

# BAYCOL

**MASTER FILE NO. 0247408**

IN RE: TEXAS SECOND REGION  
BAYCOL LITIGATION

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

---

## **MANUFACTURING/MARKETING AND HMO DEFENDANTS' MASTER REQUEST FOR PRODUCTION TO PLAINTIFF**

---

Pursuant to Texas Rule of Civil Procedure 196, the Manufacturing/Marketing and HMO Defendants ("Defendant") serve the following Master Request for Production to Plaintiff.

### **DEFINITIONS**

1. "You," "your" or "plaintiff" refers to the plaintiff as well as his/her agents and representatives.
2. "Your Petition" or "Plaintiff's Petition" refers to the latest petition filed in this action.
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 why it became unavailable.

## **INSTRUCTIONS**

1. Each document produced pursuant to this request shall be produced as it is kept in the usual course of business, *i.e.*, *in the file folder or binder*, in which these documents were located when the request was served, or shall be organized and labeled to correspond with the categories in the request.

2. You are instructed that any and all documents in your possession, custody or control includes constructive possession whereby you have the right to compel production of the document from a third party (including any agent, employee, attorney, accountant or other representation).

3. To the extent the location of a document called for by this request is unknown to you, please state that you lack knowledge of the document's location. If any estimate can reasonably be made as to the location of an unknown document, describe the document with sufficient particularity so that it can be identified, set forth your best estimate of the document's location and describe the basis upon which you have made this estimate of the document's location.

4. In accordance with Rule 193.5 of the TEXAS RULES OF CIVIL PROCEDURE, these requests for production are continuing requests and any additional documents discovered or identified by you subsequent to the date of your response up to and including the time of trial shall be promptly furnished to undersigned counsel for Defendant.

### **REQUESTS FOR PRODUCTION**

#### **INTERROGATORY NO. 1**

All documents reviewed by Plaintiff or anyone acting on behalf of Plaintiff (excluding plaintiff's attorneys) in the preparation of the answers to the above-referenced interrogatories.

#### **RESPONSE:**

-

#### **INTERROGATORY NO. 2**

Any Baycol within your custody.

#### **RESPONSE:**

#### **INTERROGATORY NO. 3**

If you are claiming lost wages or loss of earning capacity, any documents that refer, reflect or relate to Plaintiff's past, present and future earnings and earnings capacity, including but not limited to W-2s, 1099s, K-1s, etc.

#### **RESPONSE:**

#### **INTERROGATORY NO. 4**

All prescriptions, pharmacy or store records, receipts, or records of any of Plaintiff's healthcare providers or any other documents whatsoever that relate to Plaintiff's alleged purchase of or consumption of Baycol or any other medication prescribed for treatment of elevated levels of serum cholesterol.

#### **RESPONSE:**

**INTERROGATORY NO. 5**

All documents, including without limitation, prescriptions, prescription records, drug containers, bottles, labels, informational brochures, magazine or news articles, internet information, advertisements, promotional materials, package inserts, pamphlets, pharmacy handouts, warnings and/or instructions, relating to any prescription medications, over-the-counter drugs, medications, herbal remedies or medical preparations taken by Plaintiff in the last ten (10) years.

**RESPONSE:**

**INTERROGATORY NO. 6**

Any diary entries, calendar entries, date book entries or other documents (including files maintained electronically) which reflect the use of any statin by Plaintiff and any alleged symptom, adverse reaction or other injury resulting therefrom.

**RESPONSE:**

**INTERROGATORY NO. 7**

All documents referring or relating to any benefits, including, without limitation, medical insurance benefits, Social Security disability benefits or any other disability benefits that Plaintiff filed for, received, or was denied in connection with any injury or illness alleged in this litigation.

**RESPONSE:**

**INTERROGATORY NO. 8**

All press releases or other public statements made by or on behalf of Plaintiff relating to this litigation or to Plaintiff's alleged illness, injury or medical condition.

**RESPONSE:**

**INTERROGATORY NO. 9**

All copies of any newspaper, magazine or journal articles, and all videotapes, audio tapes and transcripts of any television or radio programs referring or relating to statins, including Baycol, which were received before taking Baycol or while taking Baycol.

**RESPONSE:**

**INTERROGATORY NO. 10**

If you claim any loss from medical expenses, copies of all bills from any physician, hospital, pharmacy or other health care provider for which you are seeking reimbursement.

**RESPONSE:**

**INTERROGATORY NO. 11**

All documents in your possession, or in the possession of your attorneys, which you or your attorneys obtained directly or indirectly from Bayer other than documents produced by Bayer in this litigation.

**RESPONSE:**

**INTERROGATORY NO. 12**

All photographs, drawings, slides, movies, day-in-the-life films, or videotapes, edited and unedited, relating to the allegations which form the basis of this lawsuit or any other facts relevant to Plaintiff's condition, the nature or cause of his/her injury, the drugs allegedly consumed by him/her, any matter referenced in Your Petition, or any of the claims in this suit, whether or not the material is expected to be introduced into evidence at trial.

**RESPONSE:**

**INTERROGATORY NO. 13**

Any and all documents upon which you relied on in deciding to take Baycol.

**RESPONSE:**

**INTERROGATORY NO. 14**

Any and all documents that allegedly constitute notice of breach of warranty provided to Bayer.

**RESPONSE:**

**INTERROGATORY NO. 15**

All documents not otherwise produced to which you referred in answering Manufacturing/Marketing, HMO, and/or Pharmacy Defendants' Request for Disclosure to Plaintiff.

**RESPONSE:**

**INTERROGATORY NO. 16**

All documents or materials containing statements which you attribute to Bayer or GlaxoSmithKline or any of their agents, employees or representatives, other than documents produced by Bayer or GlaxoSmithKline in this litigation.

**RESPONSE:**

**INTERROGATORY NO. 17**

All correspondence to or from Plaintiff relating to matters at issue in this litigation, excluding correspondence between you and your attorneys.

**RESPONSE:**

**INTERROGATORY NO. 18**

Copies of all written agreements (sometimes referred to as "letters of protection") between you and any other person or entity relating to the payment of expenses that you have incurred as a result of the Incident or this litigation.

**RESPONSE:**

**INTERROGATORY NO. 19**

All documents and tangible things, including all reports, physical models, compilations of data and other materials, prepared by or for an expert who is used for consultation and whose work product forms a basis, in whole or in part, for the opinions of each and every person who may be called as an expert witness in this litigation.

**RESPONSE:**