

IN RE: RISPERDAL/SEROQUEL/
ZYPREXA LITIGATION

APPLIES TO ALL BELLWETHER CASES

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION:MIDDLESEX
: COUNTY
: DOCKET NO. CASE NO. 274

: CIVIL ACTION

FILED
JUN 24 2010
JUDGE JESSICA R. MAYER

**DEPOSITION PROTOCOL FOR JANSSEN
PHARMACEUTICAL SALES REPRESENTATIVES**

IT IS HEREBY ORDERED THIS 24th DAY OF JUNE, 2010, that the following provisions shall apply to the depositions of any current or former Janssen pharmaceutical sales representatives ("PSR"):

1. All depositions will be formally noticed any time after a date for a specific PSR's deposition has been agreed upon by counsel for the parties.
2. Witnesses may be served with a *duces tecum* subpoena. Janssen will accept service of such subpoena(s) on behalf of Janssen PSRs being represented by Janssen. Janssen will inform Plaintiffs' counsel if a former PSR will not voluntarily appear for deposition, and Plaintiff shall have the right to take the appropriate steps to secure and obtain that PSR's deposition.
3. No less than two (2) weeks prior to the deposition, Janssen will produce the agreed eight (8) categories of information (Exhibit "A") specific to the sales and/or marketing of Risperdal by that witness. If Janssen has already produced responsive documents, it shall identify the documents by Bates numbers.

4. Janssen and the PSR to be deposed shall search for all relevant documents and things in the course of responding to the subpoena *duces tecum*.

5. The disclosures to be made pursuant to this Order shall be made in the form used in the production of case-specific disclosures for Plaintiffs' physicians and also pursuant to Case Management Orders No. 4 and No. 12.

6. Counsel are expected to cooperate with and be courteous to each other and deponents in both scheduling and conducting Janssen PSR depositions.

7. Counsel shall consult prior to each PSR deposition and discuss the amount of time each side believes will be required to depose that witness.

8. Absent agreement of the parties or order of the Court based upon a showing of good cause, the length of a PSR deposition shall be limited to one (1) deposition day. A deposition day shall last not longer than eight (8) hours, inclusive of brief morning and afternoon recesses and a lunch break. Variations in the schedule may be made by agreement of counsel.

9. Unless otherwise agreed, depositions of Janssen's current employees will take place in the venues where the witnesses reside or work. Janssen's counsel will make reasonable efforts to produce former employees in the venues where they reside or work, or at locations mutually agreeable to the witnesses and counsel.

10. The New Jersey Rules of Court shall apply in all respects. Disputes arising during depositions that cannot be resolved by agreement which, if not immediately resolved, will significantly disrupt the discovery schedule or require rescheduling of the deposition, or might require a supplemental deposition, shall be presented to the Special Master by telephone. If the Special Master is not available, the deposition shall continue with full reservation of rights for a ruling at the earliest possible time. Counsel shall not be denied the right to suspend the

deposition pursuant to NJ Ct. R. 4:14-4, file an appropriate motion with the Court at the conclusion of the deposition, and appear personally before the Court.

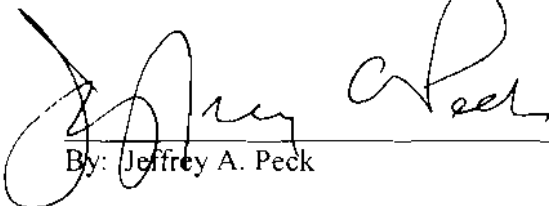


HONORABLE JESSICA C. MAYER

We hereby consent to the
Entry of the above Order:

DRINKER BIDDLE & REATH LLP
Attorneys for Defendants Ortho-McNeil-
Janssen Pharmaceuticals, Inc. (f/k/a Janssen
Pharmaceutica Inc.) and Johnson & Johnson

BAILEY PERRIN BAILEY
Attorneys for Plaintiffs

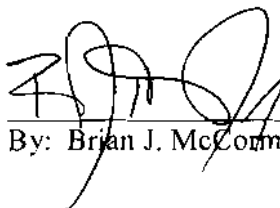


By: Jeffrey A. Peck



By: Leslie LaMacchia

SHELLER, P.C.
Attorneys for Plaintiffs



By: Brian J. McCormick, Jr.

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EXHIBIT "A" TO
DEPOSITION PROTOCOL FOR JANSSEN
PHARMACEUTICAL SALES REPRESENTATIVES

EIGHT PRODUCTION CATEGORIES

1. Sales training materials, including, but not limited to, written materials, video and/or audio tapes in the possession of the witness that the witness received during the time he or she had Risperdal®-related responsibilities as a PSR. Janssen shall determine if such materials can be located, and if so, shall produce such materials.

2. Materials obtained at any national, regional, district or other sales meeting, including, but not limited to, written materials, videos and/or audio tape in the possession of the witness that the witness received during the time that he or she had Risperdal®-related responsibilities as a PSR. Janssen shall determine if such materials can be located, and if so, shall produce such materials.

3. Call notes recorded and maintained electronically by Janssen and any original call notes or other record in the possession of the witness documenting all contacts between plaintiff's prescribing physician and the witness during the time that he or she had Risperdal®-related responsibilities as a PSR.

4. All documents signed by the witness and in the possession of Janssen or the witness reflecting Janssen business and/or ethics practices and/or policies, Janssen sales policies, and/or Janssen sales practices and/or procedures at the time that he or she had Risperdal®-related responsibilities as a PSR. In the event the witness cannot locate copies of all such documents, Janssen shall produce a copy of each such document in effect during the time the witness had Risperdal®-related responsibilities or identify by bates number each such document in effect during the time the witness had Risperdal®-related responsibilities.

5. E-mail correspondence between the PSR and the plaintiff's prescribing physician or any member of the prescribing physician's staff, during the time period that the witness had Risperdal®-related responsibilities as a PSR. Janssen shall produce any such e-mail correspondence in the possession of Janssen or the PSR.

6. Documents in Janssen's and the witness' possession showing any and all Risperdal®-related compensation, including bonuses, that the witness received during the time that he or she had Risperdal®-related responsibilities as a PSR.

7. Performance reviews in the possession of Janssen or the witness for the period of time during which the witness had Risperdal®-related responsibilities as a PSR. For the purpose of this deposition protocol, "performance reviews" shall be defined as documents reflecting comments or discussion by a PSR's supervisor that are intended to evaluate or provide feedback concerning the PSR's performance of his/her job duties. Further, the phrase "performance reviews" as defined herein, shall be construed to include, but not necessarily be limited to, field conference reports and performance and development plans.

8. Records of any disciplinary actions, including print-outs from Janssen databases, regarding the witness during the period in which the witness had Risperdal®-related

responsibilities as a PSR. This document request includes (if applicable) complete records related to the termination of employment of the witness.