

**Subject:** Prospective Subpoena in PsychRights v. Alaska

**From:** Jim Gottstein <jim.gottstein@psychrights.org>

**Date:** Thu, 19 Feb 2009 09:53:52 -0900

**To:** cbailey@bpblaw.com

**CC:** ccoutroulis@carltonfields.com, jisani@hunton.com, mcfisk@bloomberg.net, Jim Gottstein <jim.gottstein@psychrights.org>, Kris Hundley <krishundley@gmail.com>, VERACARE <veracare@ahrp.org>, Lisa Demer <LDemer@adn.com>, "Toomey, Sheila" <SToomey@adn.com>

Dear Mr. Bailey,

In [Law Project for Psychiatric Rights v. State of Alaska, et al.](#), Case No. 3AN 08-10115 CI, we are seeking declaratory and injunctive relief that Alaskan children and youth have the right not to be administered psychotropic drugs unless and until:

- (i) evidence-based psychosocial interventions have been exhausted,
- (ii) rationally anticipated benefits of psychotropic drug treatment outweigh the risks,
- (iii) the person or entity authorizing administration of the drug(s) is fully informed, and
- (iv) close monitoring of, and appropriate means of responding to, treatment emergent effects are in place,

and that all children and youth currently receiving such drugs be evaluated and brought into compliance with the above.

We understand you are lead attorney in the *Seroquel Products Liability Litigation* in the US District Court for the Middle District of Florida, MDL No. 1769, and that there is a hearing on February 26th before Magistrate Judge Baker regarding Astra-Zeneca's desire to keep under seal certain information of vital public importance.

It is clear this same information is very relevant in [PsychRights v. Alaska](#), because as I am sure you know Seroquel is often prescribed to children and youth in state custody and through Medicaid. Thus, we are very interested in the documents and anticipate having a deposition subpoena issued to you for at least the documents set forth on the (hopefully) attached list if they are not unsealed in the near future. Because [PsychRights v. Alaska](#) is not limited to the problem of Seroquel causing diabetes and other blood sugar/metabolic problems, we are also interested in other negative effects of Seroquel, unpublished studies, including those involving children and youth, and the promotion of Seroquel for pediatric use.

In accordance with our practice, rather than just serve you with a subpoena without warning, if the documents are going to remain sealed for any length of time, we would like to arrange for a mutually satisfactory date/time/location for the deposition, service of the subpoena, delivery of the documents, etc. We are also open to suggestions of a different person(s) to subpoena. I have reviewed the September 19, 2007, Protective Order, including ¶14, and understand it to be the operative document. If I am mistaken in this, please so advise me and provide the operative document. We anticipate Astra-Zeneca, whose attorney is copied on this, will (unlike Lilly) timely invoke ¶14 of the Protective Order and we will be litigating in [PsychRights v. Alaska](#) our entitlement to the documents and under what conditions, if any, they will be produced.

One question I have is if Magistrate Judge Baker decides at the February 26th hearing that the documents should be unsealed, is that likely to be subjected to further proceedings before the documents are actually unsealed and available to the public?

Please call at your convenience to discuss this matter, remembering that Alaska is three hours behind Houston (one hour behind the West Coast).

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**PsychRights®**  
Law Project for  
Psychiatric Rights

The Law Project for Psychiatric Rights is a public interest law firm devoted to the defense of people facing the horrors of forced psychiatric drugging. We are further dedicated to exposing the truth about these drugs and the courts being misled into ordering people to be drugged and subjected to other brain and body damaging interventions against their will. Extensive information about this is available on our web site, <http://psychrights.org/>. Please donate generously. Our work is fueled with your IRS 501(c) tax deductible donations. Thank you for your ongoing help and support.

<b>090121ListOfAZDocuments.pdf</b>	<b>Content-Type:</b> application/pdf <b>Content-Encoding:</b> base64
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**EXHIBIT A -- DOCUMENTS CHALLENGED BY PLAINTIFFS****DOCUMENTS TO RETAIN CONFIDENTIALITY STATUS UNTIL TRIAL**

#	PLAINTIFFS 11/24/08 MOTION & SEALED EXHIBIT #	DESCRIPTION
1	Genl Cause - Generic and Case-Specific Ex. 16	June 26, 2008 NDA 20-639 Submission (1,156 pages)
2	Genl Cause - Generic and Case-Specific Ex. 21; Omnibus MSJ Ex. 42	06/25/2008 letter (3-pages) from FDA to AZ
3	Genl Cause - Generic and Case-Specific Ex. 26	Internal email chain including from L Boomazian to M Deyr dated 04/26/2007
4	Genl Cause - Generic and Case-Specific Ex. 27; Omnibus MSJ Ex. 10	Internal email from Lisa Arvanitis dated 8/13/1997
5	Genl Cause - Generic and Case-Specific Ex. 41	Internal email chain including from Richard Owen to Matthew Lowe dated 3/18/05
6	Genl Cause - Generic and Case-Specific Ex. 51	Internal email chain including from David Duff to Kim Gilchrist, et al re Gianfrancesco work dated 5/23/03
7	Genl Cause - Generic and Case-Specific Ex. 52	A Comprehensive Retrospective Study of Associations Between Diabetes and Treatment with Risperidone, Olanzapine, Quetiapine, and Conventional Antipsychotics by HECON Associates, Inc.
8	Genl Cause - Generic and Case-Specific Ex. 58	08/18/00 email from Geller including attached Safety Position Paper
9	Genl Cause - Generic and Case-Specific Ex. 59	Portions of Dep of Wayne Geller (pp. 426-431) re: submission to Dutch health authority
10	Genl Cause - Generic and Case-Specific Ex. 60	Email from Dorothee Wientjens to Wayne Geller
11	Genl Cause - Generic and Case-Specific Ex. 64	Email from Connie Ou to Ronald Leong re Re-Challenge of Seroquel dated 2/4/03
12	Omnibus MSJ Ex. 1	Feb 2005 letter from French afssaps
13	Omnibus MSJ Ex. 2	03/09/2000 Seroquel Commercial Support Team - Technical Document (TD004)
14	Omnibus MSJ Ex. 3	03/06/2000 Seroquel Commercial Support Team - Technical Document (TD 005)
15	Omnibus MSJ Ex. 4	Internal email chain including M. Murray, M. Jones, J.Tumas, J.Goldstein dated 03/23/00
16	Omnibus MSJ Ex. 5	Excerpts of Kevin Birkett dep transcript 4/24/08
17	Omnibus MSJ Ex. 6	Sales Story Flow document
18	Omnibus MSJ Ex. 7	Wayne Macfadden dep transcript excerpts
19	Omnibus MSJ Ex. 8	Draft of article by Joyce Small re: Quetiapine
20	Omnibus MSJ Ex. 11	Martin Brecher dep transcript excerpts
21	Omnibus MSJ Ex. 12	Barry Arnold dep transcript excerpts
22	Omnibus MSJ Ex. 13	Internal memo from Richard Lawrence re: Study 15
23	Omnibus MSJ Exs. 14 (multiple documents)	Various internal emails which include: Internal email from Nick Hough re Small Review dated 5/10/99; 5/11/99 email from John Tumas to Michael Murray, et al; emails including Jim Gavin, John Tumas re: EPS data
24	Omnibus MSJ Ex. 17	Internal email from Don Beamish re: Reinstein
25	Omnibus MSJ Ex. 18	Discussion Document dated 6/22/00

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26	Omnibus MSJ Ex. 19	Wayne Geller dep transcript excerpts
27	Omnibus MSJ Ex. 20	Discussion Document
28	Omnibus MSJ Ex. 21	Safety Position Paper
29	Omnibus MSJ Ex. 22	09/18/2000 email thread from Geller re: glucose metabolism disorders and attaching Safety Position Paper
30	Omnibus MSJ Ex. 23	10/03/2000 email thread from D. Wientjens to Geller re Quetiapine and glucose metabolism disorders
31	Omnibus MSJ Ex. 24	Vikram Dev dep transcript excerpts
32	Omnibus MSJ Ex. 25	CBG Medicines Evaluation Board re: 1/2001 response to MEB request to amend the SmPC
33	Omnibus MSJ Ex. 26	08/00 Response to FDA request
34	Omnibus MSJ Ex. 27	Internal email chain including Wayne Geller and Melissa Partridge re Metabolic issues dated 12/05/01
35	Omnibus MSJ Ex. 30	Objection Handler on Atypical antipsychotics and glucose dysregulation
36	Omnibus MSJ Ex. 32	Internal voicemail re: Weight and Diabetes Sell Sheet dated 08/15/05
37	Omnibus MSJ Ex. 37	10/15/2003 AZ letter to FDA re NDA 20-639, response to FDA request for labeling change
38	Omnibus MSJ Ex. 39	SERM Minutes 06/08/07
39	Omnibus MSJ Ex. 40	06/22/2007 AZ letter to FDA re NDA 20-639 and NDA 22-047, Supplement-Changes Being Effectuated
40	Haller SJ Motion Ex. 9-10	Speaker/Attendance Info
41	McA SJ Motion Ex. 14	Accounts Payable Info
42	Unger SJ Motion Ex. 15	Accounts Payable Info
43	Burns SJ Motion Ex. 17	Excerpts of Pharmaceutical Sales Specialist Deposition
44	Curley SJ Motion Ex. 12	Excerpts of Pharmaceutical Sales Specialist Deposition
45	Supp. Mem. on General Cause re: Rak	Rak Dep Transcript (includes numerous company documents as dep exhibits and testimony regarding same )
46	From Various Motion Responses	Various Expert Declarations, Expert Reports, and Expert Dep Excerpts, as well as Prescriber Dep Excerpts, which discuss confidential documents that were attached as exhibits to plaintiffs' responses
<b>TRADE SECRET AND CONFIDENTIAL DOCUMENTS TO RETAIN CONFIDENTIALITY STATUS THROUGH TRIAL</b>		
1	Genl Cause - Generic and Case-Specific Ex. 19	04/01/2008 CSR for study 144 (1,922 pages)
2	Genl Cause - Generic and Case-Specific Ex. 15	06/12/2006 CSR for study 125 (4,582 pages)
3	Genl Cause - Generic and Case-Specific Ex. 28	03/08/1996 IND for Seroquel (5,224 pages)
4	Genl Cause - Generic and Case-Specific Ex. 29	11/30/2006 CSR for study 165 (1,800 pages)
5	Genl Cause - Generic and Case-Specific Ex. 32	06/19/2007 CSR for study 127 (6,434 pages)
6	Genl Cause - Generic and Case-Specific Ex. 57	Draft Manuscript for Study 125 by Newcomer, J, et al.
7	Haller SJ Motion Ex. 9-10	Call Notes
8	McA SJ Motion Ex. 10-13	Call Notes
9	Unger SJ Motion Ex. 12-14	Call Notes
10	Whittington SJ Motion Ex. 5-7	Call Notes

#	PLAINTIFFS 11/24/08 MOTION & SEALED EXHIBIT #	DESCRIPTION
11	Guinn SJ Motion Ex. 10, 12, 13	Call Notes
12	Burns SJ Motion Ex. 16	Call Notes
13	Curley SJ Motion Ex. 9-11	Call Notes