

1 additional meet and confers regarding additional productions of source file documents at
2 the completion of Plaintiffs review of the sample. *See* Ex. C to Defendants' Opposition
3 (Lipitor CMO 14, at 1). Those efforts are actively underway with telephonic meet and
4 confer sessions having taken place with defense counsel as late as September 5, 2014.
5 The Court has also established a procedure for further briefing per its CMO 14 which is
6 also currently in the drafting stages. Therefore, the issue of the production of adverse
7 events source documentation has not been finally and completely adjudicated in the
8 Lipitor MDL.

9 4. In addition to the Lipitor litigation, I have also served as the primary litigator
10 leading discovery efforts of Bellwether cases in previous litigations including the matter
11 of *In Re: Chantix (Varenicline) Products Liability Litigation* ("Chantix MDL").

12 5. In the Chantix MDL the defendant (Pfizer) agreed to produce approximately
13 three hundred and eighty (380) source files containing source documentation with an
14 option to review source documentation for more source files in a secured location at the
15 defendant's facility. It is my understanding and belief that the additional source
16 documents offered for Plaintiffs' review included many adverse events which did not
17 include the primary injury at issue in the litigation (i.e., suicide related injuries such as
18 attempted and completed suicides). Also, Plaintiffs were not asked to pay the cost of the
19 production of any source documentation.

20 6. Plaintiffs in the Chantix MDL did not review the additionally offered source
21 documents because they were able to prioritize their review using the safety database
22 ordered by the Court and focus on the three hundred eighty (380) source files that were
23 produced. Plaintiffs obtained the information they needed via those database searches,
24 which consisted of the target injury at issue. Plaintiffs' lack of review of the additionally
25 offered source documents was primarily driven by their ability to review the source
26 documents of adverse events of interest in the defendant's safety database, and the
27 resolution of the litigation prior to the need to review any additional materials.

1 I declare under penalty of perjury that the foregoing is true and correct.

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3 Executed on September 9, 2014.

s/ Michael Heaviside

4 MICHAEL W. HEAVISIDE

5 Heaviside Reed Zaic, A Law Corporation

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DECLARATION OF MICHAEL W. HEAVISIDE