> UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA WEST PALM BEACH DIVISION

CASE NO. 20-md-02924-ROSENBERG

IN RE: ZANTAC (RANITIDINE) PRODUCTS LIABILITY . West Palm Beach, FL LITIGATION.
. April 20, 2021
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STATUS CONFERENCE (through Zoom)
BEFORE THE HONORABLE ROBIN L. ROSENBERG UNITED STATES DISTRICT JUDGE and
THE HONORABLE BRUCE REINHART UNITED STATES MAGISTRATE JUDGE

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THE COURT: Okay, good afternoon.
Good afternoon, everyone. We are here with the case management conference in the Zantac $M D L$, and we are ready to get started.

I am just going to get right into the agenda.
I would like to ask if Ms. Finken and Mr. Sachse could put your videos on. You are the first item on the agenda, that is the issue regarding GSK discovery issues. So, without any further ado, let me let you both say hello for the record and state your presence for the record.

MS. FINKEN: Good afternoon, your Honor, Tracy Finken on behalf of Plaintiffs.

MR. SACHSE: Good afternoon, your Honor, this is Will Sachse on behalf of GSK.

THE COURT: Good afternoon. How are you both doing?
MR. SACHSE: Well, your Honor, thank you.
MS. FINKEN: Fine, thank you, your Honor.
THE COURT: Good. Okay. I would like to first ask you -- I know that there have been a number of issues relating to GSK, which is why I wanted to start with you. We discussed GSK to some extent at the last case management/discovery conference. I know you have had hearings in front of Judge Reinhart March 23rd and April 12th, and in anticipation of today's case management conference I went back and I reviewed the transcripts of those hearings in front of Judge Reinhart.

I also reviewed the original motion that GSK had filed seeking the extension of certain discovery deadlines that the Court had previously set in an earlier PTO, and I guess I would like to just share with you my observations from what I have reviewed of those transcripts and certainly let you address anything that you would like to relating to my observations. My observations are that there is a great degree of confusion and lack of clarity and inability to even establish what page the parties are on with respect to what they have, that is, what the Plaintiffs have, what they don't have, what exists, what doesn't exist, what will be produced, what won't be produced, perhaps because of the legal objection, and that is how the transcript read to me.

I know that there have been efforts put forth in these two hearings, I know that there have been representations made as to additional communications that need to take place. At one point, I understood that there was a universe of 600 or so studies, and 420 had been produced, and another 200 still needed to be produced.

I then see discussion of the PIER report, I see references to 23,000 lines of information. I see discussions about what is in production as it relates to 35 documents that are being uploaded for review. I see references to database that were referenced as PIER, and it reads to me in a confusing way, to be honest, and my sense is that there still remains
confusion as to what exists, what has been produced, and if something hasn't been produced, when it is going to be produced.

So, let me ask, Ms. Finken, what is your position with respect to where the Plaintiffs stand vis-a-vis GSK? I am talking about the studies, so we are limiting the discussion right now because, to me, that was the essence of what the hearings were all about, and quite frankly, the underpinning for the request for the extension and the basis on which the extension was given.

I understand the studies are important in this case, and I understand that GSK's studies are particularly important given the duration of time that GSK has had the product.

Let me let Ms. Finken respond to my comments and my observations.

MS. FINKEN: Thank you, your Honor. This is Tracy Finken on behalf of Plaintiffs. I am hoping that Ms. Stipes can hear me okay.

THE COURT: You are coming in and out, you are fading. You are loud and then it softens.

MS. FINKEN: I will try to keep my voice up, but if she has an issue with hearing me, just let me know and $I$ will try to do better.

Thank you, your Honor, for that intro regarding the GSK production, I appreciate that. We did actually have a
status conference last week with Judge Reinhart last week on this particular update where we discussed some of these issues, clinical study production and the PIER production and trying to wrap our own head around --

MR. GILBERT: Judge, forgive me, this is Robert Gilbert. There is a number here that is overriding Ms. Finken's voice, it's a 10.150, it sounds like there is obstruction on that number. If somebody mutes that number I think it will solve that problem.

THE COURT: Everybody who is not speaking should be muted. Let's see if that helps.

MR. GILBERT: Now it has been muted, Judge. THE COURT: Thanks. You want to try again, Ms. Finken.

MS. FINKEN: Okay. I actually think, your Honor, it might have been your speakers who were picking something up in the background. Now that your speaker has been muted, I don't hear the background noise anymore.

I wanted to just thank you for bringing that up. We did discuss this with Judge Reinhart last week regarding the clinical study production. We had discussed that we had found a med track spreadsheet that had 764 human clinical trials listed on it, and had asked Mr. Sachse and GSK if they would be willing to tell us what has been produced from that spreadsheet, what is in the queue to be produced from that
spreadsheet, and what they were objecting to produce.
We had asked if they could identify the Bate numbers where those studies had been produced, and Magistrate Reinhart had encouraged that as well, which we had a discussion about this.

My understanding at this point in time, and Mr. Sachse can correct me if $I$ am wrong, is that they are not willing to do that and identify where those studies are in the production, but $I$ will let him speak for himself on that issue.

In relation to the PIER index that you had identified, your Honor, there was a PIER indices that showed 23,000 lines of information, the majority of which pertained to Zantac or Ranitidine, largely animal studies and nonclinical type studies, some pharmacovigilance documents that we have identified.

We have been identifying, out of that index, those items in terms of the animal studies that we have not been able to find in the production.

Mr. Sachse has gotten back to us on some of those to identify where those summaries were in the production or if there are full reports in the production. Then there are others that I guess had not been pulled or produced, and we are trying to wrap our arms around whether or not there is a dispute as to those items.

There are certain indices -- from that PIER index,
there are certain entries that Mr. Sachse has identified that they have pulled to produce, $I$ think there was maybe 2,300 of the 23,000 that they had identified, and we are trying to work through the remainder of that index and what still needs to be produced that is relevant to Zantac or Ranitidine, the animal studies or the nonclinical studies.

I believe that we might be at an impasse on that specific discussion as well because I don't believe, at this point in time, that Mr . Sachse is planning to pull any other PIER index session numbers, that is what they are called, for review and production unless we make a showing of relevance, which is difficult to do based on a spreadsheet entry that doesn't provide much information other than Zantac or Ranitidine, or the compound number for those products.

Those are two issues that $I$ believe pertain to the studies specifically that your Honor is requesting. Like I said, we did talk to Judge Reinhart about this last week. He did provide guidance to GSK to provide us with that information, but $I$ don't have an understanding that that is going to be forthcoming.

THE COURT: Thank you, Ms. Finken. Mr. Sachse.
MR. SACHSE: Thank you, your Honor. Again, this is Will Sachse for GSK.

I, frankly, don't know where to start. I am a little bit disappointed because we did have a meet and confer this
morning for about an hour and a half, we talked about these studies, we talked about the requests that the Plaintiffs have made, and at that time I explained to Ms. Finken that we were working on those requests; that we were looking for, you know, sort of an easy way to identify within the productions what has been produced and what has not.

I also explained to Ms. Finken that, in terms of materials that have not been produced, that we were willing to have followup discussions and certainly some of those materials, I think we have already looked at them -- or some of those entries, I should say, we've looked at and said that is a good catch, let's go collect that and take a closer look.

Others we, frankly, scratch our heads and say we are not sure why this is something that we should be tracking down because it is going to take time and cost and burden, and then there is sort of a collection in the middle that $I$ think is worthy of sort of further discussion both in terms of, you know, whether we want to go to the expense and the time of collecting and reviewing those, and also within that sort of -that middle set, how to go about prioritizing that, and whether there is information already available to the Plaintiffs in the productions.

So, I'm just disappointed at the report that we just heard from Ms. Finken because $I$ think it is very much at odds with the discussion we had this morning.

So, with that, let me just be very clear about what we have been doing and what we are willing to do. And the way $I$ think about this, Judge, is to think about different categories, and I appreciate that it gets confusing because we've talked about studies that have appeared in -- that were submitted to the regulators, to the FDA, and those studies have been produced and identified.

In the course of working through our productions, which remain ongoing and which have been very, very voluminous, we have identified this archive called PIER where there are other materials, and I think your Honor and Judge Reinhart are both very familiar with PIER at this point. This is what I call the problem archive. It is you have to go in the room one at a time and pull the documents, and that is the thing that has been delayed because of COVID, but nonetheless, we have gone looking at the materials in that archive that we think are reasonably likely to be responsive.

We have been producing materials, $I$ think it is more than 600. I think we are talking about thousands of materials that we have been producing from those archives, and we are continuing to make those productions which, as your Honor is well aware, we have -- we are working towards a deadline of the middle of May to complete that, or substantially complete that, and I think we are on track, if not a little bit ahead.

Then there is what I will call the new category, which
is, as the Plaintiffs have been reviewing the information they have, and as the Plaintiffs have been reviewing the PIER reports that they have, they have been identifying other materials that are of potential interest, and so this has been very much an iterative process.

We actually asked them in February to identify materials that they thought -- additional materials that they thought might be responsive, and they have been doing that. It has taken some time to get those followup lists from the Plaintiffs, but we now have -- I couldn't tell you how many additional entries the Plaintiffs have identified, but it is probably in the order of a couple of hundred that we are evaluating and we are -- like I said, for some of those materials we have looked at it and said, good catch, Plaintiffs, we are going to go ahead and collect that and take a look at it, and if it is responsive, produce it, and then there are others that I think merit some further discussion.

That is sort of where we are in this process.
The last piece -- not to be too granular, but the last piece is what Ms. Finken referenced as the med track. This is, in essence, just a list of studies, and we are trying to come up with, as I mentioned, an elegant way to kind of cross reference the studies on that list with what we have already produced, and I am hoping that we are going to come up with a solution.

If we don't come up with a solution, then $I$ think we need to have a conversation with the Plaintiffs in terms of sort of burden and division of labor, and is there some way we can work cooperatively to figure out what is in these productions, because the burden on us would be the same as the burden on the Plaintiffs. It would be kind of going through doing search by search by search to look for the studies that are on that list.

But in terms of whether or not we are agreeing to -you know, if there are studies missing, or that have not been produced that are on that list, whether or not we are going to produce that, I don't think we are even close to that point yet. I think we need to get this -- see if we can figure out what is actually in the productions first, and it has been a challenge for us.

THE COURT: Thank you, Mr. Sachse.
Ms. Finken, did you want to respond briefly?
MS. FINKEN: Yes, your Honor. Thank you.
One of the challenges that we have faced was determining what has not been produced versus what has been produced, and we have asked for that several times. In fact, I asked Mr. Sachse for that last week via email and I asked again this morning, and we were told that they don't know what has been produced and what has not been produced.

So, I am not sure how they can identify what is yet to
be produced and what isn't. We requested that information again this morning and we were told you will get it when you get it, and when it is done. That was the attitude that we received, unfortunately, on our call about that. That is in relation to the clinical studies from the med track spreadsheet that was identified just six weeks ago in this litigation.

The other part of this that Mr. Sachse is discussing is the PIER index which is a separate index from the med track index.

The PIER index, the 23,000 entries that are on the spreadsheet -- and that is not a full listing, it is just a query as far as what Mr. Sachse has told me. 23,000 listings that are mostly related to Ranitidine or Zantac in some form. From what we have been told, there have been approximately ten percent of those that have been pulled, reviewed, and produced, and I am at a loss as to what the methodology was on why the remainder of those entries were discarded or not viewed as relevant when they reference Zantac or Ranitidine, or compounds, metabolites, or degradation products from Zantac or Ranitidine.

We have asked for that methodology as well because, from our perspective, the burden is on GSK to identify responsive material or object to producing it because of it being disproportionate or whatever their reasoning is. We can't get a clear answer on what the methodology was for
choosing those entries and whether or not they are objecting or not objecting to producing others from that list.

I don't think the burden should be on us to go through the list that they produced and say, okay, you produced 23,000 entries related to Zantac or Ranitidine. We need to go with a fine tooth comb through each one with a very limited entry that doesn't provide a lot of descriptive information and determine whether or not we think they should take a look at it or not.

I just don't know that that burden should be on us. The burden is on GSK to determine what is responsive to our requests or object to them. That is where we are at in terms of the PIER index.

THE COURT: When you say request, specifically which request and when was it served?

MS. FINKEN: We had served a request for production and interrogatories last July, either late June or early July. The responses were received in late November. There was an amendment in terms of clinical studies listing in relation to an interrogatory that $I$ think we received in October, maybe mid October.

Since that time we have been trying to run down what has been actually in the production or what has been to be produced.

That particular interrogatory that identifies clinical studies does not contain the universe of studies. It is a
listing of studies, and I believe there is approximately 600 on there, but they are between clinical -- human clinical trials, there is animal studies, and then there are some nonclinical studies or in vitro studies on there as well.

Since that point in time, we, on our own, have been able to identify 764 human clinical trials. In addition to -there are several hundred that we found of animal studies and then there is another additional grouping of animal studies we have identified from the PIER index that we have not received, and that is not to say the chemistry and analytical and in vitro type studies as well.

So, the number is quite a bit more than 600 that exist. We are not sure of the universe, we haven't been able to get an answer on that, but that is when we requested them and it has been an ongoing discussion.

THE COURT: Okay. So, what I am going to do is -MS. FINKEN: You are muted, your Honor.

THE COURT: Someone magically muted me. Can you hear me now? Okay.

All right. So, my hunch reading over the transcripts and, quite frankly, having listened in to the hearings themselves, is, I think, borne out by what I am hearing today, and that is that there needs to be a reckoning of what exists in the field of studies that GSK has, what it has produced, whether it has produced the study or just a summary of the
study, what is in the pipeline to be produced, what has been identified as a study, but GSK simply can't find, doesn't exist even though it has been referenced somewhere, and perhaps there are a number of studies that GSK believes it shouldn't produce, that there is actually a legal objection to the request for production that was served last June or July.

That has to be established now, that universe. I gave an extension about a month ago and we have about a month until full production is required, and in that period we need to make sure that all objections have been heard and ruled on and that the Plaintiffs once and for all know what they have, what they don't have, can fight the fight about what they think they should have, and either win or lose on it and move on.

So, I am going to have representatives from the Plaintiff and GSK meeting with Judge Reinhart on Thursday with computers, working documents, representatives from the company if needed, IT people if needed, whoever you need to make sure that any question that Judge Reinhart may have about does this exist or not, has this been produced or not, is this a summary or is this the full report, is established.

And he is not going to end his working session with you until all of the questions have been answered so you can leave the conference knowing what the landscape looks like, and then decide whether you want to fight about anything that shouldn't be turned over or should be turned over, which you
have every right to do. Burdensome arguments, relevancy arguments, perfectly appropriate, but we can't seem to get there.

That is what $I$ was gleaning from listening to the hearings and reading the transcripts and hearing what you are saying today, and we need to be there and we should be there.

So, Judge Reinhart will send out an order. Clear your calendars for Thursday, that is what you are doing on Thursday. It is very important that it get done, it is important that it gets done now, because $I$ know so much else can't get done until you reach this marker.

Do you have any questions about that?

MS. FINKEN: Thank you, your Honor.

MR. SACHSE: No, your Honor, thank you.
THE COURT: So, please make sure that the right people join you and I will leave any followup communications that you want to have with Judge Reinhart. We certainly don't want you to be left in the dark about who needs to be there and what do I need to bring.

I am being very specific, but you might have more specific questions as you get closer to Thursday, but -- Mr. Sachse, you may not know all of the answers, and you are not to be blamed for not necessarily knowing the universe of questions that Judge Reinhart may have, but $I$ will hold you responsible for knowing who the people are on your team, lawyers or

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nonlawyers alike, who will be there with you to be able to answer the questions, and we will move on.

We will clear the air, get the contours of the issue of studies of GSK and the Plaintiffs, we will get it complete on Thursday and then we will go from there.

If there are disputes, Judge Reinhart is going to set them right away so that he can take up those disputes and hear them on the merits. We haven't even gotten there yet, and it is time to be there.

That is where I would like to end my remarks, but certainly, if there is anything you would like to say, any questions you have, any comments you have, this is your opportunity. You will, obviously, meet with Judge Reinhart, but you have me, I am all ears. If you want to say anything more, please say it.

MR. SACHSE: Sure, Judge, thank you. I hear you loud and clear. I promise you I do not have all of the answers, but I also assure you I will make sure that the people who do have those answers, that I work with them and/or make sure they are available so that we can just get through this. I agree with you, we need to get past the cataloging and get to the substance and see if there are any disputes here. I am happy to work with Judge Reinhart and with Ms. Finken to get that done.

THE COURT: Great, I appreciate that.

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Ms. Finken, anything else that you think I have omitted as it relates to GSK and the studies --

MS. FINKEN: No, your Honor. The only --
THE COURT: -- and then what $I$ would expect for Thursday?

MS. FINKEN: Sorry. The only other question that is pending relating to the studies specifically is whether or not there are any other databases or places where these studies could be located, whether it is a legacy or current. That is an outstanding question that we have, so I would just appreciate responses to those questions as well on Thursday. THE COURT: I would ask Mr. Sachse to bring, again -and it sounds like what I said would encompass those people, but less they don't, those people that can answer that question as well.

MR. SACHSE: Yes, your Honor. This is Will Sachse again. I did tell Ms. Finken this morning that we would -- I believe there are no other databases, but that $I$ would confirm that information and I will do that on or before the hearing on Thursday.

THE COURT: Right. I can appreciate the words "I believe" I am -- you know, "it is my understanding" but Thursday is about this is what we know, this is what we have done to find out, and it would be the exception, it would be the oversight, it would be the mistake, it would be the error
that something would show up that hadn't otherwise been discussed on Thursday. It wouldn't be for lack of $I$ have done everything $I$ can to ascertain within the universe of documents available to our company to represent what fulfills the entirety of the list responsive to this particular request relating to studies.

MR. SACHSE: Understood, your Honor, thank you. THE COURT: Okay, thank you.

Judge Reinhart, you will get an order out to that effect, should the parties expect to see an order?

THE MAGISTRATE JUDGE: Yes. As soon as this proceeding is over $I$ will sit down and get an order out.

THE COURT: Okay. Thank you so much. That takes care of the first issue on the agenda. I appreciate it, Mr. Sachse and Ms. Finken.

The second item is also related to discovery, focused on the generic discovery matters. If I could ask Ms. Goldenberg and Ms. Finken, and I understand if Mr. Barnes and Mr. Yoo as well want to put your screens on, please do so.

Hi, Ms. Goldenberg, how are you?
MS. GOLDENBERG: I am well, your Honor, thank you. THE COURT: Hi, Mr. Barnes, hi, Mr. Yoo, how are you? MR. YOO: Good afternoon, your Honor.

THE COURT: Okay. Please tell me what is happening with generic discovery. Are there any issues that we need to
discuss, at least flag and then come up with a plan about how to deal with them? Tell me how it is going from all of your perspectives.

MS. GOLDENBERG: Sure, your Honor, I will jump in. I apologize, I sound like Mickey Mouse today, my voice is going, but let me know if you can't hear me.

As the Court is aware, we have a schedule right now that contemplates three $30(\mathrm{~b})(6)$ depositions being taken place for each of the generic families, with the storage and transport depositions to be first, and I wanted to let you know that those are under way, in some cases without issue, but in many cases with issues that have been, you know, simmering below the surface and have now really come to light.

To get to this point all of the generic manufacturers have served responses to Plaintiffs' Rule 34 requests, as well as the interrogatories, and the Plaintiffs have spent a great deal of time working through objections that Defendants served to those, as well as looking at the custodians that were selected by each Defendant and now getting ready for these depositions.

In many instances now what we are finding is that sometimes as a product of things coming up, but at other times as a result of gamesmanship by the Defendants, we have had to push a number of these depositions back and take others and hold them open -- pushing things back because we have to
take another -- (inaudible.)
THE COURT: Ms. Goldenberg, you kind of broke there for a moment.

After you said, you have taken some, you have had to push some back and hold open, maybe pick up from there so we make sure the record is complete, and maybe speak a little slower.

MS. GOLDENBERG: Sure. And hold them open because of documents that have been produced at the last minute. So, we have been doing everything in our power to meet the Court's schedule. We have teams of people who are ready to go and take the depositions, but because this plays into the larger question of the schedule, we just wanted to make the court aware that there certainly are some depositions that are going to have to take place at a later time because of these document issues.

Just to give your Honor some specifics, we have had in some cases thousands of documents get dumped on the Plaintiffs within days of the deposition being taken. We have had other Defendants interpret some of the PTOs in a way that is making it difficult to move forward with the depositions.

And to give you a couple of specific examples, we have had certain generic Defendants invoke section E, paragraph five of PTO 54, which provides that if a Defendant provides a custodial production, you know, close to the date of the
deposition, but lets the Plaintiffs know that there are additional documents coming, that the Plaintiff, if they choose to move forward with that deposition, is then stuck not being able to hold it open.

Of course, with the $30(\mathrm{~b})(6)$ depositions, though, we are dealing with much more than just a custodial deposition. We have someone who is being put up on behalf of the company to testify to a number of different issues, and so, that is a provision that we are going to have to work through and figure out if we can resolve that issue or if that needs to be the subject of a motion.

I just wanted to flag that for your Honor today to let you know that is something that has come up.

THE COURT: I know what you are referring to, but I am a visual person, I like to look at it at the same time. I have the PTO open. What page on the PTO or what paragraph?

MS. GOLDENBERG: I don't have the page number, I think it's 16 or 17 , but it's paragraph five under section E.

THE COURT: E, 5. The provision that says, "This provision does not apply if the noticing counsel has been informed at least five days in advance of the deposition that the production of custodial documents relating to that witness is not yet complete and provides a date certain by which such production will be completed."

That is just one sentence out of that paragraph, but
that is the right place?
MS. GOLDENBERG: It is, your Honor.
THE COURT: So, are you saying that on a regular and/or routine basis when you are setting a deposition with a generic Defendant that you are getting massive amounts of documents within a five-day period of the deposition? Has it happened only occasionally? What is the sense of this issue that you are raising?

MS. GOLDENBERG: It is certainly a frequent issue, your Honor, and candidly, I hear more about the problems because I am the one who gets called when something comes up, but $I$ have been getting a lot of phone calls, so it is not an isolated issue where this is just one or two Defendants. We have been getting a lot of documents very close to the deposition. Whenever possible, we are reviewing those, and if we can get through them, we are moving forward.

But these productions are not small and, again, because these are $30(\mathrm{~b})(6)$ depositions, this isn't just one custodial file that is getting produced; it is, in many cases, thousands of documents that are coming to multiple deposition teams within just a couple days of the deposition.

THE COURT: What would be your proposal as to how to ameliorate this problem?

MS. GOLDENBERG: I am going to defer to Ms. Finken on the schedule, your Honor. I think that really is the larger
conversation that needs to happen here. I will say that we need some relief in order to take meaningful depositions, which is, I think, what all the parties want.

Our goal would be to get -- we understand that there is no such thing as a perfect production, but a substantially complete production from the Defendants before we move forward with the deposition.

I see Ms. Finken is on screen, so I wanted to invite her to chime in on the scheduling component to this.

THE COURT: Well, if by "scheduling" you mean the larger case management schedule of PTO 30, we do have that on the agenda and I do intend to address it. Perhaps I will hear, whether it be today or at a subsequent date, what degree of pressure the schedule is putting on this particular issue.

It would seem to me that regardless of what schedule you have, if part of the problem as you are articulating it is you don't have enough time from the date you set a deposition -- between the time you receive all of the documents and the date of the deposition, whether you have a cutoff date of August, or November, or December, or in 2023 , it seems to me that, yes, maybe with an adjustment of a schedule you can feel greater latitude to move your deposition, but $I$ want to drill down and better understand whether the problem has more to do -- or has much to do with getting a lot of documents before the deposition regardless of the schedule.

Is that an independent issue?
MS. GOLDENBERG: It is, your Honor. It would be very helpful if there was a cutoff date by which Defendants had to produce their documents in advance of the deposition so that Plaintiffs could have a set amount of time to ensure that we can meaningfully review that production before we need to move forward with the deposition.

THE COURT: What is that meaningful amount of time?
MS. GOLDENBERG: The way that we had been reading pretrial order 54, the way that it interacted with PTO 60, was that there would be a goal of most of the documents being produced 20 days in advance of the deposition, with 14 days as a hard cutoff.

THE COURT: You are reading PTO 54 in conjunction with which PTO?

MS. GOLDENBERG: PTO 60, your Honor.
MS. FINKEN: Your Honor, can $I$ chime in at one point? THE COURT: Yes.

MS. FINKEN: I had to raise this at a conference -- a case management conference a few months ago, you might recall, where this PTO 54 provision was becoming problematic because your Honor and Judge Reinhart had given us some advice in terms of document production, to move forward with depositions, and if we get documents after, or delayed documents, that we can take a second deposition if we feel that we need to do so.

I had raised this provision of PTO 54, and the fact that there was that line in there that if you received it within five days of the deposition and didn't reschedule, you waived the ability to do that.

So, this has become -- it has arisen again in the context of the generic depositions moving forward and it has become somewhat problematic for us in terms of what we have been doing as these issues arise, and it varies from Defendant to Defendant in terms of the generics. We have been trying to move forward and take the depositions with the understanding that we may need to come back if we can't get through the documents in a timely manner.

There are also productions where they are so large that we are -- feasibly there is no way we can get through the productions in a timely manner and adequately take a deposition and do the job that we were hired to do, frankly.

Just to put it into context a little further, in terms of the document production we received, in the past three weeks, three weeks, we have received 1.3 million documents which has totaled -- which totaled 6.8 million pages. So these are not -- this is not a small document production that we are talking about, it is a lot of documents, it is a significant amount.

Some of those, of course, are brand documents where we have had a significant document production in the past three
weeks from GSK where we received from them 180 some thousand documents that totaled like 1.6 million pages in the past three weeks. So, some of it is brand produced documents, but from -overall, we have received a significant document dump in the past three weeks that we are really trying to wrap our arms around and get through.

Some people might say, well, just hire more reviewers, and that is something that, if it were only that easy. This is a case that is so complex that there is a little bit of a learning curve in order to do that, and you can't just bring people in fresh to dive into these documents to prepare for these types of depositions that are taking place. There is a learning curve, people need to learn the case, and we just don't have adequate time to do that in advance of a deposition.

I just wanted to make that clear.
THE COURT: Is it the Plaintiffs' position that the parties have been complying with PTO -- let me see which one I have pulled up here -- 60 insofar as $3, A, 2$, and $I$ don't expect you to have it in front of you, but requiring the parties -- and again I will point out that these were agreed upon, generally, joint proposed PTOs submitted to the Court, so, certainly the Court has to assume there was much meet and confer that went into preparing the order that the Court ultimately entered.

But it provides that "the parties shall meet and
confer in good faith at least 21 days in advance of the deposition in accordance with Federal Rule of Civil Procedure $30(b)(6)$ about these particular matters. The parties will agree upon or have resolved by way of the PTO 32 process the scope of these particular depositions no later than 14 days prior to the scheduled deposition."

I take it, Ms. Goldenberg, that was the provision you were just referring to, that you were believing that that is what the parties should be operating on.

If $I$ am correct, are the parties, in the Plaintiffs' view -- and then I want to hear from the Defense -- operating under the mandate of the order that you all jointly prepared for the Court's review and endorsement and entry?

MS. GOLDENBERG: Sure, your Honor. Sorry, I wasn't sure if Tracy was going to chime in.

Yes, we have been meeting and conferring with each of the individual Defendants, and to the extent issues have come up, we have been able to work through most of those. I understand that there are still additional meet and confers to happen about especially the manufacturing and pharmacovigilance depositions, but we, so far, have not had any that needed to be elevated to the Court at this point.

THE COURT: Except that you have presented to the Court a problem, a problem that you are not getting documents in time, that too many documents are -- again, you are -- this
isn't a hearing, so $I$ am not ruling on anything, but $I$ am trying to sort of identify problems and come up with a plan on how to move forward.

I heard you articulate what I construed as a problem, that the Plaintiffs were receiving too many documents too late before taking a deposition, so --

MS. GOLDENBERG: Yes.

THE COURT: And so I came back to, well, how do we address that problem. If it hasn't been brought to the Court's attention through a PTO 32, now the Court is inviting you to articulate what is it that can be done to -- you know, short of just magically moving a date, which can be done for discovery, but I really do see these as two separate issues.

I do see that if you didn't feel you had the cutoff date then maybe you wouldn't take the depo, but that seems to be kind of a short term solution and maybe short sighted solution to what $I$ am sensing perhaps is a larger problem, which is too many documents coming too late.

Maybe I'm misreading it, but you can clarify.
MS. GOLDENBERG: Yes, your Honor, and I think I misunderstood your question originally, so I appreciate you clarifying that.

We do have a problem, and I think the way to remedy that is what $I$ had previously suggested, which is to impose deadlines for the production of documents in advance of
depositions. That probably comes through the modification of these PTOs to make sure that that is clear on all sides.

THE COURT: So the parties --
MR. YOO: Your Honor, may I be heard?
THE COURT: Yes. I just want to be clear. The parties are not operating on a document production 14 days in advance; they are simply agreeing to resolve any issues no later than 14 days prior to the scheduled deposition, but there is also PTO 54 which says custodial files must be produced 15 days in advance.

MS. FINKEN: Your Honor, can I just say one thing about this? We have been meeting and conferring often, daily, multiple times a day with different Defendants about these particular issues.

One of the problems that we are facing because of when -- the timing of when the documents are produced, it is hard to have a meaningful meet and confer about any deficiencies in the production or about the scope of what is going to be covered at that deposition. That is just one issue.

One of the other issues that is holding us up, and this is not specific to one generic manufacturer, is that we are seeing the same global issues that were argued in front of Judge Reinhart between Mr. Barnes and I a month ago being raised by individual generic manufacturers again, and that is
somewhat problematic as well because it causes us to spend a lot of time and hours trying to address those issues, and we may have to tee them up for another PTO 32 dispute resolution when they were addressed at length during a hearing back in March.

So, it is two-fold, but I do agree with Ms. Goldenberg that one of the remedies that would be helpful would be imposing a deadline for production of the noncustodial documents in advance of the deposition, and amending PTO 54 to remove the provision that if we move forward with the deposition, we are not waiving our ability to take a second deposition later pending additional documents being produced, or pending our ability to get through significant amounts of documents that were produced the few days or a week leading up to the deposition.

THE COURT: Okay. Let me hear from the Defense generally, and then also in response to what Ms. Goldenberg and Ms. Finken indicated and suggested, in particular the last two comments that -- with respect to some kind of a deadine for noncustodial production prior to a deposition and the issue of if they go forward with the deposition, what that means in terms of waiver or not.

MR. YOO: Thomas Yoo for the generics, thank you very much, your Honor.

It is really quite shocking and incredible what we are
hearing from the Plaintiffs. Your Honor, we got here -forgive me for doing this, but $I$ think it is important to remind your Honor and Judge Reinhart how we got here with respect to the generics.

You heard earlier in the discussion between Ms. Finken and Mr. Sachse that GSK got served with requests for production last July. We got 111 requests for production from the Plaintiffs in February of this year.

We didn't negotiate search terms with the Plaintiffs until February 28th, and your Honors will recall that the Plaintiffs came to the Court a few months ago and said we need $30(\mathrm{~b})(6)$ depositions of the generics in April, May, and June, and our response was, it is premature because we haven't even discussed documents, custodial documents and search terms. The Plaintiffs said to you, we don't need documents, we just want to take the depositions, we need them to commit to these dates.

So, we ended up giving them dates, all 25 or so generics provided dates for at least three deponents each across three topics, and those depositions got set between April and mid June, and then the Plaintiffs served us with 111 document requests in February, and then they negotiated search terms with us which, frankly, are so broad that the generics are collecting tons of data which the generics have to review and produce.

So, what we are talking about is, we have had about 45
days to get them responsive documents based on the 111 document requests they gave us in February with these deposition dates hanging over our heads.

We are working as hard as we can, certainly in good faith, not in bad faith, there is no gamesmanship on our side, to get them all of the responsive documents as quickly as we can, prioritizing storage and transportation, which is the subject of the first $30(\mathrm{~b})(6)$ deposition.

We are fully compliant with PTO 54 and PTO 60. There are no deadlines under those PTOs that require us to produce all of our storage and transport documents to their satisfaction 15 days, or 20 days, or any other number of days before the deposition. It is not anywhere in those orders. It certainly was never discussed or negotiated with us.

These deposition dates were required of us with the understanding that they just wanted the depositions, and then they overlay these document requests on us, and we are doing everything we can to comply with our obligations and we are doing so and in good faith.

So, for them to come to you now and accuse us of gamesmanship, and to say that we've given them too many documents in response to their 111 document requests, and that they are not coming sooner than -- what are we, 45, 50 days now that we have had to find, review, screen, produce responsive non-privileged documents, and that they didn't have this weeks
ago, is just ridiculous.
And so, we are happy to discuss with your Honor and the Plaintiffs some solution to the situation that the Plaintiffs and we find ourselves in, but this situation is absolutely not of our making, and we certainly have not done anything in bad faith.

THE COURT: What do you think a solution would be, Mr. Yoo?

MR. YOO: Well, what we told the Plaintiffs when they insisted on these commitments to these deposition dates was that it is premature, that it would behoove both sides to provide additional time so that witnesses could review information and come informed to testify, and that the Plaintiffs will probably want these documents. We were met with rhetoric about how they didn't need any documents.

I think we find ourselves back to square one, and so what we have had to do and what we felt in good faith we needed to do -- now, the situation is a little bit different from generic to generic. Some generics probably have fewer documents, but for those of us who are finding that there is a lot of data in response to the massive document requests we got from Plaintiffs, we have told them, look, we have given you 1 through 20 types of storage and transport documents, but we can't certify that there are not more. We are still getting more documents from our client, sometimes from abroad.

So, you can proceed with the deposition as you have noticed it, but if you do that, then we are not going to bring the same witness back because you find more documents. You should think about whether it makes sense to postpone some of these depositions and do it at a time when you are comfortable that you have enough information to take these deposition.

So, on that platform, we are happy to discuss with the Plaintiffs something that works for both sides, but it is totally unfair to say -- having put us in this situation, to say, well, we want a freebie deposition and then we reserve all rights to recall the witness when we get more documents because you didn't give it to us within, what, five, ten days of us asking.

MS. FINKEN: Your Honor, can I please respond to that? THE COURT: Yes.

MS. FINKEN: Okay. First and foremost, I do agree with Mr. Yoo on one point, this is a tight schedule. The overriding schedule is what is driving a lot of these problems. I just want the Court to be aware of that because if we did not have looming deadlines coming up, we could work through these issues with the individual generics and postpone a deposition for a couple of weeks, or whatever it would take to get it done. That is one.

I also have to correct the record here because there were some inaccurate representations made.

One, we initially requested a foundational
informational $30(b)(6)$ deposition back in December that we could use to tailor our discovery requests. Mr. Yoo specifically objected to that and said that we needed documents to take the depositions. We therefore then entered into very lengthy negotiations with the generic Defendants about how that would proceed. That ultimately ended up in PTO 60.

We provided the generics with our document requests and interrogatories in January so that they would have time to review them and start collecting documents while we were negotiating PTO 60.

We had an agreement that the official service date wouldn't be until February 9th, but we gave them to them two weeks prior to that, if not more, two to three weeks prior to that, so they could review and start collecting responsive documents in advance of needing to produce them. That is one.

Two, in terms of scheduling, we are bound by PTO 60 which provides dates certain that certain depositions need to be done. We are also bound by PTO 54, which provides a specific period of time in which custodial files need to be produced in advance of the deposition. Those custodial files need to be produced at a minimum of 15 days. They are supposed to be produced closer to 21 days in advance of the deposition, and that Mr. Yoo has indicated that the generics have been fully compliant with, and that is just simply not true.

Pauline A. Stipes, Official Federal Reporter

We have received many custodial files with -- less than 15 days in advance of the deposition, but I am not here to argue about that today.

THE COURT: Have you brought that to the Court's attention through a PTO 32?

MS. FINKEN: What we have done is, we have met with the particular generic Defendant as that comes up, and we have either reached an agreement with that specific generic as to whether or not we would reschedule the deposition depending on the volume of the documents, or whether we would leave the deposition open in the event that we needed it to be open and take a second date later.

So far, we have not had to raise that specific issue with a particular Defendant, as far as I am aware, under a PTO 32 process to Judge Reinhart. We have been trying to work through those issues within the confines of the PTOs that we have in place.

Ms. Goldenberg might correct me because I might not be aware of others that might be pending to go in front of a PTO 32 process, but we have been, I think, relatively successful in working those issues out in a reasonable way with the generics as they come up.

But to take the position that a noncustodial document production that is relevant to a $30(\mathrm{~b})(6)$ deposition can be produced -- significant production can be produced five or ten
days in advance of the deposition is just an unreasonable position to take. Unfortunately, the PTO 54 provision with that -- there are some timeframes in there that acts as a waiver to us if we move forward with the deposition.

So, we are kind of in a bind here. We have PTO 54 on one side, we have PTO 30 on the other side, and PTO 60 where we are trying to meet all of these obligations and that does confine us to some degree in our ability to be flexible in rescheduling with the generics.

I have to correct the record in terms of what we said in terms of taking depositions without documents. That was in reference -- because it is being taken out of context. It was in reference to a foundational informational $30(\mathrm{~b})(6)$ deposition that we were going to use to narrowly tailor and focus our discovery and the generic Defendants refused to do that. They preferred that we wait and take it with documents, which is how we got to the schedule that we are in.

Mr. Yoo said that we should sit back and wait and review the documents, but we have deadlines, in three and a half months we have a deadline for expert reports as it stands right now. We have a full discovery deadline in December as it stands right now, and that is something that we are very, very conscious of. We do not have the luxury of just waiting and, okay, we will reschedule this for a later date and being flexible as we normally would be with different Defendants as
these issues arise.

So, I just needed to put that out there for your Honor and correct the record.

THE COURT: Okay. I have a message from the Marshals. I am going to put you on -- I am going to turn my video off for a moment and tend to this matter and I'll be right back. Sorry to interrupt.

MS. FINKEN: Thank you, your Honor.
(Pause.)

THE COURT: Okay. I heard -- I think Ms. Goldenberg had to get off, but if we want to bring our other counsel back on the screen.

Okay. Did we hear correctly that Ms. Goldenberg was leaving?

MS. FINKEN: Yes, your Honor, she was in her office in Minneapolis, so she needed --

THE COURT: Right. We got notice, and I apologize for the delay, we got notice from our U.S. Marshals that it is advisable that we leave the courthouses throughout the district. Judge Reinhart and I are going to stay, so we are going to proceed.

I am sorry if $I$ cut anybody off who was speaking and continue if anyone was in the middle of saying something. I apologize.

I do get the gist. I would like to kind of summarize

Pauline A. Stipes, Official Federal Reporter
my understanding -- no, that is always a dangerous thing. I get the gist of this issue, which seems to be on many levels, one of which is the schedule, and as you know, PTO 30 is an agenda item. I am not telling you anything is going to be resolved today. I brought it up last time and I have put it on the agenda for today.

But separately, I am hearing that there are other issues of production, and timing of production, and reasonableness of production, from the Defense standpoint, whether they feel they have enough time to produce, and from the Plaintiffs' standpoint, whether they are receiving the documents in enough time and whether it is reasonable to assume that they should be receiving it -- them in enough time. There were negotiated PTOs, deadlines for custodial, no deadlines for noncustodial.

We will be taking up PTO 30, but what I am going to require, separate and apart from anything that may or may not change with respect to PTO 30 -- it seems like we need to address this in a much more holistic way because I don't believe that even if $I$ just moved a date, that that somehow is going to magically take care -- maybe it will, but I am going to err on the side of caution and think that maybe it won't.

So, I am going to send counsel back to the drawing board. You will be able to monitor the PTO 30 issue, which I hope to have resolved shortly, but I am going to say that
within one week from today $I$ would like proposals from counsel for the Plaintiff and counsel for the generics on what -either new PTO or what amendments to the PTOs that are currently affecting this issue, whether it is 54 and 60, or if there is another one as well, what modifications and amendments may be necessary. I would like you to work together and see if you can jointly agree, and if you can't, I will consider two different proposals.

What $I$ would say is you take an existing PTO, whether it is 54, or 60 , or if there is another one, and you redine it with your proposed changes that you think, having lived and breathed whatever problems from both sides you are experiencing, you think would help alleviate it, separate and apart from any amendment to PTO 30 that deals with a more global scheduling issue.

So, why don't we say by five o'clock next Wednesday it can be emailed to the Zantac email. It can be either one as a joint, or two separate emails where you are emailing it to the Court, but then you are also emailing it to each other. Just redine an existing PTO and tell me what the change is. Don't give me comments in it, no notes or anything, just the redline, and let's see if we can't holistically address this issue.

Unless there is anything more that anyone wants to say with respect to generics, I would like to see what you propose. The goal is to get a workable situation so that neither side is
feeling strained, neither side is incentivized to do anything that is inappropriate or improper, documents are produced in a reasonable manner, in a forthcoming way to allow the Plaintiffs to have them in enough time to be prepared to take meaningful depositions so they don't need to go back to the drawing board and take them again. In a perfect world that is what we would all want.

So, anything further from Plaintiffs?
I will hear from Defense in a second and certainly if Mr. Barnes wants to be heard. Anything from Ms. Finken?

MS. FINKEN: No, your Honor, thank you. We will work with the Defendants to try to work through these issues.

THE COURT: From Mr. Yoo or Mr. Barnes?
MR. BARNES: Thank you, your Honor. I will start. There is one practical problem here, and I am speaking not only just behalf of my client, but on behalf of other generics. Many of us would be working with the Plaintiffs on this new PTO, which is probably necessary and appropriate, but we are also in the process of preparing witnesses for these depositions.

Before May 10th, I have three $30(\mathrm{~b})(6)$ depositions, $I$ think Mr. Yoo is tied-up in deposition prep and depositions, others that are on the generic leadership team have similar commitments. So, I think everyone is more than willing to do this. I think the practicality is many of us are, I'd say,
pretty well booked in complying with the existing schedule on the depositions that are on the books. So, there is a practical problem of producing a witness Thursday of this week, or Monday of next week, or Friday of this week, and in fact, given the process that you have outlined, our fair and full attention so that we can avoid further problems.

This may tie into PTO 30 discussions, but I think there is a bit of a bandwidth issue, I would say, for all concerned to get this done and do appropriate prep and appearance at depositions.

THE COURT: I appreciate that. I don't want to over tax anyone, but $I$ do want to try to address any potential problems that are holding the process up. I am not envisioning a whole new PTO, by the way, I am envisioning tweaks and possible one or two-line modifications to existing PTOs, just so you know.

A lot of work was put into those initial PTOs, they were well thought out, you negotiated them, but sometimes you learn when you put things in practice that maybe they don't work as well as you thought they might.

So, I hope that that goes a way toward alleviating concerns about this being a major, major undertaking. It is allowing you to have some input. I can take pen to paper myself and do it, but $I$ always like to seek input first. I would like to set a deadline that is workable, but not so far
out that you continue to have these problems longer than you need to, and I am not anticipating that this is going to be a major rewrite. I could be wrong, but that is not what $I$ am envisioning based on what $I$ am hearing and based on my familiarity with these two PTOs.

With that being said, would Friday or the following Monday be a better date than next Wednesday?

MR. BARNES: Your Honor, if that is the Court's expectation, unless Mr. Yoo disagrees, I think we can meet that deadline.

THE COURT: You can meet the Wednesday deadline?
MR. YOO: Your Honor, this is Thomas Yoo. If I could just add, I think one of the issues Mr. Barnes was raising is that, $I$ don't know how many, but there are numerous generic depositions set over the next several days before the next Wednesday deadline for the redline PTO. So, it presents a practical question of what the generics and Plaintiffs will do about the depositions given that this issue and this potential solution hasn't been addressed yet.

I imagine your Honor will probably want the parties to get together and figure out what the best triage method is for these upcoming depositions.

THE COURT: Well, we have two issues; we have the more long-term issue and we have what you are explaining as the immediate issue. So, as the more long-term issue, does

Wednesday work at 5:30, or five o'clock?
MR. YOO: It does, your Honor.
THE COURT: Ms. Finken, does that work for you?
MS. FINKEN: Yes, your Honor.
THE COURT: Do you have a proposal as to the upcoming depositions before any potential change in either PTO 30, or any amendments to PTO 54 or 60 , as to how to manage your depositions in the interim? Do you feel comfortable proceeding with your depositions, Ms. Finken? Do you feel you have had ample opportunity to review ample documents to go into these depositions in a way that has prepared you?

MS. FINKEN: Well, your Honor, it is really fact specific to each manufacturer. There is no one size fits all rule that would apply here. I think that there are depositions that we will be able to move forward with and be fine. I think there are depositions where we may need to either reschedule or move forward with a second deposition as we have been doing. I anticipate we can work with counsel the way that we have been to try to work through those issues.

The only request that $I$ would have is that, if we do move forward with the deposition, that that PTO 54 provision that has us waive a second deposition not apply.

That would be my only request, unless it would be your Honor's preference, until we get it worked out, to postpone or reschedule the depositions where there has been that provision
in play, the five-day -- production of the custodial file within five days in advance of the deposition, which I believe Mr. Yoo -- it is one of his that falls within that category from my understanding.

MR. YOO: Your Honor, this is Thomas Yoo. We would not agree to that. We don't want to do these depositions if we are going to come back and ask for a second deposition of the witness because they get some more documents.

We have been transparent about what the situation is, again, it is not of our making. We are willing to work it out with them, but we are not going to let them take a deposition, only to ask for another one later.

I would suggest, if that is the situation the Plaintiffs are in with regard to a particular generic, that we agree to put that deposition off at least until after the parties have submitted the redine PTO proposals to the Court.

THE COURT: Ms. Finken, how many depositions fall
within that category?
MS. FINKEN: Your Honor, honestly, I don't know off the top of my head. Ms. Goldenberg would have that information, but she is not available right now to ask.

I don't think it is many at this point, there are a few. I think that, for the most part, we have been managing to work through these issues with each generic manufacturer. I know that Mr. Yoo is probably the only one who has taken a very
hard position about PTO 54 and that waiver provision, so we anticipate we might have an issue there.

My concern with just postponing it indefinitely is that it is just going to get pushed back longer and longer, and without having an end date in sight that concerns me, but we will try to work through it.

In terms of going forward with the deposition despite getting late documents, that is a directive that we have received from the Court to do that to keep the case moving forward, and that is what we have been endeavoring to do.

I am happy to have a discussion, we will try to work through it with each individual generic manufacturer that it is applicable to. In the meantime, though, pushing the depositions off indefinitely I don't think would be the way to go. We still have deadlines under PTO 60 in terms of when these depositions need to get done. So, that is my preference.

THE COURT: I concur, and I think the depositions should go forward. Okay?

MS. FINKEN: Thank you, your Honor.

THE COURT: Okay, thank you very much.

MR. YOO: Thank you, your Honor.

MR. BARNES: Thank you, your Honor.

THE COURT: The next matter on the agenda is PTO 30.

We have Mr. McGlamry, Ms. Finken, and Mr. Bayman.
MR. MCGLAMRY: Good afternoon, your Honor.

Pauline A. Stipes, Official Federal Reporter

MR. BAYMAN: Good afternoon.

THE COURT: Good afternoon.

So, I brought up PTO 30 last month at our conference,

I brought it up both in my opening remarks and in my closing remarks. It wasn't on the agenda, and I asked that it be put on the agenda today. I thought with the remarks that $I$ made, it being about a month, I might have seen some activity in terms of perhaps a proposal, joint proposal, but $I$ haven't seen anything, so $I$ put it on the agenda this time because $I$ clearly understand that PTO 30 remains a point of discussion, and interest, and stress, and potential contention between either the Court and the parties, or the parties between themselves, so let me let you be heard.

We are not getting into, you know, substantive discussions today as it relates to what exactly an amended PTO 30 would look like. I guess I would like to invite you to discuss with the Court what process you think might be useful, helpful, appropriate to address PTO 30.

I have my own ideas, but I would like to hear from you first on the process end of contending with what $I$ referred to last time as the elephant in the room, PTO 30. I can hear from the Plaintiffs first and then the Defense.

Ms. Finken or Mr. McGlamry.
MR. MCGLAMRY: Thank you, your Honor. Mike McGlamry on behalf of the Plaintiffs.

As you have sort of seen today, particularly in this last section, and even with the first section with GSK, there are issues that have pushed out our timeframes and, you know, I think at some level one of our difficulties has been -- and you have picked up on it -- that when we look at an issue with any particular Defendant in terms of this discovery, you have that issue with the Defendant and how do you try to resolve that issue, but then it has sort of a ripple effect of how does that then impact maybe that group of Defendants, whether it is a brand or generic or whatever, and then you have sort of an even wider ripple, which is the schedule as a whole.

I think that we have all been trying -- and let me just start by saying I am not going to say anything negative about the Defendants, and surely not Andy Bayman, but for purposes of this let's assume that everybody is doing a hundred percent plus good faith. I think it is just a matter of just the realities of timing.

But all those things have an effect, and it sort of forced us to have to fight sort of at every foxhole. We can't retreat any to fight because to retreat, we get to the beach, if you will.

So, I think we have -- over the last several months have had a lot of discussions with the special master and with the Defendants, and I think I mentioned this on maybe our last conference, and the reason why I think Andy and $I$ have been in
discussions about this issue particularly is that as it relates to BI and us, Andy and I talked some time ago where we decided not to fight at that foxhole level because we would agree we wouldn't fight at the outside level, knowing that we would sort that out at some point, and they would agree and we would agree to work that out.

And because of that, it has given us an opportunity to work through these discovery issues without having to sort of fight every battle. I think that, unfortunately, in a lot of instances that is not available or it is just not workable with everybody, but $I$ think because of, you know, the fact that Andy and I are two old guys that have known each other a long time, and I am older, that we can sort of have that kind of discussion.

As it relates, then, to this sort of PTO 30 issue, we have had numerous discussions about that, and the difficulty on our side with the PTO 30 discussion is, you know, I think -and without trying to go back and recreate all the dates of everything, the first time we said something or whatever, as things have happened, we see further what $I$ will just call slippage, again, not attributable to anybody's good or bad faith, but just that it slips out because documents come in late or something happens, COVID, whatever it is that push things out, and every time something pushes out, it has that ripple effect.

And for example, when you all were talking about the generics piece about trying to reschedule something later, if your Honor were to look at just on our side, because I don't know how it is set up on their side, we have a group of lawyers that are sort of assigned to those depositions. It is easy to say, well, just move that deposition out, but those lawyers and their review staff and ESI, and all of that, they already have things set now in this PTO 60 timeframe. So, like you said, it puts a lot of pressure on everybody to deal with this.

And also, from our perspective, as we see more of that, it makes us even more nervous about even the date that we have proposed as sort of an extension date and --

THE COURT: Mr. McGlamry, I don't want to put anyone on the spot of getting into dates specific or -- I guess what $I$ am trying to elicit is, do you have any proposal for a process by which the parties, together or independently, and the Court can revisit PTO 30? I do have an idea, but I wanted to hear from the parties first succinctly.

We have other matters $I$ want to tend to, and I don't want anyone to be in a position of being caught off guard about talking about something that wasn't, you know, sufficiently noticed, so I am not talking about dates today. I am really talking about what process do you think would make sense to arrive at a result that is -- that addresses the concerns that some share about PTO 30. What do you think?

MR. MCGLAMRY: Quite frankly, your Honor, I think we are at an impasse in our discussions as to being able to work out a schedule between us and the Defendants, and I would suggest that we start -- we will file a motion and they can respond and we can obviously have discussions in the meantime.

You know, I think we are at that point and, again, the difficulty is the further that goes out, the more it impacts trying to resolve these other things.

I know we have been working on it, and I know Ms. Finken has spent a lot of time on that because she lives with these issues more than anybody on our side, at least, on a day-to-day basis.

So, I think we would be ready to file that in the next couple of days, give us a chance to file it, and then them to respond, and then however the Court wants us to go from there.

THE COURT: Thank you. Mr. Bayman.
MR. BAYMAN: Thank you, your Honor. I agree with much of what Mr. McGlamry said about our efforts to work things out and I -- the Plaintiffs made a proposal, we made a counter proposal, and we weren't able to bridge the gap, although we moved a long way.

Your Honor, I think the concept makes sense for the Plaintiffs to file a motion and then the Defendants to respond and we would file -- as your Honor sees, the PTO 30 issues impact a number of different groups of Defendants. We could
file one consolidated response on behalf of all the Defendants.
I think it important that the sequence occur in this order because we would like to know why the Plaintiffs need as much time as they think they need for -- really what the triggering event is here is their general causation, the deadline for their expert reports on general causation, and we think that is much more narrower than, $I$ think, the Plaintiffs think it is.

So, we would like to hear and see why they need as much time as they think they need, and I will continue to dialogue with Mr. McGlamry in the interim, as we have been, but they have not shared that with us at this point, and we would like to see that so we can respond and see what is a reasonable time.

We feel we offered more than enough time, they didn't think so, but we did that in the spirit of compromise to try to resolve it short of Court intervention. We went a long way, we just couldn't bridge the gap at the end, but we would like the opportunity -- this doesn't need to be a long submission, your Honor.

To pick up on Mr. McGlamry's point at the beginning, I think we would all be well served not to get into why we are where we are, but rather, given where we are now, what do we need to do going forward. If this is about all the things that Mr. McGlamry and I agreed he and I weren't going to argue
about, like this should have been produced back in December and why it wasn't, we have been working on what do we need to do going forward.

If this submission can be about, hey, here is where we are now, here is what we need to do to get to where we need to be, I think that can be no more than ten pages. We can -- they can file their motion and then we can respond. That would be my proposal.

THE COURT: Okay. Ms. Finken, did you want to say anything or was Mr. McGlamry taking this issue?

MS. FINKEN: Sure, I can chime in if you can hear me, your Honor.

We would request the opportunity, if we are going to brief this, to fully brief it, because the delays that have occurred up until this point collectively impact our ability to get things done in a timely manner, and this is something we have explained to the Defendants multiple times. We have asked for a four-month extension, which is not a significant extension in the grand scheme of an MDL of this size during a pandemic.

The reason that we have reached an impasse is because the Defendants have expressed to us they have a concern about the JCCP getting ahead of us in this litigation. From our perspective, that is just the wrong reason to not reach an agreement on a schedule change. It should not have an
impact -- what the JCCP is doing should not have an impact on what happens in this MDL.

We need the ability to properly work with our experts, to take discovery, conduct discovery, and do it in a way that is adequate, not just adequate, but do it well. That is what we were hired to do, and that is something that $I$ feel very strongly about.

You sat here today and you listened to the exchange with GSK where we discussed the clinical trials and how we can't even get a straight answer on what we have or don't have. So, that is just one issue.

There are a multitude of issues similar to that, some we have worked through and some we have not yet and we are trying to work through with different Defendants. It all has a collective impact on our ability to get things done in the timeframe that we need to get it done. This is no secret to Mr. Bayman or anybody on the Defendants side.

From my perspective, and I have told this to Mr. McGlamry, I don't know that four months is going to be enough given some of the delays that keep continuing to occur as we move forward. However, that is what our good faith request was so that we can still keep this moving along and moving forward.

Unfortunately, we have reached an impasse on that, and I don't know if Mr. McGlamry has anything he wants to add to that. I would ask for the full page limits under the local
rules so that we could fully brief it.
THE COURT: Okay. Did you have anything further to add to what Ms. Finken or Mr. Bayman have said?

MR. MCGLAMRY: No.

MR. BAYMAN: Could I respond, your Honor, to something Ms. Finken just said? I don't think it would be productive to go back and try to cast blame on why we are where we are. We concede that there have been delays in productions for a variety of reasons. I think what we should focus on is what needs to be done, what the Plaintiffs need to do going forward. Ms. Finken said they asked for four months. They actually asked for 140 days, and we agreed to 90 days. We are not very far apart, your Honor, but we need some articulation by the Plaintiffs of this is what we need to do and why we need this long to do it and what we plan to do.

We, obviously, will consider that and continue to dialogue with Mr. McGlamry, but I don't think it needs to be full briefing. I think it could be a short submission and short response, like ten pages.

THE COURT: Okay. I appreciate hearing from everybody, very helpful.

Here is what I was thinking. I was thinking that I would hold a hearing next Wednesday and I would let the parties present to me the basis for needing the additional time.

I am sensing that certainly the Plaintiffs want
additional time. I don't know whether the Defendants want additional time or not. It doesn't matter, I don't need to know that right now, but $I$ do know the Plaintiffs need more time because you have made that very clear, and I am sensing the Defendants are willing to give some time, but maybe not as much time. Whether they actually need it or that is a compromise, I don't know and I don't have to really know at this particular point.

I am very interactive and I like to ask questions and I like to understand.

It seems to me that one of the primary reasons that the Plaintiffs, at a minimum -- maybe this applies to the Defendants as well, so don't take it that $I$ am not considering the Defendants need this as well, but $I$ know, at a minimum, the Plaintiffs need more time because of discovery and discovery as it relates to, among other things, experts getting proper information, studies, testing, and things that go along with properly preparing experts, to be able to identify the experts, give the expert reports, go into the depositions, and then ultimately get to a point where we -- you know, you file your motions based on what the experts say.

And, you know, we never had a science day, we never really have had, other than our opening conference, any details about what is going on with the science, what would help the Court.

So, sensing that that is what is driving much of why at least the Plaintiffs need additional time is that August 2nd date, and maybe as a result subsequent dates just won't work, you know, what does it look like going forward and why.

So, it would be an opportunity for the Court to have a better understanding of what needs to be done from this point forward, how much time needs to take place, and to educate the Court without disclosing your work product. I don't need to know the particulars of who the experts are and what the tests are, but what the game plan is.

Rather than put it in a motion where I don't have the ability to ask questions and make sure $I$ understand it, and also it's very time consuming, you are briefing -- maybe it is a different team, but you are briefing Motions to Dismiss right now. Quite frankly, I am working on the Motions to Dismiss right now.

So, I had thought that we could have a hearing, say next Wednesday, and perhaps the Plaintiffs could give me a proposed schedule in advance of the hearing, much of what looks like in PTO 30 format wise, but $I$ would suspect that the dates on the left-hand column would be different because you would want them moved. Maybe the events would be the same or maybe you would change the wording or maybe you would add different dates and different events on the chart that you had included in PTO 30 for the Court's consideration and ultimate entry.

So, I would know what that proposed schedule looks like going into the hearing, the Defendants would know what it looks like going into the hearing, and picking up on Mr . Bayman's point that he wants to understand why the Plaintiffs feel they need the amount of time they need, just tell me at the hearing.

Maybe have Mr. Nye, who is chair of the science committee, explain to the Court what it is that needs to be done and how much time is needed to get it done so the Court like understands it, so if the Court entertains amending PTO 30 and putting new dates in, that the Court has a level of confidence and isn't just relying upon a piece of paper, a motion, didn't have a chance to delve in to ask questions.

And then, maybe coming out of that it could be the Defense agrees once they hear what you have to say. Maybe they have already heard it, but certainly the Court hasn't heard it. To this date, the Court hasn't fully heard anything about the particulars of what needs to be done and what length of time it would take to have it done.

Then maybe $I$ would request after that, that after the Defendants have had the benefit of hearing what the Plaintiffs have presented -- and certainly the Defendants can participate in the hearing and present their version of what they think they need to do to either support extensions that they need or to support reasons why perhaps they think the extension that is
being sought is too long, and then coming out of that, the Court would ultimately have the benefit of a proposal from the Plaintiff, a proposal from the Defendant, the ability to hear what needs to take place from this point forward, or from August 2nd forward, unless you are looking -- that is the next -- well, $I$ am not sure if you are looking to change other dates as well because we have talked so much about the August 2nd date.

But we'd have a chance to look at all of the different dates that you are proposing, can ask questions, and ultimately consider the entry of a new PTO 30, an amended PTO 30.

The Court doesn't want the parties to be operating under an unworkable structure, that doesn't do anyone any good, just for the sake of adhering to a structure that was once put in place. I tried to say it as clearly as I could last time, which is that we entered it in the beginning, this is what you thought worked, the Court relied upon it, maybe some things have changed, certainly COVID has interfered, but other things have gone on as well.

So, the Court was open to hearing what it is that you need, what would work. That was intended to be a road map for this case. If we don't have the road map right, how is anything else going to work?

So, that was my view of it, is that -- I hadn't really contemplated, quite honestly, motion practice. It doesn't seem
like it lends itself -- usually when $I$ get a motion for an extension of time, it is fairly -- you know, I need an extension of time, the other side either agrees or disagrees, and I ultimately have a hearing anyway because $I$ always want to understand how much time, why do you need the time, and let's make sure that if the court is going to amend deadlines, it tries to amend it properly so it doesn't have to amend those deadlines again.

So, is that a concept that seems to make sense to the parties?

You have your ability to present to the Court, it is an opportunity to make sure the Court is educated and informed. Lest you think that maybe the court is just not understanding what is going on, it is your opportunity to make sure the court does understand what is going on. It is not to reveal trade secrets, it is not to uncover anything that you wouldn't otherwise feel comfortable putting in a written motion, quite honestly, and a response, but it saves you the time of writing a motion and a response.

You put a chart together and you let the Court visualize it, understand it, and then when you are presenting the Court has a context in which to understand what you are presenting.

What do the Plaintiffs say about that?
MR. MCGLAMRY: Well, your Honor, number one, we are

Pauline A. Stipes, Official Federal Reporter
almost finished writing it, so it is not a matter of difficulty putting one together. I think, from our perspective, we think it is important that it is in writing and there is a record of it and that you have an opportunity to see it.

We are happy to present a proposed PTO in advance along with it, and the Defendants can see our position and we can lay out some of those things that you are talking about. We can ultimately have Mr. Nye and then whoever on their side that can talk about their science available at the same time, but it is important for us to file something.

Look, this is too big of an issue for us. You heard Ms. Finken earlier and we are, on our side, in a constant battle with her on a day-to-day basis because she is the one that sees this time slipping away.

There are reasons why it is slipping away and you need to see those reasons and you need to factor those reasons in as to how we move forward because before this, when we talked about things that happened, they not only affect what somebody did or didn't do, but they affect the schedule, and when we work to change the schedule, hopefully from then on, when we have another schedule, then we are just talking about somebody's conduct, not its affect on the overall schedule.

You are not going to understand that unless you look at this from the perspective that Ms. Finken and others on our side have lived through to get us to this point. Otherwise,
what it would force us to do is spend a bunch of time on the conference next week building a record rather than discussing these issues. So, we would ask to be able to file a motion. THE COURT: Okay. Mr. Bayman.

MR. BAYMAN: Your Honor, I don't think a motion needs to be filed. I think they should do what the Court suggested, which is to make a submission of a new proposed schedule and then we can hear them articulate, because they have not articulated to us why they need the time that they need.

I think briefing will delay things, number one. If this is a long brief, we are going to need the right to respond, particularly if there are allegations about things that should have been produced in the past that weren't produced, things like that. I don't think that is productive. We are where we are. There have been delays for various reasons. We have agreed to an extension. It is a short gap between the two of us. We can hear why they think they need the time that they need. I don't think we need to prolong this by lengthy briefing that will require us to file a lengthy response. We are where we are.

We all, I think, say that the schedule needs to be amended. The triggering date is August 2nd, and other dates flow from that, so they are going to have to change. We are trying to keep the schedule as close as we can to the one that was entered in PTO 30, and it's not about -- it is about the
primacy of the MDL, and it is about getting this schedule as close as we can to what was already entered, and that is what we want to do.

We would like to hear why they need the time they need. I think the time is more productive hearing that than it is about this should have been produced then, etc., etc. We are where we are.

THE COURT: Thank you, Mr. Bayman. Ms. Finken.
MS. FINKEN: Your Honor, I am going to repeat what Mr. McGlamry said, which is that the briefing on our side is probably 85 percent done at this point.

I think it is critical that your Honor review this request in the context of everything that has occurred up until this point because that is how we got here and so behind today, was because of the delays in the discovery, the delays that are still ongoing, and if we are not going to be able to lay that out, I am not sure that your Honor will get a full appreciation of how we got to where we are, and the issues that still arise every single day with Defendants across the board in terms of discovery, and that is something that we need to address.

It is not to necessarily cast blame; it is for your Honor to see a full and complete picture of how we got to where we are and what we are requesting. This isn't just about what we need to do to moving forward, it is how we make up the lost time that we lost, which is significant.

For context, we are still getting tranche one custodial file documents from the brand Defendants, this week, last week, we are still getting them. No one requested a motion for an extension of time to produce those documents.

That is the reality of what we are facing, and that is a separate issue, but there are a number of those tiny little pieces that make the whole picture for your Honor to see and to see why we are requesting four months, which is essentially -from the perspective of an MDL, it is a very short period of time, given the fact there have been four-month delays in some of the document production that was due by December 31st under PTO 47.

So, from my perspective, and respectfully, your Honor, I would request that we have the ability to file the brief under the page limits under the local rules so you can see the full and complete picture of why we are requesting the extension that we are requesting, which, in our view, is a modest one. Thank you.

THE COURT: Okay, I appreciate that. Let me say that I am going to honor the request if you want to file a motion. The Court has never to this day, that it can recall, prohibited anybody from filing a motion, and even my hearing wouldn't have precluded the filing of a motion. I thought that it might save time and move things along a little more quickly, but they were not necessarily mutually exclusive.

Pauline A. Stipes, Official Federal Reporter

If the Plaintiffs desire to file a motion, they are always able to file a motion. If you want to file a motion and you want to file it under the local rules with the full page limit, it would seem to me that it would be only the right and fair thing to allow the Defendants to utilize the full page limit and the full time that they need, and then to allow the Plaintiffs to then allow the full time and the full page for the reply.

So everybody is aware, that puts us about three weeks down the road. Then, if the court wants to hold a hearing, I am not even sure -- let's see, if we are April 20th, we are looking at the end of May, so it does postpone what the Court was thinking was maybe a more expedited way to be able to arrive at the same place.

I really want you to understand, Ms. Finken, that this is really less about whether you are deserving of an extension and more about the Court understanding, tell me what you need and why. So, maybe there is a misunderstanding of what you feel you have to prove to the Court.

I mean, the Court -- your words are not falling on deaf ears, and so, you should know that. You absolutely can lay out everything that brought us to this place, but I certainly want to know also where you want to go and why, and understand it, so it does delay things.

Is that preferable, to kind of really kind of put a
month down the road the Court's entry -- potential entry of an amended PTO 30? What I am hearing is that PTO 30 is going to be amended. I am the one who has to sign the order, but I have generally operated with consensus, so I think you would be hard pressed to find me working against the winds of what both sides want.

Now, if there is a difference in a number of days, or weeks, or months, and if that is what it is coming down to and that is what the briefing would enlighten the Court, I can wait a month.

PTO 30 is not really -- it is affecting your daily lives is what $I$ am understanding, and it is making you unhappy, it is making this unpleasant. It doesn't have to be that way. The litigation is hard enough.

So, I guess what I am saying is, I am here to help. I don't know how else to say it, I am here to help. The structure has to work. I am not going to preside over an MDL that doesn't work, like sticking a circle into a square. If it is not working, it is not working. How you want to tell me that $I$ guess is up to you. It is fine, we have local rules, motion, response, reply. If I still have questions I can have a hearing. It does put it down a month, I can tell you, with sort of ripening, and that is fine if that is the way you want to go.

Is that the way you want to go?

Pauline A. Stipes, Official Federal Reporter

MS. FINKEN: I think that, from our perspective, we do want to brief the issue if it is going to go in front of your Honor. It is not to delay it, and $I$ fully appreciate what you have messaged to us about trying to get to a resolution quicker.

It is just a matter of the ability to see the complete picture and how we got to where we are in terms of what we are asking for, because the request from the Defendants that we are supposed to show them what we need to do to get an additional six weeks from beyond what they have proposed, which is nothing, is disingenuous at best, frankly.

We have told them what we needed, we have told them what is deficient, we have told them what has been delayed. They know what has been delayed, they have asked for extensions. We have had issues that we have worked out in terms of the delay in production.

So, it is very hard for us to listen to that plea by Mr. Bayman on the record to the court and trust that we can come in front of the court next week at a hearing and address this adequately without fully laying out the positions and what has occurred up until this point and what still needs to occur before we get to expert report deadlines moving forward.

THE COURT: Okay. Let me go over a couple of things.
Let me know the date by which you will be filing your motion, and what $I$ will say is that in both the motion and the
response I nevertheless do want the chart.

So, you can use your page limits for your explanation and narrative, but $I$ want a replication of something that looks like PTO 30, like a map, like a schedule, and I want the Plaintiffs' version of it. So, I guess, Mr. Bayman, you will just get it in a different version, you won't have it right up front from the hearing, but you will have a motion and you will have the chart.

Hopefully the motion will explain in ways that maybe the communication hasn't quite done, the oral communication or email communication, what the Plaintiffs need and why. And please, $I$ ask the Plaintiffs to please explain to the court with as much detail as you can why the dates are as you propose. You know, anticipate questions I might have, try to answer them in your motion.

And then the Defense will file its response and it will also include a chart. It may say it agrees with the Plaintiffs' chart and it may have a different chart, and then the Plaintiff will have a reply, and then we will see whether a hearing is necessary.

So, I guess all I need to know at this point is, by what date will the Plaintiffs file their motion?

It is important that we have a known date, particularly since you have started the motion, so is not as if it is something coming out of -- from scratch.

Pauline A. Stipes, Official Federal Reporter

When would the motion be filed?

MS. FINKEN: Your Honor, I think we could file it relatively quickly, I would say by Friday. But in the meantime, if it would be helpful, we can submit to you our proposed schedule in advance of filing the motion. It is something that we have been discussing and working on.

We could put that piece of it together fairly quickly for your Honor's consideration in the meantime so you can see exactly what we have proposed to the Defendants and how we have adjusted the schedule. We could do it relatively quickly and then file our briefing.

I don't know if Mr. McGlamry agrees with that timeframe or not, $I$ was speaking out of turn, but $I$ think that that is a doable timeframe for us.

MR. MCGLAMRY: Yes, your Honor, I totally agree with that, and $I$ was going to suggest myself we can go ahead and probably by tomorrow send you a proposed schedule, essentially a draft, if you will, of PTO 30, whatever it is now kind of thing, yes, and then we can brief that issue, but you will already have that in advance.

THE COURT: Thanks, I appreciate it, but if you are filing your motion on Friday, you do not need to send me a draft beforehand. I actually don't want a draft, I want the real thing. I would like to see the chart in connection with what you have to say. That will be most illuminating for the

Court, by all means.
So, you do not need to get me anything. Just go ahead and file it as a motion on the docket, just make sure part of the motion -- and I will do an order to that effect, by no later than Friday at 5:00 -- again, I am using Friday because you said Friday, I am not using Friday as your drop dead date. If Friday is the date that you want to file it, I want to memorialize it so we have a reasonable expectation. If that puts too much pressure on you, do you want Monday instead?

MR. MCGLAMRY: No, Friday is fine.
THE COURT: So, Friday at 5:00, I will do an order and it will be for Plaintiffs to file any motion it so desires relating to PTO 30. Should such a motion be filed, it shall include a chart in the same format with dates and events as that contained within PTO 30, and that the Defendants will file their response under the timeframe allowed for under the local rules and Defendants shall as well include a chart.

So, we will proceed that way. I will decide whether I need a hearing after I receive your submissions.

So, let me just ask you, then, in the interim, is there agreement among the parties, you know, because obviously I am not at your negotiating table, is there at least agreement that, for example, the August 2nd deadine -- do all sides, is everybody in universal agreement, collective agreement that August 2 nd is not a viable date?

I know the answer for the Plaintiffs would be yes. Can I ask Mr. Bayman, like, is that something that the parties have agreed to, it is just that some of the later dates are where the differences have arisen?

MR. BAYMAN: I think our disagreement, your Honor, has been how long they need from August 2 nd. We made a proposal in which we offered to extend that deadline by 90 days, and again, your Honor, not because we thought they need 90 days, we did it to more than meet them halfway to try to get a compromise. We don't think they need that long for something as narrow as general causation.

THE COURT: Okay. And the Plaintiffs, again, without previewing the other dates, is that where you were saying you were one month apart in terms of the August 2 nd date? So, the Defense is saying 90 days and you are saying 120 days?

MR. McGLAMRY: No, your Honor, that is not exactly correct.

THE COURT: Ms. Finken was nodding yes, but you can't see her, I can.

MS. FINKEN: Sorry. Go ahead, Mike.
MR. MCGLAMRY: The Court I thought said 120 and 90. It is 140 and 90 in terms of moving out August 2 nd, in terms of that deadline for the close of general causation, discovery, and the general causation expert reports. Then -- so, that has been the essential talking point between us and Andy about the
schedule.

Sort of the other parts of the schedule we really have not sort of had to, at some level, necessarily get down to, you know, brass tacks, if you will, about because that movement from August 2 nd to whenever is the driving piece.

THE COURT: Okay. So, I think what we can do is, we can accomplish a small step today, but actually it is a big step. Since we know that we are waiting at least a month for there to be any kind of final resolution on ultimate scheduling, let me ask the parties this.

Is there any objection to the Court, for purposes of coming out of today's conference, lifting the August 2nd date by 90 days, since that is an agreed upon date, and then the rest will be worked out with the briefing and perhaps a hearing, but lifting the August 2 nd and the dates that flow from there as an interim measure for 90 days at this point?

Let me hear from the Plaintiff and then from Defense.

MR. MCGLAMRY: Your Honor, I think, obviously, it is sort of in their court in terms of that, but yes. Obviously that is something they proposed. If that is there, then at least we would not have the pressure of that August 2 nd piece and we would have a chance then to work the rest of this out.

MR. BAYMAN: Sorry, your Honor. I think we agree that it should not be August 2nd, and I guess my view would be that you just vacate that date until we have a new date, as opposed
to extending it 90 days now.

THE COURT: Okay. Plaintiffs' response.

MR. MCGLAMRY: Your Honor, that is up to you, but I think we are just as happy to go forward with the motion and talk about whatever dates that might go to, and if they don't want to make it 90 days, that is fine. We can just lift it and see how the motion goes.

THE COURT: Ms. Finken.

MR. BAYMAN: Your Honor, a lot of other dates are triggered off of that which may need to be adjusted. So, I would like, obviously, the ability to see what they think they need and how long they need, but certainly vacate so that they don't feel a pressure of an August 2nd deadline.

THE COURT: Okay. Ms. Finken.
MS. FINKEN: Your Honor, we would ask if your Honor would vacate the August 2 nd deadline in the interim (inaudible) and the new deadlines will be moving forward.

THE COURT: Okay. I will do an order vacating the August 2 nd date in PTO 30 at the Plaintiffs' request and Plaintiffs' agreement to have the motion filed by 5:00 on Friday, with the contours that I have outlined, and then the response and reply, and then we will go from there.

Okay. Anything more on PTO 30?
MR. BAYMAN: No, your Honor.

MR. MCGLAMRY: No, your Honor, thank you.

Pauline A. Stipes, Official Federal Reporter

THE COURT: Thank you very much.
All right. Registry, Mr. Petrosinelli and Mr. Pulaski.

MR. PETROSINELLI: Good afternoon, your Honor. THE COURT: Good afternoon.

MR. PULASKI: Good afternoon, your Honor.
THE COURT: Good afternoon. Nice to see both of you.
Let me turn it over to you.
MR. PULASKI: Joe, I will jump in unless you have anything else.

Let me just give you a quick update. We have 93,000 current claims in the registry, a little over 93,000, I believe. That is a little lower than last time because we exited some claimants from the registry. We have 80,000 of the 93 from there completely non-deficient and filled out completely, the other 13,000 are being worked on, and everything seems to be going well with the registry to date.

As part of the registry process, as your Honors know, we had PTO 50 and 52 put in place. PTO 50 allowed us information so that we could create a sales and data chart or a Defendant mapping chart that would allow Plaintiffs to be able to name Defendants that possibly could have been involved in the case, and so that we weren't naming some Defendants that may not have possibly been involved.

PTO 52 laid out a process by which the Defendants
could argue that perhaps Defendants were improperly named or inadvertently named, and certain short form complaints and a process by which to give them notice to cure those problems. Since November we have been working on the PTO 52 issue where notice has been given, and by the 21 st day of the month a response was supposed to be given to my office either through me or Ms. Marlo Fisher where we take all those notices and provide them to Defense counsel to let them know who has complied with and who has not complied with the PTO 52 dismissal process.

PTO 52 then provides for another process by which Special Master Dodge may get involved if need be to clean up the final few that may have issues for reasons that we don't know yet as to why it wasn't cured, the problem wasn't cured.

I will tell you that there have been hundreds and hundreds and hundreds of notices sent out by the Defense. As of today, there are only 16 cases from all those months that the -- there wasn't an agreement as to the process where Defendants were dismissed and life moved on. So, we are talking about literally 16 out of 3 or 400 .

Of those 16, there is a process in place right now that myself or Special Master Dodge, or through or with Special Master Dodge can reach out to those final 16 law firms and try and resolve these issues, which I think probably would occur within ten days once that process started.

We never really implemented that process until now when we had a call with Mr. Henry to discuss how we would proceed from there because it wasn't brought up until just now.

In my opinion, the process is working splendidly, the registry is working great, the CPFs are all cured, they are not deficient for the most part. The ones that aren't cured are being cured. The Plaintiffs are using the Defendant mapping to its fullest potential.

The claims that were being made by the Defendants regarding the Defendants that were named that shouldn't have been named weren't an overall shotgun approach by the Defendants. It was like, hey, there is one Defendant that you accidentally named, or a name that shouldn't be here, or there are three Defendants. It wasn't, hey, there are 30 Defendants that you named that shouldn't be involved.

So, Plaintiffs' firms are using the Defendant mapping to properly name Defendants in their short form complaints. The Defendant mapping, or the sales and data chart, is not that easy to follow, it is detailed, and that information was provided by the Defense, but there are numerous formulations, be it syrup, or pill, or tablet, or injection, then there are numerous dosages, 75 milligrams, 150 milligrams, 300 milligrams, etc., and then there are different start and stop times for each one of those.

So, one Defendant may have a hundred different NDC
codes for products that are being sold, and on occasion there may be inadvertently a Defendant that is named, and as soon as notice is given, it gets cured, or in this case there are 16 out of 3 or 400 that are not, and the process is working perfectly well at this point.

To begin, I will tell you that $I$ don't think that we are needing to use Special Master Dodge's time in any significant way. In fact, I don't even think we needed to use her time much at all so far, but she will be asked to help correct these last 16 firms' problems pursuant to the PTO that we agreed to after much deliberation between Defense and Plaintiffs. And again, I think the process is working well, and that is kind of it as it relates to PTO 52 and the dismissal process.

I will say, just for the benefit of anybody that is listening, if you do get a notice, please reach out to myself or Ms. Fisher if you have any problems or suggestions or concerns about why you shouldn't have someone dismissed. Again, your Honor, everyone has been reaching out to us but for this very small handful of people.

THE COURT: So I understand, Mr. Pulaski, in PTO 52, in paragraph $F$ of section two, dismissal procedure, you are saying 16 Plaintiffs remain identified who have not complied with either filing an amended short form complaint dismissing the requesting Defendants or providing a brief response with
the basis for refusing to dismiss the Defendant, 16?
MR. PULASKI: I think there are just 16 at this point which is -- 16 from 11 different firms. There are only 11 firms involved out of the hundreds of law firms, and again, I am beyond confident that once myself and Special Master Dodge get involved for a very brief period of time, send an email out to these people, 95 to a hundred percent of those will be resolved almost immediately.

THE COURT: How many dismissals have there been? You mentioned hundreds. Is there a more particular number?

MR. PULASKI: I have 500 on a dismissal list. The problem is some of those were cumulative where they were on two different months lists. So, I don't know the exact number, but I know it is between probably 3 and 500 where there was an instance where one or more Defendants should not have been named and either there was an agreement later that they should have been named, or there was an agreement that they shouldn't have been named and it was just missed. I don't know the outcome of every single one.

Sometimes the Defendants were in error as to what they wanted, sometimes they were correct in what they wanted, sometimes there was an ambiguity and it was discussed and resolved.

But to answer your question, there are 3 to 500 -- I am guessing more between 3 and 400 individual cases where
notices were sent out to Plaintiffs.
THE COURT: And they either filed an amended short form complaint dismissing the requested Defendants or provided a brief response?

MR. PULASKI: That is correct.

THE COURT: Okay. Did most of them fall into one category or the other, filing the amended short form or --

MR. PULASKI: I would -- I'm sorry, your Honor, I didn't mean to interrupt you. I would guess that at the beginning more of them would have been in the category of we named the wrong person, and we changed this because we were cleaning up stuff from before PTO 52 was entered, older filed cases.

I think now it is probably more of the one off, one Defendant or two Defendants may have been improperly named because it really is hard to follow that chart because there are so many variations of what is going on, and this process was put in place to clean that up, and that is what it is doing. It is a perfect process.

Everything is provided through the CPS allowing LMI to print out the names and the matching possible Defendants based on what we gathered from PTO 50, and then PTO 52 was put in place, and to be honest, I can't imagine a system where it is going to work any smoother than it is running right now.

THE COURT: Thank you very much. Mr. Petrosinelli.

Pauline A. Stipes, Official Federal Reporter

MR. PETROSINELLI: Good afternoon, your Honor. Nice to see you and Judge Reinhart. I will be quick because I know it is late in the day.

Just a couple of things differently to add just so your Honor knows what is going on in the coming months with the registry. I would say two things, mainly.

One is that we are now -- for the claimants who corrected their deficiencies and remain in the registry and who allege one of the ten injuries that the Plaintiffs' leadership is pursuing, we are now in the process of collecting the proof of use and proof of injury records.

In other words, our records vendor is now collecting that, and at some point down the road we will talk about what we do when we see a record that is not consistent with what is on the form in terms of the product that was taken, and that is sort of more -- I guess more granular defense mapping and trying to figure out where we need to amend forms to allege different products that are there or the like.

The second thing is, we are now starting with the sort of -- I call them tranche two census plus forms, we need to start that deficiency process. In other words, the large process we just went through were for folks whose census plus forms were due I think by the end of September of last year, maybe October, one or the other.

Now we have had a bunch more forms come in over the
last several months and now LMI is starting the process of looking at those forms to figure out where there are deficiencies, for sure there will be, and then working with the special master, we will put in place a process to get those corrected or exited if people can't correct them. And so, I think those are the two next things on the horizon.

There are other little things that Mr. Pulaski and I are working on. Your Honor, you should have -- one thing that is very good from a data analytics standpoint is LMI, now that we went through this tranche one deficiency process and we now have this corpus of Plaintiffs who allege one of the ten injuries and have a non-deficient form, those data analytics can be applied to those. LMI has just provided us, I call them aggregate data reports for that body of people.

If the Court doesn't have those, we should get those to your Honor because they are very interesting to look at because that really shows you what this MDL is made up of, at least at the moment. Now, that number changes because people exit, people enter, and so on, but at least at this point in time, it is a pretty good snapshot from an analytic snapshot of where we are in the MDL.

THE COURT: I haven't seen that report, I am looking at other LMI reports. That particular report, and I will get it, but can you give me a preview? It is the non-deficient top ten cancer census plus forms. What is an example of the
information or the data analytics that you are saying you are seeing that are very interesting?

MR. PETROSINELLI: Dates of use, age, state of residence, generic use versus brand use, OTC use versus prescription use, number of cases that involve decedents, all sorts of data that really give you a good picture of what the demographics of the claimants are and when -- the usage in question, and those kinds of details that $I$ think are particularly interesting.

MR. PULASKI: Your Honor, if I may --

THE COURT: I am sorry, I have one more question.

How many claimants fall into the category of non-deficient top ten for which these reports have run?

MR. PETROSINELLI: 71,000.

THE COURT: I thought there were more deficient forms than that. So, you are saying there are 71,000 non-deficient top ten cancers?

MR. PETROSINELLI: According to the reports we got from LMI just a couple of days ago, there are 71,000 non-deficient forms with one of the top ten injuries, yes.

THE COURT: Thank you. Did you agree with Mr. Pulaski about the procedure under PTO 52, that it is working as well as Mr. Pulaski reported, hundreds have sort of complied, Defendants have been dismissed through short form complaints or they filed -- or the Plaintiff has filed a brief response, and
that there are only 16 who have not responded, and that you see that as being a de minimus number, and that the next step should be to have the special master try to find out what is going on with those 16 before -- what paragraph J provides for is that the special master recommends a procedure to request the assistance of the Court in resolving the dispute.

MR. PETROSINELLI: I would defer to my colleague, Mr. Henry, on that because that really involves the generics. That really has not been a brand issue, so I personally have not been much involved in that. Mr. Henry, I see him on the screen, would be happy to answer your Honor's question.

THE COURT: Thank you. Mr. Henry.
MR. HENRY: Terry Henry for Apotex Corporation speaking on behalf of the generic manufacturers.

Your Honor, we have had some hiccups in this process on the way, and while we have worked pretty hard with Mr. Pulaski and the special master, those 16 remaining cases that need dismissals, that is only from the February and the March list. We still have a backlog of deficiencies from November, December, and January that we need to fix, and we are working with Mr. Pulaski to get those fixed.

The two big problems that we see are, number one, individual Plaintiffs' counsels who don't undertake what they are supposed to under PTO 52, they either don't dismiss the case or they don't respond and provide a reason, which leaves
those cases hanging, which is why we have these deficiencies.
We believe now we do have a process to begin cleaning up those deficiencies month to month. We still have to go back and fix those prior months.

But the second problem we have is that from the PTO 50 disclosures that the generic manufactures provided in the fall, Plaintiffs' counsel were supposed to have product identification information from which they were to identify the proper generic manufacturers or manufacturers generally.

Our lists month to month are not getting shorter, right, because if they were using that data, using that information in order to name the proper Defendants then those lists would get shorter and ultimately this PTO 50 process would be very simple, as Mr. Pulaski says, but that is not happening. Our lists are continuing to be long lists, and in some cases month-to-month they actually get longer.

Those are the two problems we are working with Mr. Pulaski to try to resolve in this PTO 52 process with the help of the special master.

THE COURT: When you say you have a process in place right now, are you speaking about the process being the special master reaching out trying to find these Plaintiff firms and find out what is happening, like paragraph I?
"It is anticipated that where a Defendant requests removal based on information submitted for the first time the
special master may grant the extension. In addition, as the MDL continues to develop it is anticipated the process for dismissal may also evolve to meet the changing needs of the parties. The parties are directed to continue to meet and confer from time to time with the special master about whether any changes to this process would be useful."

And then $I$ guess in the paragraph before it says the special master can extend the time.

I guess I just want to understand what it is that the parties have agreed to as the process, short of asking the Court for assistance in resolving the dispute. Are we not at a stage where the Court should be involved; and if not, when will I know that you need the Court?

MR. HENRY: Your Honor, I think we are still a step away. The process, as Mr. Pulaski explained it, by the 21 st of the month they are supposed to have either cases dismissed or responses from Plaintiffs' attorneys. Then Mr. Pulaski's office puts together a report for us of those consolidated cases that did not get dismissed.

In fact, what happens is, Mr. Pulaski provides to us now a list of cases in which the Plaintiffs' counsel just didn't respond, and what we do is, we actually verify that list because sometimes, as Mr. Pulaski said, a case did get dismissed and Plaintiffs' counsel just didn't respond to anybody.

So, we verify the list and then that goes to the special master, who then reaches out to those firms. That is the stage we are at now and it is our hope that Special Master Dodge will be able to get those resolved. If not, then we will be at the stage where we need to come to the Court for assistance.

THE COURT: Great, I appreciate that clarification. Anybody want to say anything more on the registry?

MR. PULASKI: Your Honor, if I may, just quickly. Mr. Petrosinelli was accurate in explaining to you what the aggregate reports were showing and hopefully you will get a copy of that soon.

In addition to the items that it showed you, it also showed duration of use, how long particular clients and the averages of how long, did they use it for five years, ten years, 15 years, three years, and the frequency of use, did they take it daily, did they take it weekly, and a bunch of other issues, even ones that are deterrents or negative factors, such as preexisting conditions and compounders that may exist for types of cancers, specific types of cancers.

What I will say that we didn't touch on, and that I know is a PTO 30 issue that will be raised by Ms. Finken and Mr. McGlamry, and other issues, and by Defense as well, is kind of the purpose for why we did this.

One was to clean up the docket, to make this
transparent, to give the Defendants notice of the types of claims they may be facing, the alleged claims that were being placed against them, and to allow for a process down the road that would make the bellwether process more seamless and easy to adhere to, and to create a bellwether process that works, especially with a litigation that is cumbersome like this one with so many Defendants and so many different types of Defendants and so many Plaintiffs that used the drug for years.

I think now that we have this put together with 71,000 designated cancer non-deficient Plaintiffs, we are at a position where -- $I$ know we were supposed to start the bellwether process next month, where we can actually start sitting down with the Defense and work out a process by which to create the bellwether process, and then to move down the road to where we get to a point where we have a filtering of cases that we go through.

Then we have Plaintiffs picks, Defendants picks, and Court's picks, and start working through that process at the same time and on a parallel path as we go through discovery, so that when we end discovery we are far down the road with the bellwether process and we are not starting from scratch after discovery has finished because at this point we have all the data, the Defense has all of the information, the Plaintiffs have all of the information, and it should make for a very seamless bellwether process starting next month and moving on
down the road and actually working through bellwether cases to some degree over the next six months.

I think that in and of itself is really the greatest benefit of the registry process, in addition to forcing everybody to understand the 30,000-foot view of the claim, which in my mind makes everything worthwhile, and all the time we spent both on the Plaintiffs side and the Defense side and special master's side to get all this done.

Down the road, I would say it will be significantly beneficial for some type of settlement procedure if and when we get there. For now, the bellwether process, we are really ready to go as far as I can tell.

THE COURT: Well, I'm a little confused. I don't want to rehash PTO 30 and what I did with the previous group, but it probably bears clarifying. I was going to memorialize it in an order, but in essence, vacated the August 2nd date, which would seem to lend itself to the dates that follow it, particularly the ones that, for example, bear on the expert reports that would come out of -- you know, the Defendant's expert reports, things that flow from August 2 nd.

So, I want to be clear, Mr. Pulaski, are you working on the premise, then, that even though part of your team has agreed to the vacating of the August 2 nd date, and really the dates that flow from it, that the August 16 th date would nevertheless remain in effect? And if so, we should probably
be very clear on that is what everyone wants.
MR. PULASKI: I think what $I$ am saying is, one, $I$ will get with Mike and Tracy just to make sure that we are on the same page, but in my mind, as $I$ see it, the actual sitting down and speaking with Special Master Dodge and the Defense to discuss a bellwether process, how are we going to handle it, what types of cases are we looking for, how would we want to choose these, do we want to start with a group of 500 cases and whittle it down to a hundred; out of those hundred, do we want to group it into different types of cancer, and do we want different stages, do we want different use, such as daily use versus weekly use versus someone that used it for 20 years versus 10 years, and that process I don't think needs to be held up.

Now, when we start talking about discovery and other issues, that is a matter that I need to get with Mike and Tracy about, and we need to discuss in PTO 30, but just sitting down and discussing how we are going to start moving along and start picking the actual cases, to me, that is a no brainer, and that can start whenever we want to start. That is non-specific to discovery being done, it is really just a procedure to put in place so that when we are ready to go, we go.

MR. PETROSINELLI: Your Honor, may I be heard on that? THE COURT: Yes.

MR. PETROSINELLI: I think perhaps your Honor was
thinking the same thing $I$ was thinking, which is they can't have their cake and eat it too. PTO 30 was done as a whole compromise that had in it deadlines for expert disclosures and discovery, and deadlines for, as Mr. Pulaski said, starting to talk about a bellwether process.

If PTO 30 is going to be extended, it has to be extended entirely, and that would include the dates up front that dealt with discussing bellwether cases because, as Mr. Pulaski said, the idea and the compromise was that those things would happen in parallel. So, if we are pushing back the deadlines relating to the Plaintiffs' general causation expert reports, as you heard from Mr. Bayman, our position was we were willing to entertain some extension, but only if all the other concomitant deadlines were extended.

I agree with you, your Honor, I don't want to go backwards to a half hour ago, but if the Plaintiffs' proposal is going to be let's push back our expert disclosure deadlines, but let's keep all the bellwether deadlines, then we have a very different position and you will see a very different set of motion papers, I think.

Just to be clear, and I think Mr. Bayman, if he were on the screen, would agree with me, we were willing to entertain an extension that they have requested, that we don't think they need, but they think they do, on the expert disclosure deadline assuming all the deadlines are pushed,
which would include the deadines in PTO 30 relating to bellwether discussion.

And so, I think that was the gist of your Honor's question and that is our view of that, but obviously we can wait and see what they propose, I guess on Friday when they file their motion.

Thank you, your Honor, for clarifying that, because that is a key feature of our position on the overall subject. THE COURT: Okay, thank you.

I know Mr. Bayman and Mr. McGlamry came on. Unless there is something you want to add that is different from what has been said --

MR. MCGLAMRY: Your Honor, all I would say is, you know, we had made a proposal that included issues related to bellwether, and that was part of the discussion. As Mr. Petrosinelli said, they responded (inaudible) here is our proposal (inaudible) we didn't work it out because we didn't have an agreement.

From our perspective, PTO 30, as you talked about earlier, with both the two columns, you have the one -- the dates on one side and the events on the other, obviously those things have to have some correlation and probably tweaking, as we have learned how we need to do in tweaking these orders, and so we'll address it all when we file our motion.

THE COURT: I think that makes sense. So, maybe I was
to -- I have to look back to the transcript to exactly what I said. The vacating should be as to the entirety of PTO 30, pending the submissions, which will include the charts, and then the Court will know where you stand with respect to the sequencing and whether you have the same vision of all dates moving back equally, or perhaps one date remaining the same, even though others are.

I didn't want to get off track, but I did want to pick up on how I heard Mr. Pulaski speaking, and it didn't quite comport with what $I$ meant to say when $I$ spoke of the vacating.

So, the vacating is, obviously, not a ruling, it is not with prejudice to anybody. It is entirely without prejudice to sort of pause, relieve the stress, relieve the panic, give wiggle room to make things work properly, and give the Court an opportunity to hear from you through your submissions as to what you think a revised amended PTO 30 should look like, and then armed with that information, the Court will make its ultimate determination.

Okay. Unless there is anything more to say about the registry, I thank you very much for that update. We will move on to the last -- the second to last agenda. Thank you.

MR. PULASKI: Thank you.
MR. PETROSINELLI: Thank you and Judge Reinhart.
THE COURT: State/Federal, Mr. Agneshwar and Mr.
Pulaski for Plaintiffs if that is needed.

Pauline A. Stipes, Official Federal Reporter

MR. AGNESHWAR: Thank you, your Honor. Good evening, I should say, instead of good afternoon anymore. Good to see you. Good to see you, Judge Reinhart.

Very quickly, your Honor, the one thing that is new since the last time we were before you is that there has been argument on the Tennessee Motions to Dismiss in Hamilton County and a decision, basically, on our Motion to Dismiss design defect. The Court granted it insofar as the theories were based on the design of the product and allowed Plaintiffs to replead if they were making a labeling claim or a manufacturing claim.

On the pleading issues, the Court did not dismiss the case outright, but gave Plaintiffs 60 days to provide more clarity as to what they were really saying, the who, what, where, why of their theory.

So, it kind of parallelled a little bit what the Court did, but that is the sum and substance of it.

The Court also entered a scheduling order that takes us through April of 2022, when expert reports are due, but in those cases, there are a lot less cases, there will be other discovery going on in the meantime.

As to California, we are negotiating with the Plaintiffs on some of the standard orders that will be issued once the JCCP gets off the ground, but we are still waiting for the Chief Justice to affirm the assignment to Orange County for
a judge to be assigned. This is the normal timeframe, we are expecting that any day now over the next couple of weeks.

Beyond that, your Honor, nothing else to report. I'm glad to keep it short and sweet.

THE COURT: Just one question. You said that in the Hamilton County there is repleading 60 days from now, or whenever the orders came out. It sounds like they came out fairly recently. But April 22 is when Plaintiffs would put forth their expert reports?

MR. AGNESHWAR: Yes, I believe that is right. Let me very quickly look at my notes here.

THE COURT: So, kind of discovery between now and then and expert deadlines by a year from now?

MR. AGNESHWAR: Actually, it is not really expert reports, it is more interrogatory responses. So, the Plaintiffs are due on February 28, 2002, and ours are due -deadline for Defendants' expert rog answers are due on April 29, 2002.

In that case, at least the way the Court entered the order, there is other discovery taking place between now and then, including written discovery and depositions of the Plaintiffs and the like.

THE COURT: I think you said 2002, but you meant 2022, right, just for the record.

MR. AGNESHWAR: Yes, correct.

Pauline A. Stipes, Official Federal Reporter

THE COURT: Do you want to add anything, Mr. Pulaski? MR. PULASKI: No. I think Mr. Agneshwar covered it. THE COURT: Perfect. All right. Mr. Watts, then, the next matter on the agenda, how are depositions going, international brand, non-international? If any Defendant needs to be heard on this, by all means come on to the platform.

MR. WATTS: It is not letting me start a video.
THE COURT: Oh dear. I can hear you okay, so you can report without your video on.

There you are. Hello.
MR. WATTS: As the joke goes, I have a face built for radio, so here we are.

The status of the international depositions kind of reminds me of that 1966 spaghetti western The Good, the Bad and the Ugly, we've got a little bit of each. The good is that Rob Friedman, playing Clint Eastwood, and I started a long time ago on this and blocked out two weeks of time. I think we have June 14 through June 25 blocked out for Boehringer Ingelheim in Brussels.

The bad is, you know, Lee Van Cleef is Will Sachse, he got started late, but he has made a lot of progress. I don't mean to criticize it. And then the ugly is my buddy, Anand, who is bringing up the tail, but we are close. Let me tell you where we are.

I am going to get on an Air France flight on May 31,
and I will be in Europe with our team for about eight weeks. We have two weeks blocked out for Sanofi. From June 1st, effectively, through the 11th is the block that we are trying to do with Sanofi. We don't have any witnesses pinned down yet, but that is the block that my friend Anand and I have agreed to. We don't know whether those depositions are going to be in London or in Brussels, and we are working on that, and he is working diligently.

Then we go to Brussels or we stay in Brussels to do two weeks of Boehringer Ingelheim depositions from June 14th through June 25th. Then lastly, from about the 28 th of June through about July 16th, we have England and Ireland for Mr. Sachse's witnesses on behalf of GlaxoSmithKline.

We asked for six Sanofi witnesses, we got dates for zero, but I am confident that Mr. Agneshwar is going to get them pretty quick. We asked for eleven international witnesses from Boehringer Ingelheim, so far we have four. Actually it's more like five because one of the ones we asked for in Europe is actually in Mexico and I will get back to that.

Then with respect to GSK, we have asked for 15 and so far we got six, but I don't want to suggest that we are only 40 percent there. I see progress every day, and hopefully we will have you a full update by the end of next week as to what is going on.

Our challenges are as follows: Number one, we have a
set of depositions that we need to do in Mexico City, and those are the Promeco Mexico depositions. I have an office in Puerto Rico where people are reading a bunch of Spanish language documents right now. So, we have to get through those documents, and there are more than 10,000 of them as I recall, before we can give Mr. Friedman the final list of whom we want to depose in Mexico.

I think he has three people already that we have asked for that happened to be stationed there. My guess is we will add two or three more and we will get them all done in a week.

From the standpoint of scheduling, think in terms of June 1 through June 11 for Sanofi, June 14 to June 25 for Boehringer Ingelheim, June 28 through July 15, 16 for GSK, and then immediately we go to Mexico City, probably a week there, sometime the 18 th through the $22 n d$.

So, our goal is that we have to be done by the 22 nd, and the reason is, $I$ am in a final pretrial conference in front of Judge Lee Rosenthal in Houston on the 23rd, and I start a trial shortly thereafter.

You brought up a lot about how you would tweak PTO 30. I am reminded of the phrase from P. T. Barnum that comfort is the enemy of progress and, frankly, I was a little relieved about the briefing, that this might take a month. What I don't want to have happen is, $I$ don't want to go to Europe twice. I am going to be there a long time, my people are going to be
there a long time.
What $I$ would like is an international depo protocol order, that $I$ am happy to submit to the Court, that basically says, look, I may have just pushed PTO 30 back 90 days, or 140 days, whatever it is going to be, but $I$ want all of these international depositions done by July 22 nd, or you have to bring them to the United States.

The two things that $I$ need is, number one, they designate these witnesses. I need to know who needs an interpreter so that we can figure out how long these respective depositions are going to take place. I advocated for and I think your generic depo protocol assumes a one-day deposition. Obviously, if something is interpreted it takes twice as long and sometimes four times as long.

The second thing is, and this is where $I$ really want to focus my conversations to you, the need for the custodial documents for the witnesses that we have asked for -- I will tell you that $I$ sent out lists for Sanofi, for Boehringer Ingelheim, and for GSK the first part of this month. Everybody got them by April the 6th, and the reason for that is, I need those documents by May the 7th, and that gives us two or three weeks to put our document -- our document review teams in and get them all done.

The logistics of traveling international and getting all the documents over there and getting everything set up are

Pauline A. Stipes, Official Federal Reporter
three times as difficult as a domestic deposition. I need the documents for all these witnesses produced to me by May the 7th. Why did I get them all the list by April the 6th? So that they had 30 days just like you would in a normal $30(\mathrm{~b})(6)$ situation.

So, I don't want any of this stuff like what we've seen in some of these domestic depositions where we fly all the way to England or Cork, Ireland or Brussels and then we get documents produced two days out. We won't have access to copy machines, we won't have access to interpreters and the like. We need them by May the 7th, which gives us three weeks to get them all ready, boxed up, copied, and the like.

So, that is kind of where we are on the international depos. I think it is a story that the glass is half full, I really think we are getting there. I commend Special Master Dodge for her assistance in that regard.

You asked also for a little bit of information on brand non-international issues. Would you like me to handle that first?

THE COURT: Let me go back to this very elaborate, detailed oriented, deadline driven protocol for international depositions.

What is the game plan? When are you going to submit a proposal to the Court after conferring?

I want to leave enough time for the Court to be able
to assist in getting the parties what they need so that they can proceed with this whole schedule that you have outlined on track.

MR. WATTS: I will have a draft to the Defendants by tomorrow --

THE COURT: I'm sorry, can you repeat that? I didn't turn my audio off.

You start with you will have a draft, and then $I$ didn't hear what you said.

MR. WATTS: I will have a draft to them by tomorrow. I will be in depositions with Cardinal and Rite-Aid Thursday or Friday. If they get it back to me over the weekend, that is fine. We can submit it to you early next week. It's very simple, interpreter, how long is it going to take, am I going to get the custodial documents by May 7 th in time to get them organized before we get on the plane May 31st.

THE COURT: Is Mr. Agneshwar the person you are dealing with on this?

No. Who from the Defense could represent that submitting a proposed protocol next week is acceptable to the Defense?

MR. WATTS: To be fair to the Defense, the issue of custodial documents by May the 7 th is something that $I$ just thought of during the course of this from the standpoint of we have had these problems domestically that I am about to tell
you about. I will get Mr. Agneshwar, Mr. Friedman, and Mr. Sachse a draft, it's very short, a page and a half. It basically says by $X$ date you tell me whether they are interpreted, and by $Y$ date you get me the documents, and then we will come up with whatever else we need to do.

THE COURT: I am not hearing from any Defense objecting to -- it is not that the Defense is agreeing to anything. I haven't ruled on any date, $I$ am talking about getting a proposal, which will either be an agreed to proposal or competing proposals.

Can we say by next -- a week from now, the 27 th, that there be a proposal -- a proposed PTO for international depo protocol submitted to the Zantac email address by 5:00 on the 27th? Is that acceptable to both sides?

MR. AGNESHWAR: Your Honor this is Anand Agneshwar representing Sanofi. I hadn't heard of a proposal for an international deposition protocol that is separate protocol from the pretty elaborate protocol we already have in place, but I am happy to take a look at it. Before I see what Mr. Watts has in mind $I$ would rather not commit to a particular date.

We can be sure to let your Honor know by next Friday either, A, we have agreement, B, we have competing proposals, or $C$, we need more time to evaluate, if that is okay. THE COURT: How does that work for the Plaintiff?

MR. WATTS: I think as long as we get it handled by May 1st --

THE COURT: That is the very next day. You are not going to have an order by May lst, which is a Saturday, if I don't have a proposal by the 30 th of April.

MR. WATTS: You are right about the weekends, Judge, I am sorry. I have deposition on the 5th, 6th, and 7th. If there is a way we could get it set that Monday if there is any disagreement. I don't think there will be, everything we negotiated so far was fine, they are doing good.

I will get them a draft late next week. If we have a disagreement, I will submit it to you. If we have it Monday or Tuesday we --

THE COURT: Okay. I am going to say a week from now so we know what is going on. I don't want to get too close up to these dates. It gives you the latitude, Mr. Agneshwar, to say you don't need one, or we disagree, but let's set April 27th at 5:00 as an email submission to the Zantac email with either a jointly agreed proposed protocol, a joint submission telling the Court you have decided you don't need one, you worked it out, or competing proposals, or we need more time. It leaves all options open, but it pins it to a date and time.

MR. AGNESHWAR: That is fine, your Honor. May I respond to one thing on the Sanofi depositions? I will just be a minute.

Mr. Watts is right that we are trying to work these out and not committed to get these done in the first couple of weeks in June. I will say we got the list on Friday. I don't know how long he has been working with the other Defendants, so I am doing the best $I$ can to figure that out.

Some of these are former employees, so it is not so easy to get in touch with them, but $I$ am doing the best. As your Honor is aware, they are not all in France, they are in various countries, in Europe, and one is even in South Africa. The COVID situation, we have to check the comfort level of individuals to travel. I am sure we will be able to work this out.

I wanted the Court to understand that I am working hard on it. We don't have it exactly pinned down, but I am hoping to have it pinned down later this week.

THE COURT: Terrific, thank you so much.
Anything further, Mr. Watts?
MR. WATTS: With respect to the status of non-international depositions with the brands, our big challenge has been the Sanofi email situation. Let me give you the one that kind of stuck in my craw. Not complaining, Mr. Agneshwar has been a gentleman.

The Sanofi regulatory deposition was originally scheduled for December the 10th, then we had the big document destruction brouhaha that resulted in it being delayed, I think
it was four months, until April the 9th. I took a Wal-Mart deposition, two of them, on April the 7th, and I got out at about five o'clock, and at 6:52 p.m. I got an email that said 11,753 new documents were being produced less than 36 hours before this deposition. Obviously that did not please me.

I offered to stay up all night, but it took us the morning to load them. We found hundreds and hundreds of documents that were directly relevant to Bailey so we pumped it to May 7th. The consequence of that, together with the deposition $I$ took of Sanofi's storage and distribution guy, a guy named Matt Lotstanfor (phon) I took his deposition for six or seven hours and then had several hundred documents from his custodial file produced after the deposition was over.

This has led to things being backed up. I think my schedule May 5th is a GSK deposition of Mr. Eschelman (phon), the 6th is Sanofi, Sandy Flori (phon), and the 7th is Mr. Bailey. I am happy to do that, but my point is, that is an example of how things are getting backed up by this late production.

I will tell you, on the retailer and distribution side it's a glass is half full kind of thing. We took the deposition of Wal-Mart and CVS on the 15th. I have Cardinal on the 22nd, Rite-Aid on the 23rd, and Walgreens on the 29th. We had a little trouble with Publix, but we will get that worked out.

Same thing with the distributors, Cardinal, Kaplan, AmeriSource, they are all scheduled for the 22nd of April, May 13th, and May 26the. So, I think the news is good domestically with respect to the retailers and the distributors. I think we will continue to work through production on the brands, and you heard everything you need to hear about the generics, we are working through that.

THE COURT: Thank you, Mr. Watts. Anything further, Mr. Agneshwar?

MR. AGNESHWAR: Sanofi was raised again, so just to briefly respond. Mr. Watts was absolutely right, there was a mixup with some documents for Mr. Bailey and apparently there was a secondary review and certain documents were produced the day before the deposition.

As soon as I learned about it I got on the phone with Mr. Watts and we worked it out. I am not aware of any issues with domestic depositions. If there were, Mr. Watts can give me a call about it, but this is the first time $I$ am hearing about it.

As you can imagine, we are trying to be very cooperative, I was on the phone with Mr. Watts yesterday, talked to him last week about the international depositions. I have been trying to get them what they need as quickly as $I$ can and when $I$ hear about issues, to try to resolve them. I always pick up my cell if Mr. Watts wants to call me about the

Lotstanfor deposition.

MR. WATTS: If I could respond. The only reason I bring it up -- and I don't mean to suggest that Anand has done everything he said he would do times two. What I mean to suggest is, those are two examples of why I need that provision in the international protocol that the custodial produced by a hard date and I need three weeks to get them organized. We are going to go over and take 15 GSK depositions, 11 Boehringer Ingelheim depositions, and seven Sanofi, and if there is any sort of maneuvering with respect to late production we are just cooked and we'll never get it done. We will all have to go back again, and we don't want to do that.

THE COURT: Thank you so much for the update. Was there anything further you wanted to say or anything further you needed from the Court?

MR. WATTS: No. They have been working hard with me and our progress is a result of that mutual effort. Thank you. THE COURT: Thank you so much, Mr. Watts.

All right. We get to conclude with our Next Gen representative from Arnold and Porter. Is it Oluoma Kas-Osoka? MS. KAS-OSOKA: Oluoma Kas-Osoka. THE COURT: Okay. How are you? MS. KAS-OSOKA: Good. How are you? THE COURT: Good. Sorry I did not pronounce your name exactly right, and I apologize that you have had to wait until

6:03. I will turn my audio off and turn it to you because I am most interested in getting to know you.

MS. KAS-OSOKA: Hi, everyone. I don't want to take up too much of everyone's time, $I$ know it's getting late. I am a fifth year associate at Arnold and Porter. I first wanted to thank you, your Honor, for the opportunity to speak before the Court. I sincerely appreciate your interest in associate development and I am grateful for the opportunity to be here today.

So, a little bit of background about me, I went to Washington University, in St. Louis, Law School, and prior to joining Arnold and Porter, $I$ was at another firm, and $I$ have been at Arnold and Porter for two and a half years, it will be three years in November. I have been on Zantac since the outset of the litigation, so $I$ have been able to really understand firsthand exactly how the BGML process works, how the MDL process works, and it has been a really excellent opportunity for me.

The opportunities I have had working on this case have ranged from working on the census and registry, which has allowed me to work very closely with and collaborate with the other co-defendants in the case, and $I$ have been able to attend multiple discovery hearings much like this one today, and it has allowed me to stay engaged and involved with various discovery issues in the case.

I worked directly with Anand in preparation for the California coordination argument, which ended up very favorable for us, so we were really excited about that outcome, and I worked as --
(No audio.)
THE COURT: It froze there. Is that on
Ms. Kas-Osoka's end?
MR. AGNESHWAR: I believe it is, your Honor, because nobody else is frozen.

THE COURT: It must be an internet issue on her end.
I am assuming that maybe Ms. Kas-Osoka can hear me. Mr. Agneshwar, maybe if you could stay on so we could -- if for some reason she is not able to hear me, could we have her present again at the next conference?

MR. AGNESHWAR: Absolutely, your Honor, apologies for this.

THE COURT: No, I feel badly for her. She shouldn't feel badly at all. Please communicate that. This happens, it happened to me the other day actually, completely went off the screen in the middle of a sentencing. Please convey that it is to be expected in this age of technology when we can count on it only up to a certain point. You will put her back on the schedule for the next conference?

MR. AGNESHWAR: I absolutely will.
THE COURT: We will start off with her, we won't end.

Okay? Meanwhile -- can you hear me okay?
MS. KAS-OSOKA: Yes. Sorry, my internet just cut off. THE COURT: No, perfect. We were going to put you on the next conference, but you cut out when you were saying that you had been successful in the California case.

MS. KAS-OSOKA: Okay. All that was left was I was talking about how -- a fun fact about myself, which was that I have seven brothers and sisters, and we have all graduated from college and we are either doctors, lawyers, teachers, professors. That is my fun fact.

THE COURT: That is more than a fun fact, that is like an awe inspiring, your parents must be over the moon, incredibly proud of seven children all professionals. That is incredible. Thank you so much for sharing that with us, and thank you for your participation in this litigation.

I know that you and the other members of the Next Gen and LDC group are absolutely contributing and making this a better case because of your contribution. Thank you so much. MS. KAS-OSOKA: Thank you, your Honor. THE COURT: Okay, take care.

With that, $I$ want to thank everyone for their patience, $I$ found it to be productive, we covered a lot of diverse ground from discovery to scheduling and everything in between. I don't want to keep anyone longer than we have already kept you.


|  | $\begin{array}{lrl} \text { 11th [1] } & 99 / 3 & \\ 120 \text { [2] } & 74 / 15 & 74 / 21 \end{array}$ | 2800 $[1]$ $2 / 2$  <br> 28th $[2]$ $34 / 10$ $99 / 11$ |
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| MR. AGNESHWAR: [10] 95/25 97/9 97/13 97/24 104/14 | 120 th [2] $2 / 20$ $4 / 23$ | $29 \text { [1] } 97 / 18$ |
| 97/9 97/13 97/24 104/14 | 13,000 [1] 77/16 | 2925 [1] 1/17 |
| $\begin{array}{lll} 105 / 22 & 108 / 9 & 111 / 7 \\ 111 / 23 \end{array}$ | 130 [2] 1/14 2/14 | 2929 [1] 2/10 |
| MR. BARNES: [3] 44/13 46/7 | 13th [1] 108/3 | 29th [1] 107/23 |
| 49/21 | 14 [6] 27/12 30/5 32/6 32/8 | 2nd [20] 60/2 62/5 62/8 |
| MR. BAYMAN: [8] 49/25 54/16 |  | $\begin{array}{llllll}65 / 22 & 73 / 23 & 73 / 25 & 74 / 6 & 74 / 14 \\ 74 / 22 & 75 / 5 & 75 / 12 & 75 / 15 & 75 / 21\end{array}$ |
| 58/4 65/4 74/4 75/22 $76 / 8$ | $\begin{array}{llll} 140 & \text { [3] } & 58 / 12 & 74 / 22 \\ 101 / 4 \\ 14 \text { th [1] } & 99 / 10 \end{array}$ | $\begin{array}{lllll}74 / 22 & 75 / 5 & 75 / 12 & 75 / 15 & 75 / 21\end{array}$ <br> $\begin{array}{llll}75 / 24 & 76 / 13 & 76 / 16 & 76 / 19\end{array}$ |
| $76 / 23$ | $\begin{array}{lllllll}15 & \text { [8] } & 32 / 9 & 35 / 12 & 38 / 22 & 39 / 2\end{array}$ | 91/16 91/20 91/23 |
| MR. HENRY: [2] 86/12 88/13 | 89/16 99/20 100/13 109/8 | 3 |
| MR. MCGLAMRY: [13] 49/24 | 15th [1] 107/22 | 30 [59] 22/8 24/5 25/18 |
| 50/23 53/25 58/3 63/24 72/14 | $\begin{array}{lllll}16[14] & 24 / 18 & 78 / 17 & 78 / 20\end{array}$ | $\begin{array}{lllllll} & 26 / 11 & 30 / 3 & 34 / 12 & 35 / 8 & 38 / 2\end{array}$ |
| 73/9 74/15 74/20 75/17 76/2 76/24 94/12 | $\begin{array}{ccccl}16 / 21 & 78 / 23 & 80 / 3 & 80 / 10 & 80 / 23\end{array}$ | $\begin{array}{llllllllllll} & 39 / 24 & 40 / 6 & 40 / 13 & 42 / 3 & 42 / 16\end{array}$ |
| MR. PETROSINELLI: [9] 77/3 | 81/1 81/2 81/3 86/1 86/17 | $\begin{array}{llllll} & 42 / 18 & 42 / 24 & 43 / 14 & 44 / 21 ~ 45 / 7\end{array}$ |
| 82/25 85/2 85/13 85/17 86/6 | 100/13 | 47/6 49/23 50/3 50/10 50/16 |
| 92/22 92/24 95/22 | 16 before [1] 86/4 | 50/18 50/21 52/15 52/17 |
| MR. PULASKI: [11] 77/5 77/8 | 1600 [2] 1/14 2/17 | 53/17 53/25 54/24 60/20 |
| 81/1 81/10 82/4 82/7 85/9 | 16th [2] 91/24 99/12 | 60/25 61/10 62/11 62/11 |
| 89/8 92/1 95/21 98/1 | 17 [1] 24/18 | 65/25 69/2 $69 / 2$ 69/11 71/4 |
| MR. SACHSE: [7] 4/12 $4 / 15$ | 1725 [1] 1/17 | $\begin{array}{lllll}72 / 18 & 73 / 13 & 73 / 15 & 76 / 19\end{array}$ |
|  | 180 [1] 29/1 | 76/23 79/14 89/22 91/14 |
| MR. WATTS: [10] 98/6 98/10 | 18th [3] 1/14 2/14 100/15 | 92/17 93/2 93/6 94/1 94/19 |
| 103/3 103/9 103/21 104/25 | 19103 [2] 1/14 2/14 | 95/2 95/16 100/20 101/4 |
| 105/5 106/17 109/1 109/15 | 19104 [1] 2/11 | 102/4 102/4 |
| MR. YOO: [8] 21/22 32/3 | 1966 [1] 98/14 | 30,000-foot [1] 91/5 |
| 33/22 36/8 46/11 47/1 48/4 | 1st [3] 99/2 105/2 105/4 | 300 [2] 1/20 79/22 |
| 49/20 | 2 |  |
| MS. FINKEN: [30] 4/10 4/16 | 2,300 [1] 9/2 | $\left\lvert\, \begin{array}{ll} 30326[1] & 1 / 21 \\ 305-384-7270 \quad[1] & 2 \end{array}\right.$ |
| 6/15 6/20 7/14 13/17 15/14 | $\begin{array}{lllllll}\text { 20 [5] } & 1 / 5 & 27 / 12 & 35 / 12 & 36 / 23\end{array}$ | 30th [1] 105/5 |
| $\begin{array}{llllllll}16 / 16 & 18 / 12 & 20 / 2 & 20 / 5 & 27 / 16\end{array}$ | 92/12 | 31 [1] 98/25 |
| $\begin{array}{llllll}27 / 18 & 32 / 10 & 37 / 13 & 37 / 15 & 39 / 5\end{array}$ | 20-md-02924-ROSENBERG [1] | 3150 [1] 1/25 |
| 41/7 41/14 44/10 47/3 47/11 | 1/3 | 31st [2] 67/11 103/16 |
| $\begin{array}{lllll} 48 / 18 & 49 / 18 & 56 / 10 & 66 / 8 & 69 / 25 \\ 72 / 1 & 74 / 19 & 76 / 14 & & \end{array}$ | 200 [1] 5/18 |  |
| MS. GOLDENBERG: [13] 21/20 | 20005 [1] 2/20 | 39/20 |
| 22/3 23/7 24/16 25/1 25/8 | 2002 [3] 97/16 97/18 97/23 | 32 dispute [1] 33/3 |
| 25/23 27/1 27/8 27/15 30/13 | 202-434-5567 [1] 2/21 | 33134 [1] 2/3 |
| $31 / 631 / 19$ | 2021 [2] 1/5 113/8 | 3391 [1] 1/20 |
| MS. KAS-OSOKA: [6] | 2022 [2] 96/19 97/23 | 34 [1] 22/15 |
| 109/22 110/2 112/1 | 2023 [1] 26/20 | 35 [1] 5/22 |
| 112/18 | 20th [1] 68/11 | 36 [1] 107/4 |
| THE COURT: [116] | 21 [2] 30/1 38/23 | 4 |
| THE MAGISTRATE JUDGE: [1] | $\begin{array}{\|l\|l} 2104470500 & {[1]} \\ 212-836-8011 & 2 / 7 \\ {[1]} & 2 / 24 \end{array}$ |  |
| 21/10 | $21202 \text { [1] } 3 / 6$ | $\begin{aligned} & \text { 40 percent [1] } 99 / 22 \\ & \mathbf{4 0 0}[4] \quad 3 / 278 / 2080 / 4 \quad 81 / 25 \end{aligned}$ |
| / | 213-896-2400 [1] 3/3 | 4000 [2] 2/11 3/6 |
| /s [1] 113/9 | 215-569-5644 [1] 2/15 | 404-523-7706 [1] 1/21 |
|  | 215-735-1130 [1] 1/15 | 404-572-4600 [1] 2/18 |
| 1 | 215-994-4000 [1] 2/11 | 410-783-4000 [1] 3/6 |
| 1.3 [1] 28/19 | 2150 [1] 1/24 | 420 [1] 5/18 |
| 1.6 million [1] 29/2 | 21st [2] 78/5 88/15 | 45 [2] 34/25 35/23 |
| 10 [1] 92/13 | 22 [2] 97/8 113/8 | 4555 [1] 1/18 |
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| 10.150 [1] 7/7 | 107/23 108/2 | 47 [1] 67/12 |
| 100 [1] $2 / 6$ | 23,000 [6] 5/21 8/11 9/3 | 5 |
| 10019 [1] 2/24 | 23rd [3] 4/23 100/18 107/23 | 50 [6] 35/23 77/19 77/19 |
| 10th [2] 44/21 106/24 | 2400 [1] 3/3 | 82/22 87/5 87/13 |
| 11 [3] 81/3 81/3 109/8 | 25 [3] 34/17 98/18 100/12 | 500 [4] 81/11 81/14 81/24 |
| 11,753 [1] 107/4 | $250 \text { [1] } 2 / 23$ | $92 / 8$ |
|  | 25th [1] 99/11 | 52 [12] 77/19 77/25 78/4 |
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| 1130 [1] 1/15 | 105/18 | 54 [16] 23/24 27/10 27/14 |
| 1180 [1] 2/17 | 28 [2] 97/16 100/13 | 27/21 28/1 32/9 33/9 35/9 |


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| 54... [8] 38/19 40/2 40/5 | 106/11 110/15 110/22 111/13 | adjustment [1] 26/21 |
| 43/4 43/10 47/7 47/21 49/1 | about [113] 5/22 6/6 6/8 8/4 $9 / 17 \text { 10/1 10/1 10/2 10/20 }$ | $\begin{array}{lr} \text { ado [1] } \\ \text { advance } & 41 \end{array}$ |
| 55402 [1] 1/24 | $\begin{array}{lllll}11 / 1 & 11 / 3 & 11 / 3 & 11 / 5 & 11 / 19\end{array}$ | $\begin{array}{ccccc}\text { advance } \\ 27 / 12 & 29 / 14 & 30 / 1 & 31 / 25 & 32\end{array}$ |
| 5567 [1] 2/21 | $\begin{array}{llll}14 / 4 & 17 / 8 & 17 / 8 & 17 / 12 \\ 177 / 18\end{array}$ | $\begin{array}{llllll} & 32 / 10 & 33 / 9 & 38 / 16 & 38 / 21 & 38 / 23\end{array}$ |
| 55th [1] $2 / 23$ | $\begin{array}{lllll}17 / 24 & 18 / 12 & 18 / 18 & 20 / 23 & 22 / 1\end{array}$ | $39 / 2$ $40 / 1$ $48 / 2$ $60 / 19$ <br> $12 / 5$ $72 / 20$   |
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| $\begin{array}{ccrrr} 5: 00 & {[5]} & 73 / 5 & 73 / 11 & 76 / 20 \\ 104 / 13 & 105 / 18 & & \end{array}$ | $\begin{array}{llll}32 / 13 & 32 / 17 & 32 / 18 & 34 / 25\end{array}$ | advice [1] 27/22 |
| $5: 30 \quad[1] \quad 47 / 1$ |  | advisable [1] 41/19 |
| 5th [2] 105/7 107/15 | $\begin{array}{lllllllllll}45 / 22 & 46 / 18 & 48 / 9 & 49 / 1 & 50 / 7\end{array}$ | advocated [1] 101/11 |
| 6 | 53/11 53/20 53/21 53/22 | affecting [2] 43/4 69/11 |
| 6.8 million [1] 28/20 | 53/23 53/25 54/18 55/24 56/1 | affirm [1] 96/25 |
| 60 [15] 27/10 27/16 29/18 | 56/4 56/22 57/7 59/24 61/17 | Africa [1] 106/9 |
| 35/9 38/7 38/11 38/17 40/6 | 62/7 63/24 64/7 64/9 64/18 | after [10] 23/4 27/24 48/15 |
| 43/4 43/10 47/7 49/15 53/8 | 64/21 65/12 65/25 65/25 66/1 | 61/20 61/20 73/19 80/11 |
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| 600 [4] 5/17 11/19 16/1 | $\begin{array}{lllllll}70 / 4 & 74 / 25 & 75 / 4 & 76 / 5 & 78 / 20\end{array}$ | afternoon [15] 4/1 4/2 4/ |
| 16/12 | 80/18 83/13 85/22 87/21 88/5 | $\begin{array}{lllll}4 / 13 & 4 / 15 & 21 / 23 & 49 / 25 & 50\end{array}$ |
| 612-238-3150 [1] 1/25 | 92/15 92/17 93/5 94/19 95/19 | 50/2 77/4 77/5 77/6 77/7 |
| 6:03 [1] 110/1 | 99/1 99/11 99/12 100/20 | 83/1 96/2 |
| 6:52 [1] 107/3 | 100/23 103/25 104/1 104/8 | again [26] 7/13 9/22 13/22 |
| 6th [4] 101/20 102/3 105/7 | 105/6 107/3 108/6 108/15 | $\begin{array}{llllll}14 / 2 & 20 / 12 & 20 / 17 & 25 / 17 & 28 / 5\end{array}$ |
| 107/16 | 108/18 108/19 108/22 108/24 | 29/20 30/25 32/25 44/6 48/10 |
| 7 | 12/7 | 74/12 80/12 80/19 81/4 |
| 71,000 [4] 85/14 85/16 85/19 | about any [1] 32/17 | 108/10 109/12 111/14 113/2 |
| 90/9 [4] ${ }^{\text {9/0 }}$ | about whether [1] 37/4 | against [2] 69/5 90/3 |
| 713-664-4555 [1] 1/18 | above [1] 113/6 | age [2] 85/3 111/21 |
| 725 [1] 2/20 | abroad [1] 36/25 | agenda [12] 4/5 4/7 21/14 |
| 7270 [1] $2 / 4$ | absolutely [6] 36/5 68/21 | 26/12 42/4 42/6 49/23 50/5 |
| 75 [1] 79/22 | 108/11 111/15 111/24 112/17 | 50/6 50/9 95/21 98/4 |
| 764 [2] 7/22 16/6 | acceptable [2] 103/20 104/14 | aggregate [2] 84/14 89/11 |
| 7706 [1] 1/21 | access [2] 102/9 102/10 | AGNESHWAR [11] 2/22 95/24 |
| 77098 [1] 1/17 | accidentally [1] 79/13 | 98/2 99/15 103/17 104/1 |
| 772.467 .2337 [1] 3/10 | accomplish [1] 75/7 | 104/15 105/16 106/22 108/9 |
| 78257 [1] 2/7 | accordance [1] 30/2 | 111/12 |
| 7th [9] 101/21 102/3 102/11 | According [1] 85/18 | ago [10] 14/6 17/8 27/20 |
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| 8 | activity [1] 50/7 | 37/16 43/7 48/6 48/15 52/3 |
| 80,000 [1] 77/14 | acts [1] 40/3 | 52/5 52/5 54/17 72/15 75/23 |
| 800 [1] 1/23 | actual [2] 92/4 92/19 | 85/21 93/15 93/22 |
| 8011 [1] 2/24 | actually [18] 6/25 7/15 12/6 | agreed [12] 29/20 55/25 |
| 85 percent [1] 66/11 | $13 / 14$ $15 / 22$ $17 / 5$ $58 / 12$ $59 / 6$ <br> $72 / 23$ $75 / 7$ $87 / 16$ $88 / 22$ $90 / 12$ | $\begin{array}{lllll} 58 / 12 & 65 / 16 & 74 / 3 & 75 / 13 & 80 / 11 \\ 88 / 10 & 91 / 23 & 99 / 6 & 104 / 9 & \end{array}$ |
| 8th [1] 3/2 | $\begin{array}{llllll} 91 / 1 & 97 / 14 & 99 / 17 & 99 / 19 \end{array}$ | $88 / 10 \text { 91/23 99/ }$ |
| 9 | 111/19 | agreeing [3] 13/9 32/7 104/7 |
| 90 [11] 58/12 74/7 74/8 | ADAM [1] 1/16 <br> add [8] 46/13 57/24 58/3 | agreement [13] 38/12 39/8 <br> 56/25 73/21 73/22 73/24 |
| 74/15 74/21 74/22 75/13 | $\begin{array}{ccccc} \text { add [8] } 46 / 13 & 57 / 24 & 58 / 3 \\ 60 / 23 & 83 / 4 & 94 / 11 & 98 / 1 & 100 / 10 \end{array}$ | $\begin{array}{llll} 56 / 25 & 73 / 21 & 73 / 22 & 73 / 24 \\ 73 / 24 & 76 / 20 & 78 / 18 & 81 / 16 \end{array}$ |
|  | addition [4] $16 / 6 \quad 88 / 1 \quad 89 / 13$ | 81/17 94/18 104/23 |
| 93 [1] 77/15 | 91/4 | agreement on [1] 56/25 |
| 93,000 [2] 77/11 77/12 | additional [13] 5/16 12/7 | agrees [4] 61/15 63/3 71/17 |
| 95 [1] 81/7 | 12/11 $16 / 8 \quad 24 / 2$ 30/19 33/12 | 72/12 |
| 9th [2] 38/13 107/1 | 36/12 58/24 59/1 59/2 60/2 | ahead [6] 11/24 12/15 56/23 |
| A | address [12] 5/5 26/12 31/9 | Aid [2] 103/11 107/23 |
| ability [13] 28/4 33/11 | 33/2 42/19 43/22 45/12 50/18 66/20 70/19 94/24 104/13 | air [2] 19/3 98/25 alike [1] 19/1 |
| 33/13 $40 / 8 \quad 56 / 15$ 57/3 57/15 | addressed [2] 33/4 46/19 | $\begin{array}{llll}\text { alike [1] } & 19 / 1 & \\ \text { all [73] } & 6 / 8 & 16 / 20 & 17 / 10\end{array}$ |
| $\begin{array}{llllll}60 / 12 & 62 / 3 & 63 / 11 & 67 / 14 & 70 / 6\end{array}$ | addresses <br> [1] 53/24 | 17/11 17/22 18/22 19/14 |
| able [22] $8 / 17$ 16/6 16/13 | adequate [3] 29/14 57/5 57/5 | 19/17 $22 / 2$ 22/14 $26 / 3$ 26/18 |
| 19/1 $24 / 4 \quad 30 / 18 \quad 42 / 24 \quad 47 / 15$ | adequately [2] 28/15 70/20 | $\begin{array}{lllllllllll} & 30 / 12 & 32 / 2 & 34 / 17 & 35 / 6 & 35 / 11\end{array}$ |
| 54/2 54/20 59/18 65/3 66/16 | adhere [1] 90/5 | 37/10 40/7 44/7 45/8 47/13 |
|  | adhering [1] 62/14 | 51/12 51/18 52/18 53/1 53/7 |


| A |
| :---: |
| all... [46] 55/1 55/22 55/24 |
| 57/14 62/9 65/21 71/21 73/1 |
| 73/23 77/2 78/7 78/17 79/5 |
| 80/9 85/5 90/22 90/23 90/24 |
| 91/6 91/8 93/13 93/18 93/25 |
| 94/13 94/24 95/5 98/3 98/6 |
| 100/10 101/5 101/23 101/25 |
| 102/2 102/3 102/7 102/12 |
| 105/22 106/8 107/6 108/2 |
| 109/11 109/19 111/18 112/6 |
| 112/8 112/13 |
| allegations [1] 65/12 |
| allege [3] 83/9 83/17 84/11 |
| alleged [1] 90/2 |
| alleviate [1] 43/13 |
| alleviating [1] 45/21 |
| allow [6] 44/3 68/5 68/6 |
|  |

allowed [5] 73/16 77/19 96/9 110/21 110/24
allowing [2] 45/23 82/20
almost [2] 64/1 81/8
along [5] 57/22 59/17 64/6 67/24 92/18
already [10] 10/10 10/21 12/23 53/7 61/16 66/2 72/20 100/8 104/18 112/25
also [20] 5/1 10/7 10/19 19/18 21/16 28/13 32/9 33/17 $\begin{array}{llll}37 / 24 & 38 / 19 & 43 / 19 & 44 / 19\end{array}$ 53/10 60/13 68/23 71/17 88/3 89/13 96/18 102/17
although [1] 54/20
always [5] 42/1 45/24 63/4 68/2 108/24
am [96] 4/5 6/5 6/17 8/7 $\begin{array}{lllll}9 / 24 & 12 / 24 & 13 / 25 & 14 / 16 & 16 / 16\end{array}$ 16/22 17/14 18/20 19/14 19/22 20/22 21/21 24/14 25/11 25/24 30/10 31/1 31/1 $31 / 17$ 39/2 $39 / 14$ 41/5 $41 / 5$ $\begin{array}{lllll}41 / 22 & 42 / 4 & 42 / 7 & 42 / 16 & 42 / 21\end{array}$ 42/23 $42 / 25 \quad 44 / 15 \quad 45 / 13$ 45/14 46/2 $46 / 3$ 46/4 49/11 51/13 52/13 53/15 53/22 53/22 58/25 59/4 59/9 59/13 60/15 62/6 66/9 66/17 67/20 68/11 69/2 69/3 69/12 69/15 69/15 69/16 69/17 $73 / 5 \quad 73 / 6$ $73 / 22$ 81/5 81/25 84/22 85/11 92/2 98/25 99/15 100/17 100/21 100/25 101/3 103/14 103/25 104/6 104/8 104/19 105/7 105/14 106/5 106/7 106/11 106/13 106/14 107/17 108/16 108/18 110/1 110/4 110/8 111/11
ambiguity [1] 81/22
ameliorate [1] 25/23
amend [4] 63/6 63/7 63/7 83/17
amended [9] 50/15 62/11 65/22 69/2 69/3 80/24 82/2 82/7 95/16
amending [2] 33/9 61/10
amendment [2] 15/18 43/14
amendments [3] 43/3 43/5
47/7
AmeriSource [1] 108/2
among [2] 59/16 73/21
amount [4] 27/5 27/8 28/23 61/5
amounts [2] 25/5 33/13
ample [2] 47/10 47/10
analytic [1] 84/20
analytical [1] 16/10
analytics [3] 84/9 84/12
85/1
ANAND [6] $2 / 22$ 98/22 $99 / 5$ 104/15 109/3 111/1
Anapol [1] 1/13
and Walgreens [1] 107/23
and/or [2] 19/19 25/4
ANDREW [1] 2/16
Andy [5] 51/14 51/25 52/2 52/11 74/25
Angeles [1] 3/2
animal [6] 8/13 8/17 9/5 16/3 16/7 16/8
another [10] 5/18 $16 / 8 \quad 23 / 1$ 33/3 43/5 43/10 48/12 64/21 78/11 110/12
answer [9] 14/25 16/14 $19 / 2$ 20/14 57/10 71/15 74/1 81/24 86/11
answered [1] 17/22
answers [4] 18/22 19/17 19/19 97/17
anticipate [3] 47/18 49/2 71/14
anticipated [2] 87/24 88/2
anticipating [1] 46/2
anticipation [1] 4/23
Antonio [1] 2/7
any [40] $4 / 8$ 9/9 $17 / 18$ 18/12 18/16 19/11 19/12 19/22 20/8 21/25 30/21 32/7 32/17 35/12 $\begin{array}{lllll}36 / 15 & 43 / 14 & 45 / 12 & 47 / 6 & 47 / 7\end{array}$ 51/5 51/20 53/15 59/23 62/13 73/12 75/9 75/11 80/7 80/17 82/24 88/6 97/2 98/5 99/4 102/6 104/6 104/8 105/8 108/16 109/9
anybody [8] 41/22 54/11
57/17 67/22 80/15 88/25 89/8 95/12
anybody's [1] 52/21
anymore [2] 7/18 96/2
anyone [7] 41/23 43/23 45/12 53/13 53/20 62/13 112/24
anything [33] 5/6 17/24
19/11 19/14 20/1 31/1 36/6 $\begin{array}{llllll} & 42 / 4 & 42 / 17 & 43 / 21 & 43 / 23 & 44 / 1\end{array}$ 44/8 44/10 50/9 51/13 56/10 57/24 58/2 61/17 62/23 63/16 73/2 76/23 77/10 89/8 95/19 98/1 104/8 106/17 108/8 109/14 109/14
anyway [1] 63/4
anywhere [1] 35/13
apart [4] 42/17 43/14 58/13 74/14
apologies [1] 111/15
apologize [4] 22/5 41/17

41/24 109/25
Apotex [1] 86/13
apparently [1] 108/12
appearance [1] 45/10
appeared [1] 11/5
applicable [1] 49/13
applied [1] 84/13
applies [1] 59/12
apply [3] 24/20 47/14 47/22
appreciate [14] 6/25 11/4
19/25 20/11 20/21 21/14
31/21 45/11 58/20 67/19 70/3
72/21 89/7 110/7
appreciation [1] 66/17
approach [1] 79/11
appropriate [4] 18/2 44/18 45/9 50/18
approximately [2] 14/14 16/1
April [16] 1/5 4/23 34/12 34/20 68/11 96/19 97/8 97/18 101/20 102/3 105/5 105/17
107/1 107/2 108/2 113/8
April 12th [1] 4/23
April 20th [1] 68/11
April 22 [1] 97/8
April 29 [1] 97/18
April the [3] 101/20 102/3 107/2
Arch [1] 2/10
archive [3] 11/10 11/13 11/16
archives [1] 11/20
are [341]
aren't [1] 79/6
argue [3] 39/3 55/25 78/1
argued [1] 32/23
argument [2] 96/6 111/2
arguments [2] 18/1 18/2
arise [3] 28/8 41/1 66/18
arisen [2] 28/5 74/4
armed [1] 95/17
arms [2] 8/23 29/5
Arnold [5] 2/23 109/20 110/5
110/12 110/13
around [3] 7/4 8/23 29/6
arrive [2] 53/24 68/14
articulate [3] 31/4 31/11 65/8
articulated [1] 65/9
articulating [1] 26/16
articulation [1] 58/13
as [167]
ascertain [1] 21/3
ask [19] $4 / 6$ 4/18 6/4 20/12 21/17 48/7 48/12 48/21 57/25 59/9 60/12 61/13 62/10 65/3 $\begin{array}{lllll}71 / 12 & 73 / 20 & 74 / 2 & 75 / 10 & 76 / 15\end{array}$

asked [20] 7/23 8/2 12/6 $\begin{array}{lllll}13 / 21 & 13 / 22 & 13 / 22 & 14 / 21 & 50 / 5\end{array}$ |  | $56 / 17$ | $58 / 11$ | $58 / 12$ | $70 / 14$ |
| :--- | :--- | :--- | :--- | :--- | $80 / 9$ 99/14 99/16 99/18 99/20 100/8 101/17 102/17

asking [3] 37/13 70/8 88/10
assigned [2] 53/5 97/1
assignment [1] 96/25
assist [1] 103/1
assistance [4] 86/6 88/11 89/6 102/16

| A | 94/10 | $32 / 24 \quad 34 / 5 \quad 34 / 19 \quad 50 / 115$ |
| :---: | :---: | :---: |
| associate [2] 110/5 110/7 | ```Bayman's [1] 61/4 be [204]``` | $\begin{array}{lllll} 54 / 3 & 65 / 17 & 74 / 25 & 80 / 11 & 81 / 14 \\ 81 / 25 & 97 / 12 & 97 / 20 & 112 / 24 \end{array}$ |
| $\begin{array}{lllll} \text { assume [3] } & 29 / 22 & 42 / 12 & 51 / 15 \\ \text { assumes [1] } & 101 / 12 & \end{array}$ | be to [1] 86/3 | beyond [3] 70/10 81/5 97/3 |
| assuming [2] 93/25 | beach [4] 1/2 1/5 3/10 51/20 | BGML [1] 110/16 |
| assure [1] 19/18 | bear [1] 91/18 | BI [1] 52 |
| Atlanta [2] 1/21 2/17 | bears [1] 91/15 | big [5] 64/11 75/7 86/22 |
| attend [1] 110/22 | because [76] 5/12 6/7 9/8 | 106/19 106/24 |
| attention [3] 31/10 39/5 | 9/25 10/15 10/24 11/4 11/15 | bind [1] 40/5 |
| 45/6 | $\begin{array}{lllll}13 / 5 & 14 / 21 & 14 / 23 & 18 / 10 & 22 / 25\end{array}$ | bit [10] 9/25 11 |
| a | 23/8 23/12 23/15 25/11 25/18 | 29/9 36/18 45/8 96/16 98/15 |
| attorneys [1] 88/17 |  | 102/17 110/10 |
| attributable [1] 52/21 | $37 / 12$ 37/19 37/24 39/18 | blame [2] 58/7 |
| audio [3] 103/7 110/1 111/5 | 40/12 42/19 48/8 50/9 51/20 | blamed [1] 18/23 |
| August [22] 26/20 60/2 62/5 | 52/3 52/7 52/11 52/22 53/3 | Blank [1] 2/13 |
| 62/7 65/22 73/23 73/25 74/6 | 4/10 55/3 56/14 56/21 59/4 | block [2] 99/3 99/5 |
| $\begin{array}{llllllll}74 / 14 & 74 / 22 & 75 / 5 & 75 / 12 & 75 / 15\end{array}$ | 59/15 60/21 62/7 63/4 64/13 | blocked [3] 98/17 98/18 99/2 |
| 75/21 75/24 76/13 76/16 | 64/17 65/8 66/14 66/15 70/8 | board [3] 42/24 44/5 66/19 |
| 76/19 91/16 91/20 91/23 | $\begin{array}{llllll}73 / 5 & 73 / 21 & 74 / 8 & 75 / 4 & 77 / 13\end{array}$ | body [1] 84/14 |
| 91/24 | 79/3 82/11 82/16 82/16 83/2 | Boehringer [6] 98/18 99/10 |
| August 16th [1] | 84/16 84/17 84/18 86/8 87/11 | 99/17 100/13 101/18 109/8 |
| available [6] 10/21 19/20 | 88/23 90/22 93/8 94/7 94/17 | booked [1] 45/1 |
| 21/4 48/21 52/10 64/9 | 99/18 110/1 111/8 112/18 | books [1] 45/2 |
| Avenue [2] 1/17 1/23 | e you [1] 37/12 | borne [1] |
| averages [1] 89/15 | become [2] 28/5 28/7 | both [14] 4/9 4/15 |
| avoid [1] 45/6 | becoming [1] 27/21 | 11/12 36/11 37/8 43/12 50/ |
| aware [9] 11/22 22/7 | been [118] | 69/5 70/25 77/7 91/7 94/20 |
| 37/19 39/14 39/19 68/9 106/8 | before [22] 1/9 20/19 26/6 | 104/14 |
| 108/16 | 26/24 27/6 31/6 35/13 44/21 | Boulevard [1] 2/2 |
| away [4] 19/7 64/14 6 | 46/15 47/6 64/17 70/22 82/12 | bound [2] 38/17 38/19 |
| 88/15 | 86/4 88/7 96/5 100/6 103/16 | boxed [1] 102/12 |
| awe [1] 112/12 | 104/19 107/5 108/14 110/6 | brainer [1] 92/19 |
| B | in [2] 80/6 87/ | 67/2 85/4 86/9 9 |
|  | beginning [3] 55/21 62/16 | brands [2] 106/19 108/5 |
| back [32] 4/24 8/19 22/24 | 82/10 | brass [1] 75/4 |
| $\begin{array}{lllll}22 / 25 & 23 / 5 & 28 / 11 & 31 / 8 & 33 / 4 \\ 36 / 16 & 37 / 3 & 38 / 2 & 40 / 18 & 41 / 6\end{array}$ | behalf [10] 4/12 4/14 6/17 | breathed [1] 43/12 |
| $\begin{array}{llllll}36 / 16 & 37 / 3 & 38 / 2 & 40 / 18 & 41 / 6\end{array}$ | 24/7 44/16 44/16 50/25 55/1 | bridge [2] 54/20 55/18 |
| $\begin{array}{llllll}41 / 11 & 42 / 23 & 44 / 5 & 48 / 7 & 49 / 4 \\ 52 / 18 & 56 / 1 & 58 / 7 & 87 / 3 & 93 / 10\end{array}$ | 86/14 99/13 | brief [11] 56/14 56/14 58/1 |
| $\begin{array}{lllll}52 / 18 & 56 / 1 & 58 / 7 & 87 / 3 & 93 / 10 \\ 93 / 17 & 95 / 1 & 95 / 6 & 99 / 19 & 101 / 4\end{array}$ | behalf of [1] 4/12 | 65/11 67/14 70/2 72/19 80/25 |
| 93/17 95/1 95/6 99/19 101/4 | behind [1] 66/14 | 81/6 82/4 85/25 |
| ed [2] 107/14 107 | behoove [1] 36/11 | briefing [10] 58/18 60/13 |
| ckground [3] 7/17 | being [29] 5/23 14/24 18/20 | 60/14 65/10 65/19 66/10 69/9 |
| $110 / 10$ | 22/8 23/19 24/3 24/7 27/11 | 72/11 75/14 100/23 |
| backlog [1] | 32/24 33/12 40/12 40/24 | briefly [2] 13/17 108/11 |
| backwards [1] 93/1 | 45/22 46/6 50/7 53/20 54/2 | bring [7] 18/19 20/12 29/10 |
| bad [5] 35/5 36/6 52/21 | $\begin{array}{llllll}62 / 1 & 77 / 16 & 79 / 7 & 79 / 9 & 80 / 1\end{array}$ | 37/2 41/11 101/7 109/3 |
| 98/14 98/20 | 86/2 87/21 90/2 92/21 106/25 | bringing [2] 7/19 98/23 |
| badly [2] 111/17 111/18 | 107/4 107/14 | broad [1] 34/2 |
| Bailey [3] 107/8 107/17 | believe [12] 9/7 9/8 9/15 | broke [1] 23/2 |
| 108/12 | 16/1 $20 / 18$ 20/22 $42 / 20$ 48/2 | brothers [1] 112/ |
| Baltimore [1] | 77/13 87/2 97/10 111/8 | brought [8] 31/9 39 |
| bandwidth [1] 45/8 | believes [1] 17/4 | 50/3 50/4 68/22 79/3 100/20 |
| BARNES [7] 3/4 21/18 21/22 | believing [1] 30/8 | brouhaha [1] 106/25 |
| $\begin{array}{llllll} \\ 32 / 24 & 44 / 10 & 44 / 13 & 46 / 13\end{array}$ | bellwether [14] 90/4 90/5 | brouhaha that [1] 106/25 |
| Barnum [1] 100/21 | 90/12 90/14 90/21 90/25 91/1 | BRUCE [1] 1/10 |
| based [8] 9/12 35/1 46/4 | 91/11 92/6 93/5 93/8 93/18 | Brussels [5] 98/19 99/7 99/9 |
| 46/4 59/21 82/21 87/25 96/9 | 94/2 94/15 | 99/9 102/8 |
| basically [3] 96/7 101/3 | bellwether process [1] 90/21 | buddy [1] 98/22 |
| 104/3 | below [1] 22/13 | building [1] 65/ |
| basis [6] 6/9 25/4 5 | beneficial [1] 91/10 | built [1] 98/11 |
| 58/24 64/13 81/1 | benefit [4] 61/21 62/2 80/15 | bunch [4] 65/1 83/25 89/17 |
| Bate [1] 8/2 | 1/4 | 100/3 |
| battle [2] 52/9 64/13 | best [4] 46/21 70/11 106/5 | burden [8] 10/15 $13 / 3$ 13/5 |
| BAYMAN [14] $2 / 16$ 49/24 51/14 | 6/7 | $\begin{array}{llllll}13 / 6 & 14 / 22 & 15 / 3 & 15 / 9 & 15 / 10\end{array}$ |
| 54/16 57/17 58/3 65/4 66/8 | better [5] 6/23 26/23 46/7 | Burdensome [1] 18/1 |
| 70/18 71/5 74/2 93/12 93/21 | between [16] 16/2 26/18 |  |


| C | caution [1] 42 | closer [3] 10/12 18/21 38/ |
| :---: | :---: | :---: |
| cake [1] 93/2 | cell [1] $108 / 25$   <br> census [4] $83 / 20$ $83 / 22$ $84 / 25$ | closing [1] 50 co [1] 110/22 |
| calendars [1] 18/8 | $\begin{gathered} \text { census } \\ 110 / 20 \end{gathered}$ | co-defendants [1] 110/22 |
| California [3] 96/22 111/2 $112 / 5$ | Centre [1] 2/10 | codes [1] 80/1 |
| call [9] $11 / 13$ 11/25 $14 / 4$ | certain [10] 5/2 8/25 9/1 | collaborate [1] |
| 52/20 79/2 83/20 84/13 | 38/18 78/2 | colleague [1] |
| 108/18 108/25 | $108 / 13 \text { 111/22 }$ | collect [2] |
| called [3] 9/10 11/10 25/11 | certainly [17] 5/5 10/9 18/17 19/11 23/14 25/9 29/22 | collecti |
| calls [1] 25/12 | $35 / 4 \quad 35 / 14 \quad 36 / 5 \quad 44 / 9 \quad 58 / 25$ | collection [1] |
| $\begin{aligned} & \text { came } \left.\begin{array}{llll} {[5]} & 31 / 8 & 34 / 11 & 94 / 10 \\ 97 / 7 & 97 / 7 \end{array}\right] \end{aligned}$ | 61/16 61/22 62/18 68/23 | $\begin{array}{llll}\text { collective [2] } & \text { 57/15 } & 73 / 24\end{array}$ |
| can [105] 6/18 8/7 $13 / 4$ | $76 / 12$ certify [2] 36/24 chal | collectively [1] |
| $\begin{array}{lllll}13 / 13 & 13 / 25 & 16 / 18 & 17 / 12\end{array}$ | certify [2] 36/24 113/5 <br> chair [1] 61/7 | college [1] 112/9 <br> column [1] 60/21 |
| $\begin{array}{lllll}17 / 22 & 19 / 7 & 19 / 20 & 20 / 14 & 20 / 21\end{array}$ | challenge [2] 13/15 106/20 | $\begin{array}{ll}\text { column } \\ \text { column [1] } & 94 / 20\end{array}$ |
| $\begin{array}{llllll}21 / 3 & 24 / 10 & 25 / 16 & 26 / 21 & 27 / 6\end{array}$ | challenges [2] 13/19 99/25 | comb [1] 15/6 |
| $\begin{array}{llll}27 / 17 & 27 / 24 & 28 / 14 & 31 / 11 \\ 31 / 12 & 31 / 19 & 32 / 11 & 35 / 4 \\ 35 / 7\end{array}$ | chance [4] 54/14 61/13 62/9 | come [20] 12/21 12/24 |
| $\begin{array}{llllll}31 / 12 & 31 / 19 & 32 / 11 & 35 / 4 & 35 / 7\end{array}$ | 75/22 | $\begin{array}{llllll}22 / 1 & 22 / 13 & 24 / 13 & 28 / 11 & 30 / 17\end{array}$ |
|  | change [8] $42 / 18$ 43/20 47/6 | 31/2 35/20 36/13 39/22 48/7 |
| $\begin{array}{llllllllll}43 / 7 & 43 / 17 & 43 / 17 & 45 / 6 & 45 / 23\end{array}$ | 56/25 60/23 62/6 64/20 65/23 | 52/22 70/19 83/25 89/5 91/19 |
| 46/9 $46 / 11$ 47/18 $50 / 21 \quad 52 / 13$ | changed [2] 62/18 82/11 | 98/6 104/5 |
| 53/17 54/4 54/5 55/13 56/4 | changes [3] 43/11 84/18 88/6 | comes [3] 25/11 32/1 39/7 |
| $56 / 6 \quad 56 / 6 \quad 56 / 7 \quad 56 / 7 \quad 56 / 11$ $56 / 11$ $57 / 22 \quad 61 / 22 ~ 62 / 10 ~ 64 / 6 ~$ | changing [1] 88/3 | comfort [2] 100/21 106/10 |
| $56 / 11 ~ 57 / 22 ~ 61 / 22 ~ 62 / 10 ~ 64 / 6 ~$ | chart [14] 60/24 63/20 71/1 | comfortable [3] 37/5 47/8 |
| $64 / 764 / 8 \quad 64 / 9$ $65 / 24$ $66 / 26 / 8$ $67 / 15$ $67 / 21$ 65/17 $68 / 21$ | $\begin{array}{lllll}71 / 8 & 71 / 17 & 71 / 18 & 71 / 18 & 72 / 24\end{array}$ |  |
| $\begin{array}{llll}65 / 24 & 66 / 2 & 67 / 15 & 67 / 21 \\ 69 / 9 & 68 / 21\end{array}$ | $\begin{array}{lllllll}73 / 14 & 73 / 17 & 77 / 20 & 77 / 21\end{array}$ | coming [13] 6/19 22/22 |
| 69/9 69/21 69/22 $70 / 18 \quad 71 / 2$ | 79/18 82/16 | $\begin{array}{rlll}25 / 20 & 31 / 18 & 35 / 23 & 37 / 20\end{array}$ |
| $\begin{array}{llllll}71 / 13 & 72 / 4 & 72 / 8 & 72 / 16 & 72 / 19\end{array}$ | charts [1] 9 | 61/14 62/1 69/8 71/25 75/12 |
| 74/2 $74 / 19$ 75/6 75/7 76/6 | check [1] 10 | 83/5 |
| 78/23 84/13 84/24 88/8 90/12 | chemistry [1] 16/10 | commend [1] 102/15 |
| 91/12 92/20 94/4 98/8 98/8 | Chief [1] 96/25 | comments [4] 6 |
| 100/6 101/10 103/2 103/6 | children [1] | $33 / 19 \quad 43 / 21$ |
| 103/13 104/11 104/22 106/5 | chime [4] 26/9 27/17 30/15 | commit [2] |
| 108/17 108/20 108/23 111/11 | chime [4] 26/9 27/17 30/15 | commit [2] |
| 111/21 112/1 | choose [2] 24/2 92 | mmitments [2] 36/10 44/ mmitted [1] 106/2 |
| can't [16] $14 / 25$ 17/2 $18 / 2$ | choosing [1] 15/1 | committee [1] 61/8 |
| 18/10 $22 / 6$ 28/11 $29 / 10036 / 24$ | Cira [1] 2/10 | communicate [1] 111/1 |
| 43/7 43/22 51/19 57/10 74/18 | circle [1] 69/18 | communication [3] 71/10 |
| 82/23 84/5 93/1 | City [2] 100/1 1 | 71/10 71/11 |
| $\begin{array}{lllll}\text { cancer [3] } & 84 / 25 & 90 / 10 & 92 / 10\end{array}$ | Civil [1] 30/2 | communications [2] 5/16 |
| $\begin{aligned} & \text { cancers [3] 85/17 89/20 } \\ & 89 / 20 \end{aligned}$ | claim [3] 91/5 96/10 96/11 | 18/16 |
| 89/20 candidly [1] | claimants [4] 77/14 83/7 | company [3] 17/16 21/4 24 |
| Candidly [1] | 85/7 85/12 | competing [3] 104/10 104/23 |
| $108 / 1$ | claims [4] 77/12 79/9 90/2 | 105/21 |
| care [4] $21 / 13$ 42/21 $112 / 20$ | $0 / 2$ | complaining [1] 106/2 |
| 113/2 | clarification [1] 89/ | complaint [2] 80/ |
| case [22] $1 / 3$ 4/2 4/21 $4 / 24$ | clarify [1] 31/19 | complaints [3] 78/2 79/17 |
| 6/11 26/11 $27 / 20$ 29/9 $29 / 13$ | clarifying [3] 31/22 91/15 | 85/24 |
| 49/9 62/22 77/23 80/3 86/25 |  | complete [9] 11/23 11/2 |
| 88/23 96/13 97/19 110/19 | clarity [2] 5/8 | 9/4 23/6 24/23 26/6 |
| 110/22 110/25 112/5 112/18 | clean [3] 78/12 $82 / 18 \quad 8$ cleaning [2] 82/12 87/2 | completed [1] 24/24 |
| cases [22] $22 / 11 \quad 22 / 12 \quad 23 / 18$ | $\begin{array}{lllll}\text { cleaning [2] } & 82 / 12 & 87 / 2 \\ \text { clear [12] } & 11 / 1 & 14 / 25 & 18 / 7\end{array}$ | completely [3] 77/15 77/16 |
| 25/19 78/17 81/25 82/13 85/5 | 19/3 19/17 29/15 32/2 32/5 | 111/19 |
| $\begin{array}{llllll}86 / 17 & 87 / 1 & 87 / 16 & 88 / 16 & 88 / 19 \\ 88 / 21 & 90 / 16 & 91 / 1 & 92 / 7 & 92 / 8\end{array}$ | 59/4 91/21 92/1 93/21 | complex [1] |
| $\begin{array}{llll} 88 / 21 & 90 / 16 & 91 / 1 & 92 / 7 \\ 92 / 19 & 93 / 8 & 96 / 20 & 96 / 20 \end{array}$ | clearly [2] 50/9 62/15 | compliant [2] 35/9 38/ |
| $t \text { [2] 58/7 }$ | Cleef [1] 98/20 | complied [4] 78/9 78/9 80/23 |
| cataloging [1] 19/21 | $\begin{array}{lll} \text { client [2] } & 36 / 25 & 44 / 16 \\ \text { clients [1] } & 89 / 14 \end{array}$ | $\begin{array}{r} 85 / 23 \\ \text { comply [1] } 35 / 18 \end{array}$ |
| catch [2] 10/12 12/14 | $\begin{array}{lllll}\text { clinical [10] } & 7 / 3 & 7 / 21 & 7 / 22\end{array}$ | complying [2] 29/17 45/1 |
| tegories [1] 11/4 | 14/5 15/18 15/24 16/2 16/2 | component [1] 26/9 |
| category [6] 11/25 48/3 | $16 / 6$ 57/9 | comport [1] 95/10 |
| ught [1] 53/ | Clint [1] 98/16 | compound [1] 9/14 |
| causation [6] 55/5 55/6 | close [8] 13/12 23/25 25/14 | compounders [1] 89/1 |
| $\begin{array}{rlll} 74 / 11 & 74 / 23 & 74 / 24 & 93 / 11 \\ \text { causes } & {[1]} & 33 / 1 \end{array}$ | $\begin{aligned} & 65 / 24 \text { 66/2 74/23 98/23 } \\ & 105 / 15 \end{aligned}$ | compounds [1] 14/19 <br> compromise [5] 55/16 59/7 |


| C | e [1] 10 | e |
| :---: | :---: | :---: |
| computers [1] 17/16 | cooperatively [1] | cure [1] 78/3 |
| concede [1] 58/8 | coordination [1] copied [1] 102/12 | $79 / 6 \quad 79 / 7 \quad 80 / 3$ |
| concept [2] 54/22 63/9 | copy [2] 89/12 102/9 | current [2] 20/9 77/12 |
| concerned [1] 45/9 | Cork [1] 102/8 | currently [1] 43/4 |
| concerns [4] 45/22 49/5 | Corporation [1] 86/1 | curve [2] 29/10 29 |
| 53/24 80/18 | corpus [1] 84/ | custodi |
| conclude [1] | correct [13] 8/7 30/10 | 24/22 25/19 32/9 34/14 38/20 |
| concluded [1] 113/3 | 39/18 40/10 41/3 74/17 80/ | $38 / 21$ 39/1 42/14 48/1 67/1 |
| concomitant [1] 93/14 | 81/21 82/5 84/5 97/25 113/ | 101/16 103/15 103/23 107/1 |
| concur [1] 49/17 | corrected [2] 83/8 84/5 | 109/6 |
| conditions [1] 89/19 | correctly [1] 41/13 | custodians |
| conduct [2] 57/4 64/22 | correlation [1] cost [1] 10/15 | cut [3] $41 / 22$ $112 / 2$ $112 / 4$ <br> cutoff [4] $26 / 19$ $27 / 3$ $27 / 13$ |
| $\begin{aligned} & \text { confer [5] } 9 / 25 \text { 29/23 } 30 \text {, } \\ & 32 / 1788 / 5 \end{aligned}$ | could [31] 4/6 8/2 20 | 31/14 |
| conference | 21/17 27/5 36/12 37/20 38/3 | CVS [1] 107/22 |
| 4/24 7/1 17/23 27/19 27/20 | $38 / 1546 / 3 \quad 46 / 12$ 54/25 58 | D |
| 50/3 51/25 59/23 65/2 75/12 | $58 / 5$ 58/18 60/17 60/18 61/ |  |
| 100/17 111/14 111/23 112/4 | 62/15 $72 / 2 \quad 72 / 7$ 72/10 77 |  |
| conference I [1] 4/24 | 77/22 78/1 103/19 105/8 | daily [4] 32/12 69/11 89 |
| conferring [3] 30/16 | 2 111/12 111/12 111/13 |  |
| 102/24 | couldn't [2] 12/10 55/18 | dangerous |
| confers [1] | counsel [10] 24/20 41/11 | Dann [1] |
| confidence [1] 61/12 | 42/23 43/1 43/2 47/18 78/8 | dark [1] 18 |
| confident [2] 81/5 | 88/21 88/24 | data [11] 34/23 |
| onfine [1] 40/8 | counsels [1] 86/23 | 79/18 84/9 84/12 |
| confines [1] 39/16 | count [1] 111 | 85/6 87/11 90/ |
| confirm [1] 20/1 | counter [1] 54/ | database [1] |
| confused [1] 91/13 | countries [1] 106 | databases [2] |
| confusing [2] 5/24 | County [3] 96/6 96/25 97/6 | date [45] 23/25 24/23 26 |
| confusion [2] 5/8 6/1 | couple [10] 12/12 23/22 | 26/17 26/19 26/19 27/3 31/12 |
| conjunction [1] 27/14 | 25/21 37/22 54/14 70/23 83/4 | 31/15 $38 / 12$ 39/12 40/24 |
| connection [1] 72/24 | 85/19 97/2 106/2 | 42/20 46/7 49/5 53/11 53 |
| Connolly [1] 2/19 | course [4] 11/8 24/5 28/24 | 60/3 61/17 62/8 65/22 70/24 |
| conscious [1] | 103/24 | 71/22 71/23 73/6 73/7 73/25 |
| consensus [1] 69/4 | court [78] 1/1 3/9 5/3 22/7 | $\begin{array}{lllll}74 / 14 & 75 / 12 & 75 / 13 & 75 / 25\end{array}$ |
| consequence [1] 1 | 23/13 29/21 29/22 29/23 | 75/25 76/19 77/17 91/16 |
| consider [3] 43/7 | 30/22 30/24 31/10 34/11 | 91/23 91/24 95/6 104/3 104/4 |
| $62 / 11$ | 37/19 $43 / 19$ 48/16 $49 / 9$ 50/12 | 104/8 104/21 105/22 109/7 |
| consideration [2] | $50 / 17$ 53/16 54/15 55/17 | 113/8 |
| considering [1] 59 | 59/25 60/5 60/8 61/8 61/9 | date and [1] |
| consistent [1] 83/14 | 61/10 61/11 61/16 61/17 62/2 | dates [32] 34/16 $34 / 17$ 34/18 |
| consolidated [2] 55/1 | 62/12 62/17 62/20 63/6 63/11 | 35/2 35/15 36/10 38/18 52/18 |
|  | 63/12 63/13 63/14 63/20 | 53/14 53/22 60/3 60/20 60/24 |
| trued [1] | 63/22 65/6 67/21 68/10 68/12 | 61/11 $62 / 7$ 62/10 $65 / 22$ 71/13 |
| trued [1] | 68/17 68/19 68/20 69/9 70/18 | $\begin{array}{lllllll}73 / 14 & 74 / 3 & 74 / 13 & 75 / 15 & 76 / 5\end{array}$ |
| ming [1] | 70/19 71/12 $73 / 1$ 74/21 75/11 | 76/9 85/3 91/17 91/24 93/7 |
| contain [1] ${ }_{\text {contained [1] }}$ | 75/19 84/15 86/6 88/11 88/12 | 94/21 95/5 99/14 105/16 |
| contained [1] ${ }^{\text {contemplated [1] }}$ | 88/13 89/5 95/4 95/15 95/18 | day [18] 25/6 32/13 48/1 |
| $\begin{array}{lll}\text { contemplated [1] } & 62 / 2 \\ \text { contemplates [1] } & 22 / 8\end{array}$ | 96/8 96/12 96/16 96/18 97/19 | 54/12 54/12 59/22 64/13 |
| contemplates [1] $22 / 8$ contending [1] $50 / 20$ | 101/3 102/24 102/25 105/20 | 64/13 66/19 67/21 78/5 83/3 |
| ontending [1] | 106/13 109/15 110/7 113/10 | 97/2 99/22 101/12 105/3 |
| context [6] 28/6 28/17 | Court's [8] 23/10 30/13 31/9 | 108/14 111/19 |
| context [6] $28 / 6$ 28/17 63/22 66/13 67/1 | 39/4 46/8 60/25 69/1 90/18 | day-to-day [2] 54/ |
| $\begin{array}{ccc}63 / 22 & 66 / 13 & 67 / 1 \\ \text { continue [6] } & 41 / 23\end{array}$ | courthouses [1] 41/19 | days [44] 23/19 24/21 25/21 |
| $\begin{array}{rl}\text { continue [6] } & 41 / 23 ~ 46 / 1 \\ 55 / 10 & 58 / 16 \\ 88 / 4 & 108 / 5\end{array}$ | covered [3] 32/19 98/2 | 27/12 27/12 28/3 30/1 30/5 |
| 55/10 58/16 88/4 108/5 ontinues [1] 88/2 | 112/22 | 32/6 32/8 32/10 33/14 35/1 |
| $\begin{array}{llll}\text { continues [1] } & 88 / 2 \\ \text { continuing [3] } & 11 / 21 & 57 / 20\end{array}$ | COVID [4] 11/15 52/23 62/18 | $35 / 12$ 35/12 35/12 35/23 |
| $\begin{aligned} & \text { continuing [3] 11/21 57/20 } \\ & 87 / 15 \end{aligned}$ | 106/10 | $\begin{array}{llllll}37 / 12 & 38 / 22 & 38 / 23 & 39 / 2 & 40 / 1\end{array}$ |
| contours [2] 19/3 76/21 | CPFs [1] 79/ | 46/15 48/2 54/14 58/12 58/12 |
| $\begin{array}{llr}\text { contours [2] } & \text { 19/3 } & 76 / 21 \\ \text { contributing [1] } & 112 / 17\end{array}$ | CPS [1] 82/20 | 69/7 74/7 74/8 74/15 74/1 |
| $\begin{array}{lll}\text { ontributing [1] } & 112 / 17 \\ \text { ontribution [1] } & 112 / 18\end{array}$ | craw [1] 106/21 | $\begin{array}{llllllllll}75 / 13 & 75 / 16 & 76 / 1 & 76 / 6 & 78 / 25\end{array}$ |
| $\begin{array}{lll}\text { ontribution [1] } & 112 / 18 \\ \text { conversation [2] } & 13 / 2 \quad 26 / 1\end{array}$ | create [3] 77/20 90/5 90/14 | 85/19 96/13 97/6 101/4 101/5 |
| $\begin{array}{llll}\text { onversation [2] } & 13 / 2 & 26 / 1 \\ \text { conversations [1] } & 101 / 16\end{array}$ | critical [1] 66/12 | 102/4 102/9 |
| conversations [1] 101/16 convey [1] 111/20 | criticize [1] 98/22 |  |
| $\begin{array}{ll}\text { convey [1] } & 111 / 20 \\ \text { cooked [1] } & 109 / 11\end{array}$ | $\text { cross [1] } 12 / 22$ | $\text { de [2] } 2 / 2 \quad 86 / 2$ |
| cooked [1] 109/11 | cumbersome [1] 90/6 | dead [1] 73/6 |


| D | 70/3 70/16 | $9 / 25 \quad 13 / 17 \quad 20 / 17 \quad 37 / 194$ |
| :---: | :---: | :---: |
| deadline [18] 11/22 33/8 | delayed [5] 11/15 27/24 | 55/16 56/9 58/2 64/19 74/8 |
| $\begin{array}{llll}33 / 19 & 40 / 20 & 40 / 21 & 45 / 25\end{array}$ | delays [7] 56/14 57/20 58/8 | $89 / 16 \text { 89/17 89/24 91/14 95/8 }$ |
| $\begin{array}{llllll} & 46 / 10 & 46 / 11 & 46 / 16 & 55 / 6 & 73 / 23\end{array}$ | 65/15 66/15 66/15 67/10 | $\begin{array}{llllllllllll} \\ 96 / 12 & 96 / 17 & 102 / 3 & 107 / 5\end{array}$ |
| 74/7 74/23 76/13 76/16 93/25 97/17 102/21 | deliberation [1] 80/11 | 109/24 |
| deadlines [21] 5/2 31/25 | delve [1] 61/13 | didn't [19] 28/3 31/14 34/9 |
| 35/10 37/20 40/19 42/14 | demographics [1] 85/ | 35/25 36/15 37/12 55/ |
| 42/14 $49 / 15$ 63/6 63/8 $70 / 22$ | depending [1] 39/9 | 61/13 64/19 82/9 88/22 88/24 |
| 76/17 93/3 93/4 93/11 $93 / 14$ | depo [4] 31/15 101/2 | 89/21 94/17 94/17 95/8 95 |
| 93/17 93/18 93/25 94/1 97/13 | deponents [1] 34 | 103/6 103/9 <br> difference [1] 69/7 |
| deaf [1] 68/21 | depos [1] 102/14 | differences [1] 74/4 |
| $\text { ing [2] } 24 / 6 \text { 103/18 }$ | depose [1] 100/7 | different [27] 11/3 |
| deals [1] 43/14 | deposition [76] 23/19 24/1 | 32/13 36/18 40/25 43/8 54/25 |
| dealt [1] 93/8 | 24/3 24/6 24/21 25/4 | 57/14 60/14 60/21 60/23 |
| dear [1] 98/8 | 25/15 $25 / 20$ 25/21 $26 / 7$ 26/1 | 60/24 62/9 $71 / 6$ 71/18 79 |
| decedents [1] 85/5 | 26/19 26/22 26/25 27/4 27/7 | $79 / 25$ 81/3 81/13 83/18 90 |
| December [7] 26/20 38/2 | $\begin{array}{lllll}27 / 12 & 27 / 25 & 28 / 3 & 28 / 15 & 29 / 1\end{array}$ | 92/10 92/11 92/11 93/19 |
| 40/21 56/1 67/11 86/20 | $\begin{array}{llll}30 / 2 & 30 / 6 & 31 / 6 & 32 / 8 \\ 32 / 19\end{array}$ | 93/19 |
| 106/24 | $\begin{array}{lllll}33 / 9 & 33 / 11 & 33 / 12 & 33 / 15 & 33 / 20\end{array}$ | differently [1] |
| December 31st [1] 67/11 | $\begin{array}{lllll}33 / 21 & 35 / 2 & 35 / 8 & 35 / 13 & 35 / 15\end{array}$ | difficult [3] |
| Dechert [1] 2/9 | $36 / 10$ 37/1 $37 / 6$ 37/10 37/21 | 102 |
| decide [2] 17/24 73/18 | $8 / 2138$ | difficulties |
| decided [2] 52/2 105/20 | 22 47/17 47/21 47/22 48/2 | $64 / 1$ |
| decision [1] 96/7 | 48/7 48/11 48/15 49/7 53/6 | diligently [1] |
| defect [1] 96/8 | 101/12 102/1 104/17 105/7 | directed [1] 88 |
| Defendant [21] 22/19 23/24 | 6/23 107/2 107/5 107/10 | directive [1] |
| 25/5 $28 / 8$ 28/9 $39 / 7$ 39/14 | 107/11 $107 / 13$ 107/15 107/22 | directly [2] 107/8 1 |
| 51/6 51/7 62/3 77/21 79/7 | 108/14 109/1 | disagree [1] 105/17 |
| 79/12 79/16 79/18 79/25 80/2 81/1 82/15 87/24 98/5 | depositions [66] 22/8 22/10 | disagreement [3] 74/5 105/9 |
| Defendant's [1] | 22/20 22/24 23/12 23/14 | 105/12 |
| defendants [66] 2/9 22/17 | $\begin{array}{lllll}23 / 21 & 24 / 5 & 25 / 18 & 26 / 2 & 27 / 23\end{array}$ | disagrees [2] 46/9 63/3 |
| 22/23 23/20 23/23 25/13 26/6 | 28/6 $28 / 10$ 29/12 $30 / 5$ 30/21 | disappointed [2] 9/25 10/ |
| 27/3 30/17 $32 / 13$ 38/6 40/15 | 16 34/19 35/16 | discarded [1] 14/17 |
| 40/25 44/12 51/9 51/14 51/24 | 40/11 44/5 | disclosing [1] 60/8 |
| 54/3 54/23 54/25 55/1 56/17 | 5 46/18 46/22 | osure [2] 93/17 93/25 |
| 56/22 $57 / 14$ 57/17 $59 / 1$ 59/5 | $\begin{array}{llllll} 47 / 9 & 47 / 11 & 47 / 14 & 47 / 16 & 47 / 25 \end{array}$ | discovery [32] 4/8 4/21 5/2 |
| 59/13 59/14 61/2 61/21 61/22 | $\begin{array}{lllll}48 / 6 & 48 / 17 & 49 / 14 & 49 / 16 & 49 / 17\end{array}$ | 21/16 21/17 21/25 31/12 38/3 |
| 64/6 66/19 67/2 68/5 70/8 | 53/5 59/19 $97 / 21$ 98/4 98/13 | $\begin{array}{llllll} \\ 40 / 15 & 40 / 21 & 51 / 6 & 52 / 8 & 57 / 4\end{array}$ |
| $\begin{array}{llll}72 / 9 & 73 / 15 & 73 / 17 & 77 / 22 \\ 77 / 25 / 23\end{array}$ | 99/6 99/10 100/1 100/2 101/6 | 57/4 59/15 59/15 66/15 66/20 |
| 77/25 78/1 $78 / 19$ 79/9 79/10 |  | 74/23 90/19 90/20 90/22 |
| $\begin{array}{lllll}79 / 12 & 79 / 14 & 79 / 14 & 79 / 17\end{array}$ | 105/24 106/19 108/17 108/22 | $\begin{array}{lllll} 92 / 15 & 92 / 21 & 93 / 4 & 96 / 21 & 97 / 12 \end{array}$ |
| 80/25 81/15 81/20 82/3 82/15 | 109/8 109/9 | 97/20 97/21 110/23 |
| 82/21 85/24 87/12 90/1 90/7 | descriptive [1] |  |
| 90/8 90/17 103/4 106/4 $110 / 22$ | deserving [1] 68/16 | discuss [8] 7/20 22/1 36/2 |
|  | design [2] 96/7 96/9 | 37/7 50/17 79/2 92/6 92/17 |
| Defendants or [1] 80/ | designate [1] 101/9 | discussed [8] 4/20 7/2 7/21 |
| Defendants' [1] 97/17 defense [24] 30/11 33/ | designated [1] 90/10 | 21/2 34/14 35/14 57/9 81/22 |
| defense [24] 30/11 33/16 | desire [1] 68/1 | discussing [5] 14/7 65/2 |
|  | desires [1] 73/12 | 72/6 92/18 93/8 |
| 80/11 83/16 89/23 90/13 | despite [1] 49/7 | discussion [15] 5/20 6/6 8/4 |
| 90/23 91/7 92/5 103/19 | destruction [1] 106/25 | 9/8 10/17 10/25 12/17 16/1 |
| 103/21 103/22 104/6 104/7 | detail [1] 71/13 | 34/5 49/11 $50 / 10$ 52/14 $52 / 17$ |
| defer [2] 25/24 86/7 | detailed [2] 79/19 102/21 | 94/2 94/15 |
| deficiencies [6] 32/18 83/8 | details [2] 59/23 85/8 | discussions [9] 5/21 |
| 84/3 86/19 87/1 87/3 | determination [1] 95/18 | 45/7 50/15 51/23 52/1 52/16 |
| deficiency [2] 83/21 84/10 | ermine [2] 15/7 15/1 | 54/2 54/5 |
| deficient [10] 70/13 77/15 | determining [1] 13/20 | disingenuous [1] 70/11 |
| 79/6 84/12 84/24 85/13 85/15 85/16 85/20 90/10 | deterrents [1] 89/18 develop [1] 88/2 | $\begin{array}{\|ccc\|} \hline \text { dismiss [7] } & 60 / 14 \text { 60/15 81/1 } \\ 86 / 24 & 96 / 6 & 96 / 796 / 12 \end{array}$ |
| 85/16 85/20 90/10 | develop it [1] 88/2 | dismissal [5] 78/10 80/14 |
| degradation [1] 14/19 degree [4] 5/7 26/13 | development [1] 110/8 | 80/22 81/11 88/3 |
| $\begin{array}{r} \text { 91/2 } \\ \text { delay [5] } \end{array} 41 / 18 \quad 65 / 10 \quad 68 / 24$ | DeVries [1] 3/5 <br> dialogue [2] 55/11 58/17 | dismissals [2] 81/9 86/18 dismissed [6] 78/19 80/18 |


| D | 40/7 46/25 47/2 47/3 51/8 | $48 / 24 \quad 49 / 12 \quad 52 / 12$ |
| :---: | :---: | :---: |
| ssing [2] 80/24 82/3 | $60 / 4 \quad 63 / 15 \text { 68/12 68/24 69/22 }$ | 98/15 |
| disproportionate [1] 14/24 | doesn't [13] 5/11 9/13 15/7 | $\begin{array}{\|c} \text { earlier } \\ 94 / 20 \end{array}$ |
| dispute [4] 8/24 33/3 86/6 88/11 | 17/2 55/19 59/2 62/12 62/13 | early [2] 15/16 103/1 |
| disputes [3] 19/6 19/7 $19 / 22$ | 62/25 63/7 69/13 69/18 84/15 | ears [2] |
| distribution [2] 107/10 107/20 | doing [17] $4 / 15$ $11 / 2$ $12 / 8$  <br> $13 / 7$ $18 / 8$ $23 / 10$ $28 / 8$ $34 / 2$ | $\begin{array}{\|llll} \text { Eastwood } & {[1]} & 98 / 16 \\ \text { easy [6] } & 10 / 5 & 29 / 8 & 53 / 5 \end{array}$ |
| tributors [2] 108/1 | 35/17 35/19 47/17 51/15 57/1 | 79/19 90/4 106/7 |
| $\text { ct }[4] \quad 1 / 1 \quad 1 / 1 \quad 1 / 10$ | 82/19 105/10 106/5 106/7 | eat [1] 93/2 |
| $41 / 20$ | domestic [3] 102/1 102/7 | educate [1] |
| dive [1] 29/11 |  | educated [1] effect [6] |
| diverse [1] 112 | domest $108 / 3$ | 52/25 73/4 91/25 |
| $\begin{array}{\|lllll} \text { division } & {[2]} & 1 / 2 & 13 / 3 & \\ \text { do }[106] & 6 / 23 & 8 / 8 & 9 / 12 & 11 / 2 \end{array}$ | Dominion [1] | effectively [1] 99 |
|  | don't [84] 5/10 7/17 9/8 | effort [1] 10 |
| $\begin{array}{lllll}19 / 18 & 20 / 19 & 21 / 19 & 26 / 11\end{array}$ | 9/19 9/24 13/1 $13 / 1213 / 23$ | efforts [2] 5/14 54 |
| 26/12 26/24 26/24 27/25 28/4 | $\begin{array}{lllll}15 / 3 & 15 / 9 & 17 / 12 & 18 / 17 & 20 / 14\end{array}$ | eight [1] 99/1 |
| $\begin{array}{llllll} & 28 / 16 & 28 / 16 & 29 / 10 & 29 / 14 & 31 / 8\end{array}$ | 7 $26 / 17$ 29/14 29/18 | either [20] 15/16 17/13 39/8 |
| $\begin{array}{llllll}31 / 13 & 31 / 14 & 31 / 23 & 33 / 6 & 36 / 7\end{array}$ | $\begin{array}{lllll}34 / 15 & 42 / 19 & 43 / 16 & 43 / 20 & 44 / 5\end{array}$ | 43/3 43/17 47/6 47/16 |
| 36/17 36/18 37/2 37/5 37/16 | /11 $45 / 1946 / 1448 / 648 / 19$ | 61/24 63/3 78/6 80/24 81/16 |
| $\begin{array}{lllllll} & 40 / 15 & 40 / 23 & 41 / 25 & 44 / 1 & 44 / 24\end{array}$ | 48/22 $49 / 14$ | 82/2 86/24 88/16 104/9 |
| 45/9 45/12 $45 / 24 \quad 46 / 17$ 47/5 | 57/19 57/24 58/6 58/17 | 104/23 105/19 1 |
| 47/8 47/9 47/20 $48 / 6$ 49/9 | $9 /$ | elaborate [2] |
| 49/10 $51 / 7 \quad 53 / 15$ 53/17 $53 / 23$ | 65/18 69/16 72/12 72/23 | elephant [1] |
| $\begin{array}{llll}53 / 25 & 55 / 23 ~ 55 / 24 ~ 56 / 2 ~ 56 / 2 ~\end{array}$ | $\begin{array}{llllll}74 / 10 & 76 / 5 & 76 / 13 & 78 / 13 & 80 / 6\end{array}$ | elevated [1] 30/22 |
|  | 80/8 81/13 81/18 86/23 86/24 | eleven [1] 99/16 |
| $\begin{array}{lllll}58 / 14 & 58 / 15 & 58 / 15 & 59 / 3 & 61 / 24 \\ 62 / 13 & 63 / 5 & 63 / 24 & 64 / 19 & 65 / 1\end{array}$ | 86/25 91/13 92/13 93/15 | elicit [1] 53/15 |
| $\begin{array}{llllll}62 / 13 & 63 / 5 & 63 / 24 & 64 / 19 & 65 / 1 \\ 65 / 6 & 66 / 3 & 66 / 24 & 70 / 1 & 70 / 9\end{array}$ | 93/23 98/21 99/4 99/6 99/21 | else [8] 18/10 20/1 62/23 |
| $\begin{array}{lllll}65 / 6 & 66 / 3 & 66 / 24 & 70 / 1 & 70 / 9 \\ 71 / 1 & 72 / 10 & 72 / 22 & 73 / 2 & 73 / 4\end{array}$ | 100/23 100/24 102/6 105/5 | 69/16 77/10 97/3 104/5 111/9 |
| $\begin{array}{lllll}71 / 1 & 72 / 10 & 72 / 22 & 73 / 2 & 73 / 4 \\ 73 / 9 & 73 / 11 & 73 / 23 & 75 / 6 & 76 / 18\end{array}$ | 105/9 105/15 105/17 105/20 | email [9] 13/22 43/17 71/11 |
| $\begin{array}{lllll}73 / 9 & 73 / 11 & 73 / 23 & 75 / 6 & 76 / 18 \\ 80 / 16 & 83 / 14 & 87 / 2 & 88 / 22 & 92 / 8\end{array}$ | 106/3 106/14 109/3 109/12 | 81/6 104/13 105/18 105/18 |
| 80/16 83/14 87/2 88/22 92/8 | 110/3 112/24 | 106/20 107/3 |
| $\begin{array}{lllll}92 / 9 & 92 / 10 & 92 / 11 & 93 / 24 & 94 / 23\end{array}$ | done [36] 14/3 18/9 18/10 | emailed [1] 4 |
| 98/1 99/4 99/9 100/1 104/5 | $\begin{array}{llll}\text { 18/10 } & 19 / 24 & 20 / 24 & 21 / 2\end{array} 31 / 11$ | emailing [2] 43/18 43/19 |
|  | $31 / 12$ 36/5 37/23 38/19 39/6 | emails [1] 43/18 |
| doable [1] | 45/9 49/16 56/16 57/15 57/16 | employees [1] 106/6 |
|  | 58/10 60/6 61/9 61/9 61/18 | encompass [1] 20/13 |
| doctors [1] <br> document [18] | 61/19 66/11 71/10 91/8 92/21 | encouraged [1] 8/4 |
| 28/18 28/21 28/25 29/4 32/6 | 93/2 100/10 100/16 101/6 | end [12] 17/21 19 |
| $\begin{array}{llllll}34 / 21 & 35 / 1 & 35 / 17 & 35 / 22 & 36 / 21\end{array}$ | 101/23 106/2 109/3 109/11 | 50/20 55/18 68/12 83/23 |
| 38/8 39/23 67/11 101/22 | dosages [1] 79/2 | 90/20 99/23 111/7 111/10 |
| 101/22 106/24 | down [22] 10/14 15/21 21/12 | 111/25 |
| documents [79] 5/22 8/14 | 26/23 68/10 69/1 69/8 69/22 | endeavoring [1 |
| 11/14 17/16 21/3 23/9 23/18 | 75/3 83/13 90/3 90/13 90/14 | ended [3] 34/17 38/7 111 |
| 24/2 24/22 25/6 25/14 25/20 | 90/20 91/1 91/9 92/4 92/9 | endorsement [1] 30/13 |
| 26/18 26/24 27/4 27/11 27/24 | 92/17 99/4 106/14 106/15 | enemy [1] 100/2 |
| 27/24 28/12 28/19 28/22 | draft [8] 72/18 72/23 72/23 | engaged [1] |
| 28/24 29/2 29/3 29/11 30/24 | 103/4 103/8 103/10 104/2 | England [2] 99/12 102/8 |
| $30 / 25$ 31/5 31/18 31/25 32/16 | 105/11 | enlighten [1] |
| $\begin{array}{llllll}33 / 9 & 33 / 12 & 33 / 14 & 34 / 14 & 34 / 14\end{array}$ | drawing [ | enough [10] $26 / 17$ 37/6 $42 / 10$ |
| $34 / 15$ 35/1 $35 / 6$ 35/11 35/22 | drill [1] 26/22 | 42/12 42/13 44/4 55/ |
| $\begin{array}{llll}35 / 25 & 36 / 14 & 36 / 15 & 36 / 20\end{array}$ | driven [1] 102/21 | ensure [1] 27/5 |
| $\begin{array}{lllll}36 / 23 & 36 / 25 & 37 / 3 & 37 / 11 & 38 / 4\end{array}$ | driving [3] 37/18 60/1 75/5 | enter [1] 84/19 |
| $\begin{array}{llll}38 / 10 & 38 / 16 & 39 / 10 & 40 / 11\end{array}$ | drop [1] 73/6 | $\begin{array}{lllll}\text { entered [8] } & 29 / 24 & 38 / 5 & 62 / 16\end{array}$ |
| $\begin{array}{llllll}40 / 16 & 40 / 19 & 42 / 12 & 44 / 2 & 47 / 10 \\ 48 / 8 & 49 / 8 & 52 / 22 & 67 / 2 & 67 / 4\end{array}$ | drug [1] 90/8 | 65/25 66/2 82/12 96/18 97/19 |
| 48/8 49/8 52/22 67/2 67/4 100/4 100/5 101/17 101/21 | due [6] 67/11 83/23 96/19 | entertain [2] 93/13 93/23 |
| $101 / 25 \text { 102/2 102/9 }$ | 97/16 97/16 97/17 | entertains [1] |
| 101/25 102/2 102/9 | dump [1] 29/ | entirely [2] 93/7 95/1 |
| $\begin{array}{llll} 103 / 23 & 104 / 4 & 107 / 4 & 10 \\ 107 / 12 & 108 / 12 & 108 / 13 \end{array}$ | dumped [1] 23/18 | entirety [2] 21/5 95/2 |
| documents were [1] 107/4 | duration [2] 6/13 89/14 during [3] 33/4 56/19 1 | ```entries [7] 9/1 10/11 12/11 14/10 14/17 15/1 15/5``` |
| Dodge [7] 78/12 78/22 78/23 <br> 81/5 89/4 92/5 102/16 | E | entry [7] 9/12 15/6 30/13 <br> 60/25 62/11 69/1 69/1 |
| $\begin{aligned} & \begin{array}{l} \text { Dodge's [1] } \\ \text { does [14] } \end{array} \text { 80/7 } \\ & \text { d5/25 } \\ & \hline 17 / 18 \end{aligned} \text { 24/20 }$ | ```each [12] 15/6 22/9 22/19 30/16 34/18 43/19 47/13``` | $\begin{aligned} & \text { envisioning [3] 45/13 45/14 } \\ & 46 / 4 \end{aligned}$ |


| E | experiencing [1] 43 | 23 |
| :---: | :---: | :---: |
| equally [1] 95/6 | expert [16] 40/20 55/6 59/19 | fewer [1] |
| err [1] 42/22 | 70/22 $74 / 24$ 91/18 $91 / 19$ 93/3 | field [1] 16/24 |
| error [2] 20/25 81/20 | $\begin{array}{lllll}\text { 93/11 } & 93 / 17 & 93 / 24 & 96 / 19 & 97 / 9 \\ 97 / 13 & 97 / 14 & 97 / 17 & & \end{array}$ | $\begin{array}{lll}\text { fifth [1] } & 110 / 5 \\ \text { fight [8] } & 17 / 12\end{array}$ |
| Eschelman [1] 107/15 | expert disclosure [1] 93/1 | 51/19 51/20 52/3 52/4 52/9 |
| especially [2] 30/20 90/6 | experts [6] 57/3 59/16 59/18 | figure [8] 13/4 13/13 24/9 |
| ESQ [14] 1/12 1/16 1/19 1/22 | 59/18 59/21 60 | 46/21 83/17 84/2 101/10 |
| $\begin{array}{lllllll} & 2 / 1 & 2 / 5 & 2 / 9 & 2 / 12 & 2 / 16 & 2 / 19\end{array}$ | exp] $12$ | $\text { file [31] } 25 / 19 \text { 48/1 54/4 }$ |
| 2/22 2/22 3/ | 56/17 88/15 | 54/13 54/14 54/23 54/24 55/1 |
| essential [1] 74/25 | explaining [2] 46/24 89/10 | 56/7 59/20 64/10 65/3 65/19 |
| essentially [2] 67/8 72/17 | explanation [1] 71/2 | 67/2 67/14 67/20 68/1 68/2 |
| establish [1] 5/8 | xpressed [1] 56/22 | 68/2 68/3 71/16 71/22 72/2 |
| established [2] 17/7 17/20 | extend [2] 74/7 88/8 | 72/11 73/3 73/7 73/12 73/15 |
| etc [3] 66/6 66/6 79/23 | nded [3] 93/6 93 | 6 94/24 107/13 |
| Europe [4] 99/1 99/18 100/24 | extending [1] 76/1 | 73/13 76/20 82/2 82/12 85/25 |
| 106/9 | extension [17] 5/2 6/9 6/10 | 85/25 |
| luate [1] | 17/8 53/12 56/18 56/19 61/25 | files [4] 32/9 38/20 38/21 |
| $\text { en [18] } 5 / 8 \quad 13 / 12 \quad 17 / 3$ | 63/2 63/3 65/16 67/4 67/17 | 39 |
| 19/8 34/13 42/20 51/2 51/10 | 68/16 88/1 93/13 93/23 | filing [7] 67/22 67/23 70/24 |
| 53/11 53/11 57/10 67/22 | extensions [2] 61/24 70/15 | 72/5 72/22 80/24 82/7 |
| 68/11 80/8 89/18 91/22 95/7 | extent [2] 4/ | [1] 77/15 |
| 106/9 | F |  |
| evening [2] 96/1 113/1 | face [1] 98/11 | 100/6 100/17 |
| event [2] 39/ | faced [1] 13/19 | find [11] 8/18 |
| $\begin{gathered} \text { events [4] } 60 / 22 \quad 60 / 24 \quad 73 / 14 \\ 94 / 21 \end{gathered}$ | facing [3] 32/15 67/5 90/2 | 35/24 36/4 36/16 37/3 69/5 |
| every [7] 18/1 51/19 52/9 | fact [11] 13/21 28/1 45/ | 86/3 87/22 87/23 |
| 52/24 66/19 81/19 99/22 | 47/12 52/11 67/10 80/8 88/20 | finding [2] 22/21 36/20 |
| everybody [10] 7/10 51/15 | 112/7 112/10 112/11 | fine [10] 4/17 15/6 47/15 |
| 52/11 53/9 58/21 68/9 73/24 | factor [1] 64/16 | 69/20 69/23 73/10 76/6 |
| 91/5 101/19 113/2 | factors [1] 89/19 | 103/13 105/10 105/ |
| everyone [6] 4/2 44/24 80/19 | fading [1] 6/19 | finished [2] 64/1 90/22 |
| 92/1 110/3 112/21 | fair [3] 45/5 68/5 103/22 | FINKEN [41] 1/12 4/6 4/11 |
| everyone's [1] 110/ | fairly [3] 63/2 72/7 97/8 | 6/4 6/14 6/17 7/14 9/21 10/3 |
| everything [14] 21/3 23/10 | faith [9] 30/1 35/5 35/5 | 10/7 10/24 12/20 13/17 19/23 |
| 35/18 52/19 66/13 68/22 | 35/19 36/6 36/17 51/16 52/22 | $\begin{array}{lllllll}20 / 1 & 20 / 17 & 21 / 15 & 21 / 18 & 25 / 24\end{array}$ |
| 77/17 82/20 91/6 101/25 | 57/21 | 26/8 33/18 $34 / 544 / 10$ 47/3 |
| 105/9 108/6 109/4 112/23 | fall [4] 48/17 82/6 85/12 | 47/9 48/17 49/24 50/23 54/10 |
| evolve [1] 88/3 | 87/6 | 56/9 58/3 58/6 58/11 64/12 |
| exact [1] 81/13 | falling [1] 68/20 | 64/24 66/8 68/15 74/18 76/8 |
| exactly [7] 50/15 $72 / 9 \quad 74 / 16$ | falls [1] 48/3 | 76/14 89/22 |
| 95/1 106/14 109/25 110/16 | familiar [1] 11/12 | Finken's [1] 7/7 |
| example [5] 53/1 73/23 84/25 | familiarity [1] 46/5 | firm [1] 110/ |
| 91/18 107/18 | families [1] 22/9 | firms [7] 78/23 79/16 81/3 |
| examples [2] | far [12] 14/12 30/21 39/13 | 81/4 81/4 87/22 89/2 |
| excellent [1] 110/17 | 39/14 45/25 58/13 80/9 90/20 | firms' [1] 80/10 |
| Except [1] 30/23 | 91/12 99/17 99/21 105/10 | first [19] 4/7 4/1 |
| exception [1] 20/2 | favorable [1] 111/2 | 21/14 22/10 $35 / 8$ 37/16 $45 / 24$ |
| exchange [1] | FDA [1] 11/6 | $50 / 20$ 50/22 51/2 52/19 53/18 |
| excited [1] 111 | feasibly [1] 28/1 | 87/25 101/19 102/19 106/2 |
| exclusive [1] 67/25 | feature [1] 94/8 | 108/18 110/5 |
| exist [5] 5/11 16/13 17 | February [8] 12/6 34/8 34/10 | firsthand [1] 110/16 |
| 17/19 89/20 | 34/21 35/2 38/13 86/18 97/16 | Fisher [2] 78/7 80/17 |
| existing [4] | February 28 [1] 97/16 | fits [1] 47/13 |
|  | February 28th [1] 34/10 | five [14] 23/23 24/18 24/21 |
| , | February 9th [1] 38/13 | 25/6 28/3 37/12 39/25 43/16 |
| exit [1] 84/19 | Federal [3] 30/2 95/24 113/9 | 47/1 48/1 48/2 89/15 99/18 |
| $\begin{array}{lll}\text { exit [1] } \\ \text { exited [2] } & 8 / 19 \\ \text { ex/14 } & 84 / 5\end{array}$ | feel [14] 26/21 27/25 31/14 | 107/3 |
| exited [2] $77 / 14$ <br> expect [3] $20 / 4 / 5$ | 42/10 47/8 47/9 55/15 57/6 | five-day [2] 25/6 48/1 |
| $\begin{array}{llll}\text { expect [3] } & \text { 20/4 } & 21 / 10 & 29 / \\ \text { expectation [2] } & 46 / 9 & 73 / 8\end{array}$ | 61/5 63/17 68/19 76/13 | fix [2] 86/20 87/4 |
| $\begin{array}{lll}\text { expectation [2] } 46 / 9 & 73 / 8 \\ \text { expected [1] 111/21 }\end{array}$ | 111/17 111/18 | fixed [1] 86/21 |
| expected [1] 111/2 expecting [1] 97/2 | feeling [1] $44 /$ | FL [3] 1/5 2/3 3/10 |
| $\begin{array}{ll}\text { expecting [1] } & 97 / 2 \\ \text { expedited [1] } & 68 / 13\end{array}$ | felt [1] 36/17 | flag [2] 22/1 24/12 |
| expedited [1] 68/13 expense [1] 10/18 | Ferguson [1] 2/1 | flexible [2] 40/8 40/25 |
| $10 / 18$ | few [5] 27/20 33/14 34/11 | flight [1] 98/25 |


| F | froze [1] 11 | 396 |
| :---: | :---: | :---: |
| Floor [1] | frozen [1] 111/9 | getting [25] 22/19 25/5 |
| Floor [1] Flori [1] 107/16 | Ft [1] 3/10 | $\begin{array}{llll}25 / 12 & 25 / 14 & 25 / 19 & 26 / 24 \\ 30 / 24 & 36 / 24 & \text { d9/8 } & 50 / 14\end{array}$ |
| FLORIDA [1] 1/1 | fulfills [1] | $\begin{array}{llllll}30 / 24 & 36 / 24 & 49 / 8 & 50 / 14 & 53 / 14\end{array}$ |
| flow [4] 65/23 75/15 91/20 | 1 [19] 8/21 14/ | 56/23 59/16 66/1 67/1 67/3 |
| 91/24 | 17/20 40/21 45/5 57/25 58/18 | $87 / 10$ 101/24 101/25 102/15 |
| fly [1] 102/7 | 66/17 66/22 67/16 68/3 68/5 | 103/1 104/9 107/18 110/2 |
| $\begin{array}{llll}\text { focus [3] } 40 / 15 & 58 / 9 & 101 / 16\end{array}$ | 68/6 68/7 68/7 99/23 102/1 | 110/4 |
| focused [1] 21/16 | fullest [1] 79/8 | $\begin{array}{llll} {[3]} & 41 / 25 & 42 / 2 & 94 / 3 \end{array}$ |
| fold [1] 33/6 | fully [7] 35/9 38/25 56/14 | give [18] 23/17 23/22 37/12 |
| $\begin{array}{llll}\text { folks [1] } & 83 / 22 \\ \text { follow [3] } & 79 / 19 & 82 / 16 & \end{array}$ | 58/1 61/17 $70 / 3 \quad 70 / 20$ | $43 / 21$ <br> $54 / 14$ <br> 17 |
| ow [3] | fun [3] 112/7 112/10 112/11 | 77/11 78/3 84/24 85/6 90/1 |
| follows [1] | further [13] 4/9 10/17 12/17 | 95/14 95/14 100/6 106/20 |
| followup [3] $10 / 9$ 12/9 $18 / 16$ | 28/17 44/8 45/6 52/20 54/7 | 108/17 |
| foot [1] 91/5 | 58/2 106/17 108/8 109/14 | given [14] 6/10 6/13 27/2 |
| for is [1] | 109/14 | 35/21 36/22 45/5 46/18 52 |
| force [1] 65/1 | G | 55/23 57/20 67/10 78/5 78/6 |
| forced [1] 51/19 | GA [2] 1/21 2/17 | gives [3] |
| forcing [1] 91/4 | $\text { game [2] 60/10 } 102 / 23$ | gives [3] <br> 105/16 |
| foregoing [1] 113/5 | gamesmanship [3] $22 / 23$ 35/5 | giving [1] |
| foremost [1] 37/16 forgive [2] 7/5 34 | 35/21 | glad [1] 97/4 |
| form [9] 14/13 78/2 | gap [3] 54/20 55/18 65/17 | glass [2] 102/1 |
| 80/24 82/3 82/7 83/15 84/ | gathered [1] 82/2 | GlaxoSmithKline |
| 85/24 | gave [4] 17/7 35/2 38/13 | gleaning [1] |
| format [2] 60/20 73/14 |  | global [2] 32/2 |
| former [1] 106/6 | Gen [2] 109/19 112/16 | go [44] 10/12 10/18 10/20 |
| forms [8] 83/17 83/20 83/23 | general [6] 55/5 55/6 7 | $\begin{array}{lllll}11 / 13 & 12 / 15 & 15 / 3 & 15 / 5 & 19\end{array}$ |
| 83/25 84/2 84/25 85/15 85/20 | generally [4] 29/21 33/17 | 49/15 $49 / 18$ 52/18 $54 / 15$ 58/7 |
| formulations [1] | 69/4 87/9 | 59/17 59/19 68/23 69/24 |
| $\begin{array}{llll}\text { forth [2] 5/14 } & 7 / 9 \\ \text { fortheoming [2] } & \text { 9/20 }\end{array}$ | generic [26] 21/17 21/25 | 69/25 70/2 70/23 72/16 73/2 |
| forthcoming [2] 9/20 44/3 | 22/9 22/14 23/23 25/5 28/6 | 74/20 76/4 76/5 76/22 87/3 |
| forward [33] 23/21 24/3 | $32 / 22 \quad 32 / 25 \quad 36 / 19 \quad 36 / 19 \quad 38 / 6$ | 90/16 90/19 91/12 92/22 |
| $\begin{array}{lllll}25 / 16 & 26 / 6 & 27 / 7 & 27 / 23 & 28 / 6 \\ 28 / 10 & 31 / 3 & 33 / 10 & 33 / 21 & 40 / 4\end{array}$ | $39 / 7$ 39/8 $40 / 15$ 44/23 $46 / 14$ | 92/22 93/15 99/9 100/14 |
| $\begin{array}{lllll}28 / 10 & 31 / 3 & 33 / 10 & 33 / 21 & 40 / 4 \\ 47 / 15 & 47 / 17 & 47 / 21 & 49 / 7 & 49 / 10\end{array}$ | 48/14 48/24 49/12 51/10 85/4 | 100/24 102/20 109/8 109/11 |
| 15 $47 / 17$ $47 / 21$ $49 / 7$ $49 / 10$ <br> 18 $55 / 24$ $56 / 3$ $57 / 21$ $57 / 22$ | 86/14 87/6 87/9 101/12 | goal [4] 26/4 27/11 43/25 |
| $8 / 10 \quad 60 / 4 \quad 60 / 7 \quad 62 / 4 \quad 62 / 5$ | generics [20] 28/9 33/23 | 100/16 |
| 64/17 66/24 70/22 76/4 76/17 | 34/4 34/12 $34 / 18$ 34/22 $34 / 23$ | goes [5] 45/21 5 |
| 113/2 | 36/19 37/21 38/8 38/24 39/21 | 89/1 98/11 |
| found [4] 7/21 16/7 107/7 | 40/9 $43 / 2 \begin{array}{lllll} & 43 / 24 & 44 / 16 & 46 / 17\end{array}$ | going [89] 4/5 |
| 112/22 | 53/2 86/8 108/6 | $\begin{array}{llllll}10 / 15 & 12 / 15 & 12 / 24 & 13 / 6 & 13 / 11\end{array}$ |
| foundational [2] 38/1 40/13 | gentleman [1] 106/22 | $\begin{array}{lllll}16 / 16 & 17 / 14 & 17 / 21 & 19 / 6 & 22 / 2\end{array}$ |
| four [8] 56/18 57/19 58/11 | get [107] $4 / 4$ 4/5 12/9 13/13 | $\begin{array}{lllll}22 / 5 & 23 / 14 & 24 / 9 & 25 / 24 & 30 / 15\end{array}$ |
| 67/8 67/10 99/17 101/14 | $\begin{array}{llllll}14 / 2 & 14 / 3 & 14 / 25 & 16 / 14 & 18 / 2\end{array}$ | 32/19 37/2 $40 / 14$ 41/5 41/5 |
|  | $18 / 9$ 18/10 18/21 19/3 19/4 | 41/20 41/21 42/4 42/16 42/21 |
| four-month [2] 56/18 67 | 19/20 19/21 19/21 19/23 21/9 | 42/21 42/23 42/25 46/2 48/7 |
| foxhole [2] 51/19 52/3 | 21/12 22/14 $23 / 18$ 25/16 $26 / 4$ | 48/11 49/4 49/7 51/13 55/24 |
| France [2] 98/25 106/8 | 27/24 28/11 $28 / 14$ 29/6 33/13 | 55/25 56/3 56/13 57/19 58/10 |
| frankly [10] 6/8 9/24 10/13 | 35/1 $35 / 6 \quad 37 / 11 \quad 37 / 22 ~ 41 / 11$ | 59/24 60/4 61/2 61/3 62/23 |
| $\begin{array}{cccccl} \\ 16 / 21 & 28 / 16 & 34 / 22 ~ 54 / 1 ~ 60 / 15\end{array}$ | 41/25 $42 / 2 \begin{array}{llll} & 43 / 25 & 45 / 9 & 46 / 21\end{array}$ | 63/6 63/14 $63 / 15$ 64/23 65/11 |
| 70/11 100/22 | 47/24 48/8 49/4 49/16 51/20 | 65/23 66/9 66/16 67/20 69/2 |
| bie [1] | 55/22 56/5 56/16 57/10 57/15 | 69/17 70/2 72/16 77/17 82/17 |
| uency [1] | 57/16 59/20 61/9 63/1 64/25 | 82/24 83/5 86/4 91/15 92/6 |
| frequent [1] 25/9 | 66/17 70/4 70/9 70/22 71/6 | 92/18 93/6 93/17 96/21 98/4 |
| fresh [1] 29/11 | 73/2 74/9 75/3 78/12 80/16 | 98/25 99/6 99/15 99/24 |
|  | 81/6 84/4 84/15 84/23 86/21 | 100/25 100/25 101/5 101/11 |
| $\begin{array}{cccccc}\text { Friday } & {[16]} & 45 / 4 & 46 / 6 & 72 / 3 \\ 72 / 22 & 73 / 5 & 73 / 5 & 73 / 6 & 73 / 6\end{array}$ | 87/13 87/16 88/19 88/23 89/4 | 102/23 103/14 103/14 105/4 |
| $\begin{array}{llllll}72 / 22 & 73 / 5 & 73 / 5 & 73 / 6 & 73 / 6 \\ 73 / 7 & 73 / 10 & 73 / 11 & 76 / 21 & 94 / 5\end{array}$ | 89/11 90/15 91/8 91/11 92/3 | 105/14 105/15 109/8 112/3 |
| $73 / 7$ 73/10 73/11 76/21 94/5 $103 / 12$ 104/22 106/3 | 92/16 95/8 98/25 99/15 99/19 | GOLDENBERG [12] 1/22 1/23 |
| 103/12 104/22 106/3 Friedman [3] $98 / 16$ 100/6 | 100/4 100/10 101/23 102/3 | 21/18 21/20 23/2 30/7 33/6 |
| Friedman [3] 98/16 100/6 |  | 33/17 39/18 41/10 41/13 |
| friend [1] 99/5 | 103/15 103/16 104/1 104/4 | 48/20 |
| friend [1] $99 / 5$   <br> front [10] $4 / 22$ $4 / 25$ $29 / 19$ | 105/1 105/8 105/11 105/15 | gone [2] 11/16 62/19 |
| $32 / 23 \quad 39 / 19 \quad 70 / 2 \quad 70 / 19 \quad 71 / 7$ | 106/2 106/7 107/24 108/23 | good [38] $4 / 1$ 4/2 $4 / 1114 / 13$ |
| 93/7 100/17 | 109/7 109/11 109/19 | 4/15 4/18 10/12 12/14 $21 / 23$ |
| 93/7 100/17 | gets [5] 11/4 18/10 25/11 | 30/1 35/4 35/19 36/17 49/25 |


| G | hand [1] | $62 / 2063 / 4 \text { 66/5 67/22 68 }$ |
| :---: | :---: | :---: |
| good... [24] 50/1 50/2 51/16 | handful [1] 80/20 | $69 / 2 \quad 69 / 22 \quad 70 / 19 \quad 71 / 7 \quad 71 / 20$ |
| 52/21 57/21 62/13 77/4 77/5 | handle [2] |  |
| 77/6 $77 / 7$ 83/1 $84 / 984 / 20$ | hanging [2] 35/3 87/1 | hearings [7] 4/22 4/25 5/15 |
| $\begin{array}{llll}85 / 6 & 96 / 1 & 96 / 2 & 96 / 2\end{array} 96 / 3$ | happen [4] 26/1 30/20 93/10 | $\begin{array}{lllll} 6 / 8 & 16 / 21 & 18 / 5 & 110 / 23 \end{array}$ |
| $\begin{aligned} & 98 / 14 \text { 98/15 105/10 108/3 } \\ & 109 / 23 \text { 109/24 } \end{aligned}$ | 100/24 | held [1] 92/14 |
| Goodell [1] 3/5 | happened | hello [2] |
| got [23] $34 / 1$ | /18 100/9 111/19 | help [6] 43/13 59/24 69/1 |
| 34/19 36/21 40/17 41/17 | happening [3] 21/24 87/15 | 1680 |
| 41/18 66/14 66/18 66/22 70/7 |  | helpful [5] 27/3 $33 / 7 \quad 50 / 18$ |
| 85/18 98/15 98/21 99/14 | 111/1 | helps [1] |
| 99/21 101/20 106/3 107/2 | happy [10] 19/22 36/2 37/7 | $\text { HENRY [6] } 2 / 12 \quad 79$ |
| 107/3 108/15 | 49/11 64/5 76/4 86/11 101/3 | 86/10 86/12 86/13 |
| gotten [2] 8/19 19/8 | 104/19 107/17 | her [11] $26 / 9$ 41/15 64/13 |
| graduated [1] 112/8 | hard [12] 27/13 $32 / 17$ 35/4 | 74/19 80/9 102/16 111/10 |
| $\begin{array}{ll}\text { grand [1] } & 56 / 19 \\ \text { grant [1] } & 88 / 1\end{array}$ | 49/1 69/4 69/14 70/17 82/16 | 111/13 111/17 111/22 111/25 |
| grant [1] | 86/16 106/14 109/7 109/16 | here [25] 4/2 7/6 19/22 26 |
| ar [2] 12/19 83 | has [87] 6/1 6/13 6/22 7/12 | 29/18 34/1 $34 / 3 \quad 37 / 24$ 39/2 |
| granular [2] 12/19 83 | 7/17 7/24 8/19 9/1 10/5 10/6 |  |
| grateful [1] 110/8 | $\begin{array}{lllllll}11 / 15 & 12 / 4 & 12 / 9 & 13 / 14 & 13 / 20\end{array}$ | 56/5 57/8 58/22 66/14 69/15 |
| great [5] | 13/20 13/23 13/24 14/12 | 69/16 79/13 94/16 97/11 |
| 9/5 89/7 | 15/22 15/22 16/15 16/24 | 98/12 110/8 |
| greater [1] | $\begin{array}{lllllll}16 / 24 & 16 / 25 & 17 / 1 & 17 / 3 & 17 / 7\end{array}$ | hey [3] $56 / 4 \begin{array}{llll}\text { l } & \text { 79/12 } & 79 / 14\end{array}$ |
|  | 17/19 24/13 24/20 25/6 26/23 | hi [4] 21/20 21/22 21/22 |
| und [2] 96/24 1 | 26/24 28/5 28/5 28/6 28/20 | 110/3 |
| group [6] 51/9 53/4 91/14 | 29/22 38/24 47/11 47/22 | hiccups [1] |
| 92/8 92/10 112/17 | 47/25 48/25 51/4 51/8 52/7 | him [3] 8/9 86/10 108/22 |
| grouping [1] 16/8 | 52/24 54/10 57/14 57/24 | himself [1] 8/9 |
| groups [1] 54/25 | $61 / 11 \quad 62 / 18 \quad 63 / 22 \quad 66 / 13$ |  |
| GSK [28] $4 / 84 / 14$ |  | hired [2] |
| 5/1 6/5 6/13 6/25 7/23 9/18 | $\begin{array}{llll} \\ 70 / 21 & 74 / 5 & 74 / 24 & 78 / 5\end{array}$ |  |
| 9/23 14/22 15/10 16/24 17/2 | $\begin{array}{lllllll}70 / 21 & 74 / 5 & 74 / 24 & 78 / 5 & 78 / 8\end{array}$ | his [4] 17/21 48/3 107/11 |
| $\begin{array}{llllllll}17 / 4 & 17 / 15 & 19 / 4 & 20 / 2 & 29 / 1\end{array}$ | $\begin{array}{lllll}78 / 9 & 80 / 19 & 84 / 13 & 85 / 25 & 86 / 9\end{array}$ |  |
| $34 / 6$ 51/2 57/9 99/20 100/13 | 90/22 90/23 91/22 93/6 94/12 | hold [7] 18/24 22/25 23/5 |
| 101/19 107/15 109/8 | 100/8 104/20 | 23/8 24/4 58/23 68/10 |
| GSK's [1] 6/12 | 106/4 106/20 106/22 107/14 | holding [2] 32/21 45/13 |
| guard [1] 53/20 | 109/3 110/17 110/20 110/24 | holistic [1] 42/19 |
| Guerra [1] 2/5 | hasn't [6] 6/2 31/9 46/19 | holistically [1] |
| guess [15] 5/3 8/22 50/16 | 61/16 61/17 71/10 | Holland [1] 3/ |
| 53/14 69/15 69/20 71/5 71/21 | have [407] | HON [1] |
| 75/24 82/9 83/16 88/7 88/9 | have a [1] 79/25 | honest [2] 5/25 82/23 |
| 94/5 100/9 | haven't [6] 16/13 19/8 $34 / 13$ | honestly [3] 48/19 62 |
| guessing [1] 81/25 | 50/8 84/22 104/8 | 63 |
| guidance [1] 9/18 | having [5] 16/21 37/9 43/11 | honor [118] |
| guy [2] 107/10 107 | 49/5 52/8 | Honor's [4] 47/24 72/8 86/11 |
| guys [1] 52/12 | he [14] 9/17 17/21 19/7 | 94/3 [4] |
|  |  |  |
| H | (8 100/8 106/ | Honors [2] |
| had [62] $4 / 22$ 5/1 5/3 5/18 | $\text { head [2] } 7 / 4 \text { 48/20 }$ | $\underset{\text { 89/3 }}{\text { hope }}$ [4] $3 / 242 / 2545 / 21$ |
| $\begin{array}{lllll}6 / 13 & 7 / 21 & 7 / 21 & 7 / 22 & 7 / 23 \\ 8 / 3 & 8 / 4\end{array}$ | $\text { heads [2] } 10 / 13 \quad 35 / 3$ | hopefully [4] 64/20 71/9 |
| 8/3 8/4 8/4 8/10 8/22 9/3 | hear [31] 6/18 7/18 16/18 | 89/11 99/22 |
| $\begin{array}{lllllllll}10 / 25 & 15 / 15 & 22 / 23 ~ 23 / 4 ~ & 23 / 17\end{array}$ | 19/7 19/16 22/6 25/10 26/12 | hoping [3] 6/17 12/24 1 |
| 23/19 23/23 27/3 $27 / 9 \quad 27 / 19$ | $\begin{array}{llllllll} & 30 / 11 & 33 / 16 & 41 / 13 & 44 / 9 & 50 / 19\end{array}$ | horizon [1] 84/6 |
| $\begin{array}{lllllll}27 / 22 & 28 / 1 & 28 / 25 & 30 / 21 & 31 / 14\end{array}$ | 50/21 53/17 55/9 56/11 61/15 | hour [2] 10/1 93/16 |
| $\begin{array}{llll}31 / 24 & 34 / 25 & 35 / 24 & 36 / 17\end{array}$ | $62 / 365 / 8 \quad 65 / 1766 / 4 \quad 75 / 17$ | hours [3] 33/2 107/4 107/ |
| 38/12 $39 / 13$ 41/11 $47 / 9$ 51/23 | 95/15 98/8 103/9 108/6 | Houston [2] 1/17 100/18 |
| $\begin{array}{llll}52 / 16 & 59 / 22 & 59 / 23 & 60 / 17 \\ 60 / 24 & 61 / 21 & 70 / 15 & 75 / 3 \\ 77 / 19\end{array}$ | 108/24 111/11 111/13 112/1 | how [61] 4/15 5/13 10/20 |
| $\begin{array}{lllll}60 / 24 & 61 / 21 & 70 / 15 & 75 / 3 & 77 / 19 \\ 79 / 2 & 83 / 25 & 86 / 15 & 93 / 3 & 94 / 14\end{array}$ | heard [18] 10/24 17/10 31/4 | 12/10 13/25 21/20 21/22 22/1 |
| $\begin{array}{ll}79 / 2 & 83 / 25 ~ 86 / 15 ~ 93 / 3 ~ 94 / 14 ~\end{array}$ | 32/4 34/5 41/10 44/10 50/13 | 22/2 25/22 31/3 31/8 34/3 |
| $\begin{array}{llll}102 / 4 & 103 / 25 & 106 / 24 & 107 / 12 \\ 107 / 24 & 109 / 25 & 110 / 19 & 112 / 5\end{array}$ | 61/16 61/16 61/17 64/11 | 36/15 38/6 40/17 46/14 47/7 |
| hadn't [3] 21/1 62/24 104/16 | 92/23 93/12 95/9 98/6 104/16 | 48/17 51/7 51/8 53/4 57/9 |
| half [7] 10/1 40/20 93/16 | 108/6 | 60/7 61/9 62/22 63/5 64/17 |
| 102/14 104/2 107/21 110/13 | hearing [33] 6/22 16/22 18/5 | 66/14 66/18 66/22 66/24 |
| halfway [1] 74/9 | 20/19 31/1 33/4 34/1 42/7 | 69/16 69/19 70/7 72/9 74/6 |
| Hamilton [2] 96/6 97/6 | 46/4 58/20 58/23 60/17 60/19 | $76 / 7$ 76/12 79/2 81/9 85/12 |
| Hamilton [2] 96/6 97/6 | 61/2 61/3 61/6 61/21 61/23 | 89/14 89/15 92/6 92/7 92/18 |


| H | indicated [2] 33/18 38/24 | involves [1] 86/8 |
| :---: | :---: | :---: |
| how... [14] 94/23 95/9 98/4 | indices [2] 8/11 8/25 | Ireland [2] 99/12 102/8 |
| 100/20 101/10 103/14 104/25 | $37 / 21 \quad 49 / 12 \quad 81 / 25 \quad 86 / 23$ | is [558] <br> is totally <br> [1] $37 / 9$ |
| 106/4 107/18 109/22 109/23 | individuals [1] 106/11 | is workable [1] 45/25 |
| however [2] 54/15 5 | information [23] 5/21 8/12 | isn't [5] 14/1 25/18 31/1 |
| $\begin{array}{llllll}\text { human [3] } & 7 / 22 & 16 / 2 & 16 / 6\end{array}$ | 9/13 9/19 10/21 12/1 14/1 | 61/12 66/ |
| hunch [1] 16/20 | 15/7 20/19 36/13 37/6 48/2 | isolated [1] |
| hundred [8] 12/12 16/7 51/15 | (177 77/20 79/19 85/1 87/8 | issue [42] 4/8 6/22 8/9 19/3 |
| 79/25 81/7 92/9 92/9 107/12 | 87/12 87/25 90/23 90/24 | $\begin{array}{llllll}21 / 14 & 22 / 11 & 24 / 10 & 25 / 7 & 25 / 9\end{array}$ |
| hundreds [8] 78/15 78/16 | /17 102/17 | $\begin{array}{llllll}25 / 13 & 26 / 14 & 27 / 1 & 32 / 20 & 33 / 20\end{array}$ |
| 78/16 81/4 81/10 85/23 107/7 | informational [2] 38/ | $\begin{array}{llllll}39 / 13 & 42 / 2 & 42 / 24 & 43 / 4 & 43 / 15\end{array}$ |
| 107/7 | informed [3] 24/21 36/13 | $\begin{array}{llllll}43 / 22 & 45 / 8 & 46 / 18 & 46 / 24 & 46 / 25\end{array}$ |
| I | Ingelheim [6] 98/18 99/10 | 52/1 52/15 56/10 57/11 64/11 |
| I'd [1] 44/25 | 99/17 100/13 101/19 109/9 | 67/6 70/2 72/19 78/4 86/9 |
| I'll [1] 41/6 | initial [1] 45/17 | 89/22 103/22 111/10 |
| I'm [6] 10/23 $31 / 19$ 82/8 | initially [1] 38/1 | issued [1] 96/23 |
| 91/13 97/3 103/6 | injection [1] 79/21 | issues [45] 4/8 4/19 7/2 |
| idea [2] 53/17 93/9 | injuries [3] 83/9 84/12 | 9/15 21/25 22/12 $23 / 16$ 24/8 |
| ideas [1] 50/19 | 85/20 | 28/8 30/17 $31 / 13$ 32/7 $32 / 1$ |
| identification [1] 87/8 | injury [1] 83/11 | 32/21 32/23 33/2 37/21 39/16 |
| identified [11] 8/10 8/15 | input [2] 45/23 45/24 | 39/21 41/1 $42 / 8 \quad 44 / 12$ 46/13 |
| 9/1 9/3 11/7 11/10 12/11 | insisted [1] 36/10 | 46/23 47/19 48/24 51/3 52/8 |
| 14/6 16/9 17/2 80/23 | insofar [2] 29/18 96/8 | $\begin{array}{llllll}54 / 11 & 54 / 24 & 57 / 12 & 65 / 3 & 66 / 18\end{array}$ |
| identifies [1] 15/24 | inspiring [1] 112/12 | 70/15 78/13 78/24 89/18 |
| identify [11] 8/2 8/8 8/20 | instance [1] 81/15 | 89/23 92/16 94/14 96/12 |
| $\begin{array}{llllll}10 / 5 & 12 / 6 & 13 / 25 & 14 / 22 & 16 / 6\end{array}$ | instances [2] 22/21 52/10 | 102/18 108/16 108/24 110/25 |
| 31/2 59/18 87/8 | instead [2] 73/9 96/2 | it [404] |
| identifying [2] 8/16 12/3 | intend [1] 26/12 | it's [10] 7/7 24/18 24/18 |
| illuminating [1] 72/25 | intended [1] 62/21 | 60/13 65/25 99/17 103/1 |
| imagine [3] 46/20 82/23 | interacted [1] 27/10 | 104/2 107/21 110/ |
| 108/20 | interactive [1] 59/9 | item [3] $4 / 7$ 21/16 42/ |
| immediate [1] 46/25 | interest [3] 12/4 50/11 | items [3] 8/17 8/24 89/13 |
| immediately [2] 81/8 100/14 | $10 /$ | iterative [1] 12/5 |
| impact [6] 51/9 54/25 56/15 | interested [1] 110/2 <br> interesting [3] 84/16 8 | its [4] 64/22 71/16 79/8 |
| 57/1 57/1 57/15 | interesting [3] $85 / 9$ <br> $85 / 16$$85 / 9$ | $\begin{array}{rllll}\text { chelf [3] } \\ \text { itself } & 63 / 1 & 91 / 3 & 91 / 17\end{array}$ |
| impacts [1] 54/7 | interfered [1] 62/18 |  |
| $\underset{\substack{\text { impasse } \\ 57 / 23}}{\text { [4] }}$ 9/7 54/2 56/21 | interim [5] 47/8 55/11 73/2 | J |
| 57/23 implemented [1] | 75/16 76/16 | January [2] 38/9 86/20 |
| important [9] | international [15] 98/5 98/5 | JCCP [3] 56/23 57/1 96/24 |
| 18/9 34/2 55/2 | 98/13 99/16 101/2 101/6 | job [1] 28/16 |
| 71/23 | 101/24 102/13 102/18 102/21 | Joe [1] 77/9 |
| impose [1] 31/24 | 104/12 104/17 106/19 108/22 | join [1] 18/16 |
| imposing [1] 33/8 | 109/6 | joining [1] |
| improper [1] 44/2 | international depositions [1] | joint [4] 29/21 43/18 50/8 |
| improperly [2] 78/1 82/15 |  |  |
| inability [1] 5/8 | interpret [1] 23/20 | jointly $105 / 19$ |
| inaccurate [1] 37/25 | interpreted [2] 101/13 104/4 |  |
| inadvertently [2] 78/2 80/2 | interpreter [2] 101/10 | JOSEPH [1] 2/19 |
| inappropriate [1] 44/2 | 103/14 | judge [32] $1 / 10$ 1/11 $4 / 22$ |
| inaudible [4] $94 / 16$ 94/17 | interpreters [1] 102/10 | $\begin{array}{lllll} \\ 4 / 25 & 7 / 1 & 7 / 5 & 7 / 12 & 7 / 20 \\ 1 / 13 & 9 / 17\end{array}$ |
| incentivized | interrogatories [3] 15/16 | 11/3 11/11 17/15 17/18 18/7 |
| include [6] 71/17 | 22/16 38/9 |  |
| 73/17 93/7 94/1 95/3 | interrogatory [3] 15/19 | 19/23 21/9 27/22 32/24 34/3 |
| included [2] 60/24 94/14 | 15/24 97/15 | 39/15 41/20 83/2 95/23 96/3 |
| including [1] 97/21 | interrupt [2] 41/7 82/9 | 97/1 100/18 105/6 |
| incredible [2] 33/25 112/14 | intervention [1] 55/17 | July [7] 15/16 15/16 17/6 |
| incredibly [1] 112/13 | intro [1] 6/24 | $34 / 7$ 99/12 100/13 101/6 |
| indefinitely [2] 49/3 49/14 | invite [2] 26/8 50/1 | July 15 [1] 100/13 |
| independent [1] 27/1 | inviting [1] 31/10 | July 22nd [1] 101/6 |
| independently [1] 53/16 | invoke [1] 23/23 | jump [2] 22/4 77/9 |
| index [11] 8/10 8/16 8/25 | involve [1] $85 / 5$  <br> involved [9] $77 / 22$ $77 / 24$ | June [16] 15/16 $17 / 6$ 34/12 $34 / 20 \text { 98/18 98/18 99/2 99/10 }$ |
| $\begin{array}{llllllll}9 / 4 & 9 / 10 & 14 / 8 & 14 / 8 & 14 / 9\end{array}$ | 78/12 79/15 81/4 81/6 86/10 | 99/11 99/11 100/12 100/12 |
| $14 / 10 \quad 15 / 12 \quad 16 / 9$ | 88/12 110/24 | 100/12 100/12 100/13 106/3 |

$J$
June 11 for [1] 100/12
June 14 [1] 98/18
June 14th [1] 99/10
June 25 [1] 98/18
June 25th [1] 99/11
June 28 [1] 100/13
just [104] 4/5 5/4 6/22 7/19 10/23 10/23 11/1 12/21 14/6 $\begin{array}{lllll}14 / 11 & 15 / 9 & 16 / 25 & 19 / 20 & 20 / 10\end{array}$ 23/13 23/17 $24 / 6$ 24/12 $24 / 25$ 25/13 25/18 25/21 28/17 29/7 29/10 29/13 29/15 30/8 31/12 32/5 32/11 32/19 34/15 35/16 36/1 37/19 38/25 40/1 40/23 41/2 42/20 43/19 43/21 44/16 45/15 $46 / 13$ 49/3 $49 / 4$ 51/13 51/16 51/16 52/10 52/20 $52 / 22 \quad 53 / 3 \quad 53 / 6 \quad 55 / 18 \quad 56 / 24$ 57/5 57/11 58/6 60/3 61/5 61/12 62/14 63/13 64/21 66/23 70/6 71/6 73/2 73/3 $\begin{array}{lllll}73 / 20 & 74 / 3 & 75 / 25 & 76 / 4 & 76 / 6\end{array}$ 77/11 79/3 80/15 81/2 81/18 83/4 83/4 83/22 84/13 85/19 88/9 88/21 88/24 89/9 92/3 92/17 92/21 93/21 97/5 97/24 101/4 102/4 103/23 105/24 108/10 109/10 112/2
Justice [1] 96/25

## K

Kaplan [1] 108/1
KAS [5] 2/22 109/20 109/21
111/7 111/11
KAS-OSOKA [3] 2/22 109/20 109/21
Kaye [1] 2/23
keep [8] 6/21 49/9 57/20
57/22 65/24 93/18 97/4 112/24
kept [1] 112/25
key [1] 94/8
Kherkher [1] 1/16
kind [20] 12/22 13/6 23/2 31/16 33/19 40/5 41/25 52/13 68/25 68/25 72/18 75/9 80/13 89/23 96/16 97/12 98/13 102/13 106/21 107/21
kinds [1] 85/8
King [1] 2/16
Knight [1] 3/1
know [89] 4/19 4/22 5/14 5/15 6/22 9/24 10/4 10/18 $\begin{array}{lllll}13 / 10 & 13 / 23 & 15 / 9 & 17 / 11 & 18 / 10\end{array}$ 18/22 20/22 20/23 22/6 22/10 $\begin{array}{llllll}18 / 12 & 23 / 25 & 24 / 1 & 24 / 13 & 24 / 14\end{array}$ $\begin{array}{llllll}31 / 11 & 42 / 3 & 45 / 16 & 46 / 14 & 48 / 19\end{array}$ 48/25 50/14 51/3 52/11 52/17 53/4 53/21 54/6 54/9 54/9 55/3 $57 / 19 \quad 57 / 24 \quad 59 / 1 \quad 59 / 3$ 59/3 59/7 59/7 59/14 59/20 59/22 60/4 60/9 61/1 61/2 63/2 68/21 68/23 69/16 70/14 70/24 71/14 71/21 72/12 $\begin{array}{lllll}73 / 21 & 74 / 1 & 75 / 4 & 75 / 8 & 77 / 18\end{array}$ 78/8 78/14 81/13 81/14 81/18

83/2 88/13 89/22 90/11 91/19 94/10 94/14 95/4 98/20 99/6 101/9 104/22 105/15 106/4 110/2 110/4 112/16
knowing [4] 17/23 18/23
18/25 52/4
known [2] 52/12 71/23
knows [1] 83/5
Kopelowitz [1] 2/1
L
labeling [1] 96/10
labor [1] 13/3
lack [2] 5/8 21/2
laid [1] 77/25
landscape [1] 17/23
language [1] 100/3
large [2] 28/13 83/21
largely [1] 8/13
larger [4] 23/12 25/25 26/11 31/17
LaSalle [1] 1/23
last [29] 4/21 7/1 7/1 7/20 9/17 12/19 12/19 13/22 15/16 17/6 23/9 33/18 34/7 42/5 $50 / 3$ 50/21 51/2 51/22 51/24 62/15 67/3 77/13 80/10 83/23 84/1 95/21 95/21 96/5 108/22
lastly [1] 99/11
late [12] 15/16 15/17 31/5 31/18 49/8 52/23 83/3 98/21 105/11 107/18 109/10 110/4
later [12] 23/15 30/5 32/8
33/12 39/12 40/24 48/12 53/2 73/5 74/3 81/16 106/15
latitude [2] 26/22 105/16
law [4] 1/23 78/23 81/4 110/11
lawyers [4] $18 / 25$ 53/4 $53 / 6$ 112/9
lay [3] 64/7 66/16 68/22
laying [1] 70/20
LDC [1] 112/17
leadership [2] 44/23 83/9
leading [1] 33/14
learn [2] 29/13 45/19
learned [2] 94/23 108/15
learning [2] 29/10 29/13
least [13] 22/1 24/21 30/1
34/18 48/15 54/11 60/2 73/22
75/8 75/21 84/18 84/19 97/19
leave [5] 17/23 18/16 39/10
41/19 102/25
leaves [2] 86/25 105/22
leaving [1] 41/14
led [1] 107/14
Lee [2] 98/20 100/18
Leech [1] 3/5
left [3] 18/18 60/21 112/6
left-hand [1] 60/21
legacy [1] 20/9
legal [2] 5/12 17/5
lend [1] 91/17
lends [1] 63/1
length [2] 33/4 61/18
lengthy [3] 38/6 65/19 65/20
Leon [1] 2/2
less [5] 20/14 39/1 68/16

96/20 107/4
Lest [1] 63/13
let [34] 4/9 4/9 5/5 6/4 6/14 6/14 6/22 8/9 11/1 22/6 22/10 24/12 29/17 33/16 48/11 50/13 50/13 51/12 58/23 63/20 67/19 70/23 70/24 73/20 75/10 75/17 77/8 77/11 78/8 97/10 98/23 102/20 104/22 106/20
let's [9] 7/11 10/12 43/22 51/15 63/5 68/11 93/17 93/18 105/17
lets [1] 24/1
letting [1] 98/7
level [6] 51/4 52/3 52/4 61/11 75/3 106/10
levels [1] 42/2
LIABILITY [1] 1/5
life [1] 78/19
lift [1] 76/6
lifting [2] 75/12 75/15
light [1] 22/13
like [64] 4/6 4/18 5/4 5/6 7/7 9/16 12/13 17/23 19/10 $\begin{array}{lllll}19 / 11 & 20 / 13 & 22 / 5 & 24 / 15 & 29 / 2\end{array}$ $\begin{array}{lllll}19 / 25 & 42 / 18 & 43 / 1 & 43 / 6 & 43 / 24\end{array}$ 45/24 45/25 50/16 50/16 $50 / 19$ 53/8 55/3 55/9 55/13 55/18 56/1 58/19 59/9 59/10 60/4 60/20 61/2 61/3 61/10 63/1 65/14 66/4 69/18 71/4 $71 / 4$ 71/4 72/24 74/2 76/11 79/12 83/18 87/23 90/6 95/17 97/7 97/22 99/18 101/2 102/4 102/6 102/10 102/12 102/18 110/23 112/11
likely [1] 11/17
limit [2] 68/4 68/6
limited [1] 15/6
limiting [1] 6/6
limits [3] 57/25 67/15 71/2
line [2] 28/2 45/15
lines [2] 5/21 8/11
list [15] $12 / 21 \quad 12 / 2313 / 8$ 13/11 15/2 15/4 21/5 81/11 86/19 88/21 88/22 89/1 100/6 102/3 106/3
listed [1] 7/23
listen [1] 70/17
listened [2] 16/21 57/8
listening [2] 18/4 80/16
listing [3] 14/11 15/18 16/1
listings [1] 14/12
lists [7] 12/9 81/13 87/10 87/13 87/15 87/15 101/18
literally [1] 78/20
litigation [7] 1/5 14/6
56/23 69/14 90/6 110/15 112/15
little [18] $9 / 24$ 11/24 23/6 28/17 29/9 36/18 67/6 67/24 77/12 77/13 84/7 91/13 96/16 98/15 100/22 102/17 107/24 110/10
lived [2] 43/11 64/25
lives [2] 54/10 69/12
LLP [7] $2 / 5$ 2/9 $2 / 13$ 2/16

| L | 69/12 69/13 96/10 112/17 | $111 / 11111 / 12$ |
| :---: | :---: | :---: |
|  | management [5] 4/3 4/21 4/ | $49 / 24 \quad 50 / 23 \quad 50 / 2453$ |
| LMI [6] 82/20 84/1 84/9 | management $26 / 11$ 27/20 | $\begin{array}{lllll}54 / 18 & 55 / 11 & 55 / 25 & 56 / 10\end{array}$ |
| d [1] 107/7 | management/discovery [1] | 57/19 57/24 58/17 66/10 |
| cal [5] 57/25 67/15 68/3 | 4/21 | 72/12 89/23 94/10 |
| 69/20 73/16 | managing [1] 48 | McGlamry's [1] 55/21 |
| located [1] 20/9 | mandate [1] 30/ | md [2] 1/3 3/6 |
| Logan [2] 1/13 2/13 | maneuvering [1] 109 | MDL [10] |
| logistics [1] 101/24 | manner [4] 28/12 28/15 44/3 | 67/9 69/17 84/17 84/21 88/ |
| London [1] 99/7 | manuf | me [77] 4/9 5/13 5/24 |
| long [24] 46/24 46/25 52/12 | $48 / 24 \quad 49 / 12$ | $\begin{array}{ccccl}\text { 6/7 } & 6 / 14 & 6 / 18 & 6 / 22 & 6 / 22\end{array}$ 7/5 |
| 54/21 55/17 55/19 58/15 62/1 | manufacturers [5] 22/14 | $\begin{array}{llllll}8 / 7 & 11 / 1 & 14 / 12 & 16 / 18 & 16 / 19\end{array}$ |
| $\begin{array}{llllll}65 / 11 & 74 / 6 & 74 / 10 & 76 / 12 & 87 / 15 \\ 89 / 14 & 89 / 15 & 98 / 16 & 100 / 25\end{array}$ | 32/25 86/14 87/9 87/9 | 19/14 21/24 22/2 22/6 22/6 |
| 89/14 89/15 98/16 100/25 | manufactures [1] 87/6 | 26/15 26/20 29/17 33/16 $34 / 2$ |
| 101/1 101/10 101/13 101/14 | manufacturing [2] 30/20 | 39/18 $43 / 20$ 43/21 49/5 50/13 |
| long-term [2] 46/24 | 96/10 | 51/12 56/11 58/24 59/11 |
| longer [5] 46/1 49/4 | many [21] 12/10 22/12 22/2 | 60/18 61/5 67/19 68/4 68/17 |
| 87/16 112/24 | 25/19 30/25 31/5 31/18 $35 / 21$ | $\begin{array}{lllll}69 / 5 & 69 / 19 & 70 / 23 & 70 / 24 & 72 / 22\end{array}$ |
| look [20] 10/12 12/16 13/7 | 39/1 42/2 $44 / 1744 / 2546 / 14$ | 73/2 73/20 75/10 75/17 77/8 |
| 15/8 24/15 36/22 50/16 51/5 | 48/17 48/22 81/9 82/17 85/12 | 77/11 78/7 84/24 92/19 $93 / 22$ |
| 53/3 60/4 62/9 64/11 64/23 | 90/7 90/7 90/8 | 97/10 98/7 98/14 98/23 102/2 |
| 84/16 95/1 95/17 97/11 101/4 | map [3] 62/21 62/22 71/4 | 102/18 102/20 103/12 104/3 |
| 104/19 113/2 | mapping [5] 77/21 79/7 79/1 | 104/4 106/20 107/5 108/18 |
| looked [3] 10/10 $10 / 1112 / 14$ | 79/18 83/16 | 108/25 109/16 110/10 110/18 |
| looking [9] 10/4 11/16 22/18 | March [3] 4/23 33/5 86/18 | 110/21 110/24 111/11 111/13 |
| 62/5 62/6 68/12 84/2 84/22 | March 23rd [1] 4/23 | 111/19 112/1 |
| $92 / 7$ 2/6 | marker [1] 18/11 | mean [6] 26/10 68/20 82/9 |
| looks [5] 17/23 60/19 | MARLENE [1] 1/22 | 98/22 109/3 109/4 |
| 61/3 71/3 | Marlo [1] 78/7 | meaningful [4] 26/2 |
| looming [1] 37/20 | Marshals [2] 41/4 41/18 | 32/17 44/4 |
| Los [1] 3/2 | Mart [2] 107/1 107/22 | meaningfully |
| lose [1] 17/13 | massive [2] 25/5 36/21 | means [3] 33/21 73/1 98/6 |
| loss [1] 14/16 | master [19] 51/23 78/12 | meant [2] 95/10 97/23 |
| lost [2] 66/24 66/25 | 22 78/23 80/7 81/5 84/4 | meantime [5] 49/13 $54 / 5$ 72/4 |
| lot [18] 15/7 25/12 25/14 | 3 86/5 86/17 87/19 87/22 | 72/8 96/21 |
| 26/24 28/22 33/2 36/21 37/18 | 88/1 88/5 88/8 89/2 89/3 | Meanwhile |
| 45/17 51/23 52/9 53/9 54/10 |  | measure [1] 75/16 <br> med [4] 7/22 12/20 14/5 14/8 |
| 76/9 96/20 98/21 100/20 | matching | med [4] $7 / 22$ $12 / 20$ $14 / 5$ $14 / 8$ <br> meet [13] $9 / 25$ $19 / 13$ $23 / 10$  |
| 112/22 | material [1] 14/23 | $\begin{array}{ccccl}\text { 29/22 } & 29 / 25 ~ 30 / 19 ~ 32 / 17 ~ 40 / 7 ~\end{array}$ |
| Lotstanfor [2] 107/11 109/1 | materials [10] 10/8 10/10 | 46/9 46/11 $74 / 9$ 88/3 88/4 |
| loud [2] 6/20 19/16 | 11/11 11/16 11/18 11/19 12/4 | meeting [3] 17/15 30/16 |
| Louis [1] 110/11 | $12 / 7 \quad 12 / 7 \quad 12 / 14$ | $32 / 12$ |
| lower [1] 77/13 | Matt [1] 107/11 | members [1] 112/16 |
| luxury [1] 40/23 | $\begin{array}{lllll}\text { matter [9] } & 41 / 6 & 49 / 23 & 51 / 16\end{array}$ | memorialize [2] 73/8 91/15 |
| M | 59/2 64/1 70/6 92/16 98/4 | mentioned [3] 12/22 51/2 |
| machines [1] 102/10 |  | merit [1] |
| made [12] 5/15 10/3 37/25 | $\text { may [46] } 11 / 23 \text { 17/18 } 18 / 22$ | merits [1] 19/8 |
| 50/6 54/19 54/19 59/4 74/6 79/9 84/17 94/14 98/21 | $\begin{array}{lllll}\text { 18/24 } & 28 / 11 & 32 / 4 & 33 / 3 & 34 / 12\end{array}$ | message [1] 41/4 |
| 79/9 84/17 94/14 98/21 |  | messaged [1] 70/4 |
| magically | 47/16 68/12 $71 / 17$ 71/18 | met [2] 36/14 39/6 |
|  | 76/10 77/24 78/12 78/13 | metabolites [1] 14/19 |
|  | 79/25 80/2 82/15 85/10 88/1 | method [1] 46/21 |
| $\begin{array}{llll}\text { mainly } \\ \text { major [3] } & 45 / 22 & 45 / 22\end{array}$ | 88/3 89/9 89/20 90/2 92/23 | methodology [3] 14/16 14/21 |
| majority [1] 8/12 | 98/25 101/4 101/21 102/2 | 25 |
| $\begin{array}{lllll}\text { make [28] } & 9 / 11 & 11 / 21 & 17 / 9\end{array}$ | 102/11 103/15 103/16 103/23 | Mexico [5] 99/19 100/1 100/2 |
| 17/17 18/15 19/18 19/19 23/6 | 105/2 105/4 105/23 107/9 | 100/7 100/14 |
| 23/13 29/15 32/2 53/23 60/12 | 107/15 108/2 108/3 | Miami [1] 2/3 |
| 63/6 63/9 63/12 63/14 65/7 | maybe [33] 9/2 15/19 23/5 | MICHAEL [1] 1/19 |
| 66/24 67/7 $73 / 3$ 76/6 89/25 | 23/6 26/21 31/15 31/16 31/19 | Mickey [1] 22/5 |
| 90/4 90/24 92/3 95/14 95/18 | 42/21 42/22 45/19 51/9 51/24 | mid [2] 15/19 34/20 |
| $\begin{array}{lllll} \text { makes }[5] & 37 / 4 & 53 / 11 & 54 / 22 \\ 91 / 6 & 94 / 25 \\ \text { making [7] } & 23 / 20 & 36 / 5 & 48 / 10 \end{array}$ | 59/5 59/12 60/3 60/13 60/22 60/22 60/23 61/7 61/14 61/15 61/20 62/17 63/13 68/13 |  |

## M

might... [9] 39/19 45/20
49/2 50/7 50/17 67/23 71/14 76/5 100/23
MIKAL [1] 2/5
Mike [4] 50/24 74/20 92/3 92/16
milligrams [3] 79/22 79/22 79/23
million [3] 28/19 28/20 29/2
mind [3] 91/6 92/4 104/20
minimum [3] 38/22 59/12 59/14
minimus [1] 86/2
Minneapolis [2] 1/24 41/16
minute [2] 23/9 105/25
misreading [1] 31/19
missed [1] 81/18
missing [1] 13/10
mistake [1] 20/25
misunderstanding [1] 68/18
misunderstood [1] 31/21
mixup [1] 108/12
MN [1] 1/24
modest [1] 67/18
modification [1] 32/1
modifications [2] 43/5 45/15
moment [3] 23/3 $41 / 6$ 84/18
Monday [5] 45/4 46/7 73/9
105/8 105/12
monitor [1] 42/24
month [24] 17/8 $17 / 8 \quad 32 / 24$ 50/3 50/7 56/18 67/10 69/1 69/10 69/22 74/14 75/8 78/5 87/3 87/3 87/10 87/10 87/16 87/16 88/16 90/12 90/25 100/23 101/19
month-to-month [1] 87/16
months [15] 27/20 34/11
40/20 51/22 57/19 58/11 67/8 69/8 78/17 81/13 83/5 84/1 87/4 91/2 107/1
moon [1] 112/12
more [56] $11 / 18$ 16/12 $18 / 20$ 19/15 24/6 25/10 26/23 29/7 36/24 36/25 37/3 37/11 38/14 42/19 $43 / 14 \quad 43 / 23 \quad 44 / 24$
46/23 $46 / 25$ 48/8 $53 / 10 \quad 53 / 11$ 54/7 54/11 55/7 55/15 56/6 59/3 59/15 66/5 67/24 68/13 68/17 74/9 76/23 81/10 81/15 81/25 82/10 82/14 83/16
83/16 83/25 85/11 85/15 89/8 90/4 95/19 96/13 97/15 99/18 100/5 100/10 104/24 105/21 112/11
morning [6] $10 / 1 \quad 10 / 25 \quad 13 / 23$
14/2 20/17 107/7
most [7] 27/11 30/18 48/23 72/25 79/6 82/6 110/2
mostly [1] 14/13
motion [42] 5/1 $24 / 11$ 54/4 54/23 56/7 60/11 61/13 62/25 63/1 63/17 63/19 65/3 65/5 67/4 67/20 67/22 67/23 68/1 68/2 68/2 69/21 70/25 70/25 $71 / 7$ 71/9 71/15 71/22 71/24
$\begin{array}{lllll}72 / 1 & 72 / 5 & 72 / 22 & 73 / 3 & 73 / 4\end{array}$
$\begin{array}{lllll}73 / 12 & 73 / 13 & 76 / 4 & 76 / 7 & 76 / 20\end{array}$
93/20 94/6 94/24 96/7
motions [4] 59/21 60/14
60/15 96/6
Mouse [1] 22/5
move [21] $17 / 13$ 19/2 $\quad 23 / 21$ 24/3 26/6 26/22 27/6 27/23 28/10 31/3 33/10 40/4 47/15 47/17 47/21 53/6 57/21 64/17 67/24 90/14 95/20
moved [4] 42/20 54/21 60/22 78/19
movement [1] 75/4
moving [13] 25/16 28/6 31/12 49/9 57/22 57/22 66/24 70/22 74/22 76/17 90/25 92/18 95/6
Mr [117]
Ms [2] 21/15 30/7
Ms. [52] $4 / 6$ 6/4 6/14 6/17 7/7 7/14 9/21 10/3 10/7 $\begin{array}{lllll}10 / 24 & 12 / 20 & 13 / 17 & 19 / 23 & 20 / 1\end{array}$ 20/17 21/18 21/18 21/20 23/2 25/24 26/8 33/6 33/17 33/18 $34 / 5$ 39/18 41/10 41/13 44/10 47/3 47/9 48/17 48/20 49/24 50/23 54/10 56/9 58/3 58/6 58/11 64/12 64/24 66/8 68/15 $\begin{array}{llll}74 / 18 & 76 / 8 & 76 / 14 & 78 / 7 \\ 80 / 17\end{array}$ 89/22 111/7 111/11
Ms. Finken [37] 4/6 6/4 6/14 7/14 9/21 10/3 10/7 10/24 12/20 13/17 19/23 20/1 $20 / 17$ 21/18 25/24 26/8 33/18 $34 / 5$ $\begin{array}{lllll}44 / 10 & 47 / 3 & 47 / 9 & 48 / 17 & 49 / 24\end{array}$ 50/23 54/10 56/9 58/3 58/6 58/11 64/12 64/24 66/8 68/15 74/18 76/8 76/14 89/22
Ms. Finken's [1] 7/7
Ms. Fisher [1] 80/17
Ms. Goldenberg [9] 21/18 21/20 23/2 33/6 33/17 39/18 41/10 41/13 48/20
Ms. Kas-Osoka [1] 111/11
Ms. Kas-Osoka's [1] 111/7
Ms. Marlo [1] 78/7
Ms. Stipes [1] 6/17
much [37] 9/13 10/24 12/5
18/10 21/13 24/6 26/24 29/22 33/24 42/19 49/20 $54 / 17$ 55/4 55/7 55/10 59/6 60/1 60/7 60/19 61/9 62/7 63/5 71/13 73/9 77/1 80/9 80/11 82/25 86/10 95/20 106/16 109/13 109/18 110/4 110/23 112/14 112/18
multiple [4] $25 / 20 \quad 32 / 13$ 56/17 110/23
multitude [1] 57/12
must [3] 32/9 111/10 112/12
muted [5] 7/11 7/12 $7 / 17$ 16/17 16/18
mutes [1] 7/8
mutual [1] 109/17
mutually [1] 67/25
my [49] $5 / 4$ 5/6 $5 / 7$ 5/25
6/14 6/14 6/21 8/6 16/20 19/10 20/22 22/5 41/5 42/1
$\begin{array}{lllll}44 / 16 & 46 / 4 & 47 / 23 & 48 / 4 & 48 / 20\end{array}$ 49/3 49/16 50/4 50/4 50/19 56/8 57/18 62/24 67/13 67/22 75/24 78/6 79/4 86/7 91/6 92/4 97/11 98/22 99/5 100/9 100/25 101/16 103/7 106/21 107/14 107/17 108/25 110/1 112/2 112/10
myself [6] 45/24 $72 / 16 \quad 78 / 22$ 80/16 81/5 112/7

N
name [5] 77/22 79/13 79/17 87/12 109/24
named [13] 78/1 78/2 $79 / 10$ 79/11 79/13 79/15 80/2 81/16 81/17 81/18 82/11 82/15 107/11
names [1] 82/21
naming [1] 77/23
narrative [1] 71/3
narrow [1] 74/10
narrower [1] 55/7
narrowly [1] 40/14
NDC [1] 79/25
NE [1] 1/20
necessarily [4] 18/23 66/21 67/25 75/3
necessary [3] 43/6 44/18 71/20
need [110] 5/16 $13 / 2 \quad 13 / 13$ 15/5 17/9 17/17 18/6 18/19 19/21 21/25 26/2 27/6 27/25 28/11 $29 / 13 \quad 34 / 11 \quad 34 / 15$ $\begin{array}{lllll}34 / 16 & 36 / 15 & 38 / 18 & 38 / 20\end{array}$ 38/22 $42 / 18 \quad 44 / 546 / 2 \quad 47 / 16$ $49 / 16$ 55/3 55/4 55/9 55/10 55/19 55/24 56/2 56/5 56/5 57/3 57/16 58/10 58/13 58/14 58/14 59/2 59/3 59/6 59/14 59/15 60/2 60/8 61/5 61/5 61/24 61/24 62/21 63/2 63/5 $64 / 15 \quad 64 / 16 \quad 65 / 965 / 9 \quad 65 / 11$ 65/18 65/18 65/18 66/4 66/5 66/20 66/24 68/6 68/17 70/9 $\begin{array}{lllll}71 / 11 & 71 / 21 & 72 / 22 & 73 / 2 & 73 / 19\end{array}$ 74/6 74/8 74/10 76/10 76/12 $\begin{array}{lllll}76 / 12 & 78 / 12 & 83 / 17 & 83 / 20\end{array}$ 86/18 86/20 88/13 89/5 92/16 92/17 93/24 94/23 100/1 101/8 101/9 101/16 101/20 102/1 102/11 103/1 104/5 104/24 105/17 105/20 105/21 108/6 108/23 109/5 109/7 needed [14] 5/19 17/17 17/17 30/21 $36 / 17$ 38/4 39/11 $41 / 2$ 41/16 61/9 70/12 80/8 95/25 109/15
needing [3] 38/16 58/24 80/7 needs [19] 9/4 16/23 18/18 24/10 26/1 58/10 58/17 60/6 60/7 61/8 61/18 62/4 65/5 65/21 70/21 88/3 92/13 98/5 101/9
negative [2] 51/13 89/18
negotiate [1] 34/9
negotiated [5] 34/21 35/14 42/14 45/18 105/10

## N

| negotiating [3] | $38 / 11$ | $73 / 22$ |  |
| :--- | :--- | :--- | :--- | :--- |
| 96/22 |  |  |  |
| negotiations | [1] | $38 / 6$ |  |
| neither [2] | $43 / 25$ | $44 / 1$ |  |
| nervous [1] | $53 / 11$ |  |  |
| never [6] | $35 / 14$ | $59 / 22$ | $59 / 22$ |

67/21 79/1 109/11
nevertheless [2] 71/1 91/25
new [12] $2 / 24$ 11/25 43/3
44/17 45/14 61/11 62/11 65/7 75/25 76/17 96/4 107/4
news [1] 108/3
next [31] 43/16 45/4 46/7 46/15 $46 / 15$ 49/23 $54 / 13$ 58/23 60/18 62/6 65/2 70/19 84/6 86/2 90/12 90/25 91/2 97/2 98/4 99/23 103/13 103/20 104/11 104/22 105/3 105/11 109/19 111/14 111/23 112/4 112/16
nice [3] 77/7 83/1 113/1 night [1] 107/6
no [31] $1 / 3$ 18/14 20/3 $20 / 18$ 26/5 28/14 30/5 32/7 35/5 $\begin{array}{lllll}35 / 10 & 42 / 1 & 42 / 14 & 43 / 21 & 44 / 11\end{array}$ 47/13 $56 / 6 \quad 57 / 16 \quad 58 / 4 \quad 67 / 3$ $\begin{array}{lllll}73 / 4 & 73 / 10 & 74 / 16 & 76 / 24 & 76 / 25\end{array}$ 92/19 98/2 103/19 109/16 111/5 111/17 112/3
nobody [1] 111/9
nodding [1] 74/18
noise [1] 7/18
non [12] 35/25 77/15 84/12 84/24 85/13 85/16 85/20 90/10 92/20 98/5 102/18 106/19
non-deficient [7] 77/15 84/12 84/24 85/13 85/16 85/20 90/10
non-international [3] 98/5 102/18 106/19
non-privileged [1] 35/25
non-specific [1] 92/20
nonclinical [3] 8/13 9/6 16/3
noncustodial [4] 33/8 $33 / 20$ 39/23 42/15
nonetheless [1] 11/15
nonlawyers [1] 19/1
normal [2] 97/1 102/4
normally [1] 40/25
not [163]
notes [2] 43/21 97/11
nothing [2] 70/11 97/3
notice [7] $41 / 17$ 41/18 $\quad 78 / 3$ 78/5 80/3 80/16 90/1
noticed [2] 37/2 53/22
notices [3] 78/7 78/16 82/1
noticing [1] 24/20
November [5] 15/17 26/20 78/4 86/19 110/14
now [56] $6 / 7 \quad 7 / 12 \quad 7 / 17 \quad 12 / 10$ 16/19 17/7 18/10 22/7 22/13 22/19 22/21 31/10 35/20 35/23 36/18 40/21 40/22 $48 / 2153 / 8$ 55/23 56/5 59/3

60/15 60/16 69/7 72/18 76/1 78/21 79/1 79/3 82/14 82/24 83/7 83/10 83/12 83/19 83/25 84/1 84/9 84/10 84/18 87/2 87/21 88/21 89/3 90/9 91/11 92/15 97/2 97/6 97/12 97/13 97/20 100/4 104/11 105/14 number [24] 4/19 7/6 $7 / 8 \quad 7 / 8$ 9/14 16/12 17/4 22/24 24/8 24/17 35/12 54/25 63/25 65/10 67/6 69/7 81/10 81/13 84/18 85/5 86/2 86/22 99/25 101/8
numbers [2] $8 / 2$ 9/10
numerous [4] 46/14 52/16
79/20 79/22
NW [1] $2 / 20$
NY [1] 2/24
Nye [2] 61/7 64/8

## o

o'clock [3] 43/16 47/1 107/3
object [2] 14/23 15/11
objected [1] 38/4
objecting [4] 8/1 15/1 15/2 104/7
objection [3] 5/12 17/5 75/11
objections [2] 17/10 22/17
obligations [2] 35/18 40/7
observations [4] 5/4 5/6 5/7 6/15
obstruction [1] 7/8
obviously [12] 19/13 54/5
58/16 73/21 75/18 75/19
76/11 94/4 94/21 95/11
101/13 107/5
occasion [1] 80/1
occasionally [1] 25/7
occur [4] 55/2 57/20 70/21 78/24
occurred [3] 56/15 66/13
70/21
October [3] 15/19 15/20 83/24
odds [1] 10/24
off [16] 41/5 41/11 41/22 48/15 48/19 49/14 53/20 76/10 82/14 95/8 96/24 103/7 110/1 111/19 111/25 112/2
offered [3] 55/15 74/7 107/6
office [4] 41/15 78/6 88/18 100/2
official [3] 3/9 38/12 $113 / 9$
often [1] 32/12
Oh [1] 98/8
$\begin{array}{lllll}\text { okay [41] } & 4 / 1 & 4 / 18 & 6 / 18 & 7 / 15\end{array}$ 15/4 16/16 16/19 21/8 21/13 21/24 33/16 37/16 40/24 41/4 $\begin{array}{lllll}41 / 10 & 41 / 13 & 49 / 18 & 49 / 20 & 56 / 9\end{array}$ 58/2 58/20 65/4 67/19 70/23 $74 / 12$ 75/6 76/2 76/14 76/18 76/23 82/6 94/9 95/19 98/8 $104 / 24$ 105/14 109/22 112/1 112/1 112/6 112/20
old [1] 52/12
older [2] 52/13 82/12
OLUOMA [3] 2/22 109/20

109/21
omitted [1] 20/2
on the [1] 107/22
on what [1] 46/4
once [6] 17/11 61/15 62/14 78/25 81/5 96/24
one [86] $1 / 13$ 2/13 $3 / 5$ 5/17 11/13 13/19 15/6 24/25 25/11 25/13 25/18 27/17 29/17
32/11 32/15 32/19 32/21 32/22 33/7 36/16 37/17 37/23 38/1 38/16 40/6 42/3 43/1 $\begin{array}{llllll} & 43 / 5 & 43 / 10 & 43 / 17 & 44 / 15 & 45 / 15\end{array}$ $\begin{array}{lllll}46 / 13 & 47 / 13 & 48 / 3 & 48 / 12 & 48 / 25\end{array}$ 51/4 55/1 57/11 59/11 63/25
64/2 64/13 65/10 65/24 67/1 67/3 67/18 69/3 74/14 79/12 79/24 79/25 81/15 81/19 82/6 82/14 82/14 83/7 83/9 83/24 84/8 84/10 84/11 85/11 85/20 86/22 89/25 90/6 92/2 94/20
94/21 95/6 96/4 97/5 99/18 99/25 101/8 101/12 105/17 105/20 105/24 106/9 106/21 110/23
one-day deposition [1]
101/12
ones [4] 79/6 89/18 91/18 99/18
ongoing [3] 11/9 16/15 66/16 only [19] 20/3 20/6 25/7 $\begin{array}{lllll}29 / 8 & 44 / 15 & 47 / 20 & 47 / 23 & 48 / 12\end{array}$ 48/25 64/18 68/4 78/17 81/3 86/1 86/18 93/13 99/21 109/2 111/22
open [9] 22/25 23/5 23/8 24/4 24/16 39/11 39/11 62/20 105/22
opening [2] 50/4 59/23
operated [1] 69/4
operating [4] 30/9 30/11
32/6 62/12
opinion [1] 79/4
opportunities [1] 110/19
opportunity [13] 19/13 47/10
52/7 55/19 56/13 60/5 63/12
63/14 64/4 95/15 110/6 110/8 110/18
opposed [1] 75/25
options [1] 105/22
oral [1] 71/10
Orange [1] 96/25
order [21] 12/12 18/7 21/9 21/10 21/12 $26 / 2$ 27/10 29/10 29/23 30/12 55/3 69/3 73/4
73/11 76/18 87/12 91/16
96/18 97/20 101/3 105/4
orders [4] 35/13 94/23 96/23
97/7
organized [2] 103/16 109/7
oriented [1] 102/21
original [1] 5/1
originally [2] 31/21 106/23
OSOKA [4] 2/22 109/20 109/21 111/11
Osoka's [1] 111/7
Ostrow [1] 2/1
OTC [1] 85/4

| 0 | overlay [1] | period [5] 17/9 25/6 38/20 |
| :---: | :---: | :---: |
| other [47] 9/9 9/13 11/11 | overriding [2] 7/6 37/18 | $81$ |
| 12/3 14/7 20/6 20/8 20/18 | oversight [1] 20/25 own [3] 7/4 16/5 50/19 | $\begin{aligned} & \text { person [3] } 24 / 15 \text { 82/11 } \\ & 103 / 17 \end{aligned}$ |
| 22/22 23/19 32/21 35/12 40/6 |  | personally [1] 86/9 |
| $\begin{array}{llllll}41 / 11 & 42 / 7 & 43 / 19 & 44 / 16 & 52 / 12\end{array}$ | P | personaliy perspective [10] |
| $\begin{array}{lllll}53 / 19 & 54 / 8 & 59 / 16 & 59 / 23 & 62 / 6\end{array}$ | P.C [1] | 56/24 57/18 64/2 $64 / 2467 / 9$ |
| $\begin{array}{llllll}62 / 18 & 63 / 3 & 65 / 22 & 74 / 13 & 75 / 2 \\ 76 / 9 & 77 / 16 & 82 / 7 & 83 / 12 & 83 / 21\end{array}$ | p.m [1] 107/3 | 67/13 70/1 94/19 |
| 83/24 84/7 84/23 89/18 89/23 | PA [3] 1/14 $2 / 11 \quad 2 / 14$ | perspectives |
| 92/15 $93 / 13$ 94/21 96/20 | page [11] 5/9 24/16 24/17 | pertain [1] |
| 97/20 106/4 110/22 111/19 | 57/25 67/15 68/3 68/5 68/7 | pertained [1] 8/ |
| 112/16 | 92/4 104/ | PETROSINELLI [5] |
| others [9] 8/22 10/13 12/17 | pages [4] 28/20 29/2 56/6 | 82/25 89/10 94/16 |
| 15/2 22/24 39/19 44/23 64/24 | 58/19 PALM [3] | pharmacovigilance [2] 8/14 $30 / 20$ |
| 95/7 | pandemic [1] | Philadelphia [3] 1/14 2/11 |
| otherw <br> 64/25 | panic [1] |  |
| our [75] 7/4 8/23 10/13 $11 / 8$ | paper [2] 45/23 61/12 | phon [3] 107/1 |
| $\begin{array}{llllll}14 / 4 & 14 / 22 & 15 / 10 & 16 / 5 & 21 / 4\end{array}$ | papers [1] 93/20 | 107/16 |
| $\begin{array}{lllll}13 / 10 & 26 / 4 & 29 / 5 & 33 / 11 & 33 / 13\end{array}$ | paragraph [8] 23/23 24/1 | phone [3] 25/12 108/15 |
| $\begin{array}{llllllll}34 / 13 & 35 / 3 & 35 / 5 & 35 / 11 & 35 / 18\end{array}$ | 80/22 86/4 8 | 108/21 |
| 36/5 $36 / 25 \quad 38 / 3 \quad 38 / 8 \quad 40 / 8$ | allel [2] 90/19 93/10 | $\begin{array}{lll} \text { phrase [1] } & \text { 100/21 } \\ \text { pick [4] } & 23 / 5 & 55 / 21 \end{array}$ |
| 40/15 41/11 41/18 45/5 48/10 | parallelled [1] 96/16 | $108 / 25$ |
| 50/3 51/3 51/4 51/24 52/17 | parents [1] 112/12 | picked [1] 51/5 |
| 53/3 53/10 $54 / 2$ 54/11 54/18 | part [9] 14/7 26/16 48/23 | picking [3] 7/16 |
| 56/15 56/23 57/3 57/15 57/21 | 73/3 77/18 79/6 91/22 94/15 | picks [3] 90/17 90/17 90/18 |
| 59/23 64/2 $64 / 6 \quad 64 / 1264 / 24$ | $101 / 19$ | picture [5] 66/22 67/7 67/16 |
| 66/10 67/17 70/1 72/4 72/11 74/5 83/12 87/10 87/15 89/3 | participate [1] 61/22 | 70/7 85/6 |
| 93/12 $93 / 17$ 94/4 94/8 94/16 | participation [1] 112/15 | piece [7] 12/19 12/20 53/2 |
| 94/19 94/24 96/7 99/1 99/25 | particular [17] 7/2 15/24 | 61/12 72/7 75/5 |
| 100/16 101/22 101/22 106/19 | 21/5 26/14 $30 / 3$ 30/5 32/14 | pieces [1] 67/7 |
| 109/17 109/19 | /18 39/7 39/14 $48 / 14$ 51/6 | PIER [14] 5/20 $5 / 24$ 7/3 8/10 |
| ours [1] 97/16 | 81/10 84/23 89/14 | 8/11 8/25 9/10 11/10 11/12 |
| ourselves [2] 36/4 36/16 | 104/ | 12/2 14/8 14/10 15/12 16/9 |
| out [81] 6/19 8/16 13/4 | particularly [7] $6 / 12$ $51 / 1$  <br> $52 / 1$ $65 / 12$ $71 / 24$ $85 / 9$ <br> $91 / 17$    | PIER index [2] 8/10 16/9 <br> Pierce [1] 3/10 |
| $\begin{array}{lllll}13 / 13 & 16 / 22 & 18 / 7 & 20 / 24 & 21 / 9\end{array}$ | particulars [2] 60/9 61/18 | Pierce/West [1] |
| $\begin{array}{llll}21 / 12 & 24 / 10 & 24 / 25 & 29 / 20\end{array}$ | parties [27] 5/9 21/10 26/3 | pill [1] 79/21 |
| $\begin{array}{lllll}39 / 21 & 40 / 12 & 41 / 2 & 45 / 18 & 46 / 1\end{array}$ | $\begin{array}{lllll} \\ 29 / 17 & 29 / 20 & 29 / 25 ~ 30 / 3 ~ & 30 / 9\end{array}$ | pinned [3] 99/4 106/14 |
| $\begin{array}{lllll}46 / 21 & 47 / 24 & 48 / 10 & 51 / 3 & 52 / 5\end{array}$ | 30/10 $32 / 3 \quad 32 / 6 \quad 46 / 20 \quad 48 / 16$ | 106/15 |
| 52/6 52/22 52/24 52/24 53/6 | $\begin{array}{llll}50 / 12 & 50 / 12 & 53 / 16 & 53 / 18\end{array}$ | pins [1] 105/22 |
| 54/3 54/7 54/18 61/14 62/1 | $58 / 23 \quad 62 / 12 \quad 63 / 10 \quad 73 / 21 \quad 74 / 2$ | pipeline [1] 17/1 |
| $\begin{array}{llll}64 / 7 & 66 / 17 & 68 / 22 & 70 / 15 \\ 71 / 25 / 20\end{array}$ | $\begin{array}{lllll} \\ 75 / 10 & 88 / 4 & 88 / 4 & 88 / 10 & 103 / 1\end{array}$ | $\text { place [21] 5/16 22/8 } 23 / 15$ |
| 71/25 $72 / 13$ 74/22 $75 / 12$ | parts [1] 75/2 | 25/1 29/12 39/17 60/7 62/4 |
| $\begin{array}{lllll}75 / 14 & 75 / 22 & 77 / 15 & 77 / 25\end{array}$ | past [6] 19/21 28/18 28/25 | 62/15 68/14 68/22 77/19 |
| 78/16 78/20 78/23 80/4 80/16 | 29/2 29/5 65/13 | $78 / 21 \text { 82/18 82/23 84/4 87/20 }$ |
| 80/19 $81 / 481 / 6$ 82/1 $82 / 21$ | path [1] 90/19 | 92/22 97/20 101/11 104/18 |
| 83/17 84/2 86/3 87/22 87/23 | patience [1] 112 | placed [1] 90/ |
| 89/2 90/13 91/19 92/9 94/17 | $\begin{array}{llll}\text { patience [2] } \\ \text { Pauline [2] } & 3 / 9 & 113 / 9\end{array}$ | places [1] 20/8 |
| 97/7 97/7 98/17 98/18 99/2 | pause [2] 41/9 95/13 | Plaintiff [9] 17/15 24/2 |
| $101 / 10 \quad 101 / 18$ $106 / 2 \quad 106 / 5 \quad 106 / 12 / 9 ~ 105 / 21$ | Peachtree [2] 1/20 2/17 | 43/2 62/3 71/19 75/17 85/25 |
| $106 / 2 \quad 106 / 5 \quad 106 / 12 ~ 107 / 2$ $107 / 25 \quad 108 / 16 ~ 112 / 4$ | pen [1] 45/23 | 87/22 104/25 |
| 107/25 108/16 112/4 | pending [5] 20/7 33/12 33/13 | PLAINTIFFS [81] |
| outcome [2] 81/19 111/3 | pending $39 / 19$ 95/3 | $\begin{array}{ccccl}5 / 10 & 6 / 5 & 6 / 17 & 10 / 2 \quad 10 / 2\end{array}$ |
| outlined [3] 45/5 76/21 | people [19] 17/17 $18 / 15$ | $\begin{array}{lllllll}12 / 1 & 12 / 2 & 12 / 10 & 12 / 11 & 12 / 15\end{array}$ |
| outright [1] | 18/25 19/18 20/13 20/14 |  |
| outright [1] 96 | 23/11 29/7 29/11 29/13 80/20 | 23/18 24/1 $27 / 5$ 31/5 34/1 |
| $\begin{array}{ll}\text { outset [1] } & \text { 110/1 } \\ \text { outside [1] } & 52 / 4\end{array}$ | 81/7 84/5 84/14 84/18 84/19 | $\begin{array}{lllllll}34 / 8 & 34 / 9 & 34 / 11 & 34 / 15 & 34 / 20\end{array}$ |
| outside [1] 52/4 | 100/3 100/8 100/25 | $\begin{array}{llllllll}36 / 3 & 36 / 4 & 36 / 9 & 36 / 14 & 36 / 22\end{array}$ |
| over [20] 16/20 17/25 17/25 | percent [5] 14/15 51/16 |  |
| 21/12 35/3 45/11 46/15 51/22 | 66/11 81/7 99/22 | 48/14 50/22 50/25 54/19 |
| $\begin{array}{lllllllll} & 69 / 17 & 70 / 23 & 77 / 8 & 77 / 12 & 83 / 25\end{array}$ | perfect [5] 26/5 44/6 82/19 | 54/23 55/3 55/7 58/10 58/14 |
| 91/2 97/2 101/25 103/12 | 98/3 112/3 | 58/25 59/3 59/12 59/15 60/2 |
| 107/13 109/8 112/12 | perfectly [2] 18/2 80/5 | 60/18 61/4 61/21 63/24 68/1 |
| overall [4] 29/4 64/22 | perhaps [11] 5/12 17/3 26/12 | $68 / 7$ 71/11 71/12 71/22 73/12 |
|  | 31/17 50/8 60/18 61/25 75/14 | 74/1 74/12 $77 / 21$ 79/7 80/12 |
|  | 78/1 92/25 95/6 | 80/23 82/1 84/11 90/8 90/10 |


| P | prepared [3] 30/12 44/4 | $8 / 3 \quad 8 / 22 \quad 9 / 5 \quad 10 / 6 \quad 10 / 8 \quad 11 / 7$ |
| :---: | :---: | :---: |
| PLAINTIFFS... [10] 90/17 |  | $12 / 24 \quad 13 / 11 \quad 13 / 20 \quad 13 / 21$ |
| 90/23 91/7 95/25 96/9 96/13 | preparing [3] | $\begin{array}{lllll} 13 / 24 & 13 / 24 & 14 / 1 & 14 / 15 & 15 / 4 \\ 15 / 4 & 15 / 23 & 16 / 24 & 16 / 25 & 17 / 1 \end{array}$ |
| 96/23 97/8 97/16 97/22 | prescription [1] 85/5 | $\begin{array}{lllll}17 / 19 & 23 / 9 & 25 / 19 & 27 / 12 & 29 / 3\end{array}$ |
| Plaintiffs' [18] <br> $30 / 10$ $22 / 15$ <br> $2 / 11$ $71 / 5$ <br> $71 / 18$ $76 / 2$ | presence [1] 4/10 | $\begin{array}{llllll}32 / 9 & 32 / 16 & 33 / 12 & 33 / 14 & 38 / 2\end{array}$ |
| $\begin{array}{lllll}76 / 19 & 76 / 20 & 79 / 16 & 83 / 9 & 86 / 23\end{array}$ | present [5] 58/24 61/23 | 38/22 38/23 39/25 39/25 44/2 |
| 87/7 88/17 88/21 88/24 93/11 | 63/11 64/5 111/14 <br> presented [2] 30/23 61/2 | $\begin{array}{lllll} 56 / 1 & 65 / 13 & 65 / 14 & 66 / 6 & 102 / 2 \\ 102 / 9 & 107 / 4 & 107 / 13 & 108 / 13 \end{array}$ |
|  | presenting [2] 63/21 63/23 |  |
| $\begin{aligned} & \text { plan [5] 22/1 31/2 5 } \\ & 60 / 10102 / 23 \end{aligned}$ | presents [1] 46/16 | producing [5] 11/18 $11 / 20$ |
| plane [1] 103/16 | preside [1] 69/17 | 14/23 15/2 4 |
| planning [1] 9/9 | pressed [1] 69/5 | product [6] 6/13 22/22 60/8 |
| platform [2] 37/7 98/6 | pressure [5] 26/14 | $83 / 15 \quad 87 / 7$ |
| play [1] 48/1 | p | $7 / 21 \text { 8/8 8/18 8/20 }$ |
| playing [1] 98/16 | pretty [5] 45/1 84/20 86/16 |  |
| plays [1] 23/12 | 99/16 104/18 | 17/9 23/25 24/22 24/24 $26 / 5$ |
| plea [1] 70/17 | preview [1] 84/24 | 26/6 27/6 27/23 28/18 28/21 |
| pleading [1] 96/12 | previewing [1] 74/13 | 28/25 31/25 32/6 32/18 33/8 |
| please [11] 18/15 19/15 | previous [1] 91/14 | 33/20 34/6 34/7 39/24 39/25 |
| $\begin{array}{llll}21 / 19 & 21 / 24 & 37 / 14 & 71 / 12 \\ 71 / 12 & 80 / 16 & 107 / 5 & 111 / 18\end{array}$ | previously [2] 5/3 31/24 | 42/8 $42 / 8$ 42/9 48/1 67/11 |
| $71 / 12$ $111 / 20$ | primacy [1] 66/1 | 70/16 107/19 108/5 109/10 |
| 111/20 | primary [1] 59/11 | productions [10] 10/5 10/2 |
| $\begin{array}{llll} \text { PLLC } & {[2]} & 1 / 16 & 1 / 23 \\ \text { plus } & \text { [4] } & 51 / 16 & 83 / 20 \end{array}$ | print [1] 82/21 | 11/8 11/21 13/5 13/14 25/17 |
| $84 / 25$ [4] 51/16 83/20 | prior [7] 30/6 32/8 33/20 | 28/13 28/15 58/8 |
| point [38] 5/17 8/6 9/9 | 38/14 38/14 87/4 110/11 | productive [4] 58/6 65/1 |
| 11/12 13/12 16/5 22/14 27/17 | prioritizing [2] 10/20 | 66/5 112/22 |
| 29/20 30/22 37/17 48/22 | privileged [1] 35/25 | products [5] |
| 50/10 52/5 54/6 55/12 55/21 | probably [16] 12/12 32 | 80/1 83/18 |
| 56/15 59/8 59/20 60/6 61/4 | 14 36/19 44/18 46/20 | professionals [1] 112/13 |
| 62/4 64/25 66/11 66/14 70/21 | $\begin{array}{lllll}48 / 25 & 66 / 11 & 72 / 17 & 78 / 24\end{array}$ | ofessors [1] 112/10 |
| 71/21 $74 / 25$ 75/16 $80 / 5$ 81/2 | 94/22 100/14 | progress [4] 98/21 99/22 100/22 109/17 |
| $\begin{aligned} & 83 / 13 ~ 84 / 19 ~ 90 / 15 ~ 90 / 22 \\ & 107 / 17111 / 22 \end{aligned}$ | problem [16] $7 / 9$ 11/13 $25 / 23$ | prohibited [1] 67/21 |
| Ponce [1] $2 / 2$ | 26/16 26/23 30/24 30/24 31/4 | prolong [1] 65/19 |
| Pope [1] 1/19 | $31 / 9$ 31/17 31/23 $44 / 15$ 45/3 | Promeco [1] 100/2 |
| Porter [5] 2/23 109/20 110/5 | $8 / 14$ 81/12 87/5 | promise [1] 19/17 |
| 110/12 110/13 | problematic [3] 27/21 28/ | pronounce [1] |
| position [11] 6/4 29/16 | problems [14] 25/10 | proof [2] 83/10 83/11 <br> proper [3] 59/16 87/9 87/12 |
| 39/23 40/2 49/1 53/20 64/6 | problems [14] 25/10 31/2 $32 / 15 \text { 37/18 43/12 45/6 45/13 }$ | proper [3] $59 / 16$ $87 / 9$ $87 / 12$  <br> properly $[5]$ $57 / 3$ $59 / 18$ $63 / 7$ |
|  | $46 / 1 \quad 78 / 3 \quad 80 / 10 \quad 80 / 17 \text { 86/22 }$ | 79/17 95/14 |
| $\begin{array}{lllll}\text { positions [1] } & 70 / 20 \\ \text { possible [3] } & \text { 25/15 } & 45 / 15\end{array}$ | 87/17 103/25 | proposal [20] 25/22 47/5 |
| $\begin{aligned} & \text { possible [3] 25/15 45/15 } \\ & 82 / 21 \end{aligned}$ | procedure [6] 30/2 80/22 | 50/8 50/8 53/15 54/19 54/20 |
| possibly [2] 77/22 77/24 | 85/22 86/5 91/10 92/21 | 56/8 62/2 62/3 74/6 93/16 |
| postpone [4] 37/4 37/21 | proceed [6] 37/1 38/7 41/21 | 94/14 94/17 102/24 104/9 |
| 47/24 68/12 | 73/18 79/3 103/2 | 104/9 104/12 104/16 105/5 |
| postponing [1] 49/3 | proceeding [2] 21/12 47/8 | proposals [6] 43/1 43/8 |
| potential [7] 12/4 45/12 | proceedings [1] 113/6 | 48/16 104/10 104/23 105/21 |
| 46/18 $47 / 6$ 50/11 69/1 79/8 | process [59] $12 / 5$ 12/18 $30 / 4$ | propose [3] 43/24 71/14 94/5 |
| power [1] 23/10 | 50/17 50/20 53/15 53/23 | 53/12 60/19 61/1 64/5 65/7 |
| practical [3] 44/15 45/3 | 77/18 $77 / 25$ 78/3 $78 / 10$ 78/11 | 70/10 $72 / 5 \quad 72 / 9 \quad 72 / 17 \quad 75 / 20$ |
| 6/17 $44 / 25$ | $\begin{array}{llllllllll}78 / 18 & 78 / 21 & 78 / 25 & 79 / 1 & 79 / 4\end{array}$ | 103/20 104/12 105/19 |
| practicality [1] $44 / 25$ practice [2] $45 / 19$ $62 / 25$ | 80/4 80/12 80/14 82/17 82/19 | proposing [1] 62/10 |
| practice [2] 45/19 62/25 <br> precluded [1] 67/23 | 83/10 83/21 83/22 84/1 84/4 | protocol [10] 101/2 101/12 |
| xisting <br> [1] | 84/10 86/15 87/2 87/13 87/18 | 102/21 103/20 104/13 104/17 |
| ferable [1] | 87/20 87/21 88/2 88/6 88/10 | 104/17 104/18 105/19 109/6 |
| eference [2] 47/24 | 88/15 90/3 90/4 90/5 90/12 | proud [1] 112/13 |
| preferred [1] 40/16 | 90/13 90/14 90/18 90/21 | prove [1] 68/19 |
| prejudice [2] 95/12 95/13 | 90/25 91/4 91/11 92/6 92/13 | provide [8] 9/13 9/18 9/18 |
| premature [2] 34/13 36/11 | 93/5 110/16 110/17 | 15/7 36/12 78/8 86/25 96/13 |
| premise [1] 91/22 | produce [12] 8/1 9/2 12/16 | provided [7] 34/18 38/8 |
| rep [2] 44/22 45/9 | 13/12 $17 / 4$ 27/4 34/24 35/10 | 79/20 82/3 82/20 84/13 87/6 |
| preparation [1] 111/1 | 35/24 38/16 42/10 67/4 | provides [9] 23/24 23/24 |
| prepare [1] 29/11 | produced [54] 5/11 5/12 5/18 | 24/23 29/25 38/18 38/19 |
| prepare [1] 29/11 | 5/19 6/1 6/2 6/3 7/24 7/25 | 78/11 86/4 88/20 |


| P | question [13] 17/18 20/6 | 29/1 29/4 39/1 49/9 |
| :---: | :---: | :---: |
| providing [1] 80/25 | 20/14 23/13 31/21 | receiving [3] |
| provision [12] 24/9 24/19 | $94 / 4 \text { 97/5 }$ | recently [1] 97/8 |
| $\begin{array}{lllll} 24 / 20 & 27 / 21 & 28 / 1 & 30 / 7 & 33 / 10 \\ 40 / 2 & 47 / 21 & 47 / 25 & 49 / 1 & 109 / 5 \end{array}$ | questions [13] 17/22 18/12 | reckoning [1] 16/2 |
| PTO [106] $5 / 3 \quad 23 / 24 \quad 24 / 16$ | 18/21 $18 / 23$ 19/2 $19 / 12$ 20/11 | recommends [1] 86 |
| 24/16 26/11 27/10 27/14 | 60/12 61/13 62/10 69/21 | record [12] 4/9 4/10 23/6 |
| 27/15 27/16 27/21 28/1 29/17 | queue [1] 7/25 | 70/18 83/14 97/24 113/6 |
| $\begin{array}{llllll}30 / 4 & 31 / 10 & 32 / 9 & 33 / 3 & 33 / 9 \\ 35 / 9 & 35 / 9 & 38 / 7 & 38 / 11 & 38 / 17\end{array}$ | quick [3] 77/11 83/2 99/16 | records [2] 83/11 83/12 |
| $\begin{array}{lllll} 35 / 9 & 35 / 9 & 38 / 7 & 38 / 11 & 38 / 17 \\ 38 / 19 & 39 / 5 & 39 / 14 & 39 / 19 & 40 / 2 \end{array}$ | quicker [1] 70/5 | recreate [1] |
| 40/5 40/6 40/6 42/3 42/16 | quickly [9] 35/6 | redline [5] 43/10 43/20 |
| $\begin{array}{lllllll}42 / 18 & 42 / 24 & 43 / 3 & 43 / 9 & 43 / 14\end{array}$ | 72/10 89/9 96/4 97/11 | 43/21 46/16 48/16 |
| $\begin{array}{lllll}43 / 20 & 44 / 18 & 45 / 7 & 45 / 14 & 46 / 16\end{array}$ | quite [10] 6/8 16/12 16/21 | $40 / 12 \quad 40 / 13$ |
| 47/6 47/7 47/21 48/16 49/1 | 33/25 54/1 60/15 62/25 63/17 | referenced [3] 5/24 |
| 49/15 $49 / 23$ 50/3 50/10 50/15 | 71/10 95/9 | referenced [3] 5/24 licele |
| 50/18 50/21 52/15 52/17 53/8 |  |  |
| 53/17 53/25 54/24 60/20 | R |  |
| 60/25 61/10 62/11 62/11 64/5 | radio [1] | referring [2] 24/ |
| 65/25 67/12 69/2 69/2 69/11 | raise [2] 27/19 39/13 | refused [1] 40/15 |
| $\begin{array}{lllll}71 / 4 & 72 / 18 & 73 / 13 & 73 / 15 & 76 / 19 \\ 76 / 23 & 77 / 19 & 77 / 19 & 77 / 25 & 78 / 4\end{array}$ | raised [4] 28/1 32/25 89/22 | refusing [1] 81/1 |
| $\begin{array}{lllll}76 / 23 & 77 / 19 & 77 / 19 & 77 / 25 & 78 / 4 \\ 78 / 9 & 78 / 11 & 80 / 10 & 80 / 13 & 80 / 21\end{array}$ | 108/10 | regard [2] 48/14 102/16 |
| $78 / 9 \text { 78/11 80/10 80/13 80/21 }$ $82 / 1282 / 22 \text { 82/22 85/22 }$ | raising [2] 25/8 46/13 | regarding [4] 4/8 6/24 7/20 |
| 86/24 87/5 87/13 87/18 89/22 | ranged [1] 110/20 | 79/10 |
| 91/14 92/17 93/2 93/6 94/1 | RANITIDINE [8] 1/4 8/13 9/5 | regardless [2] 26/15 26/25 |
| 94/19 95/2 95/16 100/20 | 9/14 14/13 $14 / 18$ 14/20 15/5 | registry [12] 77/2 77/12 |
| 101/4 104/12 | her [4] 55/23 60/11 65/2 | 77/14 77/17 77/18 79/5 83/40 |
| PTOs [10] 23/20 29/21 32/2 |  |  |
| 35/10 39/16 42/14 43/3 45/15 | RE [1] [4] | regular [1] 2 |
| 45/17 46/5 | reach [4] 18/11 56/24 | regulators [1] |
| Publix [1] 107/24 | reached [3] 39/8 56/21 57/ | rehash [1] 91/14 |
| Puerto [1] 100/2 | reaches [1] 89/2 | $\begin{array}{llllll}\text { REINHART [25] } & 1 / 10 & 4 / 23 & 4 / 25\end{array}$ |
| PULASKI [20] 1/16 1/16 77/3 | reaching [2] 80/19 87/22 | 7/1 7/20 8/3 9/17 11/1 |
| 80/21 84/7 85/21 85/23 86/17 | read [1] 5/13 | 17/15 17/18 18/7 18/17 18/24 |
| 86/21 87/14 $87 / 18$ 88/15 | reading [5] 16/20 18/5 27/9 | 19/6 19/13 19/23 21/9 27/22 |
| 88/20 88/23 91/21 93/4 93/9 | 27/14 100/3 | 32/24 34/3 39/15 41/20 83/2 |
| 95/9 95/25 98/1 | reads [1] 5/24 | 95/23 96/3 |
| Pulaski's [1] 88/17 | ready [7] $4 / 3$ 22/19 $23 / 11$ | related [4] 14/13 15/5 21/16 |
| pull [2] 9/9 11/14 | 54/13 91/12 92/22 102/12 | 94/14 |
| pulled [4] 8/22 9/2 14/15 | real [1] 72/24 | relates [7] 5/22 20/2 50/15 |
| 29/18 | realities [1] 51 | 52/1 52/15 59/16 80/13 |
| $\begin{array}{ll}\text { pumped [1] } & 107 / 8 \\ \text { purpose [1] } & 89 / 24\end{array}$ | reality [1] 67/5 | relating [8] 4/19 5/6 20/7 |
| $\begin{array}{llll}\text { purpose [1] } & 89 / 24 & \\ \text { purposes [2] } & 51 / 15 & 75 / 11\end{array}$ | $\begin{array}{lllll}\text { really [33] } & 22 / 13 & 25 / 25 & 29 / 5\end{array}$ | 21/6 24/22 $73 / 13$ 93/11 $94 / 1$ |
|  | 31/13 33/25 47/12 53/22 55/4 | relation [3] 8/10 14/5 15/18 |
| $\begin{array}{ll}\text { pursuant [1] } & 80 / 10 \\ \text { pursuing [1] } & 83 / 10\end{array}$ | 59/7 59/23 62/24 68/15 68/16 | relatively [3] 39/20 72/3 |
|  | 68/25 69/11 75/2 79/1 82/16 | 72/10 |
| $\underset{\text { push [4] }}{\text { 93/17 }}$ [ $22 / 24$ 23/5 52/23 | 84/17 85/6 86/8 86/9 91/3 | relevance [1] 9/11 |
|  | 91/11 91/23 92/21 96/14 | relevancy [1] 18/1 |
| pushed [4] 49/4 51/3 93/25 | 97/14 101/15 102/15 110/15 | relevant [4] 9/5 14/18 $39 / 24$ |
|  | 110/17 111/3 | 107/8 |
| pushes [1] 52/24 | reason [8] 51/25 56/21 56/24 | relied [1] 62/17 |
| pushing $93 / 10$ | 86/25 100/17 101/20 109/2 | relief [1] 26/2 |
| put [31] 4/7 5/14 21/19 24/7 | 111/13 | relieve [2] 95/13 95/1 |
| 28/17 37/9 41/2 41/5 42/5 | reasonable [5] 39/21 42/12 | relieved [1] 100/22 |
| $\begin{array}{lllllllll}45 / 17 & 45 / 19 & 48 / 15 & 50 / 5 & 50 / 9\end{array}$ | 3 55/13 73/8 | relying [1] 61/12 |
| 53/13 60/11 62/14 63/20 | reasonableness [1] 42/9 | remain [4] 11/9 80/23 83/8 |
| 68/25 69/22 72/7 77/19 82/18 | reasoning [1] 14/24 | remainder [2] 9/4 14/17 |
| 82/22 84/4 90/9 92/21 97/8 | reasons [8] 58/9 59/11 61/25 | remainder $[2]$ $9 / 4 / 14 / 17$ <br> remaining [2] $86 / 17$ $95 / 6$ |
| 101/22 111/22 112/3 | $64 / 1564 / 1664 / 1665 / 16$ | remains [2] 5/25 50/10 |
| puts [4] 53/9 68/9 73/9 | 78/13 | remarks [4] 19/10 50/4 50/5 |
| putting [4] 26/14 61/11 <br> 63/17 64/2 | $\begin{aligned} & \text { recall [5] 27/20 34/10 37/11 } \\ & 67 / 21 \text { 100/5 } \end{aligned}$ | $\begin{array}{\|ll} 50 / 6 \\ \text { remedies [1] } & 33 / 7 \end{array}$ |
| Q | received [11] 14/4 15/17 | remind [1] 34/3 |
| query [1] 14/12 | 15/19 16/9 28/2 28/18 28/19 | reminded [1] 100/21 |


| R | responded [2] 86/1 9 | running [ |
| :---: | :---: | :---: |
| reminds [1] 98/14 | $12236$ | S |
| removal [1] 87/25 | 63/19 65/20 69/21 71/1 71/16 | SACHSE [21] 2/9 4/6 4/1 |
| $\begin{array}{ll}\text { remove [1] } & 33 / 10 \\ \text { repeat [2] } & 66 / 9 \\ 103\end{array}$ | $\begin{array}{llllllllll} & 73 / 16 & 76 / 2 & 76 / 22 & 78 / 6 & 80 / 25\end{array}$ | 7/23 8/6 8/19 9/1 9/9 9/21 |
| replead [1] 96/10 | 82/4 85/25 |      <br> $/ 23$ $13 / 16$ $13 / 22$ $14 / 7$ $14 / 12$ |
| repleading [1] 97/6 | responses [5] 15/17 20/1 | $\begin{array}{lllll}18 / 22 & 20 / 12 & 20 / 16 & 21 / 14 & 34 / 6\end{array}$ |
| replication [1] 71/3 | $8 / 17$ | 98/20 104 |
| $\underset{\substack{\text { reply } \\ 76 / 22}}{ }$ [4] 68/8 69/21 $71 / 19$ | responsive [10] 11/17 12/8 | safe [1] 113/1 |
| report [9] 5/20 10/23 17/20 | 12/16 14/23 15/10 21/5 35/1 | said [32] 9/17 10/11 |
| $\begin{array}{ccccc}70 / 22 & 84 / 22 & 84 / 23 & 88 / 18 & 97 / 3\end{array}$ | $\begin{aligned} & 35 / 6 \quad 35 / 24 \quad 38 / 15 \\ & \text { rest [2] } 75 / 14 \quad 75 / 22 \end{aligned}$ | $\begin{array}{lllll} 12 / 14 & 20 / 13 & 23 / 4 & 34 / 11 & 34 / 15 \\ 38 / 4 & 40 / 10 & 40 / 18 & 46 / 6 & 52 / 19 \end{array}$ |
| 98/9 [1] 85/23 | result [4] 22/23 53/24 60/3 | 53/8 54/18 58/3 58/6 58/11 |
| reported [1] 85/23 | 109/17 | 66/10 73/6 74/21 88/23 93/4 |
| Reporter [3] 3/9 113 | resulted [1] 106/25 | 93/9 94/12 94/16 95/2 97/5 |
| reports [17] | retailer [1] 107/20 | 97/23 103/9 107/3 109/4 |
| 55/6 59/19 74/24 84/14 84/23 | retailers [1] 108/4 | sake [1] 62/14 |
| 85/13 85/18 89/11 91/18 | retreat [2] 51/20 51/ | sales [2] 77/20 |
| 91/19 93/12 96/19 97/9 97/15 | reveal [1] $63 / 15$ <br> review [15] $5 / 23$ | $\begin{array}{lllll}\text { same [14] } & 13 / 5 & 24 / 15 & 32 / 23 \\ 37 / 3 & 60 / 22 & 64 / 9 & 68 / 14 & 73 / 1\end{array}$ |
| represent [2] 21/4 103/19 | 30/13 $34 / 23$ 35/24 36/12 |  |
| representations [2] 5/15 37/25 | 38/10 38/15 $40 / 19$ 47/10 53/7 | 108/1 |
|  | 66/12 101/22 108/13 | San [1] |
| presentatives [2] | reviewed [4] 4/24 5/1 5/5 | Sandy [1] 107/16 |
| $17 / 16$ | 14/15 | Sanofi [12] 99/2 |
| representing [1] 104/16 | reviewers [1] 29 | 100/12 101/18 104/16 105/24 |
| request [17] 6/9 15/13 15/14 | reviewing [4] 10/19 12/1 | 106/20 106/23 107/16 108/10 |
| 15/15 17/5 21/5 47/20 47/23 | 25/15 | 109/9 [1] $107 / 10$ |
| 56/13 57/21 61/20 66/13 | revised [1] 95/16 | Sanofi's [1] 107/10 |
| 67/14 67/20 70/8 76/19 86/6 | $\begin{array}{\|ll} \text { revisit [1] } & 53 / 1 \\ \text { rewrite [1] } & 46 / 3 \end{array}$ | sat [1] 57/8 <br> satisfaction [1] 35/1 |
| $\begin{aligned} & \text { requested [6] } 14 / 1 \quad 16 / 14 \\ & 38 / 1 \quad 67 / 382 / 3 \quad 93 / 23 \end{aligned}$ | rhetoric [1] 36/15 | Saturday [1] 105/4 |
| requesting [6] 9/16 66/23 | RICHARD [1] 3/4 | save [1] 67/ |
| 67/8 67/16 67/17 80/25 | Richmond [1] 1/17 | saves [1] 63/18 |
| requests [14] 10/2 10/4 | Rico [1] 100/3 | say [51] 4/9 10/11 10/13 |
| 15/11 22/15 34/6 34/7 34/21 | ridiculous [1] 36/1 | 15/4 15/13 16/10 19/11 19/14 |
| 35/2 35/17 35/22 36/21 38/3 | right [35] 4/5 6/7 16/20 | 19/15 26/1 29/7 32/11 35/2 |
| $38 / 8$ 87/24 | $\begin{array}{lllllll}18 / 1 & 18 / 15 & 19 / 7 & 20 / 21 & 22 / 7\end{array}$ | $\begin{array}{llllll}37 / 9 & 37 / 10 & 42 / 25 & 43 / 9 & 43 / 16\end{array}$ |
| require [3] 35/10 | 25/1 40/21 40/22 41/6 41/17 | 43/23 44/25 45/8 51/13 53/6 |
| 65/19 | 48/21 59/3 60/14 60/16 62/22 | 56/9 59/21 60/17 61/15 62/15 |
| required [2] 17/9 35 | 65/11 68/4 71/6 77/2 78/21 | 63/24 65/21 67/19 69/16 |
| requiring [1] 29/19 | 82/24 87/11 87/21 97/10 | 70/25 71/17 72/3 72/25 80/15 |
| reschedule [5] 39/9 40/24 | 97/24 98/3 100/4 105/6 106/1 | 83/6 87/20 89/8 89/21 91/9 |
| 47/16 47/25 53/2 | 108/11 109/19 109/25 | 94/13 95/10 95/19 96/2 |
| reschedule, [1] | rights [1] 37/ | 104/11 105/14 105/17 106 |
| reschedule, you [1] 28/3 | ripening [1] 69/23 | 109/14 |
| rescheduling [1] 40/9 | ripple [3] 51/8 51/11 52 Rite [2] 103/11 107/23 | saying $[14]$ $18 / 6$ $25 / 3$ $41 / 23$ <br> $51 / 13$ $69 / 15$ $74 / 13$ $74 / 15$  |
| reserve [1] 37/10 | Rite-Aid [2] 103/11 10 | $74 / 15$ 80/23 85/1 85/16 92 |
| residence [1] $85 / 4$ | $\begin{array}{llll}\text { road [11] } & 1 / 20 & 62 / 21 \quad 62 / 22\end{array}$ | 96/14 112/4 |
| resolution [3] $\begin{array}{lll}75 / 9\end{array} \quad 33 / 3 \quad 70 / 4$ | $\begin{array}{lllll}68 / 10 & 69 / 1 & 83 / 13 & 90 / 3 & 90 / 15\end{array}$ | says [6] 24/19 32/9 87/14 |
| resolve [8] $24 / 1032 / 75$ | 90/20 91/1 91/9 | 88/7 101/4 104/3 |
| 54/8 55/17 78/24 87/18 | Rob [1] 98/15 | schedule [36] 22/7 23/11 |
| 108/24 | ROBERT [2] 2/1 7/5 | 23/13 25/25 26/11 26/14 |
| resolved [6] 30/4 | ROBIN [2] 1/9 3/9 | 26/15 26/21 26/25 37/17 |
| 81/8 81/23 89/4 | rog [1] 97/17 | 37/18 40/17 42/3 45/1 51/11 |
| resolving [2] | Rome [1] 2/13 | 54/3 56/25 60/19 61/1 64/19 |
| $\begin{array}{lllll}\text { respect [11] } & 5 / 9 & 6 / 5 & 33 / 19\end{array}$ | room [3] 11/13 50/21 95/14 | 64/20 64/21 64/22 65/7 65/21 |
| 34/4 42/18 43/24 95/4 99/20 | ROSENBERG [3] 1/3 1/9 3/9 | 65/24 66/1 71/4 72/5 72/10 |
| 106/18 108/4 109/10 | Rosenthal [1] 100/18 | 72/17 75/1 75/2 103/2 107/15 |
| respectfully [1] 67/13 | $\begin{array}{lrr} \text { sutine [1] } & 25 / 4 \\ \text { lle [3] } & 22 / 15 & 30 \end{array}$ | $\qquad$ |
| respective [1] 101/10 | $\begin{array}{llll} \text { ruled [2] } & 17 / 10 & 104 / 8 \end{array}$ | $106 / 24 \quad 108 / 2$ |
| respond [16] 6/14 13/17 | $\text { rules [5] } 58 / 1 \quad 67 / 15 \quad 68 / 3$ | scheduling [8] 26/9 |
| 37/14 54/5 54/15 54/23 55/13 | 69/20 73/17 | $38 / 17 \text { 43/15 75/10 96/18 }$ |
| 56/7 58/5 65/12 86/25 88/22 88/24 105/24 108/11 109/2 | ruling [2] 31/1 95/11 | 100/11 112/23 |
| $88 / 24$ 105/24 108/11 | run [2] 15/21 85/13 | scheme [1] 56/19 |


| S | 105/8 105/17 | 99/14 99 |
| :---: | :---: | :---: |
| Scholer [1] 2/23 | setting [1] 25/ | size [2] 47/13 56/19 |
| School [1] 110/11 | settlement [1] seven [4] 107/1 | slippage [1] $52 / 21$ <br> slipping [2] $64 / 14$ |
| science [4] 59/22 59/24 61/7 | seven $112 / 13$ | $\text { slips [1] } 52 / 22$ |
| scope [2] 30/5 32/18 | seven Sanofi [1] 109 | slower [1] 23/7 |
| scratch [3] 10/13 71/25 | several [6] 13/21 16/7 46/15 | small [4] 25/17 28/21 75/ |
| 90/21 [3] 10/13 | 51/22 84/1 107/1 | 80/20 |
| screen [6] 26/8 35/24 41/12 | shall [3] 29/25 | smoother [1] |
| 86/11 93/22 111/20 | ```share [2] 5/4 53/25 shared [1] 55/12``` | snapshot [2] $84 / 20 \quad 84 / 20$ so [188] |
| screens [1] 21/19 seamless [2] 90/4 | sharing [1] 112/14 | softens [1] 6/20 |
|  | she [9] 6/22 41/15 41 | sold [1] 80 |
| 34/9 34/14 34/21 | 48/21 54/10 64/13 80/9 | solution [7] |
| second [12] 21/16 27/25 | $1 / 13$ 111/17 | $31 / 16$ 31/17 36/3 36/7 46 |
| $\begin{array}{llll}33 / 11 & 39 / 12 & 44 / 9 & 47 / 17 \\ 48 / 7 & 4722\end{array}$ | shocking [1] 33/25 <br> short [17] 31/11 31/16 31/16 | solve [1] $7 / 9$    <br> some [64] $4 / 21$ $7 / 2$ $8 / 14$ $8 / 19$ |
| 48/7 83/19 87/5 95/21 101/15 | 55/17 58/18 58/19 65/17 67/9 | $\begin{array}{lllll}10 / 9 & 10 / 10 & 12 / 9 & 12 / 13 & 12 / 17\end{array}$ |
| secondary [1] 108/13 | 78/2 79/17 80/24 82/2 82/7 |  |
|  | 85/24 88/10 97/4 104/2 | $\begin{array}{lllll}23 / 5 & 23 / 14 & 23 / 17 & 23 / 18 & 23 / 20\end{array}$ |
| ts [1] | shorter [2] 87/10 87/13 | 26/2 27/22 28/24 29/1 $29 / 3$ |
| 51/2 80/22 | shortly [2] 42/25 100/19 | $\begin{array}{llllll}29 / 7 & 33 / 19 & 36 / 3 & 36 / 19 & 37 / 4\end{array}$ |
| see [48] 5/20 5/20 5/21 5/23 | shotgun [1] 79/11 | 37/25 40/3 40/8 45/23 48/8 |
| 7/11 13/13 19/22 21/10 26/8 | should [36] 7/10 10/11 10/14 | $50 / 7$ 51/4 52/2 52/5 53/25 |
| $\begin{array}{llllll}29 / 17 & 31 / 13 & 31 / 14 & 43 / 6 & 43 / 22\end{array}$ | 15/3 15/8 15/9 17/13 17/25 | 57/12 57/13 57/20 58/13 59/5 |
| 43/24 52/20 53/10 55/9 55/13 | $18 / 6$ $21 / 10$ $30 / 9$ $37 / 4$ | 62/17 64/7 67/10 74/3 75/3 |
| 55/13 64/4 64/6 64/16 66/22 | 3 49/18 56/1 56/25 57/1 | 77/14 77/23 81/12 83/13 |
| 67/7 67/8 67/15 68/11 70/6 | 58/9 65/6 65/13 66/6 68/21 | 86/15 87/16 91/2 91/10 93/13 |
| $\begin{array}{llllll}71 / 19 & 72 / 8 & 72 / 24 & 74 / 19 & 76 / 7\end{array}$ | 73/13 75/24 81/15 81/16 84/8 | 94/22 96/23 102/7 106/6 |
| 76/11 77/7 83/2 83/14 86/1 | (15 86/3 88/12 90/24 91/25 | 108/12 11 |
| 86/10 86/22 92/4 93/19 94/5 | 95/17 96/2 | somebody [2] 7/8 64/1 |
| 96/2 96/3 99/22 104/19 | shouldn't [8] | somebody mutes |
| seeing [3] 32/23 85/2 113/2 | 79/13 7 | somebody's [1] 64/22 |
| seek [1] 4 | show [2] 21/1 | neone [4] 16/18 24/7 80/18 |
| seeking [1] 5/2 | showed [3] 8/11 89/13 sh/1 | 92/12 |
|  | showing [2] 9/11 89/11 | something [29] 6/2 7/16 |
| $\begin{array}{rlll}68 / 4 & 91 / 17 \\ \text { seems } & {[7]} & 26 / 20 & 31 / 15\end{array}$ | shows [1] 84/17 | 10/14 21/1 $24 / 13$ 25/11 $29 / 8$ |
| seems [7] $26 / 20 \quad 31 / 15$ 42/2 $42 / 18$ $59 / 11$ $63 / 9$ | side [21] 35/5 40/6 40/6 | 37/8 40/22 41/23 52/19 52/23 |
| ( ${ }_{\text {42/18 }}$ 59/11 $63 / 9$ 77/17 | 42/22 $43 / 25$ 44/1 52/17 53/3 | 52/24 53/2 53/21 56/16 57/6 |
| $\begin{aligned} & \operatorname{seen}[5] 50 / 7 \text { 50/8 } 51 / 1 \\ & 84 / 22102 / 7 \end{aligned}$ | 53/4 54/11 57/17 63/3 64/8 | 58/5 64/10 66/20 71/3 71/25 |
| sees [2] 54/24 | 64/12 64/25 66/10 91/7 91/7 | 72/6 74/2 74/10 75/20 94/11 |
| sees [2] 54/24 | 91/8 94/21 107/20 | 101/13 103/23 |
| selected [1] $22 / 19$ | sides [7] 32/2 36/11 37/8 | sometime [1] 100/15 |
|  | 43/12 69/5 73/23 104/14 | sometimes [8] 22/22 36/25 |
| $72 / 22 \text { 81/6 }$ <br> ense [7] | sight [1] 49/5 | 45/18 81/20 81/21 81/22 |
| $3 / 23 \quad 54 / 22$ | sighted [1] 31/16 | 88/23 101/14 |
| nsing [4] 31/17 58/25 | sign [1] 69/3 | somewhat [2] 28/7 33/1 |
| 60/1 | Signature [1] 113/10 | somewhere [1] 17/3 |
| sent [3] 78/16 82/1 101/18 | significant [8] 28/22 28/25 | soon [5] 21/11 80/2 89/12 |
| sentence [1] | 9/4 33/13 39/25 56/18 66/2 | 08/15 113 |
| sentencing [1] 111/ |  | sooner [1] 35 |
| separate [7] 14/8 31/13 | significantly [1] 91/9 | sorry [12] 20/ |
| 42/17 43/13 43/18 67/6 | milar [2] 44/23 57/12 | 41/22 74/20 75/23 82/8 85/11 |
| 104/17 | simmering [1] 22/12 | 103/6 105/7 109/24 112/2 |
| separately [1] | simple [2] 87/14 103/14 | sort [27] 10/5 10/16 10/17 |
| September [1] 83/23 | simply [3] 17/2 32/7 38/25 | 10/19 12/18 13/3 31/2 51/1 |
|  | since [8] 15/21 16/5 71/24 | 51/8 51/10 51/18 51/19 52/4 |
|  | 75/8 75/13 78/4 96/5 110/14 | 52/8 52/13 52/15 53/5 53/12 |
| $\begin{array}{lllll}\text { served [8] } & 15 / 14 & 15 / 15 & 17 / 6\end{array}$ | sincerely [1] 110/7 | 69/23 75/2 $75 / 3 \quad 75 / 19$ 83/16 |
| 22/15 $22 / 17 \quad 34 / 6$ 34/20 $55 / 22$ | single [2] 66/19 81/19 | $83 / 19 \text { 85/23 95/13 109/10 }$ |
| served responses [1] 22/15 | sisters [1] 112/8 | sorts [1] 85/6 |
| service [1] 38/12 | t [2] 21/12 40/18 | sought [1] 62/1 |
| session [2] 9/10 17/21 | sitting [3] 90/13 92/4 92/17 | sound [1] 22/5 |
| set [15] 5/3 10/20 19/6 | situation [10] 36/3 36/4 | sounds [3] 7/7 20/13 97/7 |
| 26/17 27/5 34/19 45/25 46/15 | 36/18 37/9 43/25 48/9 48/13 | South [2] 3/5 106/9 |
| 53/4 53/8 93/19 100/1 101/25 | 102/5 106/10 106/20 | SOUTHERN [1] 1/1 |
| 53/4 53/8 93/19 100/1 101/25 | six [6] 14/6 70/10 91/2 | spaghetti [1] 98/14 |


| S | stop [1] | up [1] 79/21 |
| :---: | :---: | :---: |
| Spalding [1] 2/16 | storage [5] 22/9 35/7 35/1 | system [1] |
| Spanish [1] 100/3 | story [1] 102/14 | T |
| speak [3] 8/9 23 | straight [1] 57/10 | table [1] 73/22 |
| speaker speakers [1] | strained [1] 44/1 | tablet [1] 79/ |
| $\begin{array}{llll}\text { speaking [8] } & 7 / 10 & 41 / 22\end{array}$ | Street [8] 1/14 2/10 2/14 | tacks [1] 75/4 |
| $\begin{array}{llllll}\text { 44/15 } \\ 95 / 9 & 72 / 13 & 86 / 14 & 87 / 21 & 92 / 5\end{array}$ | $\begin{array}{rrrrr}2 / 17 & 2 / 20 & 2 / 23 & 3 / 2 & 3 / 5 \\ \text { stress [2] } & 50 / 11 & 95 / 13\end{array}$ | $\begin{array}{ll} \text { tail [1] } & 98 / 23 \\ \text { tailor [2] } & 38 / 3 \end{array}$ |
| special [20] 51/23 78/12 | strongly [1] 57/7 | take [47] 5/16 10/12 10/15 |
| $\begin{array}{cccc}\text { 78/22 } & 78 / 22 & 80 / 7 & 81 / 5 \\ 86 / 3 / 4\end{array}$ | structure [3] 62/13 62/14 | 12/15 15/8 19/7 22/24 23/1 |
| 86/3 $86 / 5$ 86/17 87/19 87/21 | stuck [2] 24/3 106/21 | $28 / 1530 / 731 / 15 \text { 33/11 34/16 }$ |
| $\begin{array}{lllll}88 / 1 & 88 / 5 & 88 / 8 & 89 / 2 & 89 / 3\end{array}$ |  |  |
| specific [12] $9 / 8 \quad 18 / 20$ | 6/12 8/3 8/8 8/13 8/14 8/17 | $\begin{array}{llllllll}40 / 2 & 40 / 16 & 42 / 21 & 43 / 9 & 44 / 4\end{array}$ |
| $\begin{array}{llll}\text { 18/21 } & 23 / 22 & 32 / 22 ~ 38 / 20\end{array}$ | 9/6 9/6 9/16 10/2 11/5 11/6 | 44/6 45/23 48/11 57/4 59/13 |
| $\begin{array}{lllll}18 / 13 & 47 / 13 & 53 / 14 & 89 / 20\end{array}$ | $\begin{array}{lllll}12 / 21 & 12 / 23 & 13 / 7 & 13 / 10 & 14 / 5\end{array}$ | 60/7 61/19 62/4 78/7 89/17 |
| 92/20 | 15/18 15/25 15/25 16/1 16/3 | 89/17 100/23 101/11 103/14 |
| specifically [4] 9/16 15/13 | $\begin{array}{llllllll}16 / 4 & 16 / 4 & 16 / 7 & 16 / 8 & 16 / 11\end{array}$ | 104/19 109/8 110/3 112/20 |
| 20/7 38/4 | 16/24 17/4 19/4 20/2 20/7 | 113/2 |
| specifics [1] 23/17 | study [5] 7/3 7/21 16/25 | ke another [1] 23 ken [7] 12/9 22/8 |
| spend [2] 33/1 65/1 | $17 / 1 \quad 17 / 2$ | $23 / 19 \quad 40 / 12 \quad 48 / 25 \quad 83 / 15$ |
| spent [3] 22/16 54/10 91/7 | stuff [2] 82/12 102/6 | takes [3] $21 / 13$ 96/18 101/13 |
| spirit [1] 55/16 | subject [3] 24/11 35/8 94/8 | $\begin{array}{llllll}\text { taking [6] } & 29 / 12 & 31 / 6 & 40 / 11\end{array}$ |
| splendidly [1] $79 / 4$ spoke [1] $95 / 10$ | submission [6] 55/19 56/4 | 42/16 56/10 97/20 |
| spoke [1] 95/10 <br> spot [1] 53/14 | 58/18 65/7 105/18 105/19 | talk [5] 9/17 64/9 76/5 |
| spot [1] 53/14 spreadsheet [6] | submissions [3] 73/19 95/3 | 83/13 93/5 |
| 8/1 9/12 14/5 14/11 | 95/16 | talked [8] 10/1 10/2 11/5 |
| square [4] $1 / 133 / 13136 / 16$ | submit [5] 72/4 101/3 102/23 | 52/2 62/7 64/17 94/19 108/22 |
| 69/18 | 3/13 | talking [15] 6/6 11/19 28/22 |
| St [1] | submitted [5] 11/6 29/21 | 34/25 53/1 53/21 53/22 53/23 |
| staff [1] 53/7 | 48/16 87/25 104/13 | 64/7 64/21 74/25 78/20 92/15 |
| stage [3] 88/12 89/3 | submitting [1] 103/20 | 104/8 112/7 |
| stages [1] 9 | subsequent [2] 26/13 60/3 | tax [1] 45/12 |
| stand [2] 6/5 | substance [2] 19/22 96/17 | teachers |
| standard [1] 96/23 | substantially [2] 11/23 26/5 | team [5] 18/25 44/23 60/14 |
| standpoint [5] 42/9 42/11 | stantive [1] 50/1 | 91/22 99/1 |
| 84/9 100/11 103/24 | cessful [2] 39/20 112/5 | teams [3] 23/11 25/21 101/22 |
| stands [2] 40/20 40/22 | succinctly [1] | technology [1] 11 |
| start [22] 4/20 9/24 38/10 | such [5] 24/23 26/5 73/13 89/19 92/11 | ```tee [1] 33/3``` |
| 38/15 $44 / 14$ 51/13 $54 / 4$ 79/23 | sufficiently [1] 53/21 | 21/24 22/2 43/20 61/5 68/17 |
| $\begin{array}{lllll}83 / 21 & 90 / 11 & 90 / 12 & 90 / 18 & 92 / 8\end{array}$ | $\begin{array}{lllllllllll}\text { suggest [6] } & 48 / 13 & 54 / 4 & 72 / 16\end{array}$ | 69/19 69/22 78/15 80/6 91/12 |
| $\begin{array}{lllll}92 / 15 & 92 / 18 & 92 / 18 & 92 / 20\end{array}$ | 99/21 109/3 109/5 | 98/23 101/18 103/25 104/3 |
| 92/20 98/7 100/18 103/8 | suggested [3] 31/24 33/18 | 107/20 |
| 111 | 65/6 | telling [2] 42/4 105/20 |
| $98 / 16 \text { 98/21 }$ | suggestions [1] 80/17 | ten [13] 14/14 37/12 39/25 |
| starting [5] 83/19 | Suite [7] 1/14 1/17 1/20 | 56/6 58/19 78/25 83/9 84/1 |
| 90/21 90/25 93/4 | 1/24 2/3 2/6 2/17 | 84/25 85/13 85/17 85/20 |
| state [3] 4/10 85/3 95/24 | sum [1] 96/17 | 89/15 |
| State/Federal [1] 95/24 | summaries [1] | tend [2] 41/6 53/19 |
| STATES [4] 1/1 1/10 1/11 | summarize [1] 41/25 | Tennessee [1] 96/6 |
| 101/7 | summary [2] 16/25 17/19 | term [3] 31/16 46/24 46/25 |
| station | support [2] 61/24 61/25 | terms [31] 8/17 10/7 10/17 |
| status [4] | supposed [7] 38/22 70/9 78/6 | $\begin{array}{lllllll}13 / 2 & 13 / 9 & 15 / 11 & 15 / 18 & 27 / 22\end{array}$ |
| 106/18 | 86/24 87/7 88/16 90/11 | 28/7 28/9 28/17 33/22 34/9 |
| tay [6] | sure [28] 10/14 13/25 16/13 | 34/14 34/22 38/17 40/10 |
| 110/24 111/12 11 | 17/10 17/17 18/15 19/16 | 40/11 49/7 49/15 50/8 51/6 |
| step [4] 75/7 75 | 19/18 19/19 22/4 23/6 23/8 | 66/19 70/7 70/16 74/14 74/22 |
| $88 / 14$ | 30/14 $30 / 15$ 32/2 $66 / 11$ 60/12 | 74/22 75/19 83/15 100/11 |
|  | 62/6 63/6 63/12 63/14 66/17 | Terrific [1] 106/16 |
| $\text { still [17] 5/18 5/25 } 9 / 4$ | 68/11 73/3 84/3 92/3 104/22 | TERRY [2] 2/12 86/13 |
| 30/19 36/24 49/15 57/22 | 106/11 | testify [2] 24/8 36/13 |
| 66/16 $66 / 18$ 67/1 67/3 69/21 | surely [1] 51/14 | testing [1] 59/17 |
| 70/21 86/19 87/3 88/14 96/24 | surface [1] 22/13 | tests [1] 60/9 |
| Stipes [3] 3/9 6/17 113/9 | suspect [1] 60/20 | than [28] 9/13 11/19 $16 / 12$ |
|  | sweet [1] 97/4 | 24/6 30/5 32/8 35/23 39/2 |



| T | 102/9 107/2 109/4 109/5 | 107/6 107/14 107/18 108/25 |
| :---: | :---: | :---: |
| too... [5] 64/11 73/9 93/2 | two-fold [1] 33/6 | $\begin{array}{llll} 109 / 3 & 110 / 3 & 111 / 2 & 111 / 22 \\ \text { up from [1] } & 23 / 5 \end{array}$ |
| 105/15 110/4 | two-line [1] 45/15 | upcoming [2] 46/22 47/5 |
| $\begin{gathered} \text { took [5] } 107 / 1 \text { 107/6 107/10 } \\ \text { 107/11 107/21 } \end{gathered}$ | TX [2] 1/17 2/7 | $\begin{array}{lll}\text { update [5] 7/2 } & 77 / 11 & \text { 95/20 }\end{array}$ |
| tooth [1] 15/6 | type [3] | 109 |
| top [5] 48/20 84/24 85/13 | types [8] 29/12 $36 / 23$ 89/20 | uploaded [1] 5/ |
| 85/17 85/20 |  | upon [5] |
| topics [1] 34/19 | U | us [62] 7/24 |
| totaled [3] <br> totally [2] | U.S [1] | $\begin{array}{llllll}13 / 15 & 15 / 3 & 15 / 9 & 27 / 22 & 28 / 7\end{array}$ |
| touch [2] 89/21 106 | ugly [2] 98/15 98/22 | $32 / 21$ 33/1 34/20 34/22 35/2 |
| toward [1] 45/21 | ultimate [3] 60/25 75 | 35/10 35/14 35/15 35/17 |
| towards [1] 11/22 | 95/18 | $\begin{array}{llllll}35 / 20 & 36 / 20 & 37 / 9 & 37 / 12 & 37 / 13\end{array}$ |
| $\begin{array}{lllll}\text { track [7] } & 7 / 22 & 11 / 24 & 12 / 20\end{array}$ | ultimately [8] 29/24 38/7 | $\begin{array}{lllllll}40 / 4 & 40 / 8 & 44 / 17 & 44 / 25 & 47 / 22\end{array}$ |
| 14/5 14/8 95/8 103/3 | 59/20 62/2 62/10 63/4 64/8 | 51/19 52/2 $52 / 7$ 53/11 54/3 |
| tracking [1] 10/14 | /13 | 54/14 $54 / 15$ 55/12 $56 / 22$ |
| TRACY [6] 1/12 4/11 6/16 | uncover | $\begin{array}{llllll}56 / 23 & 64 / 10 & 64 / 11 & 64 / 25 & 65 / 1\end{array}$ |
| 30/15 92/3 92/16 | under [16] 22/11 24/18 30/12 | 65/9 65/17 65/19 68/9 68/22 |
| trade [1] 63/15 | 35/10 $39 / 14$ 49/15 57/25 | $\begin{array}{llllll}70 / 4 & 70 / 17 & 72 / 14 & 74 / 25 & 77 / 19\end{array}$ |
| tranche [3] 67/1 83/20 84/10 | 62/13 67/11 67/15 67/15 68/3 | 80/19 84/13 88/18 88/20 |
| transcript [3] 5/13 95/1 | /16 73/16 85/22 86/24 | 96/19 101/21 102/11 107/6 |
| 113/5 | underpinning [1] 6/8 | 111/3 112/1 |
| transcripts [4] 4/25 5/5 | understand [22] 6/11 6/12 | usage [1] |
| 16/20 18/5 | 21/18 26/4 26/23 30/19 50/10 | use [17] 38/3 40/ |
| transparent [2] 48/9 90/1 | 59/10 60/12 61/4 63/5 63/15 | 80/7 80/8 83/11 85/3 85/4 |
| transport [3] 22/10 35/11 | 63/21 63/22 64/23 68/15 | 85/4 85/4 85/5 89/14 89/15 |
| 36/23 | 68/24 80/21 88/9 91/5 106/13 | 89/16 92/11 92/11 92/12 |
| transportation [1] 35/7 | 16 | used [2] 90/8 92/ |
| travel [1] 106/11 | rstanding [11] 8/6 9/19 | useful [2] 50/17 88/6 |
| traveling [1] 101/24 | 20/22 28/10 35/16 42/1 48/ $60 / 6 \text { 63/13 68/17 69/12 }$ | $\begin{array}{\|c\|cc\|} \hline \text { using [6] } 73 / 5 ~ 73 / 6 ~ 79, ~ \\ 79 / 16 ~ 87 / 11 ~ 87 / 11 \end{array}$ |
| triage [1] 46/21 | understands [1] 61/10 |  |
| trial [1] 100/19 | understood [2] 5/17 21/7 | utilize [1] 68/5 |
| trials [4] 7/22 16/2 16/6 | undertake [1] |  |
| 57/9 | undertaking [1] | V |
| tried [1] 62/15 | unfair [1] 37/ | vacate [3] 75/25 76/12 |
| tries [1] 63/7 | unfortunately [4] $14 / 4$ 40/2 | vacated [1] 91/16 |
| triggered [1] 76/10 <br> triggering [2] 55/5 65/22 | 52/9 57/23 [4] 14/4 $40 / 2$ | vacating [5] 76/18 91/23 |
| triggering [2] 55/5 65/22 | unhappy [1] | 95/2 95/10 95/11 |
| trouble [1] 107/24 true [1] 38/25 | UNITED [4] 1/1 1/10 1/11 | Van [1] 98/20 |
| $\begin{array}{ll} \text { true [1] } & 38 / 25 \\ \text { trust [1] } & 70 / 18 \end{array}$ | 101/7 | variations [1] 82/17 |
| $\begin{array}{lr} \text { trust [1] } & 70 / 18 \\ \text { try [17] } & 6 / 216 \end{array}$ | universal [1] 73/24 | varies [1] 28/8 |
| 44/12 $45 / 12 \quad 47 / 19 \quad 49 / 6$ | universe [6] 5/17 15/25 | variety [1] 58/9 |
| 51/7 55/16 58/7 71/14 74/9 | $\begin{array}{llll}16 / 13 & 17 / 7 & 18 / 23 & 21 / 3\end{array}$ | various [3] 65/16 106/ |
| 78/23 86/3 87/18 108/24 | University [1] 110/11 | 0/24 |
| trying [25] 7/3 8/23 $9 / 3$ | unless [9] 9/11 43/23 46/9 | vendor [1] 83/12 |
| 12/21 15/21 28/9 29/5 31/2 | 47/23 62/5 64/23 77/9 94/10 | verify [2] 88/22 |
| 33/2 39/15 40/7 51/12 52/18 |  | [3] 61/23 71/5 71/6 |
| 53/2 $53 / 15$ 54/8 $57 / 1465 / 24$ | unreasonable [1] 40/1 | versus [6] $13 / 20$ 85/4 85/4 <br> $92 / 12$ $92 / 12 \quad 92 / 13$ |
| 70/4 83/17 87/22 99/3 106/1 | until [15] 17/8 17/22 18/10 | very [47] $10 / 24 \quad 11 / 1 \quad 11 / 9$ |
| 108/20 108/23 | $34 / 10 \quad 38 / 13 \quad 47 / 24 \quad 48 / 15$ | 11/9 11/12 12/5 15/6 18/9 |
| Tuesday [1] 105/13 | $\begin{array}{llllll}15 & 66 / 13 & 70 / 21 & 75 / 25 & 79 / 1\end{array}$ | $\begin{array}{llll}18 / 20 & 25 / 14 & 27 / 2 & 33 / 23\end{array}$ |
| turn [6] 41/5 72/13 77/8 | 79/3 107/1 109/25 | $\begin{array}{lllll}\text { 40/22 } & 40 / 22 & 48 / 25 & 49 / 20 & 57 / 6\end{array}$ |
| 103/7 110/1 110/1 | unworkable [1] 62/13 | 58/13 58/21 59/4 59/9 60/13 |
| turned [2] 17/25 17/25 | up [66] 6/21 $7 / 16$ 7/19 12/22 | 67/9 70/17 77/1 80/20 81/6 |
| tweak [1] 100/20 | 12/24 13/1 19/7 21/1 $22 / 1$ | 82/25 84/9 84/16 85/2 87/14 |
| tweaking [2] 94/22 | 22/22 23/5 24/7 24/13 25/11 | 90/24 92/1 93/19 93/19 95/20 |
|  | 29/18 30/18 31/2 32/21 33/3 | 96/4 97/11 102/20 103/13 |
| two [36] 5/15 9/15 25/ | 33/14 34/17 37/20 38/7 39/7 | 104/2 105/3 108/20 110/21 |
| $31 / 13 \quad 33 / 6 \quad 33 / 18 \quad 38 / 13$ | 39/22 42/5 42/16 44/22 45/13 | 111/2 |
|  | 50/3 50/4 51/5 53/4 55/21 | via [1] 13/22 |
| 46/23 52/12 65/17 80/22 | 56/15 61/3 66/13 66/24 69/20 | viable [1] 73/25 |
| 81/12 82/15 83/6 83/20 84/6 | $\begin{array}{lllllll}70 / 21 & 71 / 6 & 76 / 3 & 78 / 12 & 79 / 3\end{array}$ | video [3] 41/5 98/7 98/9 |
| 86/22 87/17 94/20 98/17 99/2 | 82/12 82/18 84/17 87/3 89/25 | videos [1] 4/7 |
| 99/10 100/10 101/8 101/21 | $\begin{array}{lllll} 92 / 14 & 93 / 7 & 95 / 9 & 98 / 23 & 100 / 20 \\ 101 / 25 & 102 / 12 & 104 / 5 & 105 / 15 \end{array}$ | view [6] 30/11 62/24 67/17 75/24 91/5 94/4 |


| V | 112/7 113/3 | 65/13 77/23 79/11 |
| :---: | :---: | :---: |
| viewed [1] 14/17 | Washington [2] 2/20 110/1 | WEST [4] 1/2 $1 / 5$ 2/23 $3 / 10$ |
| vis [2] 6/5 6/5 | wasn't [9] 30/14 $50 / 5 \quad 53 / 21$ | what [23 |
| vis-a-vis [1] 6/5 | 79/14 | whatever |
| $\begin{array}{ll}\text { vision [1] } \\ \text { visual } & \text { [1] } \\ 24 / 1\end{array}$ | WATTS [13] 2/5 2/5 98/3 | 43/12 51/10 52/19 52/23 |
| al [1] | 104/20 106/1 106/17 108/8 | 72/18 76/5 101/5 104/5 |
|  | 108/11 108/16 108/17 108/21 | when [43] 6/2 $14 / 2$ 14/3 |
| ro [2] $16 / 4$ $16 / 11$  <br> ce [3] $6 / 21$ $7 / 7$ 22 | 108/25 109/18 | $\begin{array}{llllllll}14 / 18 & 15 / 13 & 15 / 14 & 16 / 14 & 25 / 4\end{array}$ |
| volume [1] 39/10 | way [33] 5/25 10/5 11/2 | $\begin{array}{lllllll}25 / 11 & 32 / 16 & 32 / 16 & 33 / 4 & 36 / 9\end{array}$ |
| voluminous [1] 11/9 | 12/22 13/3 22/11 23/20 27/9 | 37/5 37/11 45/19 49/15 51/5 |
|  |  |  |
|  |  |  |
| wait [5] 40/16 40/18 69/9 | /14 $54 / 21$ 55/17 $57 / 4$ | 87/20 88/12 90/20 91/10 |
| 94/5 109/25 | 68/13 69/13 69/23 69/25 | 92/15 92/22 94/5 94/24 95/10 |
| waiting [3] 40/23 75/8 96/24 | $8$ | $96$ |
| ve [1] | ways [1] 71/9 | whenever [4] 25/15 75/5 |
| waiver [3] 33/22 | we [665] | 92/20 97/7 |
| waiving <br> [1] <br> 33/11 | we'd [1] 62/ | where [63] $6 / 57 / 28 / 3 \quad 8 / 8$ |
| Wal [2] 107/1 107/ | we'll [2] 94/24 | 8/20 9/24 11/10 12/18 15/1 |
| Wal-Mart [2] 107/1 107/22 | we've [5] 10/11 11/5 35/21 | $\begin{array}{llllll}19 / 10 & 20 / 8 & 25 / 13 & 27 / 21 & 28 / 13\end{array}$ |
| Walgreens [1] 107/23 | 98/15 102/6 | 28/24 29/1 $40 / 6$ 43/18 $47 / 16$ |
| want [80] 7/13 10/18 13/17 | Wednesday [7] 43/16 46/7 | 47/25 52/2 55/23 55/23 56/4 |
| $\begin{array}{llllllllllll} \\ 17 / 24 & 18 / 17 & 18 / 17 & 19 / 14\end{array}$ | 46/11 46/16 47/1 58/23 60/18 | 56/5 57/9 58/7 59/20 60/11 |
| 21/19 26/3 26/22 30/11 32/5 | week [24] 7/1 7/1 7/20 9/17 | 65/15 65/20 66/7 66/18 66/22 |
| 34/15 36/14 37/10 37/19 | $\begin{array}{lllllll}13 / 22 & 33 / 14 & 43 / 1 & 45 / 3 & 45 / 4\end{array}$ | 68/23 70/7 74/4 74/13 78/4 |
| $\begin{array}{llllllll} & 41 / 11 & 44 / 7 & 45 / 11 & 45 / 12 & 46 / 20\end{array}$ | /4 65/2 67/2 67/3 70/19 | $78 / 7$ 78/18 81/12 81/14 81/15 |
| 48/6 $53 / 13$ 53/19 $53 / 20$ 56/9 | 99/23 100/10 100/14 103/13 | 81/25 82/23 83/17 84/2 84/21 |
| 58/25 59/1 60/22 62/12 63/4 | (03/20 104/11 105/11 105/14 | 87/24 88/12 89/5 90/11 90/12 |
| 66/3 67/20 68/2 68/3 68/15 | 106/15 108/22 | $\begin{array}{llllll} & 9 / 15 & 90 / 15 & 95 / 4 & 96 / 15 & 98 / 24\end{array}$ |
| 68/23 68/23 69/6 69/19 69/23 | weekend [1] 103 | 100/3 101/15 102/7 102/13 |
| 69/25 70/2 71/1 71/3 71/4 | weekends [1] 105/6 | whether [32] 8 |
| 72/23 72/23 73/7 73/7 73/9 | weekly [2] 89/17 92/12 | 10/20 13/9 13/11 15/1 15/8 |
| 76/6 88/9 89/8 91/13 91/21 | weeks [22] 14/6 28/19 28/19 | $\begin{array}{lllll}16 / 25 & 17 / 24 & 20 / 7 & 20 / 9 & 26 / 13\end{array}$ |
| 92/7 92/8 92/9 92/10 92/11 | 29/1 29/3 29/5 35/25 37/22 | 26/19 26/23 37/4 39/9 39/10 |
| 92/20 93/15 94/11 95/8 95/8 | 38/14 38/14 68/9 69/8 70/10 | $\begin{array}{lllll}42 / 10 & 42 / 11 & 42 / 12 & 43 / 4 & 43 / 9\end{array}$ |
| 98/1 99/21 100/6 100/24 | /2 98/17 99/1 99/2 99/10 | 51/9 59/1 59/6 68/16 71/19 |
| 100/24 101/5 101/15 102/6 | 101/22 102/11 106/3 109/7 | 73/18 88/5 95/5 99/6 104/3 |
| 102/25 105/15 109/12 110/3 | Weiselberg [1] 2/2 | which [72] 4/20 6/9 8/4 8/12 |
| 112/21 112/24 | Weiss [1] 1/13 | 9/12 11/9 11/9 11/21 11/25 |
| wanted [14] 4/20 7/19 22/10 | well [42] 4/16 8/4 9/8 11/22 | 14/8 15/13 17/25 23/24 24/23 |
| $\begin{array}{llllll} & 23 / 13 & 24 / 12 & 26 / 8 & 29 / 15 & 35 / 16\end{array}$ | 14/21 16/4 16/11 20/11 20/15 | 26/2 27/3 27/15 28/20 28/20 |
| 53/17 81/21 81/21 106/13 | 21/19 21/21 22/15 22/18 | 29/17 31/12 31/18 31/24 32/9 |
| 109/14 110/5 | 26/10 29/7 31/8 33/1 36/9 | 34/22 34/23 35/7 38/18 38/19 |
| wants [8] 43/23 | 37/10 43/5 45/1 45/18 45/20 | $\begin{array}{lllllll}38 / 20 & 40 / 17 & 42 / 2 & 42 / 3 & 42 / 24\end{array}$ |
| 57/24 61/4 68/10 92/1 | 46/23 47/12 53/6 55/22 57/5 | 44/18 48/2 51/11 53/16 56/18 |
| was [90] 5/17 6/7 6/10 8/11 | 59/13 59/14 62/6 62/7 62/19 | 62/16 63/22 65/7 66/10 66/25 |
| $\begin{array}{llll}9 / 2 & 13 / 19 & 14 / 3 & 14 / 6 \\ 14 / 16\end{array}$ | 63/25 73/17 77/17 80/5 80/12 | 67/8 67/17 70/10 70/24 74/7 |
| 4/25 15/14 15/17 17/6 18/4 | 85/22 89/23 91/13 113/1 | $\begin{array}{llllll}76 / 10 & 77 / 25 & 78 / 3 & 78 / 11 & 78 / 24\end{array}$ |
| 27/3 27/10 27/21 28/2 29/22 | went [7] 4/24 29/23 55/17 | 81/3 85/13 86/25 87/1 87/8 |
| $\begin{array}{lllll}30 / 7 & 30 / 15 & 34 / 13 & 35 / 14 & 36 / 10\end{array}$ | 83/22 84/10 110/10 111/19 | 88/21 90/13 91/6 91/16 93/1 |
| 40/11 $40 / 12 \quad 41 / 13 \quad 41 / 15$ | were [70] 5/24 6/8 7/16 8/1 | 94/1 95/3 102/11 104/9 105/4 |
| $\begin{array}{lllll}41 / 22 & 41 / 23 & 45 / 17 & 46 / 13\end{array}$ | 8/20 10/3 10/4 10/8 11/5 | 110/20 111/2 112/7 |
| 56/10 57/21 58/22 58/22 | 13/23 14/2 14/17 15/17 $22 / 18$ | while [2] 38/10 86/1 |
| 62/14 62/20 62/21 62/24 | 28/16 $29 / 8$ 29/20 $30 / 8 \quad 30 / 8$ | whittle [1] 92/9 |
| 65/25 66/2 66/15 67/11 68/13 |  | who [28] 7/10 7/16 18/18 |
|  | 36/14 $37 / 25$ 38/10 40/14 | 18/25 19/1 19/18 23/11 $24 / 7$ |
| 79/12 79/19 81/14 81/16 | 42/14 $45 / 18$ 53/1 $53 / 3$ 57/6 | 25/11 36/20 41/22 48/25 60/9 |
| 81/17 81/18 81/22 81/22 | $\begin{array}{llllll}67 / 24 & 74 / 13 & 74 / 14 & 78 / 1 & 78 / 19\end{array}$ | $\begin{array}{llllll}61 / 7 & 69 / 3 & 78 / 8 & 78 / 9 & 80 / 23\end{array}$ |
| 82/12 82/18 82/22 83/15 | 79/10 81/12 81/12 81/20 | 83/7 83/8 84/11 86/1 86/23 |
| 89/10 89/25 91/15 92/25 93/1 | 81/21 82/1 $82 / 1183 / 2283 / 23$ | 89/2 96/14 98/23 |
| 93/2 93/9 93/12 94/3 94/15 |  |  |
| 94/25 100/22 105/10 106/23 |  |  |
| 107/1 107/13 108/10 108/11 |  |  |
| 108/11 108/13 108/21 109/13 | $3112 / 3$ |  |
| 110/12 112/6 112/6 112/6 | weren't [5] 54/20 55/25 | $\begin{array}{lll}\text { whom [1] } \\ \text { whose [1] } & 83 / 22\end{array}$ |



