

D.N. UWY-CV14-6025333-S : **SUPERIOR COURT/CLD**
ROBIN SHERWOOD, ET AL. : **J.D. OF WATERBURY**
V. : **AT WATERBURY**
STAMFORD HOSPITAL : **November 3, 2015**

**DEFENDANT AMERICAN MEDICAL SYSTEMS, INC.’S
MOTION FOR PROTECTIVE ORDER TO QUASH THE
DEPOSITION NOTICE OF AMS REPRESENTATIVE**

Third-Party Defendant American Medical Systems, Inc. (“AMS”)¹, by and through its attorney of record, hereby move this Court for entry of a protective order to quash Plaintiffs’ notice of deposition of an AMS corporate representative unilaterally noticed a little over two weeks ago for November 4, 2015. In support thereof, AMS avers as follows:

Background

1. On April 2, 2013, Plaintiffs Robin Sherwood and her husband Greg Hoelscher filed a products liability action against certain device manufacturers, including AMS, in the Multidistrict Litigation (“MDL”) pending in the United States District Court for the Southern District of West Virginia. *See Sherwood, et al. v. Ethicon, et al.*, No. 2:13-cv-06820 (the “MDL Action”).
2. The following year, on August 13, 2014, Plaintiffs Robin Sherwood and her husband Greg Hoelscher engaged separate Connecticut counsel and filed a Connecticut state court products liability action against Defendant Stamford Health System, Inc. D/B/A Stamford (the “State Court Action”).

¹ Due to corporate restructurings, as of September 29, 2015 the women’s health business formerly conducted by American Medical Systems, Inc. (now known as American Medical Systems, LLC) and its subsidiaries is conducted by Astora Women’s Health LLC, which is a wholly owned subsidiary of Astora Women’s Health, Inc. (formerly known as American Medical Systems Holdings, Inc.).

3. Plaintiffs' State Court Action alleges, rather vaguely, that Plaintiff Robin Sherwood was implanted with "several pelvic mesh products," including products allegedly manufactured by AMS (*see, e.g.*, Complaint at ¶ 25). According to Plaintiffs' MDL Complaint, Ms. Sherwood was implanted with a Monarc sling on April 12, 2006. A true and correct copy of the MDL Complaint is attached as Exhibit A. Mrs. Sherwood and her husband have no claims pending against AMS in this State Court Action.

4. On August 13, 2015, Defendant in the State Court Action, Stamford Health System, Inc. D/B/A Stamford Hospital ("Stamford Hospital"), filed a third-party complaint against the same manufacturing defendants named in Plaintiffs' MDL Action, including AMS, alleging that the manufacturers may be liable for the harm Plaintiffs alleged in the State Court Action.

5. AMS has not yet responded to Stamford Hospital's third party complaint, as the response is not due until November 16, 2015.

6. On October 15, 2015, Plaintiffs served a Notice of Deposition for an AMS corporate representative to appear at Plaintiffs' counsel's office in Connecticut on November 4, 2015 ("Notice"). The list of topics to be covered by the AMS representative are incredibly broad and burdensome, including asking for testimony about all communications and marketing for the past 14 years. The Notice also includes an overly broad and burdensome list of document requests to be produced at the deposition. A true and correct copy of the Notice is attached hereto as Exhibit B. AMS has objected to this deposition as set forth in the attached Objections to Deposition of AMS Representative attached hereto as Exhibit C.

7. The information Plaintiffs are seeking is confidential. To AMS's knowledge, there is no order in place that would protect AMS against public disclosure of sensitive,

confidential information. Stated differently, prior to producing any documents or witness to testify, a confidentiality stipulation must be negotiated by the parties and entered by the Court.

8. Plaintiffs chose not to coordinate with AMS regarding the time or location of a corporate representative deposition. Instead, Plaintiffs noticed this deposition unilaterally to take place in Connecticut, but AMS is headquartered in Minnesota, and AMS's corporate representative(s) may reside in Minnesota.

9. Accordingly, this Court should grant the entry of a protective order to quash Plaintiffs' notice of deposition of an AMS corporate representative unilaterally noticed for November 4, 2015.

Argument

Plaintiffs' Corporate Representative Deposition Notice and Document Requests are Overly Burdensome and Inappropriate Pursuant to Connecticut Law

10. The subject matters in Plaintiffs' Notice seek corporate representative testimony regarding the following subject matters:

- Communications between AMS and Stamford Hospital regarding the Monarc sling products from 2001 through the present;
- Communications between AMS and Dr. Brian Hines/Urogynecology and Pelvic Surgery, LLC regarding the Monarc sling products from 2001 through the present;
- AMS's marketing to Stamford Hospital and Dr. Hines/Urogynecology and Pelvic Surgery, LLC;
- Professional education of Stamford Hospital and Dr. Hines/Urogynecology and Pelvic Surgery, LLC regarding the Monarc sling products from 2001 through the present;
- The process by which the Monarc sling products came to be purchased by Stamford Hospital for implantation by Dr. Hines; and
- The allegations in Plaintiffs' State Court Complaint.

11. The Notice included a request for the production of documents. The request for documents include the following:

- A copy of all written communications by and between AMS and Stamford Hospital from 2002 through the present.
- A copy of all written communications by and between AMS and Stamford Hospital regarding the Monarc sling products from 2001 through the present.
- A copy of all written communications by and between AMS and Dr. Brian Hines and/or Urogynecology and Pelvic Surgery, LLC.
- A copy of all written communications by and between AMS and Dr. Brian Hines and/or Urogynecology and Pelvic Surgery, LLC regarding the Monarc sling products from 2001 through the present.
- A copy of the information provided or shown by AMS to Stamford Hospital regarding the Monarc sling products from 2001 through the present, including but not limited to marketing information, patient brochures, professional education materials, power point presentations, research studies, instructions for use, surgeon's resource monograph, and instructional videos.
- A copy of the information provided or shown by AMS to Dr. Brian Hines and/or Urogynecology and Pelvic Surgery, LLC regarding the Monarc sling products from 2001 through the present, including but not limited to marketing information, patient brochures, professional education materials, power point presentations, research studies, instructions for use, surgeon's resource monograph, and instructional videos.
- A copy of the professional education information presented and/or reviewed during the didactic portion of the Monarc sling training that Dr. Hines underwent prior to his first implantation of a Monarc sling into any patient.
- A copy of any documents assessing, evaluating, updating, certifying and/or re-certifying Dr. Brian Hines during or after his Monarc sling training from 2001 through the present.
- A copy of all professional education materials pertaining to the Monarc sling products.
- A copy of all patient education information pertaining to the Monarc sling products.

12. At the outset, Plaintiffs failed to provide AMS with the requisite 30 days for AMS to respond to the request for production of documents included with the Notice as set forth in Connecticut Practice Book Section 13-10. Plaintiffs' Notice should be quashed on this basis alone.

13. Further, unilaterally noticing a corporate deposition with extensive and extremely overbroad and irrelevant document requests does not comport with Connecticut law. *See, e.g., Cejas v. Allstate Ins. Co.*, No. CV020465316, 2004 WL 2592929 (Conn. Super. Ct. Oct. 12, 2004) (criticizing party's failure to adhere to professional courtesy of "attempt[ing] to schedule the deposition for a mutually convenient day, time, and place" before unilaterally scheduling the deposition).

14. Moreover, subjecting an AMS representative to a deposition covering extensive topics spanning more than a decade (over 14 years) is oppressive and constitutes an undue and extreme burden on AMS. If an AMS corporate representative is required to sit for a deposition, it is unreasonable to conduct the deposition with only the three weeks that Plaintiffs provided in their Notice. Indeed, if Plaintiffs' have their way, the AMS representative must be prepared to discuss "the allegations in the Plaintiffs' Complaint" (which AMS is not due to answer until November 16, 2015), along with numerous other topics and documents with which he or she may have no familiarity.

15. These subject matters and document requests are not reasonably limited in time or scope. Indeed, Ms. Sherwood's AMS mesh implant took place on April 12, 2006. It is unlikely that communications between AMS and Stamford Hospital that took place many years after the date of implant are relevant to this law suit. Moreover, the document requests are not focused on the issues germane to this case. For example, Plaintiffs seek "all patient education

information pertaining to the Monarc sling” and “all professional education materials pertaining to the Monarc sling products.” But there is no allegation in either Complaint that Stamford Hospital or Ms. Sherwood’s implanting surgeon received – much less reviewed or relied upon – “all” such documents. Without question, it is impossible that Ms. Sherwood’s implanting surgeon chose to perform Ms. Sherwood’s surgery because he was influenced by documents published *after* Ms. Sherwood’s date of implant (April 12, 2006).

16. Connecticut Practice Book Section 13-5 provides that the Court may issue a protective order to protect a party from “annoyance, embarrassment, oppression or undue burden or expense.” *See also Fletcher v. City of New Haven*, No. NNHCV126028843S, 2015 Conn. Super. LEXIS 1650 (Conn. Super. Ct. June 17, 2015) (granting motion for protective order barring deposition where other less oppressive means of obtaining information existed).

17. It is within this Court’s discretion to quash a premature, burdensome and overly broad deposition notice. *See, e.g., Longwood*, 2004 Conn. Super. LEXIS 2684; *Journal Publishing Co., Inc. v. Hartford Courant Co.*, 2001 WL 399927 (Conn. Super. Ct. Jan. 26, 2001).

18. The State Court Action is so new to AMS that it has not even responded to the Third Party Complaint. The deposition notice is entirely overbroad and seeks information and documents spanning a fourteen-year period. At a minimum, AMS would need far more than three weeks to collect, review and produce the documents responsive to the document requests. Moreover, AMS would require additional time to prepare a witness for the topics in the Notice,

subject to AMS's objections². As noted above, the information provided will need to be subject to a confidentiality stipulation and to date, none has been entered.

19. Accordingly, AMS requests that this Court quash Plaintiffs' Notice scheduled for November 4, 2015. A proposed Order is attached as Exhibit D.

THIRD-PARTY DEFENDANT
AMERICAN MEDICAL SYSTEMS, LLC.

BY: _____s/405657
Thomas P. O'Dea, Jr., Esq.
DISERIO MARTIN O'CONNOR &
CASTIGLIONI LLP #102036
One Atlantic Street
Stamford, CT 06901
Tel: (203) 358-0800 / Fax: 203-348-2321
todea@dmoc.com

² AMS is filing concurrently with this motion for protective order objections to the Notice and Requests.

CERTIFICATION

This is to certify that a copy of the foregoing has been mailed, via first class mail, postage prepaid, on November 3, 2015 to all counsel and parties of record as follows:

Brenden P. Leydon, Esq.
Tooher Woel & Leydon, LLC
80 Fourth Street
Stamford, CT 06905

s/405657

Thomas P. O'Dea, Jr.

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

In Re: Ethicon Inc., Pelvic Repair System Products Liability Litigation
MDL No. 2327

Civil Action No. 2:13-CV-6820

SHORT FORM COMPLAINT

Come now the Plaintiff(s) named below, and for Complaint against the Defendants named below, incorporate The First Amended Master Complaint in MDL No. 2327 by reference.

Plaintiff(s) further show the court as follows:

1. Female Plaintiff

Robin C. Sherwood

2. Plaintiff's Spouse (if applicable)

Greg Hoelscher

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator)

n/a

4. State of Residence

Connecticut

5. District Court and Division in which venue would be proper absent direct filing.

Middle District of Georgia, Athens Division

6. Defendants (Check Defendants against whom Complaint is made):

A. Ethicon, Inc.

B. Ethicon, LLC

- C. Johnson & Johnson
- D. American Medical Systems, Inc. ("AMS")
- E. American Medical Systems Holdings, Inc. ("AMS Holdings")
- F. Endo Pharmaceuticals, Inc.
- G. Endo Health Solutions Inc. (f/k/a Endo Pharmaceuticals Holdings, Inc.)
- H. Boston Scientific Corporation
- I. C. R. Bard, Inc. ("Bard")
- J. Sofradim Production SAS ("Sofradim")
- K. Tissue Science Laboratories Limited ("TSL")
- L. Mentor Worldwide LLC
- M. Coloplast A/S
- N. Coloplast Corp.
- O. Coloplast Manufacturing US, LLC
- P. Porges S.A.

7. Basis of Jurisdiction

- Diversity of Citizenship
- Other: _____

A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

1, 2,3, 4, 5, 9, 10, 11

B. Other allegations of jurisdiction and venue:

American Medical Systems, Inc. ("AMS") is a Delaware corporation with its principal
place of business in Minnesota. All acts and omissions of AMS as described in the
Master Complaint were done by its agents, servants, employees and/or owners acting in
the course and scope of their respective agencies, service, employment and/or ownership.

8. Defendants' products implanted in Plaintiff (Check products implanted in Plaintiff)

- Prolift
- Prolift +M
- Gynemesh/Gynemesh PS
- Prosima
- TVT
- TVT-Oturator (TVT-O)
- TVT-SECUR (TVT-S)
- TVT-Exact
- TVT-Abbrevo
- Other
AMS Monarc Subfascial Hammock

9. Defendants' Products about which Plaintiff is making a claim. (Check applicable products):

- Prolift
- Prolift +M
- Gynemesh/Gynemesh PS
- Prosima
- TVT

- TVT-Oturator (TVT-O)
- TVT-SECUR (TVT-S)
- TVT-Exact
- TVT-Abbrevo
- Other

AMS Monarc Monarc Subfascial Hammock

10. Date of Implantation as to Each Product:

April 12, 2006

11. Hospital(s) where Plaintiff was implanted (including City and State):

Stamford Hospital

Stamford, Connecticut

12. Implanting Surgeon(s):

Dr. Brian J. Hines, M.D.

13. Counts in the Master Complaint brought by Plaintiff(s):

- Count I – Negligence
- Count II – Strict Liability – Manufacturing Defect
- Count III – Strict Liability – Failure to Warn
- Count IV – Strict Liability – Defective Product

- Count V – Strict Liability – Design Defect
- Count VI – Common Law Fraud
- Count VII – Fraudulent Concealment
- Count VIII – Constructive Fraud
- Count IX – Negligent Misrepresentation
- Count X – Negligent Infliction of Emotional Distress
- Count XI – Breach of Express Warranty
- Count XII – Breach of Implied Warranty
- Count XIII – Violation of Consumer Protection Laws
- Count XIV – Gross Negligence
- Count XV – Unjust Enrichment
- Count XVI – Loss of Consortium
- Count XVII – Punitive Damages
- Count XVIII – Discovery Rule and Tolling
- Other Count(s) (Please state factual and legal basis for other claims below):

BLASINGAME, BURCH,
GARRARD AND ASHLEY

440 College Ave.
P.O. Box 832
Athens, GA 30603
706-354-4000

Attorneys continued:

Andrew J. Hill, III
Georgia Bar No. 353300
James B. Matthews, III
Georgia Bar No. 477559
Josh B. Wages
Georgia Bar No. 730098

/s/ Henry G. Garrard, III
Attorneys for Plaintiff

Henry G. Garrard, III

Georgia Bar No. 286300

Gary B. Blasingame

Georgia Bar No. 062900

EXHIBIT B

D. N. UWY-CV14-6025333-S : SUPERIOR COURT/CLD
ROBIN SHERWOOD, ET AL : J.D. OF WATERBURY
V. : AT WATERBURY
STAMFORD HOSPITAL : OCTOBER 15, 2015

NOTICE OF DEPOSITION

NOTICE is hereby given that the Plaintiffs will take the deposition of a **REPRESENTATIVE OF 3RD PARTY DEFENDANT AMERICAN MEDICAL SYSTEMS, INC., and AMERICAN MEDICAL SYSTEMS HOLDINGS, INC., (“collectively referred to as AMS”)** regarding: communications between AMS and Stamford Hospital regarding the Monarc sling products from 2001 through the present; communications between AMS and Dr. Brian Hines/Urogynecology and Pelvic Surgery, LLC regarding the Monarc sling products from 2001 through the present; AMS’s marketing to Stamford Hospital and Dr. Hines/ Urogynecology and Pelvic Surgery, LLC; professional education of Stamford Hospital and Dr. Hines/ Urogynecology and Pelvic Surgery, LLC regarding the Monarc sling products from 2001 through the present; the process by which the Monarc sling products came to be purchased by Stamford Hospital for implantation by Dr. Hines; and the allegations in the Plaintiffs’ Complaint on **WEDNESDAY, NOVEMBER 4, 2015 at 10:00 A.M.**, at the law offices of **Tooher, Woel & Leydon, LLC, located at 80 Fourth St. Stamford, CT 06905** before a Notary Public or other competent authority.

The oral examination will continue from day to day until completed. You are invited to attend and examine the Deponent.

You are further ordered to bring with you to your deposition all documents responsive to the attached Schedule A.

THE PLAINTIFFS,

BY /s/ Jacqueline E. Fusco
JACQUELINE E. FUSCO, ESQ.
Tooher Woel & Leydon, L.L.C.
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.

Robert R. Simpson, Esq.
RSimpson@goodwin.com
Christopher R. Drury, Esq.
cdrury@goodwin.com
Shipman & Goodwin
One Constitution Plaza
Hartford, CT 06103
***Counsel for 3rd Party Defendants:
Johnson & Johnson and Ethicon, Inc.***

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
***Counsel for Defendant Stamford Health
System Inc. d/b/a Stamford Hospital***

Thomas P. O'Dea, Jr
Diserio, Martin, O'Connor
& Castiglioni, LLP
One Atlantic Street
Stamford, CT 06901
todea@dmoc.com
***Counsel for 3rd Party Defendant American
Medical Systems, Inc.***

/s/ Jacqueline E. Fusco
Jacqueline E. Fusco, Esq.

SCHEDULE A

1. A copy of all written communications by and between AMS and Stamford Hospital from 2002 through the present.
2. A copy of all written communications by and between AMS and Stamford Hospital regarding the Monarc sling products from 2001 through the present.
3. A copy of all written communications by and between AMS and Dr. Brian Hines and/or Urogynecology and Pelvic Surgery, LLC.
4. A copy of all written communications by and between AMS and Dr. Brian Hines and/or Urogynecology and Pelvic Surgery, LLC regarding the Monarc sling products from 2001 through the present.
5. A copy of the information provided or shown by AMS to Stamford Hospital regarding the Monarc sling products from 2001 through the present, including but not limited to marketing information, patient brochures, professional education materials, power point presentations, research studies, instructions for use, surgeon's resource monograph, and instructional videos.
6. A copy of the information provided or shown by AMS to Dr. Brian Hines and/or Urogynecology and Pelvic Surgery, LLC regarding the Monarc sling products from 2001 through the present, including but not limited to marketing information, patient brochures, professional education materials, power point presentations, research studies, instructions for use, surgeon's resource monograph, and instructional videos.
7. A copy of the professional education information presented and/or reviewed during the didactic portion of the Monarc sling training that Dr. Hines underwent prior to his first implantation of a Monarc sling into any patient.
8. A copy of any documents assessing, evaluating, updating, certifying and/or re-certifying Dr. Brian Hines during or after his Monarc sling training from 2001 through the present.
9. A copy of all professional education materials pertaining to the Monarc sling products.
10. A copy of all patient education information pertaining to the Monarc sling products.

EXHIBIT C

D.N. UWY-CV14-6025333-S : **SUPERIOR COURT/CLD**
ROBIN SHERWOOD, ET AL. : **J.D. OF WATERBURY**
V. : **AT WATERBURY**
STAMFORD HOSPITAL : **November 3, 2015**

**DEFENDANT AMERICAN MEDICAL SYSTEMS, INC.’S
OBJECTIONS TO NOTICE OF DEPOSITION
OF CORPORATE REPRESENTATIVE**

Pursuant to Connecticut Practice Book Section 13-27, Defendant American Medical Systems, Inc. (“AMS”)¹ hereby objects to Plaintiff’s Notice of Deposition of Corporate Representative (the “Notice and Requests”), as follows:

PRELIMINARY STATEMENT

AMS objects to the timeliness of the Notice and Requests on the grounds that Connecticut Practice Book Section 13-10 allows the party served 30 days to respond to a discovery request. Plaintiffs served this Notice and Requests on October 15, 2015 with a demand that documents be produced at the deposition of an AMS Corporate Representative that is scheduled for November 4, 2015. Accordingly, Plaintiff’s demand is improper under the Connecticut Practice Book.

Further, Plaintiffs’ Requests seeking “all” documents are overly broad and burdensome and are not specifically crafted to call for the production of non-

¹ Due to corporate restructurings, as of September 29, 2015 the women’s health business formerly conducted by American Medical Systems, Inc. (now known as American Medical Systems, LLC) and its subsidiaries is conducted by Astora Women’s Health LLC, which is a wholly owned subsidiary of Astora Women’s Health, Inc. (formerly known as American Medical Systems Holdings, Inc.).

privileged, discoverable information. AMS further objects to the Notice and Requests on the grounds set forth in its Motion for Protective Order which is being filed concurrently with these objections. AMS will supplement this response as necessary, pending a ruling from the Court on AMS' Motion for Protective Order.

OBJECTIONS TO DEPOSITION SUBJECT MATTERS

1. Communications between AMS and Stamford Hospital regarding the Monarc sling products from 2001 through the present

RESPONSE: AMS incorporates its Preliminary Statement stated above in response to this Subject Matter. AMS objects to this Subject Matter on the grounds that it is overly broad and unduly burdensome inasmuch as it is not reasonably limited in time or scope and to the extent it seeks information created after the date the specific Monarc® device was surgically implanted in Plaintiff Robin Sherwood. AMS further objects to this Subject Matter because it is unreasonable to expect a corporate witness in the setting of a deposition to synthesize information spanning nearly fifteen years when given three weeks' notice of the deposition and subject matter. AMS also objects to this Subject Matter on the grounds that other less oppressive means of obtaining information exist. AMS objects to this Subject Matter on the grounds that it is overly broad, unduly burdensome, and harassing. AMS also objects to this Subject Matter on the grounds set forth in AMS' Motion for Protective Order which is being filed concurrently with these responses.

2. Communications between AMS and Dr. Brian Hines/Urogynecology and Pelvic Surgery, LLC regarding the Monarc sling products from 2001 through the present

RESPONSE: AMS incorporates its objections to Subject Matter No. 1 as if fully stated herein.

3. AMS's marketing to Stamford Hospital and Dr. Hines/Urogynecology and Pelvic Surgery, LLC

RESPONSE: AMS incorporates its objections to Subject Matter No. 1 as if fully stated herein.

4. Professional education of Stamford Hospital and Dr. Hines/Urogynecology and Pelvic Surgery, LLC regarding the Monarc sling products from 2001 through the present

RESPONSE: AMS incorporates its objections to Subject Matter No. 1 as if fully stated herein.

5. The process by which the Monarc sling products came to be purchased by Stamford Hospital for implantation by Dr. Hines

RESPONSE: AMS incorporates its objections to Subject Matter No. 1 as if fully stated herein.

6. The allegations in the Plaintiffs' Complaint

RESPONSE: AMS incorporates its objections to Subject Matter No. 1 as if fully stated herein.

OBJECTIONS TO DOCUMENTS REQUESTED IN SCHEDULE A

- 1. A copy of all written communications by and between AMS and Stamford Hospital from 2002 through the present.**

RESPONSE: AMS incorporates its Preliminary Statement stated above in response to this Request. AMS objects to this Request on the grounds set forth in AMS' Motion for Protective Order which is being filed concurrently with these responses. AMS objects to the timeliness of this document request on the grounds that Connecticut Practice Book Section 13-10 allows the party served 30 days to respond to a discovery request. The Notice and Requests were not filed until October 15, 2015 and the deposition is scheduled for November 4, 2015. AMS objects to this Request on the grounds that it is overly broad and unduly burdensome inasmuch as it is not reasonably limited in time or scope and to the extent it seeks information and documents created after the date the specific Monarc® device was surgically implanted in Plaintiff Robin Sherwood. AMS also objects to this Request on the grounds that it is overly broad, unduly burdensome, oppressive and harassing. AMS further objects to the reference to "all written communications" as used in this Request on the grounds that it is overly broad, unduly burdensome, harassing, and oppressive to the extent that it purports to require AMS to search through an unduly large number of documents and/or sources of information or to search for documents or information that are not reasonably accessible, imposing an undue burden and cost upon AMS. AMS

objects to this Request on the grounds that it is overbroad and includes products not limited to the specific Monarc device surgically implanted in Plaintiff Robin Sherwood.

2. A copy of all written communications by and between AMS and Stamford Hospital regarding the Monarc sling products from 2001 through the present.

RESPONSE: AMS incorporates its Preliminary Statement stated above in response to this Request. AMS objects to this Request on the grounds set forth in AMS' Motion for Protective Order which is being filed concurrently with these responses. AMS objects to the timeliness of this document request on the grounds that Connecticut Practice Book Section 13-10 allows the party served 30 days to respond to a discovery request. The Notice and Requests were not filed until October 15, 2015 and the deposition is scheduled for November 4, 2015. AMS objects to this Request on the grounds that it is overly broad and unduly burdensome inasmuch as it is not reasonably limited in time or scope and to the extent it seeks information and documents created after the date the specific Monarc® device was surgically implanted in Plaintiff Robin Sherwood. AMS also objects to this Request on the grounds that it is overly broad, unduly burdensome, oppressive and harassing. AMS further objects to the reference to "all written communications" as used in this Request on the grounds that it is overly broad, unduly burdensome, harassing, and oppressive to the extent that it purports to

require AMS to search through an unduly large number of documents and/or sources of information or to search for documents or information that are not reasonably accessible, imposing an undue burden and cost upon AMS.

3. A copy of all written communications by and between AMS and Dr. Brian Hines and/or Urogynecology and Pelvic Surgery, LLC.

RESPONSE: AMS incorporates its Preliminary Statement stated above in response to this Request. AMS objects to this Request on the grounds set forth in AMS' Motion for Protective Order which is being filed concurrently with these responses. AMS objects to the timeliness of this document request on the grounds that Connecticut Practice Book Section 13-10 allows the party served 30 days to respond to a discovery request. The Notice and Requests were not filed until October 15, 2015 and the deposition is scheduled for November 4, 2015. AMS objects to this Request on the grounds that it is overly broad and unduly burdensome inasmuch as it is not reasonably limited in time or scope and to the extent it seeks information and documents created after the date the specific Monarc® device was surgically implanted in Plaintiff Robin Sherwood. AMS also objects to this Request on the grounds that it is overly broad, unduly burdensome, oppressive and harassing. AMS further objects to the reference to "all written communications" as used in this Request on the grounds that it is overly broad, unduly burdensome, harassing, and oppressive to the extent that it purports to require AMS to search through an unduly large number of documents and/or

sources of information or to search for documents or information that are not reasonably accessible, imposing an undue burden and cost upon AMS. AMS objects to this Request on the grounds that it is overbroad and includes products not limited to the specific Monarc device surgically implanted in Plaintiff Robin Sherwood.

4. **A copy of all written communications by and between AMS and Dr. Brian Hines and/or Urogynecology and Pelvic Surgery, LLC regarding the Monarc sling products from 2001 through the present.**

RESPONSE: AMS incorporates its Preliminary Statement stated above in response to this Request. AMS objects to this Request on the grounds set forth in AMS' Motion for Protective Order which is being filed concurrently with these responses. AMS objects to the timeliness of this document request on the grounds that Connecticut Practice Book Section 13-10 allows the party served 30 days to respond to a discovery request. The Notice and Requests were not filed until October 15, 2015 and the deposition is scheduled for November 4, 2015. AMS objects to this Request on the grounds that it is overly broad and unduly burdensome inasmuch as it is not reasonably limited in time or scope and to the extent it seeks information and documents created after the date the specific Monarc® device was surgically implanted in Plaintiff Robin Sherwood. AMS also objects to this Request on the grounds that it is overly broad, unduly burdensome, oppressive and harassing. AMS further objects to the reference to

“all written communications” as used in this Request on the grounds that it is overly broad, unduly burdensome, harassing, and oppressive to the extent that it purports to require AMS to search through an unduly large number of documents and/or sources of information or to search for documents or information that are not reasonably accessible, imposing an undue burden and cost upon AMS.

5. **A copy of the information provided or shown by AMS to Stamford Hospital regarding the Monarc sling products from 2001 through the present, including but not limited to marketing information, patient brochures, professional education materials, power point presentations, research studies, instructions for use, surgeon’s resource monograph, and instructional videos.**

RESPONSE: AMS incorporates its Preliminary Statement stated above in response to this Request. AMS objects to this Request on the grounds set forth in AMS’ Motion for Protective Order which is being filed concurrently with these responses. AMS objects to the timeliness of this document request on the grounds that Connecticut Practice Book Section 13-10 allows the party served 30 days to respond to a discovery request. The Notice and Requests were not filed until October 15, 2015 and the deposition is scheduled for November 4, 2015. AMS objects to this Request on the grounds that it is overly broad and unduly burdensome inasmuch as it is not reasonably limited in time or scope and to the extent it seeks information and documents created after the date the specific Monarc® device was surgically implanted in Plaintiff Robin Sherwood. AMS also

objects to this Request on the grounds that it is overly broad, unduly burdensome, oppressive and harassing.

6. **A copy of the information provided or shown by AMS to Dr. Brian Hines and/or Urogynecology and Pelvic Surgery, LLC regarding the Monarc sling products from 2001 through the present, including but not limited to marketing information, patient brochures, professional education materials, power point presentations, research studies, instructions for use, surgeon's resource monograph, and instructional videos.**

RESPONSE: AMS incorporates its Preliminary Statement stated above in response to this Request. AMS objects to this Request on the grounds set forth in AMS' Motion for Protective Order which is being filed concurrently with these responses. AMS objects to the timeliness of this document request on the grounds that Connecticut Practice Book Section 13-10 allows the party served 30 days to respond to a discovery request. The Notice and Requests were not filed until October 15, 2015 and the deposition is scheduled for November 4, 2015. AMS objects to this Request on the grounds that it is overly broad and unduly burdensome inasmuch as it is not reasonably limited in time or scope and to the extent it seeks information and documents created after the date the specific Monarc® device was surgically implanted in Plaintiff Robin Sherwood. AMS also objects to this Request on the grounds that it is overly broad, unduly burdensome, oppressive and harassing.

7. **A copy of the professional education information presented and/or reviewed during the didactic portion of the Monarc sling**

training that Dr. Hines underwent prior to his first implantation of a Monarc sling into any patient.

RESPONSE: AMS incorporates its Preliminary Statement stated above in response to this Request. AMS objects to this Request on the grounds set forth in AMS' Motion for Protective Order which is being filed concurrently with these responses. AMS objects to the timeliness of this document request on the grounds that Connecticut Practice Book Section 13-10 allows the party served 30 days to respond to a discovery request. The Notice and Requests were not filed until October 15, 2015 and the deposition is scheduled for November 4, 2015. AMS objects to this Request on the grounds that it is overly broad and unduly burdensome inasmuch as it is not reasonably limited in time or scope and to the extent it seeks information and documents created after the date the specific Monarc® device was surgically implanted in Plaintiff Robin Sherwood. AMS also objects to this Request on the grounds that it is overly broad, unduly burdensome, oppressive and harassing.

8. A copy of any documents assessing, evaluating, updating, certifying and/or re-certifying Dr. Brian Hines during or after his Monarc sling training from 2001 through the present.

RESPONSE: AMS incorporates its Preliminary Statement stated above in response to this Request. AMS objects to this Request on the grounds set forth in AMS' Motion for Protective Order which is being filed concurrently with these responses. AMS objects to the timeliness of this document request on the grounds

that Connecticut Practice Book Section 13-10 allows the party served 30 days to respond to a discovery request. The Notice and Requests were not filed until October 15, 2015 and the deposition is scheduled for November 4, 2015. AMS further objects to the reference to “any documents” as used in this Request on the grounds that it is overly broad, unduly burdensome, harassing, and oppressive to the extent that it purports to require AMS to search through an unduly large number of documents and/or sources of information or to search for documents or information that are not reasonably accessible, imposing an undue burden and cost upon AMS. AMS objects to this Request on the grounds that it is overly broad and unduly burdensome inasmuch as it is not reasonably limited in time or scope and to the extent it seeks information and documents created after the date the specific Monarc® device was surgically implanted in Plaintiff Robin Sherwood. AMS also objects to this Request on the grounds that it is overly broad, unduly burdensome, oppressive and harassing.

9. A copy of all professional education materials pertaining to the Monarc sling products.

RESPONSE: AMS incorporates its Preliminary Statement stated above in response to this Request. AMS objects to this Request on the grounds set forth in AMS’ Motion for Protective Order which is being filed concurrently with these responses. AMS objects to the timeliness of this document request on the grounds that Connecticut Practice Book Section 13-10 allows the party served 30 days to

respond to a discovery request. The Notice and Requests were not filed until October 15, 2015 and the deposition is scheduled for November 4, 2015. AMS objects to this Request on the grounds that it is overly broad and unduly burdensome inasmuch as it is not reasonably limited in time or scope and to the extent it seeks information and documents created after the date the specific Monarc® device was surgically implanted in Plaintiff Robin Sherwood. AMS also objects to this Request on the grounds that it is overly broad, unduly burdensome, oppressive and harassing. AMS further objects to the reference to “all professional education materials” as used in this Request on the grounds that it is overly broad, unduly burdensome, harassing, and oppressive to the extent that it purports to require AMS to search through an unduly large number of documents and/or sources of information or to search for documents or information that are not reasonably accessible, imposing an undue burden and cost upon AMS. AMS further objects to this Request to the extent it seeks publicly available documents.

10. A copy of all patient education information pertaining to the Monarc sling products.

RESPONSE: AMS incorporates its Preliminary Statement stated above in response to this Request. AMS objects to this Request on the grounds set forth in AMS’ Motion for Protective Order which is being filed concurrently with these responses. AMS objects to the timeliness of this document request on the grounds that Connecticut Practice Book Section 13-10 allows the party served 30 days to

respond to a discovery request. The Notice and Requests were not filed until October 15, 2015 and the deposition is scheduled for November 4, 2015. AMS objects to this Request on the grounds that it is overly broad and unduly burdensome inasmuch as it is not reasonably limited in time or scope and to the extent it seeks information and documents created after the date the specific Monarc® device was surgically implanted in Plaintiff Robin Sherwood. AMS also objects to this Request on the grounds that it is overly broad, unduly burdensome, oppressive and harassing. AMS further objects to the reference to “all patient education information” as used in this Request on the grounds that it is overly broad, unduly burdensome, harassing, and oppressive to the extent that it purports to require AMS to search through an unduly large number of documents and/or sources of information or to search for documents or information that are not reasonably accessible, imposing an undue burden and cost upon AMS. AMS further objects to this Request to the extent it seeks publicly available documents.

THIRD-PARTY DEFENDANT
AMERICAN MEDICAL SYSTEMS, LLC.

BY: s/405657
Thomas P. O’Dea, Jr., Esq.
DISERIO MARTIN O’CONNOR &
CASTIGLIONI LLP #102036
One Atlantic Street
Stamford, CT 06901
Tel: (203) 358-0800 / Fax: 203-348-2321
todea@dmoc.com

CERTIFICATION

This is to certify that a copy of the foregoing has been mailed, via first class mail, postage prepaid, on November 3, 2015 to all counsel and parties of record as follows:

Brenden P. Leydon, Esq.
Tooher Woel & Leydon, LLC
80 Fourth Street
Stamford, CT 06905

s/405657
Thomas P. O'Dea, Jr.

EXHIBIT D

D.N. UWY-CV14-6025333-S : SUPERIOR COURT/CLD
ROBIN SHERWOOD, ET AL. : J.D. OF WATERBURY
V. : AT WATERBURY
STAMFORD HOSPITAL : OCTOBER 26, 2015

[PROPOSED] ORDER

Defendant American Medical Systems, Inc., having filed its Motion for Protective Order to Quash the Deposition of AMS Representative (the "Motion"), and the Court having duly considered the Motion, IT IS HEREBY ORDERED this ___ day of _____, 2015 that the Motion is GRANTED; and the notice of deposition directed to a representative of AMS is quashed.