

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

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

(This Document Relates to All Cases)

)
) **MDL No. 2652**
)
) **Case No. 2:15-md-2652**
)
)
)
)
)

DEFENDANTS' FIRST SET OF INTERROGATORIES TO PLAINTIFF

Pursuant to Rule 26 and Rule 33 of the Federal Rules of Civil Procedure and Paragraph 5 of Scheduling Order No. 1, Defendants Ethicon, Inc., and its affiliates (collectively, "Ethicon"), by and through its undersigned attorneys, hereby requests that Plaintiff, provide within thirty days of service hereof, at the offices of Shook, Hardy, and Bacon L.L.P., 2555 Grand Blvd., Kansas City, MO 64108, responses in writing and under oath to the following interrogatories.

INTERROGATORIES

INTERROGATORY NO. 1:

Identify the manufacturer, model name, model number, serial number, lot number and batch number of all morcellation devices used during the Procedure(s).

INTERROGATORY NO. 2:

Other than the Defendants identified in the Complaint or Plaintiff's health care providers identified in Interrogatory No. 4, below, identify each person believed by you to have knowledge of any of the matters alleged in the Complaint, including your alleged injuries and treatment; the Product(s), the Procedure(s); and/or each Defendant's alleged acts or omissions about which you complain.

INTERROGATORY NO. 3:

List [Plaintiff name(s)] (1) full date and place of birth; (2) Social Security Number; (3) residence addresses for the ten years preceding the date of your response, the period of residency and co-residents for each address; (4) if claiming lost income as a damage, provide the total amount of lost income claimed as a result of your alleged injuries and treatment, including the source of such income, a list of your employers for the last ten (10) years, and an explanation of the method by which you calculated this total; and (5) to the extent that you have had any formal education in the healthcare field (including but not limited to, courses in medicine, nursing, public health, and/or home healthcare), identify each educational institution (beginning with high school) from which you obtained that training, by dates attended, and degrees, diplomas, or certificates received.

INTERROGATORY NO. 4:

Describe Plaintiff's health and health care treatment for the last ten (10) years, by identifying, by approximate date, (1) each of Plaintiff's health care providers (including physicians, nurse practitioners, and geneticists), with whom she has consulted; (2) the name and location of each hospital to which she was admitted; and (3) a description of the condition(s) which led to each consultation or admission. The identification of psychiatrists and psychologists is not required unless Plaintiff is asserting a claim for psychiatric or psychological injury.

INTERROGATORY NO. 5:

Describe any communications between Plaintiff and any of Plaintiff's health care providers, which took place prior to the alleged Procedure(s), regarding any risks regarding the Product(s) and Procedure(s), by providing: (1) the name of the health care provider(s); (2) the approximate date(s) of any conversation(s); (3) the exact words or text of any risks conveyed by the health care provider(s) regarding the Product(s) and Procedure(s); and (4) a description of any written materials or handouts provided by the health care provider.

INTERROGATORY NO. 6:

Identify any relative or acquaintance of Plaintiff with whom any of Plaintiff's health care providers discussed the Product(s) or the Procedure(s) prior to the alleged Procedure(s), by

providing: (1) the name of the acquaintance; (2) the name of the health care provider(s); (3) the approximate date(s) of any conversation(s); and (4) a summary of the substance of any conversation(s), if you have a belief as to the content of the discussion. *For purposes of this Interrogatory, the phrase “relative or acquaintance of Plaintiff” includes, but is not limited to, any of Plaintiff’s relatives, family members, friends, or agents, but does not include Plaintiff’s legal counsel.*

INTERROGATORY NO. 7:

Describe any communications between Plaintiff and any of Plaintiff’s health care providers, which took place following the alleged Procedure(s), regarding the Product(s) and Procedure(s), by providing: (1) the name of the health care provider(s); (2) the approximate date(s) of any conversation(s); (3) the exact words or text conveyed by each health care provider regarding the Product(s) and Procedure(s); and (4) all descriptions or opinions regarding the cause of all complications or injuries following the Procedure(s).

INTERROGATORY NO. 8:

Identify any relative or acquaintance of Plaintiff with whom any of Plaintiff’s health care providers discussed the Product(s) or the Procedure(s) following the alleged Procedure(s), by providing: (1) the name of the relative acquaintance; (2) the name of the health care provider(s); (3) the approximate date(s) of any conversation(s); and (4) a summary of the substance of any conversation(s), if you have a belief as to the content of the discussion. *For purposes of this Interrogatory, the phrase “relative or acquaintance of Plaintiff” includes, but is not limited to, any of Plaintiff’s relatives, family members, friends, or agents, but does not include Plaintiff’s legal counsel.*

INTERROGATORY NO. 9:

Have you ever filed a medical malpractice lawsuit or taken steps to initiate such?

INTERROGATORY NO. 10:

Other than the Procedure(s), describe any other accidents or procedures which resulted in significant personal injury requiring hospitalization to Plaintiff, including: (1) the date and location of the accident or procedure; (2) each injury suffered; and (3) whether a lawsuit was filed in relation to the injury.

INTERROGATORY NO. 11:

If you have responded pursuant to Paragraph 3(i) of Scheduling Order No. 1, please identify each person who has had possession, custody, and/or control of the Product(s) since it was utilized in the Procedure(s), and (1) state the period during which he or she had possession, custody and/or control of the Product(s); (2) provide a description of any testing or analysis conducted on the Product(s), including the steps, protocol, or methods used in conducting such analysis; (3) provide the identity of any person involved in conducting each analysis; and (4) state whether any person prepared or provided an oral or written report regarding that testing or analysis.

INTERROGATORY NO. 12:

Identify any communication made by Plaintiff or any relative or acquaintance of Plaintiff, and made on behalf of Plaintiff, with members of any medical society or its member physicians regarding [Plaintiff's name], the Product(s) or the Procedure(s), but excluding any treating health care providers or contact or communications with individual member physicians for expert work product purposes. *For purposes of this Interrogatory, the phrase "relative or acquaintance of Plaintiff" includes, but is not limited to, any of Plaintiff's relatives, family members, friends, or agents, but does not include Plaintiff's legal counsel.*

INTERROGATORY NO. 13:

To the extent any biological relative, including parent(s), grandparent(s), and sibling(s), is known to you to have been diagnosed with cancer, please (1) identify the individual by name and relationship to [Plaintiff's name]; (2) identify the particular type(s) of cancer diagnosed; (3) describe any treatment of the cancer(s); and (4) describe the disposition of this cancer.

INTERROGATORY NO. 14:

Identify each healthcare provider who has diagnosed Plaintiff with cancer, the particular type(s) of cancer diagnosed, the cause of the cancer, the course of treatment recommended, and the prognosis.

INTERROGATORY NO. 15:

Identify the date Plaintiff learned that her alleged injuries were connected to the use of a power morcellator.

INTERROGATORY NO. 16:

Identify the approximate date when you contacted a lawyer concerning [Plaintiff's name] alleged injuries from her procedure(s).

INTERROGATORY NO. 17:

Please state if you took steps to preserve and search for documents related to this litigation, and the approximate dates on which you took those steps.

INTERROGATORY NO. 18:

[Social media request subject to ongoing negotiation. The parties will substitute this request prior to February 10, 2016 conference.]