:**

10 Produce all DOCUMENTS AND ESI EVIDENCING or RELATING to the  
11 organization of any division, segment, or office of DEFENDANT that participates  
12 in the receipt, collection, evaluation, analysis, trending, and/or reporting of  
13 information to any regulatory agency regarding ADVERSE EVENTS regarding  
14 BYETTA.

15 **OBJECTIONS TO REQUEST NO. 15:**

16 In addition to the General Objections, Amylin objects to this Request on the  
17 grounds that it seeks information outside of Amylin's custody and control. Amylin  
18 can only respond as to documents within its custody or control and cannot purport  
19 to provide documents maintained by other Defendants or third parties, including  
20 documents submitted on Amylin's behalf but not submitted by Amylin.

21 Amylin further objects that Plaintiffs have propounded these and other  
22 discovery requests in an uncoordinated fashion, which is inconsistent with the  
23 creation of a multidistrict litigation proceeding and the appointment of a Plaintiffs'  
24 Steering Committee. Amylin is willing to meet and confer with Plaintiffs' counsel  
25 in order to create an orderly process for propounding centralized discovery in this  
26 litigation. But until the parties agree on such an orderly, centralized process or one  
27 is created by order of the Court, Amylin will not respond substantively to any  
28 further written discovery requests.

1 Amylin further objects to this request as unduly duplicative and cumulative  
2 of Plaintiffs' prior requests, including *Raesky* First Request for Production Nos. 1,  
3 2, 5, and 6; *Raesky* First Set of Interrogatories Nos. 4 and 46; and Document  
4 Requests Nos. 1, 2, 3, and 4 in Exhibit B to Plaintiffs' December 13, 2013 Notice  
5 of Taking Rule 30(b)(6) Deposition; Adverse Event/Post-Marketing Surveillance.

6 **REQUEST NO. 16:**

7 Produce all DOCUMENTS AND ESI EVIDENCING or RELATING to  
8 entities with whom YOU contract regarding the collection, processing, evaluating,  
9 investigation, follow-up, analysis, reporting and/or publication of ADVERSE  
10 EVENTS for BYETTA including but not limited to Functional Service Providers,  
11 Contract Research Organizations, vendors, and/or consultants.

12 **OBJECTIONS TO REQUEST NO. 16:**

13 In addition to the General Objections, Amylin objects to this Request on the  
14 grounds that it is overbroad, unduly burdensome, and not reasonably calculated to  
15 lead to admissible evidence, including to the extent the Request seeks documents  
16 relating to injuries other than the injuries alleged by Plaintiffs in this action, to the  
17 extent it seeks "all documents" without limitation to scope or time, and to the extent  
18 it seeks documents relating to consumers other than Plaintiffs.

19 Amylin further objects to this Request on the ground that it seeks information  
20 outside of Amylin's custody and control. Amylin can only respond as to  
21 documents within its custody or control and cannot purport to provide documents  
22 maintained by other Defendants or third parties, including documents submitted on  
23 Amylin's behalf but not submitted by Amylin.

24 Amylin further objects that Plaintiffs have propounded these and other  
25 discovery requests in an uncoordinated fashion, which is inconsistent with the  
26 creation of a multidistrict litigation proceeding and the appointment of a Plaintiffs'  
27 Steering Committee. Amylin is willing to meet and confer with Plaintiffs' counsel  
28 in order to create an orderly process for propounding centralized discovery in this

1 litigation. But until the parties agree on such an orderly, centralized process or one  
2 is created by order of the Court, Amylin will not respond substantively to any  
3 further written discovery requests.

4 Amylin further objects to this request as unduly duplicative and cumulative  
5 of Plaintiffs' prior requests, including *Raesky* First Request for Production Nos. 1,  
6 2, 6, 33, 58, 60, and 62, and *Raesky* First Set of Interrogatories Nos. 5 and 25.

7 Dated: January 16, 2014

8 O'MELVENY & MYERS LLP  
9 RICHARD B. GOETZ  
10 AMY J. LAURENDEAU

11 By: /s/Amy J. Laurendeau  
12 Amy J. Laurendeau

13 Attorneys for Defendant  
14 Amylin Pharmaceuticals, LLC

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**CERTIFICATE OF SERVICE**

I certify under penalty of perjury that on January 16, 2014, I caused the foregoing to be served by U.S. First Class Mail on the following counsel of record for the Plaintiffs’ Steering Committee:

Michael K. Johnson  
Johnson Becker PLLC  
33 S. 6th St., Suite 4530  
Minneapolis, Minnesota 55402

Gayle M. Blatt  
CaseyGerry LLP  
110 Laurel St.  
San Diego, CA 92101-1486.

Executed on January 16, 2014 at Newport Beach, California.

/s/Amy J. Laurendeau  
Amy J. Laurendeau