

# BAYCOL

MASTER FILE NO. 0247408

IN RE: TEXAS SECOND REGION  
BAYCOL LITIGATION

§ IN THE DISTRICT COURT OF  
§  
§ HARRIS COUNTY, TEXAS  
§  
§ 295TH JUDICIAL DISTRICT

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## MANUFACTURING/MARKETING AND HMO DEFENDANTS' MASTER INTERROGATORIES TO PLAINTIFF

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Pursuant to Texas Rule of Civil Procedure 197, the Manufacturing/Marketing and HMO Defendants ("Defendant") serve their Master Interrogatories on Plaintiff. Plaintiff shall answer the following interrogatories separately and fully in writing under oath.

### DEFINITIONS

In answering the following Interrogatories, please be advised that the following terms have the following respective meanings:

**1. "You," "your" or "Plaintiff" refers to the plaintiff as well as his/her agents and representatives.**

**2. "Your Petition" and "Plaintiff's Petition" refers to the latest petition filed by Plaintiff.**

**3. "Document" shall be construed as broadly as possible to include, without limitation, all originals and all non-identical copies of all written, typed, recorded or graphic matter, as well as all attachments, agenda, and appendices thereto, of any nature or description whatsoever, wherever located, and in whatever form or condition, including, but not limited to all letters, correspondence, telegrams, telexes, memoranda, notes, marginal notations, summaries or other records of either personal or telephonic conversations, summaries or other records of meetings or conferences, summaries or other records of negotiations, or discussions of any kind, diaries, diary entries, calendars, appointment books, time records, visitor records, work records, telephone bills, and records, expense records, travel and entertainment records, inspections, estimates, reports, journals, journal entries, ledgers, ledger entries, worksheets, workpapers, accounting records, bank records, bank statements, canceled checks, check stubs, check books, deposit receipts, employee records, payroll records, drafts, invoices, fee statements, books, articles, magazines, circulars, trade letters, press clippings, surveys, statistical data, graphs, maps, charts, transcripts, transcripts of hearings, transcripts of testimony, microfilm, microfiche, voice recordings, video recordings, tape or disc recordings, film, photographs, punch cards, programs, statistical data, electronic recordings, e-mails and any other data compilations for which information can be obtained or**

**translated and all other “documents and things” under Rule 192.3(b) of the TEXAS RULES OF CIVIL PROCEDURE.**

**4. “Person” refers to any individual, association, partnership, firm, corporation, or other entity.**

**5. “Medical services” includes, but is not limited to, medical, psychiatric, psychological and/or emotional examination, testing, diagnosis and/or treatment of any sort.**

**6. “Incident” refers to the first date on which you claim to have experienced any symptoms which you allege were caused by the ingestion of Baycol for which you are claiming damages in this lawsuit.**

**7. “Medicine” or “Baycol” refers to the drug cerivastatin sodium.**

**8. “Identify,” with respect to a person, means to state that person’s full name, present or last known residence or business address, and phone number.**

**9. “Identify,” with respect to an entity means to state its full name, present or last known address, and phone number.**

**10. “Identify,” with respect to a document, means to state the following information, where applicable:**

- (a) The type of document, *e.g.*, letter, memorandum, note, invoice;
- (b) The date on which the document was prepared;
- (c) The document’s author or the person who prepared or compiled it;
- (d) The person(s) to whom the document was addressed and sent;
- (e) The document’s present location and custodian, or, if it is no longer available, the date and reason it became unavailable.

## **INSTRUCTIONS**

1. Should you fail to answer any Interrogatory, you are requested to provide an explanation for the reason, if any, that no answer is being given.

2. As to any Interrogatory that you refuse to answer in whole or in part, for any reason, state the grounds for your refusal to answer. When you believe that a complete answer to a particular Interrogatory or part thereof is not possible, answer such Interrogatory to the extent possible and furnish a statement explaining the reason for your inability to answer further.

3. These Interrogatories shall be deemed continuing in nature pursuant to Rule 193.5 of the TEXAS RULES OF CIVIL PROCEDURE, so as to require you to serve supplemental answers upon the attorneys of record for Defendant if you later obtain information upon the basis of which: i) you know that an answer was incorrect when made; or ii) you know that an answer, though correct when made, is no longer true, and the circumstances are such that a failure to amend your answer is in substance a knowing concealment.

## **INTERROGATORIES**

### **INTERROGATORY NO. 1**

Please state in detail your marital history, including the full names, current addresses and current telephone numbers of all current and former spouses and dates of each marriage and divorce (if applicable).

ANSWER:

### **INTERROGATORY NO. 2**

Beginning with high school, identify each school, college, or educational institution you have attended, the dates of attendance, the courses of study you pursued and any diploma or degree you were awarded.

ANSWER:

### **INTERROGATORY NO. 3**

To the best of your ability, please identify each insurance carrier, health maintenance organization, or health benefits plan which has provided or been obligated to provide you with medical, pharmaceutical or prescription health, disability, and/or compensation coverage in the last ten (10) years. Please include in your answer the company name, address, telephone number, and policy or identification by number, and the approximate dates that each provided coverage.

ANSWER:

### **INTERROGATORY NO. 4**

Please identify (by name, address and telephone number) each and every pharmacy where you have obtained prescription drugs in the last ten (10) years.

ANSWER:

**INTERROGATORY NO. 5**

Have you ever filed a claim for worker's compensation or been a party to any lawsuit other than this one? If so, please describe the circumstances giving rise to each claim or lawsuit, the nature of each action, where it was filed, the cause number, style, court, county and state of each claim or lawsuit, and the name, address and phone number of each and every attorney who represented you.

ANSWER:

**INTERROGATORY NO. 6**

Identify all communications and documents between you or your family members, friends, or physician, on the one hand, and any Defendant, on the other hand, about the alleged incident or injury which is the subject matter of Your Petition, your use of Baycol, or any other matter pertaining to Baycol.

ANSWER:

**INTERROGATORY NO. 7**

Were you ever advised by a physician or other health care provider of any risk of adverse health effects caused or exacerbated by high cholesterol? If yes, please provide a description of the specific risk(s) of which you were advised, the identity of the physician or other health care provider who advised you of such risks, when you were advised, describe in detail the content of the communication in which you were advised, and identify any therapy, treatment, precautions, or actions recommended to you to avoid or minimize any such risk.

ANSWER:

**INTERROGATORY NO. 8**

At any time has any physician or other health care provider advised or recommended that you should not use Baycol? If yes, provide the identity of the physician or other health care provider who provided the advice or made such recommendation and the approximate date the advice was given or recommendation was made.

ANSWER:

**INTERROGATORY NO. 9**

Has any physician or healthcare provider informed you that any of the conditions, symptoms, adverse reactions, injuries, illnesses or diseases that you believe may be related to your alleged use of Baycol may have been caused by factors other than such exposure, and, if so, describe in reasonable detail what the physician told you.

ANSWER:

**INTERROGATORY NO. 10**

Identify each and every person you expect to call as a witness at trial and set forth each person's name, address, and telephone number.

ANSWER:

**INTERROGATORY NO. 11**

Identify any communication you have had with any governmental body, regulatory agency, trade group, pharmaceutical manufacturer, or distributor concerning Baycol or any alleged side effects of Baycol.

ANSWER:

**INTERROGATORY NO. 12**

Please identify (full name, current address, and current telephone number) all consulting experts whose mental impressions or opinions have been reviewed by a testifying expert. For each individual identified, please state the expert's qualifications to consult as an expert, the subject matter on which the expert has or will be consulted, the substance of the opinions or impressions of the expert which have been reviewed by a testifying expert, and the name of each testifying expert who has reviewed the opinions and impressions of this expert.

ANSWER: