

D. N. UWY-CV14-6025333-S : SUPERIOR COURT/CLD
ROBIN SHERWOOD, ET AL : J.D. OF WATERBURY
V. : AT WATERBURY
STAMFORD HOSPITAL : NOVEMBER 3, 2016

**OBJECTIONS JOHNSON & JOHNSON'S SCHEDULE A
ATTACHED TO THE LATE CROSS NOTICE OF DEPOSITION OF
RICHARD BERCIK, M.D.**

**General Objection applicable to the entire
Notice of Deposition and Request for Document production**

Plaintiff objects to Johnson & Johnson's entire Cross Notice of Deposition with request for production of materials on the grounds that it was served on Plaintiffs after 5 p.m. today and places an undue burden on Plaintiffs and Dr. Bercik. Dr. Bercik's deposition is scheduled to commence at 10 a.m. tomorrow morning. Defendant has had plenty of time to Cross-Notice this deposition, but chose to wait until after business hours the night before the deposition was to commence to serve said Notice.

2. Dr. Bercik's complete original file(s) regarding Robin Sherwood, including, but not limited to, all medical records, correspondence, e-mail, memoranda and other documents; materials upon which Dr. Bercik will rely for his opinions or testimony in this case; and materials which reflect Dr. Bercik's analysis of this case, such as summaries, memoranda, evaluations or notes, including any notes or memoranda of any examinations conducted by Dr. Bercik of Robin Sherwood.

OBJECTION: Plaintiffs object to this request on the grounds that it is unduly burdensome given the late Notice, after 5p.m. today and since the records are kept electronically. Notwithstanding the above, Plaintiffs have produced all records they have obtained from Dr. Bercik's office, including pelvic floor therapy notes, and Dr. Bercik's entire expert file.

3. All materials, audio, or video recordings in Dr. Bercik's possession related to Gynecare pelvic mesh products to treat incontinence or pelvic organ prolapse, including but not limited to Instructions for Use, Surgical Technique Guides, patient brochures, sales aids, professional education materials, and materials from any events, symposia, conferences or summits related to obstetrics or gynecological issues.

OBJECTION: Plaintiffs object to this request on the grounds that it is overly broad, unduly burdensome and unreasonable given the late Notice, after 5p.m. today. Notwithstanding the above, Plaintiffs have produced all Dr. Bercik's entire expert file including medical literature he relied upon for his opinions in this matter.

4. All correspondence, e-mail, memoranda, documents and other material either to or from Dr. Bercik and other persons, including, but not limited to, other witnesses or treating physicians relating to or generated in connection with this case.

OBJECTION: Plaintiffs object to this request on the grounds that it is overly broad, unduly burdensome and unreasonable given the late Notice, after 5p.m. today. Notwithstanding the above, Plaintiffs have produced all Dr. Bercik's entire expert file including medical literature he relied upon for his opinions in this matter.

7. Copies of all articles, books, book chapters or presentations written by or contributed to by Dr. Bercik concerning any mesh product or any treatments of pelvic organ prolapse and/or urinary incontinence or any related disease state or medical condition.

OBJECTION: Plaintiffs object to this request on the grounds that it is overly broad, unduly burdensome and unreasonable given the late Notice, after 5p.m. today. Notwithstanding the above, Plaintiffs have produced all Dr. Bercik's entire expert file including medical literature he relied upon for his opinions in this matter.

8. All materials, including without limitation, research, notes, memoranda, drafts, slides or photographs, prepared by or at the direction of Dr. Bercik pertaining to Robin Sherwood.

OBJECTION: Plaintiffs object to this request on the grounds that it is overly broad, unduly burdensome and unreasonable given the late Notice, after 5p.m. today. Notwithstanding the above, Plaintiffs have produced all Dr. Bercik's entire expert file including medical literature he relied upon for his opinions in this matter.

9. All correspondence, including letters or e-mails, documents or other materials related to communications with representatives of Ethicon, Gynecare, and Johnson & Johnson.

OBJECTION: Plaintiffs object to this request on the grounds that it is overly broad, unduly burdensome and unreasonable given the late Notice, after 5p.m. today. Notwithstanding the above, Plaintiffs have produced all Dr. Bercik's entire expert file including medical literature he relied upon for his opinions in this matter.

10. All materials, including, but not limited to, any e-mails, correspondence or

literature that Dr. Bercik has contributed to any Internet forums, bulletin boards or chat rooms addressing issues related to any mesh products or any treatments of pelvic organ prolapse and/or urinary incontinence or any related disease state or medical condition.

OBJECTION: Plaintiffs object to this request on the grounds that it is overly broad, unduly burdensome and unreasonable given the late Notice, after 5p.m. today. Notwithstanding the above, Plaintiffs have produced all Dr. Bercik's entire expert file including medical literature he relied upon for his opinions in this matter.

11. Copies of all current or prior grant proposals or grants, whether submitted to a governmental or private organization, in which Dr. Bercik participated relating to mesh products or any treatments of pelvic organ prolapse and/or urinary incontinence or any related disease state or medical condition.

OBJECTION: Plaintiffs object to this request on the grounds that it is overly broad, unduly burdensome and unreasonable given the late Notice, after 5p.m. today. Notwithstanding the above, Plaintiffs have produced all Dr. Bercik's entire expert file including medical literature he relied upon for his opinions in this matter.

12. All documents related to any consulting or other work Dr. Bercik has performed for any pharmaceutical company or other company related to mesh products or any treatment of pelvic organ prolapse and/or urinary incontinence or any related disease state of medical condition, including but not limited to, consulting agreements and documents reflecting payment for such work.

OBJECTION: Plaintiffs object to this request on the grounds that it is overly broad, unduly burdensome and unreasonable given the late Notice, after 5p.m. today. Notwithstanding the above, Plaintiffs have produced all Dr. Bercik's entire expert file including medical literature he relied upon for his opinions in this matter.

13. Identification of all documents and other materials plaintiffs' counsel showed Dr. Bercik as part of any communications with plaintiffs' counsel or their representatives in which counsel for the defendants did not participate.

OBJECTION: Plaintiffs object to this request on the grounds that it is overly broad, unduly burdensome and unreasonable given the late Notice, after 5p.m. today. Notwithstanding the above, Plaintiffs have produced all Dr. Bercik's entire expert file including medical literature he relied upon for his opinions in this matter.

THE PLAINTIFFS,

BY: /s/ Jacqueline E. Fusco

Jacqueline E. Fusco, Esq.
Tooher Woel & Leydon, LLC
80 Fourth Street
Stamford, CT 06905
(203) 324-6164
Juris No.: 106151

CERTIFICATION

This is to certify that a copy of the foregoing was Emailed this date, to all counsel of record.

Eric J. Stockman, Esq.
estockman@npmlaw.com
Simon I. Allentuch, Esq.
sallentuch@npmlaw.com
Neubert Pepe & Monteith, PC
195 Church Street, 13th Floor
New Haven, CT 06510
Attorneys for Defendant
Stamford Health System Inc. d/b/a Stamford Hospital

Robert R. Simpson, Esq.
RSimpson@goodwin.com
Christopher R. Drury, Esq.
cdrury@goodwin.com
Shipman & Goodwin
One Constitution Plaza
Hartford, CT 06103
Phone: (860) 251-5000
Fax: (860) 251-5099
Attorneys for 3rd Party Defendants Johnson & Johnson
and Ethicon, Inc.

/s/ Jacqueline E. Fusco

Jacqueline E. Fusco, Esq.