

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA
ex rel. DAVID FRANKLIN,

Plaintiff,

v.

PARKE-DAVIS, DIVISION OF
WARNER-LAMBERT COMPANY and
PFIZER, INC.

Defendants

Civil Action No. 96-11651-PBS

AFFIDAVIT OF DEBRA FARESE

1. I am a Manager of Data Entry for Verispan, LLC ("Verispan"), and have been employed by Verispan or its corporate predecessors for 14 years. Verispan owns the market research firm Scott-Levin. I am familiar with the portions of the Scott-Levin market research product referred to as "Verbatims", and was designated as the corporate representative for Verispan on that topic for a deposition taken in this action in February 2003.

2. Verispan was served with a subpoena duces tecum, a copy of which is attached as Exhibit A, on or about December 15, 2002. Request 4 required Verispan to produce

All "verbatim" relating to the drug Neurontin, including all source documents, forms, questionnaires, surveys or other forms filled out by physicians, and the nature and location of such documents.

Attached as Exhibit B to this Affidavit are true and correct copies of Verbatim reports we produced pursuant to the subpoena. All Verbatim documents produced by Verispan have Bates Numbers that commence with the prefix "S-L" followed by a five digit code. I described the data contained in the

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Verbatim reports in the corporate representative deposition in this action as well as how the Verbatim reports were collected by Verispan, and the codes used in the Verbatim reports.

3. At the corporate representative deposition I testified that some paper Verbatim reports responsive to Relator's subpoena were discarded in the ordinary course of business before the records were subpoenaed, but that Verispan maintained computer records for some of these reports. Subsequent to the deposition, Relator's counsel demanded computer records of all responsive Neurontin verbatim reports be produced as documents called for by the subpoena. Pursuant to this demand we produced the document attached as Exhibit C. Exhibit C is a true, correct, and accurate printout of all Neurontin Verbatim reports contained in our computer system responsive to the subpoena.

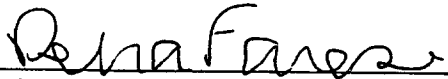
4. The Verbatim reports do not contain the name or address of the physician who reports the information in the report; the physician is only identified by a unique code number. Verispan keeps the names and addresses for each physician code number in a separate database on its computer system. The identity of the physician is confidential and Verispan contends that physician identifying information constitutes confidential commercial information and trade secrets. Verispan believes that disclosure of this information would cause substantial commercial and competitive harm to Verispan.

5. The Relator moved to compel production of identifying information by filing a motion in the U.S. District Court of the Eastern District of Pennsylvania, which Verispan opposed. Prior to a decision by Judge Kelly of the District Court, Verispan and the Relator reached a compromise agreement regarding disclosure. Verispan agreed to disclose the identities of specific doctors who provided Neurontin verbatim reports to a third party, provided the third party did not disclose those identities to persons other than state Medicaid officials. Once the third party received

Medicaid records from the states, the records could be produced to Relator provided the only identifying information sent to the Relator was the Verispan physician code number and the state in which the physician practiced. The parties agreed the third party would be David Waterbury, an assistant attorney general for the State of Washington, who agreed to the confidentiality provisions required by Verispan. A true and correct copy of the agreement between the Relator, Mr. Waterbury and Verispan is attached as Exhibit D.

6. Pursuant to the Agreement on or about April 22, 2003, Verispan provided to Mr. Waterbury true and correct identifying information (each physician's name and business address), as contained in Verispan's computer system, for the physicians whose code numbers are attached as Exhibit E. This list is the list of physician code numbers for which the Relator requested that identifying information be provided pursuant to the agreement described above. The Relator was not provided this information.

Signed under the pains and penalties of perjury this 15th day of May, 2003 in Newtown, Pennsylvania.


Debra Farese

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail-hand on 5/22/03 RMG
[Signature]