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JUN 25 2002

June 24, 2002

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Boston

Haddonfield, NJ

Harrisburg

Morgantown, WV

Philadelphia

Pittsburgh

Washington, D.C.

Re: Baycol Litigation in the Philadelphia Court of Common Pleas
November Term, 2001, Master Docket No. 0001

Dear Sol and Lee:

I enclose the First Supplemental Responses of Defendant Bayer Corporation to Plaintiff's Interrogatories (Master Set) to Defendants.

The enclosed is unverified. I will provide you with a Verification separately.

Very truly yours,


Albert G. Bixler

AGB:jg
Enclosure
MO363829

cc/enc.: Hope S. Freiwald, Esquire

ECKERT SEAMANS
ATTORNEYS AT LAW

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IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY, CIVIL TRIAL DIVISION

IN RE: BAYCOL LITIGATION : NOVEMBER TERM, 2001
IN THE PHILADELPHIA COURT :
OF COMMON PLEAS : MASTER DOCKET NO. 0001

**FIRST SUPPLEMENTAL RESPONSES OF DEFENDANT BAYER CORPORATION TO
PLAINTIFF'S INTERROGATORIES (MASTER SET) TO DEFENDANTS**

Defendant Bayer Corporation ("Bayer"), by its undersigned attorneys, makes the following supplemental responses to Plaintiff's Interrogatories (Master Set) to Defendants:

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

1. Bayer hereby incorporates by reference its preliminary statement and general objections set forth in its OBJECTIONS AND RESPONSES OF DEFENDANT BAYER CORPORATION TO PLAINTIFF'S INTERROGATORIES (MASTER SET) TO DEFENDANTS.

INTERROGATORIES

9. With regard to the previous interrogatory, also identify each person, including name, title, current, or last known address and telephone number, from the following departments who was assigned any supervisory duties or responsibilities regarding Baycol:

1. Legal.
2. Manufacturing.
3. Sales, Marketing and/or Promotion.
4. Finance.
5. Medical Communications.
6. Research and Development.
7. Regulatory Affairs.

RESPONSE: Bayer objects that this request is overly broad, unduly burdensome, vague and ambiguous, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. See the responses to interrogatories 4, 6, 7 and 8, which are incorporated herein by reference. Bayer further states that, among others whose names may be revealed in the documents to be produced to plaintiff, the following Bayer employees are believed to have had responsibilities regarding Baycol in the indicated areas:

Sales/Marketing

Eric Anderson
Kevin Brubacher
Joseph Carafano
Mahon Chukkapalli
Carol Clark
Donna Conder-Flanery
Tig Conger
Karen Dawes
Karon Denton
Robert Engle
John Fitzpatrick
Paul Fletcher
Sergio Forero
Jasper Freeman
Richard Goodstein
Julie Green
Stephen H. Hanceford
David Hass
Patricia Hoff
Robert Kloppenburg
Cheryl R. Kramer
T.J. McKinney
Puneet Mohan
Lynne Murphy
Roberta Niwore
Leslie Noble
Derrill Palidwar
Tom Parisi
Eric Pauwels
Markus Peters
Mary Puncochar
Blair Robertson
Gerald Rosenberg
Tim Rowe
Susan Rowley
R. Christopher Seaton
Anita Shah
Peter Shelby
Laurie Simpson
Neil Smith
David J. Stellingworth
Patricia Stenger
Mitchell Trujillo
David Vaught

J. Derek Williams
Jeffrey B. Woodall
Lee Worthy
Eric Zalamea

Clinical Communications

Robert Harrison
Richard Kull
Brian Miller
Juan Nadal
Saleem Noormohamed
Stephen Paine
Vai Pascale
Teri Rosenblatt
Carolyn Skowronski
John Strell
Brian Tevlin
Casimir Zygmunt

Medical/Drug Safety

Helen Anastasio
Vincent Badalamenti
Kathleen Bell
Roger A. Celesk
Thomas H. Chin
Lynn M. Debarbieri
Maria DeMattie
Susan Gallipoli
Kathleen Hebert
Jian Huang
Linda Kasowitz
John T. Lettieri
E. Paul MacCarthy
Lorina Malcolm
Arthur Mazzu
Felix Monteagudo
Lakshmi V. Murty
Michael K. Oliver
Dina L. Robinson
Wolfgang Rossberg
Leo J. Seman
Timothy M. Shannon
Rajeshwar Sharma
Stephanie Shubert

Felice Shuda
Ann Sousa
Lori Starrett
Pavur R. Sundaresan
Robert Tota
Robert Tosiello
Raffaella Tramontano
Arlene A. Whalen

Various

Vipin Agarwal - Pre-Clinical
Development
Patricia Ambrose - Monitoring &
Study Management.
Gerry Basilio - Quality Assurance
Thomas Benham - PK & Drug
Metabolism
Michael Birdsong - Marketing
Dawn Bradway - Global Clinical
Project Management
Robert Canavan - Clinical Quality
Compliance
Stephen Carleton - Strategic Planning
Karen Chung - Health Economics
Elizabeth Crowley - Project
Management
Sheila Clifford - Production Planning
Karen Dzenko - Marketing
Giavanna Devercelli - Health
Economics
Rodney Erickson - Technology
Gabriele Fischer - Project
Management
Greg Gullette - Technical Operations
John Hu - Project Management
Gareth Morgan - Global Clinical
Project Management
Edward Neiss - Medical Research
Kimberly Parthum - Quality
Assurance
Michele Parnell - Clinical Operations
Viake Perrelli - Clinical Operations
Kenneth Pomerantz - Scientific
Communications
P. Pettis - Project Management

Minghua Shan - Biometry
Jigisha Shah - Project Management
Melvin Sorenson - Medical Research
Amy Straub - Project Management
Shirley Yeh - PK & Drug Metabolism

10. State the name, title, current or last known address and telephone number of each person who has ever been in charge or control of the following, stating for each individual the inclusive dates during which they held the position and the nature of their responsibilities pertaining to Baycol. If organizational charts or diagrams exist containing such information, please provide each such chart or diagram for the time set forth herein and identify the applicable time frame:

- a. Pre-clinical animal testing of Baycol or liaison with healthcare providers or organizations or companies regarding pre-clinical animal testing of Baycol.
- b. Pre-market human or clinical testing of Baycol or liaison with healthcare providers or organizations or companies regarding pre-market human or clinical testing of Baycol.
- c. Post-market human or clinical testing of Baycol or liaison with healthcare providers or organizations or companies regarding post-market human or clinical testing of Baycol.
- d. Post-market medical surveillance of Baycol or liaison with healthcare providers or organizations or companies regarding post-market medical surveillance of Baycol.
- e. Product licensing regarding Baycol.
- f. Product manager regarding Baycol.

RESPONSE: Bayer objects that this request is overly broad, unduly burdensome, vague and ambiguous, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. See the responses to interrogatories 7-9, which are incorporated herein by reference. Subject to and without waiving its specific objections or those stated in paragraphs 5-10 of its preliminary statement and general objections herein, Bayer will produce to plaintiff organizational charts for Bayer's Pharmaceutical Division, for the duration of Bayer's involvement with Baycol through the time when Baycol was withdrawn from the market in the United States, in that the burden of deriving an answer to this interrogatory is substantially the same for Plaintiff as it is for Bayer. Bayer further states that the following Bayer employees are knowledgeable regarding the indicated areas related to Baycol:

- a. Pre-clinical testing - Wolfgang Rossberg
- b., c. Clinical testing - John Lettieri, Arthur Mazzu, Leo J. Seman, Pavur Sundaresan.
- d. Drug Safety - Felix Monteagudo, Roger Celesk, Rajeshwar Sharma, Arlene Whalen.

e. **Project Management - Elizabeth Crowley, Robert Tosiello.**

17. Identify each trade association, professional society or other group in which you are or have been a member.

RESPONSE: Bayer objects that this request is overly broad, unduly burdensome, vague and ambiguous, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its specific objections or those stated in paragraphs 5-10 of its preliminary statement and general objections herein, Bayer states that it is a member of the following organizations related to the pharmaceutical business:

- a. **Pharmaceutical Research and Manufacturers of America (PhRMA)**
- b. **Consumer Health Products Association (CHPA)**
- c. **National Association of Manufacturers Health Task Force**
- d. **U.S. Chamber of Commerce - Pharmaceutical Working Group**
- e. **Advanced Medical Technology Association for Diagnostics**

38. Provide the following information about your company:

- a. The identity, by name and title, of each of your current corporate officers.
- b. The identity, by name and title, of your current board of directors.

RESPONSE: Bayer objects that this request is overly broad, unduly burdensome, vague and ambiguous, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its specific objections or those stated in paragraphs 5-10 of its preliminary statement and general objections herein, Bayer states that its elected officers as of June 1, 2002 are as follows:

NAME	TITLE
Dr. Attila Molnar	Chairman of Board of Directors of Bayer Corporation and Speaker for N. America
Helge H. Wehmeier	President and CEO
Joseph A. Akers	Executive Vice President and Chief Administrative & Financial Officer
Gary S. Balkema	EVP Bayer Corporation/ President Business Group Consumer Care Division
Rolf A. Classon	EVP Bayer Corporation/ President Business Group Diagnostics
Nicholas T. Cullen, Jr.	EVP Bayer Corporation/ President Plastics Division
Dr. Heinz Heumueller	EVP Bayer Corporation/

	President Industrial Chemicals Division
Dr. Günter Hilken	EVP Bayer Corporation/ President Fibers, Additives & Rubber Div.
Emil Lansu	EVP Bayer Corporation/ President Agriculture Division
Achim Noack	Executive Vice President -Chief Technology Officer
Colin J. Foster	EVP Bayer Corporation/ President Pharma- ceutical Division
Dr. Gunnar Riemann	EVP Bayer Corporation President Biological Products
Lawrence Stern	EVP Bayer Corporation/ President Polyure- thanes - NAFTA
Dr. John L. Williams	EVP Bayer Corporation/ President Coatings and Colorants Division
Gregory S. Babe	Senior Vice President and NAFTA CIO Information Systems Department
George J. Lykos	Vice President Assoc. General Counsel and Asst. Secretary
Howard W. Reed	Senior Vice President Human Resources
Robert A. Rudzki	Senior Vice President Materials Management, Chief Procurement Officer NAFTA Region
Mark A. Ryan	Senior Vice President Corporate Communications
Dr. Frank Wenzel	Senior Vice President and Controller
Paul F. Wright	Vice President Tax Department
Jon R. Wyne	Senior Vice President and Treasurer

Bayer further states that its Board of Directors includes Attila Molnar, PhD, Chairman; Helge H. Wehmeier; Frank Morich, M.D.; and Werner Wenning.

42. Identify the person(s) most knowledgeable about: (i) the co-promotion agreement; (ii) Bayer's response to GlaxoSmithKline's due diligence request; and (iii) modifications to the co-promotion agreement made in 1999.

RESPONSE: Bayer objects that this request is overly broad, unduly burdensome, vague and ambiguous, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its specific objections or those stated in paragraphs 5-10 of its preliminary statement and general

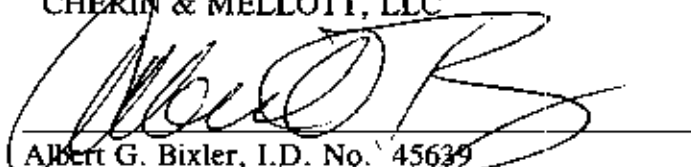
objections herein, Bayer states that R. Christopher Seaton is knowledgeable about the co-promotion agreement:

59. Identify and detail your relationship with Professional Detailing, Inc. In answering, describe the role Professional Detailing, Inc. had in the promotion, marketing, or sales of Baycol.

RESPONSE: Bayer objects that this request is overly broad, unduly burdensome, vague and ambiguous, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its specific objections or those stated in paragraphs 5 - 10 of its preliminary statement and general objections herein, Bayer states that it contracted in 2000 with Professional Detailing, Inc. to develop a field sales force of 500 sales representatives to promote Baycol to primary care physicians, in connection with Bayer's marketing of Baycol in the United States. By the end of September, 2000, approximately 500 representatives had been hired, trained, and assigned to call on physicians.

ECKERT SEAMANS
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By:



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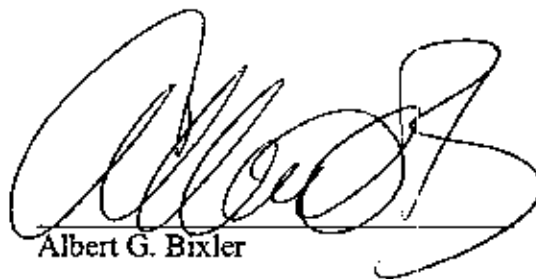
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CERTIFICATE OF SERVICE

I, Albert G. Bixler, hereby certify that on June 24, 2002, I caused a true and correct copy of the foregoing First Supplemental Responses of Defendant Bayer Corporation to Plaintiff's Interrogatories (Master Set) to Defendants, to be served by first-class mail, upon the following counsel of record:

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