

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
IN RE NEURONTIN MARKETING, SALES)	
PRACTICES, AND PRODUCTS LIABILITY)	
LITIGATION)	
_____)	
THIS DOCUMENT RELATES TO:)	MDL Docket No. 1629
)	Master File No. 04-10981
)	Judge Patti B. Saris
ALL MARKETING AND)	Mag. Judge Leo T. Sorokin
SALES PRACTICES ACTIONS)	
_____)	

REVISED SUPPLEMENTAL DECLARATION OF ILYAS J. RONA FILED IN SUPPORT OF PLAINTIFFS’ RENEWED MOTION FOR CLASS CERTIFICATION

I, Ilyas J. Rona, do hereby state and depose, the following:¹

1. I am an attorney at the law firm Greene & Hoffman, P.C. and am duly admitted to practice law in the Commonwealth of Massachusetts and to appear before the United States District Court for the District of Massachusetts. All statements made herein are based on facts personally known or represented to me, and if called upon, I could testify competently thereto.

2. Attached as Exhibit A is a true and accurate copy of WLC_CBU_020336, which is Parke-Davis memorandum from the Neurontin Marketing Team to the Field Sales Colleagues dated November 30, 1998, “designed to explain why the Neurontin articles are able to be distributed” by territory sales managers.

¹ This is a revised version of the previously filed Supplemental Declaration of Ilyas J. Rona Filed in Support of Plaintiffs’ Renewed Motion for Class Certification [Docket No. 1450]. The only differences between this declaration and the prior declaration are as follows: (1) this revised declaration attaches unsealed versions of Exhibits K – P; (2) this revised declaration includes Dr. Jewell’s current CV, which is Exhibit A to his report (see Exhibit D); and (3) this revised declaration attaches Exhibit Q, which was inadvertently omitted from the prior version. See Class Plaintiffs’ Response to Defendants’ Supplemental Memorandum of Law in Opposition to Plaintiffs’ Second Motion for Class Certification [Docket No. 1453] at 11-12, n.23.

3. Attached as Exhibit B is a true and accurate copy of WLC_CBU_033332, which is a memorandum from Pat Woster, Chair of the Parke-Davis Central Nervous System Specialty Group, to Medical Liaisons and Associate Medical Directors dated May 16, 1999, listing “Articles for Distribution” relating to the indications that are in this case. For example, one article “supports the use of gabapentin and pregabalin for treatment of neuropathic pain.” Other articles concerned “acute mania,” “Neuropathic pain after anti-HIV gene therapy,” and “bipolar disorder.”

4. Attached as Exhibit C is a true and accurate copy of MDL_VENDORS_008271, which is a document entitled “CME Guidelines for the Distribution of Educational Materials” relating to Parke-Davis CME initiative entitled “Advances in the Preventative Treatment of Migraine.” The guidelines recognize “that perhaps the most powerful means of promotion is direct contact” and encourage “Parke-Davis sales representatives to participate in raising awareness by distributing copies of the information brochure to appropriate physicians in their areas.”

5. Attached as Exhibit D is a true and accurate copy of PFIZER_CGROGAN_0022377, which is a Pfizer email from Christine Grogan to Lance Tyler dated April 26, 2001. The email states: “Our [Review Committee] has allowed [sales] rep distribution of CME program invitations if the accrediting body has sent a written request asking for such support/help.”

6. Attached as Exhibit E is a true and accurate copy of PFIZER_JSCHULTZ_0000393, which is a Pfizer document entitled “Neurontin Action Plan – POA2 – 2004” relating to Pfizer’s goals, strategies and messages for 2004. Under strategies, the document states: “No calls on Psychs!!!!”

7. Attached as Exhibit F is a true and accurate copy of the Declaration of Meredith Rosenthal: Estimate of Units Paid for by Neurontin Endpayers that Resulted from Alleged Fraudulent Marketing by Defendants dated August 11, 2008 (“Rosenthal Declaration”).
8. Attached as Exhibit G is a true and accurate copy of the Declaration of Raymond S. Hartman dated August 11, 2008 (“Hartman Declaration”).
9. Attached as Exhibit H is a true and accurate copy of the Expert Report of Kimberly P. McDonough dated: August 11, 2008 (“McDonough Report”).
10. Attached as Exhibit I is a true and accurate copy of the Expert Report of Nicholas P. Jewell, Ph.D. dated: July 29, 2008 (“Jewell Report”), which now includes a current copy of his CV as Exhibit A to the Jewell Report.
11. Attached as Exhibit J is a true and accurate copy of the Expert Report of David A. Kessler, M.D. dated July 31, 2008 (“Kessler Report”).
12. Attached as Exhibit K is a true and accurate copy of the Report on the Use of Neurontin for Bipolar and Other Mood Disorders prepared by Jeffrey S. Barkin, M.D. (“Barkin Report”) dated July 25, 2008.
13. Attached as Exhibit L is a true and accurate copy of Neurontin: Clinical pharmacologic opinion of Dr. Thomas L. Perry (“Perry Report”) dated August 10, 2008.
14. Attached as Exhibit M is a true and accurate copy of the Report on gabapentin (Neurontin®) for migraine prophylaxis: evaluation of efficacy, effectiveness and marketing prepared by d. Douglas C. McCrory, M.D., M.H.Sc. (“McCrory Report”).
15. Attached as Exhibit N is a true and accurate copy of the Expert Report of John Abramson, MD dated: August 11, 2008 (“Abramson Report”).

16. Attached as Exhibit O is a true and accurate copy of the expert report entitled “Reporting and other biases in studies of Neurontin for migraine, psychiatric/bipolar disorders, nociceptive pain, and neuropathic pain” prepared by Kay Dickersin, Ph.D., MA (“Dickersin Report”).

17. Attached as Exhibit P is a true and accurate copy of the Consultant Report Prepared by: Brian Alldredge, PharmD (“Alldredge Report”).

18. Attached as Exhibit Q is a true and accurate copy of PFIZER_DLINDEN_0003311, which is a Pfizer memorandum from Hank McCrorie—the former Executive Vice President in charge of US Sales—to all sales representatives informing them that “a number of decisions have been made relevant to the promotion and marketing of Neurontin...,” including the instruction that “Neurontin detailing responsibility will be limited only to the US RON sales force (approximately 150 representatives). RON representatives will call only on Neurologists for Neurontin.”

Signed under the pains and penalties of perjury this 6th day of October 2008.

/s/ Ilyas J. Rona
Ilyas J. Rona

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system has been served pursuant to Case Management #3 on October 6, 2008.

/s/ Ilyas J. Rona