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IN THE COURT OF COMMON PLEAS OF PHILADELPHIA
COUNTY, PENNSYLVANIA

GRO-A, a minor, by
and, through his parents and
natural guardians, GRO-A
and GRO-A, husband and
wife, and in their own right
Plaintiffs

vs

NOVEMBER TERM, 1990

ARMOUR PHARMACEUTICAL
COMPANY

NO. GRO-C

ORAL DEPOSITION OF CHRISTOPHER ROY BISHOP
Held at: Richards Butler, Solicitors, Beaufort House
15 St Botolph Street, London EC3&A 7EE, England
on June 6th, 1990

VOLUME 1

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EXHIBIT 95

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[GRO-A] and [GRO-A]
[GRO-A], his wife,
Plaintiffs

vs
ARMOUR PHARMACEUTICAL
COMPANY and
RORER GROUP, INC.

NOVEMBER TERM, 1990

NO. [GRO-C]

[GRO-A], a minor, by
and through his parents and
natural guardians, [GRO-A]
[GRO-A] and [GRO-A]
[GRO-A], husband and wife,
and in their own right
Plaintiffs

vs
ARMOUR PHARMACEUTICAL
COMPANY and
RORER GROUP, INC. and
RHONE-POULENC RORER, INC.

NOVEMBER TERM, 1990

NO. [GRO-C]

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2 GRO-A and GRO-A
3 GRO-A, minors, by their
4 parents and natural
5 guardians, GRO-A
6 and GRO-A, husband and
7 wife,
8 and
9 GRO-A, a minor, by
10 his father and natural
11 guardian, GRO-A,
12 and
13 GRO-A, a minor, by
14 his parents and natural
15 guardians GRO-A and
16 GRO-A, husband and
17 wife,
18 and
19 GRO-A, a minor, by his
20 mother and natural guardian
21 GRO-A,
22 and
23 GRO-A and GRO-A
24 GRO-A, husband and wife
25 Plaintiffs
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vs
ARMOUR PHARMACEUTICAL
COMPANY and
RORER GROUP, INC.

SEPTEMBER TERM, 1989

No. GRO-C

A P P E A R A N C E S

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Also present:

Mr Simon Scriven
Richards Butler, Solicitors

Mr Michael Goulborn
Richards Butler, Solicitors

Mr A. Christie Armour Pharmaceutical Co. Ltd.

COURT REPORTER:

Mrs R. Bronzite (Accredited Court Reporter)
Chilton Vint & Co.

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I, Ruth Bronzite, Accredited Court Reporter, hereby
certify that I took stenotype notes in the deposition
of Christopher Roy Bishop and the foregoing pages
1-244 are a true and accurate transcript of my said
stenotype notes to the best of my skill and ability.

GRO-C [Ruth Bronzite]

11/2/91

1 MR CHRISTOPHER ROY BISHOP, sworn

2 Examination by MR SHRAGER

3 MR SHRAGER: I suppose the only thing I need to say on
4 record preliminarily is that these depositions are
5 being taken, as I understand it, pursuant to agreement
6 between Counsel and pursuant to the Pennsylvania Rules
7 of Civil Procedure and, as in the previous depositions,
8 I assume under all captions. I do not recall offhand
9 what the stipulation was, but whatever stipulation we
10 had previously is fine, or any other you prefer.

11 MR FUSON: No, that is fine.

12 MR SHRAGER: I notice that Mr Christie is here and he is
13 scheduled to be deposed upon the completion of Mr
14 Bishop's deposition. I believe, as a witness, unless
15 he is represented to be a managing agent, he ought to
16 be excused for his benefit. That is not intended as
17 any disrespect to him but, as we would understand as
18 attorneys, in order to sequester the witnesses. Will
19 you request him to be excused, Mr Fuson?

20 MR FUSON: I think it is appropriate for him to attend the
21 deposition, having been designated to do so on behalf
22 of the company.

23 MR SHRAGER: We cannot get that matter resolved here today,
24 so I really see no option other than to proceed.

25 Acting through Richards Butler, and with Mr
26 Fuson's cooperation, Armour U.K. - if I may use that
27 reference - has been good enough to make available
28 documents. The way I intend to proceed, which I expect

1 Short pause for reading) Okay?

2 A. Okay.

3 Q. Read it? Let me direct your attention to the first
4 page. Case No. 1, Dr Van den Berg's patient. That is
5 a case you referred to in the July document. Correct?

6 A. Correct.

7 Q. Case No. 2, the Gil White patient is again a case you
8 referred to in the July document. Is that correct?

9 A. Correct.

10 Q. And the points you are making underneath case 1 and
11 case 2, you are making - may I fairly assume in the
12 context of a marketing person - as issues that could be
13 raised to dispute causation in those instances with HT
14 Factorate. Is that right?

15 A. Correct.

16 Q. Let us go to the second page. Case 3 is called
17 "Unpublished and classified personal communications
18 Lewisham." That is in fact, is it not, a second case
19 of Dr Whitmore's?

20 A. I do not know what case it is of Dr Whitmore's.

21 Q. Right. Just hold that document in place, and let me
22 show you a document dated February 28, 1986 from Mr
23 Christie to Dr Harris referring to Patient 2, with the
24 reference - parenthetically - "(Reported to me by Dr
25 Whitmore by telephone on 26/2/86)". Look at the
26 content of Mr Christie's reference and tell me whether
27 you are now persuaded that case No. 3 is the Lewisham
28 reference being a second patient of Dr Whitmore's?

1 (Memo handed to the witness. Pause for reading) That
2 is the only reference I am going to make, I assure you
3 to the February 28, 1986 document this time. My sole
4 question is whether you are satisfied Case 3 carried on
5 page 2 of the June 19, 1986 Bishop to Lucas document is
6 Dr Whitmore's second case? —
7 A. It would appear to be so.
8 Q. Return to the second page of the June 19 document and
9 I ask you whether it is correct, if before we go
10 further with that page, that neither of Dr Whitmore's
11 reports appear in your July document, your July 4, 1986
12 document? I represent to you there is no reference to
13 it at all?
14 MR FUSON: I think the July document probably speaks for
15 itself.
16 MR SHRAGER: I agree with you, and that is why I took the
17 liberty of saying it.
18 MR FUSON: Then we can move on to the next question.
19 MR SHRAGER: All right. My next question: do you agree
20 with that, Sir?
21 MR FUSON: You are not moving on to the next question.
22 MR SHRAGER: If I am incorrect at some point, be good enough
23 to correct me, but on page 2 - I am now taking you back
24 to the July ---
25 A. May I look at that?
26 Q. Yes, of course you may. In the July 4 document on the
27 second page, you make reference to "In-Vitro" studies
28 and By "In-Vitro" you intended to refer to what?

1 A. In the laboratory.

2 Q. Yes. You say that "Many investigators, including J.S.
3 McDougal et.al." - referring to an August 1985
4 reference - "confirm 60° at 30 hours in dry state
5 results in undetectable levels of virus." Did you
6 know that at that very same time studies had been
7 concluded in the United States in which Armour product
8 had been assayed by Dr Prince and, separately, by Dr
9 McDougal demonstrating quite to the contrary?

10 MR FUSON: I will object to the form of the question. It
11 assumes untrue facts.

12 MR SHRAGER: My question will need to be struck out, I
13 suppose, if I cannot prove what the results were of
14 that assay by Dr McDougal. Let me ask you the question
15 more broadly. Did you have any knowledge at that time
16 of subsequent work that, that is subsequent to your
17 quoted reference of August 1985 by Dr McDougal?

18 A. No. I can't recall it.

19 Q. Did you know at the time of this July 1986 memo that
20 Armour was months into work, laboratory work, at Meloy
21 to prepare for a licence submission in October, for
22 licence amendment to the FDA?

23 A. Because the Meloy data is quoted here, I would think
24 that the data would form part of that submission.

25 Q. Did you actually see the Meloy data or, rather, did
26 someone give you certain information with respect to
27 it. I ask you in the context that there is a specific
28 reference to Meloy data showing that "inactivates >5.5

1 logs?"

2 A. I cannot recall seeing the actual document but it makes
3 reference here to "Internal memo 3.12," but I cannot
4 testify that I actually saw that memo.

5 Q. Do you recall if you can fairly remember that while
6 that much may be true so far as it goes, that the Meloy
7 data showed residual virus?

8 A. I cannot recall.

9 Q. I see. Okay.

10 MR FUSON: Let me retrospectively lodge my objection to it.
11 It is true as far as it goes, part of the question, as
12 to the form.

13 MR SHRAGER: I think that was very apt. We might even find
14 that.

15 MR FUSON: It was apt as to argument. I think it was
16 improper as to a question.

17 MR SHRAGER: Now, Sir, had you received by that time any
18 report on the Prince data. "By that time" referring,
19 of course, to July of 1986?

20 A. I don't recall that.

21 Q. I think it developed in earlier questions that you knew
22 of Dr Prince. You were good enough to volunteer as to
23 who he was, as I remember your answer. Did anyone ever
24 share with you at any point in time in summary form or
25 otherwise what his data indicated?

26 A. I don't recall any thing like that.

27 Q. Now can you explain after these several questions why
28 it is that in this "defence" statement, you chose not

1 to refer to the Whitmore cases?

2 A. Which date were you referring to? This memo, 19th
3 June, or ---?

4 Q. No, Sir, not, because in this memo of June as we have
5 established Case 3 is a Whitmore patient. I am asking
6 you rather to go back, please, to the very document you
7 have in front of you and tell me why at no point in
8 time - I am now broadening the question - right up to
9 and through the time of the licence revocation in the
10 U.K. do you ever refer to the Whitmore cases?

11 MR FUSON: I object to the form of that. If you want to
12 show him documents in which he has made statements like
13 this or you want to ask him about the documents I think
14 that is fine.

15 MR SHRAGER: If I am conceivably wrong in my estimate of the
16 facts there, I will limit it to the July document.

17 MR FUSON: I object --

18 MR SHRAGER: Why did you not ---

19 MR FUSON: I object to your question.

20 MR SHRAGER: Isn't it a fact, Sir, that the only reason you
21 did not make reference to Dr Whitmore's cases - cases
22 which we have seen from other documents you knew about
23 - is that as a marketing matter you did not think it
24 prudent to share information that had not yet appeared
25 in the medical literature?

26 A. The reason it did not appear in that is, I repeat my
27 earlier statements, referring to Mr Christie's memo
28 again, or these two memos in there now, which refer to

1 the confidential nature of that information. And
2 again, referring to my previous statement where I said
3 that unless material is cleared by the clinical and
4 technical affairs department it would not appear in a
5 sales and marketing document.

6 Q. Would you look on that same page 3, under the title
7 "Bradford, Birmingham, Leeds, Hammersmith..." - you see
8 that?

9 A. Yes.

10 Q. The content that follows says: "No reports from the
11 above, almost exclusively on Armour, or other U.K.
12 Centres of sero-negative conversions since U.K.
13 introduction of H.T. product in November/December
14 1984." Is that statement factually correct, Sir?

15 A. They report... That relates to information or reports
16 from those centres, or lack of reports from those
17 centres, upon which we would be authorised to comment.

18 Q. In that context, what about again Dr Whitmore's
19 patients?

20 A. Well, we weren't authorised to make reference to Dr
21 Whitmore's patient.

22 Q. And who withheld authorisation?

23 A. Precisely who, I do not know, but it would have
24 been.... We would not have had permission from that
25 department to include that report in the sales and
26 marketing document. The point I was trying to make
27 here is that with that percentage of the market and the
28 amount of material supplied is - especially these

1 larger centres - there were no reports of sero-
2 conversion, which had been checked out and cleared by
3 a medical department.

4 Q. Precisely the point of my last question. Here in this
5 paragraph you are talking about a miscellaneous group
6 of other centres, large centres, you say, and I am
7 wondering how it is in that context that you neglected
8 to Dr Whitmore's cases, but you said that you didn't
9 have authorisation from a department. What department
10 do you refer to?

11 MR FUSON: I object to the form of that question. It was a
12 speech with a question tagged on the end of it.

13 MR SHRAGER: To what department do you refer - "withheld
14 authorisation"?

15 A. Clinical and medical - technical affairs department of
16 Revlon U.K.

17 Q. Is it your best recollection now that we have reviewed
18 this that you took up with them the subject of Dr
19 Whitmore's patients and they told you not to refer to
20 them?

21 A. I can't recall specifically taking up the case of Dr
22 Whitmore.

23 Q. If you did not take it up with them, there would be no
24 occasion for them to withhold authorisation, correct?

25 A. Correct. If I had not taken it up with them.

26 Q. Definitionally there would be no occasion. Is it your
27 best recollection that that department did withhold
28 authorisation?

1 MR FUSON: I object to the form of the question which
2 included a comment on a previous answer.

3 MR SHRAGER: Is it your best recollection that the Revlon
4 people at Eastbourne withheld authorisation?

5 A. Yes, because thinking back I do recall a specific
6 request from Dr Whitmore that this information should
7 be deemed highly confidential. If you refer back to
8 previous facts, or the report from Bob Christie to Dr
9 Harris you will see in there that it is underlined,
10 about the reference of confidentiality of Dr Whitmore's
11 patient.

12 Q. So that the bench mark for whether or not you were to
13 report was whether you had permission from the
14 clinician?

15 A. The bench mark for the medical and technical affairs
16 department, whether to act upon that, would have been
17 from the clinician. My bench mark would have been the
18 permission from the clinical and technical, medical
19 affairs department.

20 Q. Revlon - right?

21 A. Yes.

22 Q. And may I properly assume that if you had received
23 permission from Revlon but for some reason had been
24 requested by the clinician not to refer to the case,
25 you would have understood how to refer to it without
26 disclosure of the clinician or, of course, the patient.

27 MR FUSON: Objection, no foundation that the witness had
28 contact with the clinician concerning the patient.

1 recommended to Armour and Revlon people in the States,
2 that they prepared a defence document?

3 A. I can't recall a specific request in writing, unless
4 the July.....

5 Q. My question only calls upon your recollection. Do you
6 remember being part of any discussion with the
7 Americans concerning the need for a defence document?

8 A. I really can't recall the actual discussions.

9 Q. Let me try to put this in context, if I can.

10 MR FUSON: I will object already.

11 MR SHRAGER: Forget the first part. New question: as of
12 July 1986 as the director of marketing were you
13 seriously concerned about the adverse impact on your
14 sales of haemophiliac by discussion in the literature
15 of alleged seroconversions in association with the
16 product?

17 A. I was concerned at the interpretation being placed by
18 competition especially on those reports.

19 Q. And apropos of that, item 4 under "Objective" says that
20 you wanted to stop "... any further deterioration in
21 sales - U.K. + Scandinavia." Were sales deteriorating
22 in those territories?

23 A. They must have been at that time. I can't recall
24 exactly now, exactly to what extent.

25 Q. And on the last line of that page, still the July 16
26 document, you say: "I would emphasise that this
27 document is essentially for the maintenance of
28 FACTORATE business in our markets." Did you believe

1 that to be true? .

2 A. Yes.

3 Q. And this is the one that is copied to the President of

4 Armour?

5 A. Yes.

6 Q. And would you read the language that appears. First,

7 is that in your handwriting?

8 A. Yes.

9 Q. Would you read it, please?

10 A. "The declaration by M. Rodell in the Guardian" ---

11 Q. You didn't start at the beginning. Start at the

12 beginning?

13 A. That is "PH" - that is Paul Harris... Peter Harris.

14 Q. Peter Harris.

15 A. "17th July" - that is the day after this memo.

16 Q. Yes. Read the words slowly please?

17 A. This is my comment to him.

18 Q. This is a reference you are making on a copy of the

19 document that goes to him?

20 A. No. This is a note I would have made on my file copy

21 of a subsequent telephone conversation, or verbal --

22 Q. Right.

23 A. -- statement to him.

24 Q. After he had received the document?

25 A. Yes.

26 Q. Okay. Now read the content?

27 A. "The declaration by M. Rodell in the Guardian that our

28 H/T procedure is under review now negates a defence

1 document for the 60° 30 hrs."

2 MR SHRAGER: Ah.

3 MR FUSON: Was the "Ah-ha" part of your next question?

4 MR SHRAGER: No, it wasn't. I did not even know it was
5 going to be heard.

6 MR FUSON: Or an editorial comment on the answer? You do
7 not have a jury to react to it here.

8 MR SHRAGER: Did this reference by Dr Harris comes as quite
9 a shock to you?

10 MR FUSON: Excuse me, did the witness testify this was
11 something he told Dr Harris?

12 MR SHRAGER: I thought... I had the impression that Dr
13 Harris told you this?

14 A. No. That is my comment to him.

15 Q. I beg your pardon. How had you learned of it? By
16 reading the Guardian over coffee in the morning?

17 A. I cannot remember. I honestly cannot remember the
18 article either.

19 Q. Was it, if you can recall, that very morning, that is
20 to say the Guardian of July 17, 1986?

21 A. I don't know it was the Guardian of the 17th July.

22 Q. Did you know current to that time that the 60°/30 hour
23 process was under review?

24 A. I don't recall.

25 Q. May it be that the first you heard about it was in the
26 newspaper?

27 MR FUSON: Are you asking him to speculate about that in the
28 form of your question?

1 MR SHRAGER: I am entitled to ask such a question in a
2 deposition?
3 A. I can't recall, but it would not have been. It would
4 not have been the first recollection, I am sure.
5 Q. Is it correct that up to that point in time, there had
6 been public reference to 60/30 being under review?
7 That is, outside the company.
8 MR FUSON: By "public" - is that ---?
9 MR SHRAGER: Public reference. Outside the company, that
10 you had not said to any clinician that 60/30 was under
11 review, you had not said to any press people or anyone
12 else 60/30 was under review?
13 MR FUSON: What are you referring to?
14 MR SHRAGER: I am referring to the meeting with the British
15 Government that occurred on March 5, 1986 in which Dr
16 Rodell told the government members that some changes
17 to our heating cycle were also planned in the shorter
18 term, before Monoclate was available.
19 Q. I have no problem with that, if you would call my
20 attention to the documents. It is a little unusual to
21 do it mid-stream of the question, so now let me broaden
22 the question.
23 MR FUSON: Lots of unusual things happen here. Some of them
24 are in your questions and some of them are at my
25 responses.
26 MR SHRAGER: I take that kindly, and it goes both ways. So
27 up to July 16 to the best of your knowledge there had
28 not been any public disclosure of the 60/30 recipe

1 being under review. Is that correct? By "public
2 disclosure" I mean that was available, known to, the
3 media or to the clinicians?

4 MR FUSON: I object to this. You are now asking him to
5 characterise whether the British Department of Health
6 and Human Services was in a position to discuss what Dr
7 Rodell had said?

8 MR SHRAGER: Of course they were in a position to discuss.
9 My question did not have to do with DHSS.

10 MR FUSON: You are asking whether it was available and, in
11 that sense, assuming it was a public body ---

12 MR SHRAGER: Good. Question withdrawn. Was there any
13 disclosure to the public at large in the media or to
14 clinicians about 60/30 being under review prior to July
15 16, 1986?

16 A. Not that I am aware of.

17 Q. And is it correct that the Guardian, the statement by
18 Dr Rodell to the Guardian, essentially pulled the plug
19 on your attempt to repair the marketing situation?

20 MR FUSON: Object to the form of the question.

21 MR SHRAGER: Your answer please?

22 A. Pulled the plug?

23 MR FUSON: I am not sure that "pulled the plug" is a British
24 idiom in this context.

25 MR SHRAGER: Well, do you get the point - pulled the plug on
26 you?

27 A. Yes, but the connotation may be different.

28 MR SHRAGER: You characterise it.

1 MR FUSON: Why don't you ask a different question that
2 doesn't involve the slang expression?

3 MR SHRAGER: There appears, if you would go a few pages
4 further - this is now past the July 16 document - you
5 see there is a handwritten page. It says
6 "Proposed...". I can't read all the words. "...
7 Defence Document....". Is that in fact all in your
8 handwriting - the first page, please?

9 A. Yes.

10 Q. Just to identify in the record.

11 MR FUSON: Why don't you just look at that compared to the
12 document you are just asking him about?

13 MR SHRAGER: That is fine. I am going to do that
14 momentarily, but I cannot tell if all the handwriting
15 is the same. Is all the content of that page in your
16 hand? That is my first question?

17 A. Yes.

18 Q. All right. Is that the document which, so far as you
19 can tell, is verbatim typed out on July 16, the so-
20 called "Proposed U.K. Defence Document"?

21 MR FUSON: Do you want him to read it word for word against
22 each other?

23 MR SHRAGER: That is why I said essentially, I said "so far
24 as you can tell."

25 MR FUSON: You said "verbatim" which does not mean....

26 MR SHRAGER: Do you have a recollection that you wrote this
27 out, turned it over to a secretary; she perhaps drafted
28 it up for you and then in some final form it became the

1 A. "CRB to ask P. Jones."
2 Q. About the subject matter that prec
3 A. That is Dr Peter Jones.
4 Q. Dr Peter Jones a ---?
5 A. Is a clinician.
6 Q. What specialty?
7 A. Haematologist. He is centre direc
8 Q. At which centre?
9 A. Newcastle.
10 Q. Is he a colleague with whom
11 professional relationship?
12 A. Not a colleague. He is a custome
13 Q. A customer, with whom you have
14 relationship?
15 A. Yes.
16 Q. When last did you speak to Dr Jones?
17 A. Three weeks ago.
18 Q. Have you ever discussed any litigation pending in the
19 United Kingdom involving Armour with Dr Jones?
20 A. No.
21 Q. Next there is the USA "Levine" letter. To what letter
22 are you referring?
23 A. This is the proposed letter which was discussed in
24 Milan, which was called the NHF Sero-Conversion Review.
25 Q. Have you seen the Levine letter?
26 A. I did see it. I recall seeing it in Milan.
27 Q. Have you seen it ---?
28 A. But there was no copy. It was a draft letter which I

1 recall at that time.

2 Q. Submitted to you by Dr Levine in draft form?

3 A. No. I saw a draft. A draft was shown to me but I
4 can't remember by who, in Milan.

5 Q. But whatever was shown to you, did it appear to be a
6 draft letter by Dr Levine?

7 A. Yes, on behalf of the Medical Review Board of the ---
8

9 Q. Haemophilia. Met the Review Board of who?

10 A. Of the U.S. Haemophilia Society. Here you are - the
11 NHF Medical Council.

12 Q. You are referring now to a June 19, 1986 dated
13 document, the Bishop to Lucas memo and this was a draft
14 letter, this reminds you, of Dr Levine to the NHF
15 Medical Council?

16 MR FUSON: I think he said on behalf of.

17 MR SHRAGER: Or on behalf of?

18 A. Yes.

19 Q. Addressed to who?

20 A. I can't recall exactly.

21 Q. Well, what was Dr Levine's status, if you know, for the
22 NHF Medical Council?

23 A. What was its status?

24 Q. Yes?

25 A. As far as I can recall, a member of the Board.

26 Q. Okay. He had a draft letter addressed to who, please?

27 A. I can't recall all the addressees.

28 Q. Who was among them?

1 A. The chapters of the NHF.
2 Q. And did ... Worldwide?
3 A. No, U.S.
4 Q. And this draft was shown to you in Milan?
5 A. Yes.
6 Q. Was it shown to you either by Dr Hilgartner or Dr
7 Aledort?
8 A. I can't recall exactly who showed it to me.
9 Q. Could it have been other than one of those two?
10 A. It could have been.
11 Q. What was the general subject matter, please, of the
12 letter?
13 A. Since I headed here "Ser-Conversion Review".
14 Q. Understanding that, what was the substance of it? The
15 topic was sero-conversion review. What kind of content
16 did it have? What data did it purport to display?
17 A. As far as I can recall it was a review of the data, the
18 CO conversion data at that time.
19 Q. Worldwide?
20 A. Yes.
21 Q. Did you see Dr Levine in Milan?
22 A. I can't recall seeing him specifically.
23 Q. Did you speak with him thereafter and prior to October
24 of 1986? That is to say, within the next several
25 months did you speak with Dr Levine?
26 A. I can't recall specific times.
27 Q. Did you ever see this letter in final form?
28 A. I can't recall, no.

1 Q. Did you receive a draft, or a copy of the draft letter?
2 A. No. I was shown a copy.
3 Q. You never retained a copy?
4 A. No.
5 Q. Would you read the words that follow the words "U.S.
6 'Levine' letter." The "Levine" is in quotes. That
7 is, the words to the right of it. Read those please?
8 A. "Meeting RBC/LL" -
9 Q. Standing for?
10 A. Lofty Lucas. "/L. Aledort/S. Johnson."
11 Q. And that reference to a meeting is at what local, if
12 you can tell me?
13 A. From what I can recall, it was Milan.
14 Q. Okay. Does this refresh your recollection that there
15 discussions in Milan beyond the discussions to which
16 you earlier referred with Drs. ---?
17 A. Sorry, can you repeat?
18 Q. Yes. Does this mean that there were discussions in
19 Milan in addition to, or separate and apart from, your
20 earlier reference to the meeting with Drs. Aledort and
21 Hilgartner on the subject matter, on the broad subject
22 matter, of reported sero-conversions?
23 A. Since Robert Christie appears with this group of
24 people, my recollection would be that this was a
25 separate meeting.
26 Q. And what was the principal subject matter of the
27 meeting, the Levine letter?
28 A. May I just read this.

1 Q. Please go right ahead?
2 A. To see what the meeting was about.
3 Q. In fact, why don't you read it right onto the record?
4 A. "Discussion on proposed letter to U.S. doctors - Levine
5 has no authority to ask for such a letter to be sent
6 until discussed with NFH Executive" - National
7 Federation of Haemophilia Executive - "including L.
8 Aledort, Hilgartner, etc."
9 Q. Please continue?
10 A. "Recommendation to " - it looks like "Dovey" but I
11 don't recall the name. "Recommendation to Dovey etc.
12 to delay and ask for meeting of scientists to discuss
13 all cases but Whitmore case confidential and details
14 cannot be disclosed without Whitmore's permission. If
15 letter goes so does all business world-wide."
16 Q. "All" is underscored three times - right?
17 A. Um.
18 Q. Right. Go ahead?
19 A. And then it has got: "CRB to attend." Then "Spence
20 J" - that is Spencer Johnson - "recommends a rep.'s
21 training course..."
22 Q. What kind please?
23 A. Rep's.
24 Q. Representatives?
25 A. Yes. "... training course to discuss information
26 arising from the expert's judgment of the 3 cases,
27 Chapel Hill, Amsterdam, Lewisham."
28 Q. What about the first Whitmore case? There were two Dr

1 Whitmore cases, you recall?

2 A. Um.

3 Q. The first being one of a haemophiliac that had not
4 received product for 5 years, or so it was reported in
5 one of the documents. Did you have in your head that
6 first case, that other case, of Dr Whitmore's when you
7 wrote this note?

8 A. I can't recall which case was in my mind.

9 Q. But at that time would you have known certainly of both
10 cases?

11 A. Without refreshing my note, no.

12 Q. You don't know. That is a fair answer if you don't
13 remember or don't know. But if you do know, I would
14 like your best recollection?

15 A. I can't remember.

16 Q. What was --

17 MR FUSON: David, it is 7h10 and you said you only had a
18 little bit more an hour again.

19 MR SHRAGER: I don't want to bring them back.

20 MR FUSON: I understand that but I don't want the witness to
21 go on to the point where he is too tired to respond
22 properly.

23 MR SHRAGER: I don't want him either. I assure you it is
24 solely a function of the witness's comfort whether it
25 is better to finish this afternoon, or come in in the
26 morning and finish. I feel terrible because it could
27 be merely another 10 minutes, but it could be half an
28 hour. That is what... I leave it to you. How do you

1 feel about it? Don't just agree to go forward to get
2 it over with.
3 THE WITNESS: No. I think we'll start... I am staying here
4 anyway.
5 MR SHRAGER: Then let's continue. Do you mind continuing as
6 early as 9.00 a.m. Would that be okay? Okay.
7 (Adjourned until 9.00 a.m. on Friday 7th June)