IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

IN RE: ETHICON, INC. POWER MORCELLATOR PRODUCTS LIABILITY LITIGATION

MDL No. 2652

This Document Relates To: Case No. 2:15-md-2652

Civil Action No.: _____ _____
Name of Plaintiff

DEFENDANT FACT SHEET

For each case, Defendant must complete this Fact Sheet. Except as otherwise set forth in any Order, this Fact Sheet must be completed and served on Plaintiff's counsel in each individual case within 30 days service of Plaintiff's Responses to Defendant's standard set of Interrogatories or with ninety (90) days of the case being transferred to this MDL, whichever is earlier.

Please identify all persons who provided information responsive to this DFS, and their relationship to Defendant.

_____

I. CASE INFORMATION

Case Caption: _____

Case Number: _____

II. MORCELLATING SURGEON(S) AND PRE-MORCELLATION EVALUATING GYNECOLOGIST(S)

In response to Defendant's standard set of Interrogatories, Plaintiff has identified the morcellating surgeon(s) and other evaluating gynecologist(s) for the three (3) years preceding her morcellation surgery. For each such identified morcellating surgeon and/or evaluating gynecologist (hereafter "Identified Physician(s)"), provide the following information:

A. NON-SALES REPRESENTATIVE CONSULTATION CONTACTS

As to each Identified Physician with whom Defendant was affiliated or consulted regarding any Ethicon power morcellator device (outside the context of sales representative contacts), set forth the following:

1. State, yes or no, whether any monetary or non-monetary benefits, including but not limited to reimbursement for travel or other costs and expenditures, have ever been conferred by Defendant to the Identified Physician(s). If yes, state:

    - If the monetary or non-monetary benefit is related to Defendant's morcellation product(s);

    - The amount(s) of any monetary benefits related to morcellation products and the date(s) provided; and

    - Describe the nature of any non-monetary benefit(s) related to morcellation products and the date(s) provided.

2. List any written agreements or contracts setting forth the nature, dates, and details of the consulting relationship or affiliation relevant to the morcellation product(s); this includes, but is not limited to any agreements to research or otherwise study the Ethicon morcellation products. Please produce a copy of such agreement or proposed agreement.

3. List any conferences regarding Ethicon's morcellation products, which were sponsored in whole or in part by Defendant(s), that each Identified Physician attended. Please provide all conference materials for each identified conference, to include attendee lists, the location and date of said conference and whether the Identified Physician presented or spoke on topics related to Defendant's morcellation products.

4. Identify any written communications, such as "Dear Healthcare Provider" letters or other written communications, provided to the Identified Physician(s) related to Defendant's morcellation products.

B. SALES REPRESENTATIVES and/or other employee or agent of the defendant(s) who had contact with any of the Identified Physician(s) regarding the purchase or use of Defendant(s)' power morcellator (hereafter, collectively referred to as "sales representative").

For each morcellating surgeon identified by Plaintiff, set forth the following:

1. Identity of Defendant(s)' sales representative(s) that had contact, prior to the date of Plaintiff's surgery, with the morcellating surgeon regarding any Ethicon morcellation device.

2. State whether or not the sales representative(s) is currently employed by Defendant. If the sales representative(s) is no longer employed by Defendant, then state whether the sales representative(s) is represented by counsel for Defendant, and, if not, provide the last known address of the sales representative(s).

3. Identify all contacts or communications between the morcellating surgeon and sales representative(s), including but not limited to copies of any sales call reports or other record of sales calls and communications.

4. State whether or not a representative of Defendant(s) ever provided training with respect to Ethicon's morcellation products to the morcellating surgeon. If so, provide the dates for any such training and produce copies of any training materials provided.

5. Identify all training materials, hand-outs, brochures, talking points, scripts or other materials provided by Defendant to the sales representatives regarding communication with the morcellating surgeon on topics related to Defendant's morcellation devices.

6. To the extent not already provided, identify all marketing and/or promotional materials provided by Defendant to the morcellating surgeon on topics related to Defendant's morcellation devices.

III. INFORMATON REGARDING THE PLAINTIFF

1. Outside of information exchanged as part of this litigation, identify all data, information, objects, and reports in Defendant's possession or control specific to Plaintiff and Plaintiff's medical conditions. Attorney-work product is specifically excluded.

2. Identify any contact, either written or oral, between Plaintiff (or anyone acting on Plaintiff's behalf other than legal counsel) and any employee or representative of Defendant(s), including but not limited to pre-operative inquiries and post-operative complaints.

3. Identify all MedWatch Adverse Event Reports and/or any other documents submitted to the FDA or any other government agency with regard to Plaintiff, including the AER itself, all backup documentation concerning Plaintiff, and any evaluation or investigation Defendant(s) have done concerning Plaintiff.

4. Identify all communications that Defendant has had with any of Plaintiff's medical care providers specifically regarding the Plaintiff.

IV. TANGIBLE THINGS

Please provide the following documents:

1. Aside from any privileged or attorney-work product materials, identify and attach all documents that refer or relate to the Plaintiff in Defendant's possession or control, to the extent not identified and attached in response to a prior question.

2. All call notes, sales rep notes, detail notes, call summaries (or similar documents referred to by a different name) regarding each morcellating surgeon from 10 years prior to morcellation through morcellation procedure and to date.

3. To the extent not already provided, any communications by and between Defendant, the sales representative at issue in this matter and each Identified Physician.

4. A copy of the warnings, DFUs, IFUs, and patient brochures for the morcellation device used in Plaintiff's surgery from inception of the product to date of morcellation, specifically including all versions of each document from inception of the product through morcellation date;

VERIFICATION

I am an authorized agent of Ethicon and I verify the Defendant's Response to Defendants' fact Sheet in *In Power Morcellator Products Liability Litigation*, MDL No. 2652 (D. Kan). The facts stated herein have been assembled by authorized employees and counsel of Ethicon Corporation and I am informed that the facts stated herein are true. I hereby certify, in my authorized capacity as an agent for Ethicon Corporation that the responses to the aforementioned Defendants' Fact Sheet are true and complete to the best of Ethicon Corporation's knowledge.

Date: _____

_____
Ethicon Corporation