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VOLUME 2 PAGES 319 - 613	1 Counsel for Plainliffs: Fletch Tranunell, Esq.
SUPERIOR COURT OF NEW JERSEY LAW DIVISION - MIDDLESEX COUNTY	2 Lestie LaMacchia, Esq. Bailey Perrin Bailey LLP
	3 The Lyric Centre Building 440 Louisiana Street - Suite 2100
In re: Risperdal/Seroquel/Zyprexa * Litigation Case Code 274 *	4 Houston, Texas 77002 713.425.7100 Fax 713 292 2714
	5 Rrammeli@bpblav.com Hamaechia@bpblav.com
Alma Avila, as next friend of * * Amber N. Avila, an individual case *	6 7 Tommy Fibich, Esq.
v. • Civil Action	Fibich Hampton Leebron & Garth, LLP 8 1401 McKinney Street - Suite 1800
<ul> <li>Docket Number</li> <li>Johnson &amp; Johnson Company, Janssen</li> <li>1-6661-06</li> </ul>	Houston, Texas 77010 9 713.751.0025 ~ Fax 713 751 0030
Pharmaceutica Products. I.P., a/k/a * Janssen, L.P., et al.	tfibich/@fhlg-law.com
• • • • • • • • • • • • • • • • • • • •	11 Kenneth W. Smith. Esq Sheller, P.C
	12 1528 Walnut Street Jrd Floor Philadelphia, Pernasylvania 19102
Video Deposition of Joseph Blederman, M.D. Friday, February 27, 2009	13 215 790.7300 - Fax 215 546 0942 ksmith@sheller.com 14
Dwyer & Collora, LLP Federal Reserve Plaza - 12th Floor	15
600 Atlantic Avenue Boston, Massachusetts 02210	Counsel for Defendants Johnson & Johnson Company 16 Janssen Pharmaceutica Products, L.P : Inform, A. Perki, Ren
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1 Counsel for Defendant AstraZeneca:	1 INDEX
2 Donald C. LeGower, Esq	3 DEPONENT PAGE
Dechert LLP 3 Cira Centre	4 Joseph Biederman. M D
2929 Arch Street 4 Philadelphia, Pennsylvania 19104	6 by Mr Fibich 327 7
215 994 4000 - Fax 215 994 2222 5 donald legower@deckert.com	8
6 7	9 BIEDERMAN EXHIBITS FOR IDENTIFICATION PAGE 10
Counsel for the deponent, Dr. Biederman:	11 17 CD labeled 02/26/09 Production 330 Responsive to Avila Subpoena of 12/16/08
9 Peter S. Spivack, Esq Keith Burney, Esq	12
9 Hogan & Hartson, L. L. P Columbia Square	18 Printout Wednesday. February 25, 2009, 345           13 from The Stanley Medical Research Institute
0 555 Thirteenth Street, N.W	website homepage (2 pages)
Washington, D C, 20004 1 202 637.5600 - Fax 202 637 5910	14 19 Dr. Biederman's response to 8/16/08 394
psspivack@hhlaw com 2	<ol> <li>Libby Seaman e-mail (Bates B-E0002277 - 279)</li> <li>20 Newspaper reprint from The Washington 384</li> </ol>
.3	Post of Tuesday. February 15, 2005. titled
4 Videographer: Shawn Budd, CLVS, Videographer	<ul> <li>Going to Extremes, Experts Question Rise in Pediatric Diagnosis of Bipolar Illness. a</li> </ul>
5 Stratos Legal Services LP 1001 West Loop South - Suite 809	18 Serious Mood Disorder (8 pages) 19 21 Article entitled Risperidone for the 398
б Houston. Texas 77027	Treatment of Affective Symptoms in Children
7 8 Also Present:	20 with Disruptive Behavior Disorder. A Post Hoc Analysis of Data from a 6-Week.
George Döbrentey, Videographer 9 on behalf of Hogan & Hartson	21 Multicenter Randomized, Double-Blind,
	Parallel-Arm Study. Joseph Biederman. M D . 22 published in Clinical Therapeutics. Volume
2	28. November 5. 2006 (7 pages) 23
h Mg	24
23 24	
24 25	25
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1 2 3 4 5 6 7 8 9 9 10 11 12 13 14 15 16 17 19 20 21	BIEDERMAN EXHIBITS       FOR IDENTIFICATION         22 '         23         24 Newspraper reprint from the Boston Globe       452         of January 30, 2009, Littled Doctor         Sentinized for Drug-Firm Ties Gets Kudos         From Bipolar Patients: Kin (2 pages)         25 Page Al 8 from The New York Times         453         National of Tuesday, November 25, 2008         Keaturing atticle tilded in Documents, Ties         Between Child Psychiatry Center and Drug         Maker         26 Cover E-mail sent Saturday, July 26, 469         2003, nt 12:20 pm. from Gahan Pandina         subject; Pediatic Bipolar Notes, with         atladied Protocol Outline: The Elfficace, and         Safety of Flexible Dose Ranges of         Risperidone vs Phacebo in The Treatment of         Manic or Mixed Epitodes Associated with         Bipolar I Disorder in Adolescents         27 Panamed Inter to the editor of The New 478	1     BIEDERMAN EXHIBITS     FOR IDENTIFICATION       2     Point Point slides printon.     495       first slide benderl Johnson & Johnson Center     5     for Pediatric Psychopathology Research.       Director:     Josef Biedernian M.D.     6       4     Administrative Coordinator. Megan Alcardi     7       10     Agenda headed the Johnson & Johnson     501       11     Center for Pediatric Psychopathology       8     Research at the Massachusetts General       11     Hespital, November 10 2003 - 5:00 p m The       9     Four Seasons, Boston with attached slides       and administrative overview (B0000216 - 248)       10     31       11     12       13     14       14     32       15     16       17     33       19     31       19     31
22 23 24 25	York Times (Bates B-E0003321 - 326) 28 Multipage PowerPoint slides printout, 482 first slide headed Johnson & Johnson Center for Pediatric Psychopathology Research Director: Joseph Biedeman, M.D., Administrative Coordinator Stephanie L. Van Patten, M.A. Stratos Legal Services 800-971-1127	<ul> <li>21</li> <li>35 Newspaper reprint from The Washington 331</li> <li>22 Post, headed Comparison of Schitophrenia Drugs Often Favors Firm Funding Study dated</li> <li>23 April 12, 2006 (3 pages)</li> <li>24 36 Article cantiled Relationship Between 310 Drug Company Funding and Outcomes of</li> <li>25 Clinical Psychiatric Research: Psychological</li> <li>Stratos Legal Services 800-971-1127</li> </ul>
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1 2 3 4 5 6 7	BIEDERMAN EXHIBITS FOR IDENTIFICATION J7 Article entitled Cochrane Reviews 546 Compared With Industry-Supported Meta- Analyses and Other Meta-Analyses of the Same Drugs: Systematic Review published 6 October 2006 (5 pages) 38	1 2 BIEDERMAN EXHIBITS FOR IDENTIFICATION 3 45 5 5 6 46
7 8 9		7 47 8
10 11 12 13 14	<ul> <li>19 Newspaper reprint headed Wall Street \$57</li> <li>Journal July 11. 2006. Financial Ties to Industry Cloud Major Depression Study; At Issue: Whether It's Safe for Pregnant Women to Stay on Medication, JAMA Asks Authors to Explain by David Armstrong (6 pages) 40</li> </ul>	<ul> <li>9</li> <li>48 Spreadsheet, untitled, with six columns: 596 PI Last Name; Fund; Last Mo Exp; Cash</li> <li>11 Balance; Sponsor Name; Title (5 pages)</li> <li>12 49 Cover letter dated February 25, 2009, 599 from Hogan &amp; Hartson to Leslie LaMacchia,</li> <li>13 re: Subpoena issued to Dr Joseph Biederman</li> </ul>
15 16 17	41	dated December 16, 2008, with attached 14 privilege log 15 50 Document headed Editorial, Conflict of 611 Interest, American Journal of Psychiatry.
18 19 20	42	16 April 2006. pages 571 through 573 17 18 19
21 22 23 24	43 44 Two pages of handwritten notes (Bates 578 B0000190 and 191), with three attached remittance advices (B0000192 - 194)	20 (ORIGINAL EXHIBITS SENT TO ATTORNEY LaMACCHIA) 21 22 23 24
25	Stratos Legal Services 800-971-1127	25 Stratos Legal Services 800-971-1127

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1		1	which was me, and I did in fact consent to
2	MORNING SESSION	2	Mr. Trammell's admission in the Adams case. And
3	9:03 a.m.	3	that was for the purpose of deposing Janssen
4	****************	4	corporate reps whose depositions have been ongoing
5	(Biederman Deposition Exhibit 17 marked	5	for the past several months
6	for identification.)	6	I object to both you and Mr. Trammell
7	THE VIDEOGRAPHER: We are back on the	7	examining Dr. Biederman. You are both sponsored by
8	record. This is day 2 in the videotaped deposition	8	the same law firm, you are one party, and that is
9	of Dr. Joseph Biederman. Today's date is February	9	the party for Avila. One attorney should be doing
10	27, 2009, and the time is four minutes after 9:00.	10	the questioning and one attorney should be doing the
11	You may continue.	11	objecting, not two attorneys
12	JOSEPH BIEDERMAN, M.D.,	12	In addition, I have the right to cross-
13	having been previously sworn on oath, was	13	examine Dr. Biederman And the fact that two
14	examined and testified further as follows:	14	counsel from the same sponsor, essentially for the
15	EXAMINATION	15	same client, are taking up time that would impede my
16	BY MR. FIBICH:	16 17	cross-examination, I object I understand that
17	Q. Good morning, Dr. Biederman.	1	Mr. Smith also has some questions, which means that
18 19	MR. PECK: Mr. Fibich, before you begin I would just like to place my objection on the	18 19	if I get a chance at all, it will be very late in the day, if at all And for these reasons I object.
20	record to your interrogation of Dr. Biederman today.	20	MR SMITH: This is Ken Smith As I said,
21	Mr. Trammell was admitted in the Avila	21	I told you I might have some questions. I didn't
22	case and he spent all of yesterday deposing	22	say I would have some questions
23	Dr. Biederman. With regard to the Adams case, he	23	MR. FIBICH: Mr. Peck, how long do you
24	was also admitted and the order of admission	24	feel you'd need to have for your cross of
25	indicates that he had the consent of his adversary,	25	Dr Biederman?
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12	MR. PECK: I would suspect that I need at least two hours.	12	<ul> <li>A. That's correct. MR. FIBICH: Mr. Spivack, we have labeled</li> </ul>
3	BY MR. FIBICH:	3	as Biederman Exhibit Number 17 the production that
4	Q. Dr. Biederman, we have not formally been	4	we had, what you have represented to be responsive
5	introduced, have we?	5	to that subpoena. We have some questions about it,
6	A. No.	6	so I want to make this part of the record. That's
7	Q. Once again, my name is Tommy Fibich and	7	the disc that was produced to us.
8	I'm here on behalf of people that have brought a	8	MR. SPIVACK: Sorry My eyes are going,
9	lawsuit against Janssen Pharmaceuticals. Do you	9	SO com
10	understand that?	10	MR. FIBICH: I understand
11	A <sub>n</sub> I understand that.	11	MR. SPIVACK: All right. Thank you, sir-
12	Q. Do you understand the nature of the	12	BY MR. FIBICH:
13	lawsuit that we have brought against Janssen?	13	Q. You understand you're under oath?
14	A. No.	14	A. Yes.
15	Q. You don't understand what the allegations	15	Q. Do you understand the obligations that
16	are?	16 17	that oath imposes upon you?
17 18		11 /	A. Yes, I understand.
×1 B	A. I do not know anything about a lawsuit.	1	O And what one there at 0
	Q. You have been subpoenaed here today. Is	18	Q. And what are those, sir?
19	Q. You have been subpoenaed here today. Is that correct?	18 19	A. That I have to say the truth and
19 20	<ul><li>Q. You have been subpoenaed here today. Is that correct?</li><li>A. Yes.</li></ul>	18 19 20	A. That I have to say the truth and everything but the truth.
19 20 21	<ul><li>Q. You have been subpoenaed here today. Is that correct?</li><li>A. Yes.</li><li>Q. And in response to the subpoena to come</li></ul>	18 19 20 21	<ul> <li>A. That I have to say the truth and everything but the truth.</li> <li>Q. That's right, everything that there is</li> </ul>
19 20 21 22	<ul> <li>Q. You have been subpoenaed here today. Is that correct?</li> <li>A. Yes.</li> <li>Q. And in response to the subpoena to come here today, you produced certain documents to your</li> </ul>	18 19 20 21 22	<ul> <li>A. That I have to say the truth and everything but the truth.</li> <li>Q. That's right, everything that there is with respect to the truth. You can't hold anything</li> </ul>
19 20 21 22 23	<ul> <li>Q. You have been subpoenaed here today. Is that correct?</li> <li>A. Yes.</li> <li>Q. And in response to the subpoena to come here today, you produced certain documents to your lawyers and they have turned those over to us in</li> </ul>	18 19 20 21 22 23	<ul> <li>A. That I have to say the truth and everything but the truth.</li> <li>Q. That's right, everything that there is with respect to the truth. You can't hold anything back. You understand that, do you not?</li> </ul>
19 20 21 22 23 24	<ul> <li>Q. You have been subpoended here today. Is that correct?</li> <li>A. Yes.</li> <li>Q. And in response to the subpoend to come here today, you produced certain documents to your lawyers and they have turned those over to us in response to that subpoend. Is that your</li> </ul>	18 19 20 21 22 23 24	<ul> <li>A. That I have to say the truth and everything but the truth.</li> <li>Q. That's right, everything that there is with respect to the truth. You can't hold anything back. You understand that, do you not?</li> <li>A. Yes, I do.</li> </ul>
19 20 21 22 23	<ul> <li>Q. You have been subpoenaed here today. Is that correct?</li> <li>A. Yes.</li> <li>Q. And in response to the subpoena to come here today, you produced certain documents to your lawyers and they have turned those over to us in</li> </ul>	18 19 20 21 22 23	<ul> <li>A. That I have to say the truth and everything but the truth.</li> <li>Q. That's right, everything that there is with respect to the truth. You can't hold anything back. You understand that, do you not?</li> <li>A. Yes, I do.</li> <li>Q. And you understand that there could be</li> </ul>
19 20 21 22 23 24	<ul> <li>Q. You have been subpoended here today. Is that correct?</li> <li>A. Yes.</li> <li>Q. And in response to the subpoend to come here today, you produced certain documents to your lawyers and they have turned those over to us in response to that subpoend. Is that your understanding?</li> </ul>	18 19 20 21 22 23 24	<ul> <li>A. That I have to say the truth and everything but the truth.</li> <li>Q. That's right, everything that there is with respect to the truth. You can't hold anything back. You understand that, do you not?</li> <li>A. Yes, I do.</li> </ul>

Joseph Biederman February 27, 2009 Page 331 1 penalties applied against you should there be a 1 2 violation of that oath? 2 3 A. I understand. 3 4 Q. You understand that. Correct? 4 5 A. Correct. 5	Joseph Biederman February 27, 2009 Page 332 Q. And were you seeking to help protect that patent or were you seeking to try to have that patent voided?
Page 3311penalties applied against you should there be a12violation of that oath?23A. I understand.34Q. You understand that. Correct?45A. Correct.5	Page 332 Q. And were you seeking to help protect that patent or were you seeking to try to have that
2violation of that oath?23A. I understand.34Q. You understand that. Correct?45A. Correct.5	patent or were you seeking to try to have that
2violation of that oath?23A. I understand.34Q. You understand that. Correct?45A. Correct.5	patent or were you seeking to try to have that
3A. I understand.34Q. You understand that. Correct?45A. Correct.5	
4Q.You understand that. Correct?45A.Correct.5	patent voided?
5 A. Correct 5	parone toravar
5 A. Correct 5	A I was not seeking anything. In fact,
	I did not want to be deposed at all, but
6 Q. Dr. Biederman, have you ever given a 6	Q. Was your testimony in support of the
appointent outer of started yesterauly.	patent or against the patent?
8 A. Yes. 8	A. Neither
9 Q. And on how many occasions have you been 9	Q. Who asked you to testify?
10 deposed?	A. The genetic companies that were
11 A. To my knowledge, once 11	challenging Lilly for the patent on Strattera.
12 Q. And would you tell me the nature of that 12	Q. And when was this?
· · ·	•
	A. It was about two months ago.
14 A. It was a patent litigation between Lilly 14	Q. And where did this take place?
15 and some genetic companies. 15	A. In Boston.
16 Q And did I understand you to say patent? 16	Q. And do you recall the names of the lawyers
17 A. (Witness nodded.) 17	that were involved in that?
18 Q. You've got to say "yes." You can't shake 18	A. I only No. I only recall the lawyer
19 your head.	from Mass. General that went with me. His name is,
20 A. Patent, yes, patent. 20	hmmm I don't remember Paul Cushing
21 Q. And for which party did you testify? 21	Q. And did that litigation involve a
22 A. I don't know which party. There was no 22	pharmaceutical product?
22A. I don't know which party. There was no2223party; they were just lawyers questioning. There23	A. Yes.
24 was a challenge to the patent and I was asked to be 24	Q. And what was the product?
25 deposed. 25	A. The product was Strattera.
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Tanan Diadayaan	
Joseph Biederman	Joseph Biederman
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1 Q. Can you spell that for our court reporter? 1	Harvard Medical School you basically do for free?
2 A. Yes, S-t-r-a-t-t-e-r-a. 2	A. Everything that I do for Harvard Medical
	School is for me because they don't pay me a cent
4 things we talked about yesterday but I'm somewhat 4	for anything. 1 am employed by Mass. General and I
5 unclear and it's probably my fault. But as I 5	teach residents. That's who I teach.
6 understand things, you are a member of Harvard 6	Q. At Mass Excuse me. I didn't mean to
7 Medical School? 7	cut you off. You teach residents. Is that correct?
8 A. Correct. 8	A. Yes.
	Q. And Mass. General Hospital, that is the
10 position of full professorship. Is that correct?	teaching hospital for Harvard Medical School?
11 A. That's correct.	A. Yes. It's one of a dozen hospitals that
12 Q. And as a result of being a professor at 12	are affiliated with Harvard.
13 Harvard Medical School, do you draw a salary from 13	Q. Is it the most prominent hospital that is
14 Harvard? 14	affiliated with Harvard?
15 A. No. 15	A. I don't know. I think that it's one of
16 Q. Do you derive any income whatsoever as a 16	the most prominent.
17 result of your association with Harvard Medical 17	Q. What is the reputation of Massachusetts
18 School? 18	General Hospital?
19 A. None. Harvard does not pay me a cent. 19	A. It's a very reputable institution.
20 Q. Do you receive a stipend? Do you 20	Q. And is that the only hospital where you
21 receive 21	
	treat patients?
22 A. No. 22	A. Yes.
	Q. And do you receive a salary from
23 Q Do you receive an office there? 23	Massachusetts General Hospital?
23QDo you receive an office there?2324A.No; nothing24	iviassaciiuseus Ocheral riospital?
24 A. No; nothing. 24	A. That's correct
24A.No; nothing.2425Q.So what do you doWhat you do at25	A. That's correct.
24 A. No; nothing. 24	

e			<u> </u>
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12	Q. And what is your salary that you receive from Massachusetts General Hospital?	12	see in your private practice, what is the bill who is the bill from?
3	A. Could you repeat the question?	3	A. The bill is from me.
4	Q. What is your salary that you draw from	4	Q. "Me," do you mean some entity or
5	Massachusetts General Hospital?	5	A. No.
6	A. It's about 260,000, fifty sixty	6	Q do you mean yourself?
7	thousand dollars.	7	A. Myself.
9	Q. And in addition to that salary, do you also receive income from patients that you treat at	9	Q. Now, what is your relationship or association with the Yawkey Clinic for Outpatient
hō	Massachusetts General Hospital?	10	Care?
11	A. No. The patients that I I have a small	11	A. The Yawkey Clinic is one of the buildings
12	private practice that I have after hours, but the	12	of Mass. General funded by the Yawkey family where
13	patients that I see through the clinics at	13	outpatient clinics are located; and on the sixth
14 15	Mass. General, they pay the hospital, not me Q. And the small practice that you have after	14 15	floor, suite A is child psychiatry. Q. Are you associated with that clinic?
16	hours, do you derive income from that practice?	16	A. I am associated with Mass. General. The
17	A. Yes, I do	17	physical place that I work is at the Yawkey Center.
18	Q. And what is the income that you derive	18	Q. Do you derive any income or moneys
19	from that practice?	19	whatsoever from the Yawkey Clinic?
20	A. Modest. It's about, I would say, between	20 21	A. No. The salary is from Mass. General.
21 22 23	80 and a hundred thousand dollars a year. Q. And what is the name of the practice? Is	22	Q. Now, yesterday we talked about the Johnson & Johnson Center for Pediatric Psychotherapy. Do
23	it Joe Biederman, psychiatrist?	23	you recall that?
24	A. No, it's Yes.	24	A. Psychopathology.
25	Q. When you send a bill to a patient that you	25	Q Psychopathology, excuse me. And that is
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	000 971-1127		000-9/1-112/
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1 2	February 27, 2009	1 2	February 27, 2009
2 3	February 27, 2009 Page 337 just a name, is it? There isn't a building or a wing? A. No.		February 27, 2009 Page 338 A. I don't know. You have to be more specific. Q. Well, I'm just asking you, is there a
2 3 4	February 27, 2009 Page 337 just a name, is it? There isn't a building or a wing? A. No. Q. Is that correct?	2 3 4	February 27, 2009 Page 338 A. I don't know. You have to be more specific. Q. Well, I'm just asking you, is there a Center for Child and Adolescent Psychiatric Research
2 3 4 5	February 27, 2009 Page 337 just a name, is it? There isn't a building or a wing? A. No. Q. Is that correct? A. That's correct.	2 3 4 5	February 27, 2009 Page 338 A. I don't know. You have to be more specific. Q. Well, I'm just asking you, is there a Center for Child and Adolescent Psychiatric Research at Massachusetts General, to your knowledge?
2 3 4 5 6	February 27, 2009 Page 337 just a name, is it? There isn't a building or a wing? A. No. Q. Is that correct? A. That's correct. Q. Now, you are a director of that center.	2 3 4 5 6	February 27, 2009 Page 338 A. I don't know. You have to be more specific. Q. Well, I'm just asking you, is there a Center for Child and Adolescent Psychiatric Research at Massachusetts General, to your knowledge? A. No.
2 3 4 5	February 27, 2009 Page 337 just a name, is it? There isn't a building or a wing? A. No. Q. Is that correct? A. That's correct.	2 3 4 5	February 27, 2009 Page 338 A. I don't know. You have to be more specific. Q. Well, I'm just asking you, is there a Center for Child and Adolescent Psychiatric Research at Massachusetts General, to your knowledge?
2 3 4 5 6 7 8 9	February 27, 2009 Page 337 just a name, is it? There isn't a building or a wing? A. No. Q. Is that correct? A. That's correct. Q. Now, you are a director of that center. Correct? A. I was. Q. You were. You are no longer?	2 3 4 5 6 7 8 9	February 27, 2009 Page 338 A. I don't know. You have to be more specific. Q. Well, I'm just asking you, is there a Center for Child and Adolescent Psychiatric Research at Massachusetts General, to your knowledge? A. No. Q. Is there a Massachusetts General Hospital Center for Pediatric Mania? A. We have a clinic for pediatric mania,
2 3 4 5 7 8 9 10	February 27, 2009 Page 337 just a name, is it? There isn't a building or a wing? A. No. Q. Is that correct? A. That's correct. Q. Now, you are a director of that center. Correct? A. I was. Q. You were. You are no longer? A. The center ceased to exist in 2005.	2 3 4 5 6 7 8 9 10	February 27, 2009 Page 338 A. I don't know. You have to be more specific. Q. Well, I'm just asking you, is there a Center for Child and Adolescent Psychiatric Research at Massachusetts General, to your knowledge? A. No. Q. Is there a Massachusetts General Hospital Center for Pediatric Mania? A. We have a clinic for pediatric mania, program for pediatric mania. It's not a center.
2 3 4 5 7 8 9 10 11	February 27, 2009 Page 337 just a name, is it? There isn't a building or a wing? A. No. Q. Is that correct? A. That's correct. Q. Now, you are a director of that center. Correct? A. I was. Q. You were. You are no longer? A. The center ceased to exist in 2005. Q. And as a director for that center, you	2 3 4 5 6 7 8 9 10 11	February 27, 2009 Page 338 A. I don't know. You have to be more specific. Q. Well, I'm just asking you, is there a Center for Child and Adolescent Psychiatric Research at Massachusetts General, to your knowledge? A. No. Q. Is there a Massachusetts General Hospital Center for Pediatric Mania? A. We have a clinic for pediatric mania, program for pediatric mania. It's not a center. Q. Well, I'm seeing the term Center for
2 3 4 5 6 7 8 9 10 11 12	February 27, 2009 Page 337 just a name, is it? There isn't a building or a wing? A. No. Q. Is that correct? A. That's correct? A. That's correct. Q. Now, you are a director of that center. Correct? A. I was. Q. You were. You are no longer? A. The center ceased to exist in 2005. Q. And as a director for that center, you received what you indicated yesterday was a	2 3 4 5 6 7 8 9 10 11 12	February 27, 2009 Page 338 A. I don't know. You have to be more specific. Q. Well, I'm just asking you, is there a Center for Child and Adolescent Psychiatric Research at Massachusetts General, to your knowledge? A. No. Q. Is there a Massachusetts General Hospital Center for Pediatric Mania? A. We have a clinic for pediatric mania, program for pediatric mania. It's not a center. Q. Well, I'm seeing the term Center for Pediatric Mania. Is there a center?
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	Joseph Biederman February 27, 2009		Joseph Biederman February 27, 2009
	Page 339		Page 340
1	Q. And you list your affiliation with	1	many people, Mass. General employs 10,000 people
2	Massachusetts General. Is that correct?	2	that are not prestigious. I am prestigious because
3	A. That's correct.	3	of the quality of my work, not because I work there.
4	Q. And why do you do that, sir?	4	Q. Well, we're going to get to your prestige
5	A. Because those are my affiliations.	5	in a little while. But as a practical matter, when
6	Q. And what's the purpose of listing those?	6	
7	A. Because this is my affiliations. Like	7	you're here today, you're not speaking the views of
8		8	Harvard Medical School, are you?
9	I put my last name and my first name and my degree.	1	
10	Q. Well, you put those on there, quite	9	Q. You're not speaking the views of
11	frankly, because it gives credence to you, does it not?	10 11	Mass. General Hospital, are you? A. No.
12			
	A. No. This is the truth and this is my	12	Q. The views that you're expressing here
13	affiliation I work at Mass. General and I hold an	13	today are the views of Joseph Biederman. Correct?
14	appointment. The standard in academia and	14	A That's correct.
15	scientific intercourse, the people that publish and	15	Q. And the views that you express in your
16	present list their affiliation. It's nothing unique	16	scientific papers likewise are not the views of
17	to me.	17	Harvard. Correct?
18	Q. And I understand. I'm not saying it's	18	A. That's correct.
19	unique to you. I'm asking you, do you believe that	19	Q. And the views that you express in your
20	your association with Harvard and your association	20	scientific papers and presentations and lectures,
21	with Mass. General give you additional credibility	21	those are not the views of Harvard or of
22	as a spokesman for whatever views you may hold?	22	Mass. General but rather the views of Joe Biederman.
23	A. I don't think so. I think that they	23	Correct?
24	derive credibility because of my scientific	24	A. Let me clarify. My papers are scientific
25	activities, not the other way around. There are	25	papers I describe data. I conduct statistical
	Stratos Legal Services		Stratos Legal Services
	800-971-1127		800-971-1127
	Joseph Biederman		Joseph Biederman
	February 27, 2009		
i	<b>"</b>		February 27, 2009
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1		1 2	Page 342 Q. But the National Institutes of Health has
	Page 341 analysis. So it's not I don't proselytize or evangelize; I state the facts. This is science, not	1	Page 342
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	Joseph Biederman		Joseph Biederman
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	Page 343		Page 344
-		1	A They funded the contex for the treatment
1 2	Q. Where is the Stanley Medical Research	12	A They funded the center for the treatment of pediatric mania, so we conducted studies
3	Institute located?	3	examining Zyprexa, Seroquel, risperidone. We did a
4	A. I do not know.	4	study of preschoolers, these type of things.
5	Q. Have you ever been to that particular	5	Q. So the Center for Pediatric Mania has been
6	institute?	6	funded exclusively by the Stanley Medical Research
7	A. No.	7	Institute?
8	Q. What have you had to do with the Stanley	8	A. Yes. It's the center for the treatment of
9	Medical Research Institute?	9	pediatric mania. That's probably correct
10	A. We put an application for conducting this	10	Q Okay And what is your relationship to
11	type of research that I described and they funded	11	that center?
12	US.	12	A. I was the director of the center.
13	Q. And what is the Treatment Advocacy Center?	13	Q. You said you were. Are you currently?
14	A. Treatment Advocacy Center? I have no	14	A. No. The center ceased to exist in the
15	idea.	15	early 2000.
16	Q. You've never seen that term used with	16	Q Why did it cease to exist?
17	respect to the Stanley Medical Research Institute?	17	A. Because they run out of funds. Many of
18 19	A. No.	18 19	these activities are time-limited; they are not lifetime.
20	Q. How many studies has the Stanley Medical Research Institute funded of yours?	20	
21	A. They funded a center, so there was a group	21	Q. Was the Stanley Medical Research Institute set up to your knowledge for the purposes of funding
22	of studies, studies that involved neuroleptics and	22	your research?
23	studies that followed up, but mostly a study that	23	A. I am not understanding your question.
24	involved treatment.	24	Q. Was the Stanley Medical Research Institute
25	Q. What center did they fund?	25	set up solely for the purposes of funding your
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	Joseph Biederman		Joseph Biederman
	February 27, 2009		February 27, 2009 Page 348
_	Page 347		-
1	all four. Is that correct?	1	Q Did you publish the results of that?
2	A. That's correct.	2	A. Were too small number of patients to
3	Q. They were all four studies with respect to	3	publish. It was five or six
4	bipolar disorder?	4	Q. So the answer is no?
5 6	<ul> <li>A. Yes, pediatric bipolar disorder, yes.</li> <li>Q. And the first one was discontinued. Do</li> </ul>	5	A. No.
7	•	67	Q. So you had a small number of patients to begin with Is that correct?
8	you see that? A. Mm-hmm.	8	A. No. The patients were large. Small
9	Q. You've got to say "yes." You can't	9	number of patients that were severely affected with
10	A. Yes. Sorry I apologize	10	depression to be in the other arms.
11	Q. Okay. Why was this study discontinued?	īī	Q. Well, I thought I understood you to say
12	A. Because patients were improved enough when	12	that this particular drug worked so well that you
13	we treated them. The study was sequenced to treat	13	didn't have enough severely depressed people to go
14	the mania first. Bipolar illness has two phases,	14	forward with the study Is that correct?
15	mania and depression. And the issue whether	15	A. The treatment with the atypical
16	antidepressants can be deployed in the treatment of	16	antipsychotic provided sufficient relief of
17	the manic phase is an area of great clinical	17	depressive symptoms that many children were no
18	interest, so the patients that were supposed to be	18	longer severely depressed after we treated them.
19	in the paroxetine arm were offered.	19	Q So you got a good result with respect to
20	So what was happening, we had two options,	20	the treatment that was afforded the people in this
21	to use bupropion, or Wellbutrin, or paroxetine, or	21	study. Correct?
22	Paxil, and patients were not sufficiently severely	22	A. That's correct.
23	depressed to enter the depressed part So they	23	Q. And you did not publish that. Correct?
24	improved enough with the anti-manic treatments that	24	A No, I published the results of the
25	we did not recruit for the depressive part.	25	treatment with the atypical antipsychotics. Our
	Stratos Legal Services		Stratos Legal Services
ł	800-971-1127		800-971-1127
ļ	800-971-1127		800-971-1127
	800-971-1127 Joseph Biederman February 27, 2009		300-971-1127 Joseph Biederman February 27, 2009
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1 2	Joseph Biederman February 27, 2009 Page 349		Joseph Biederman February 27, 2009 Page 350
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	for you if you want.		A. In the early 2000	
2	Q. I'm asking you what the name of the	2	Q Why was it discontinued?	
3	publication is that the paper has been submitted to.	3	A. For the same reasons. The children that	ľ
4	Can you tell me?	4	were treated with atypical neuroleptics had	
5	A. I cannot remember. I can find out if you	5	indicated enough improvement in their ADHD symptoms	
6	are curious to know. But it's a scientific journal	6	that the parents were not interested to add	
7	that the paper is being currently considered for	7	Concerta	-
8	publication.	8	Q. And did you publish the results of your	
9	Q. I'm not asking you what type of journal.	9	findings with respect to that study?	
10	I presume it's a scientific journal. Okay?	10	A. No. Those findings, we reported that in	
11 12	A. I don't remember the journal. How many	11 12	the study of risperidone and olanzapine and other studies that we did what is the improvement on ADHD	- Į
13	times you want me to tell you? I don't remember the	13	symptoms But this study had minimal amount of	
14	journal. I will be able to find out if you want to	14	patients to be a valuable study, so that's the	
15	know. I don't have it in my active memory. Q. Is your active memory good today?	15	reason that we discontinued it	
16	<ul> <li>Q. Is your active memory good today?</li> <li>A. It's very good. What about yours?</li> </ul>	16	Q. And a limited number of patients	
17	Q. We'll find out.	17	oftentimes will mean that you cannot draw general	l
18	A. Okay.	18	conclusions from the findings of that study.	
19	Q. Actually, it's a little slow today	19	Correct?	
20	A. Good.	20	A. That's correct.	
21	Q. Then the Concerta-Aterol study that	21	Q Now, I want to make sure I understood what	
22	Stanley Center for Psychiatric Research funded, that	22	you told me. Did you tell me that the study that	
22 23	was discontinued. Correct?	23	was discontinued that was a study of pediatric	
24	A. That's correct	24	bipolar disorder in relationship to Concerta use and	
25	Q. When was that discontinued?	25	Aterol use, that the findings were contained in	
1	Stratos Legal Services		Stratos Legal Services	
	800-971-1127		800-971-1127	
	Joseph Biederman	1	Tanak Diadaman	
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2 3 4 5 6	February 27, 2009 Page 353 another paper? A. The study had two stages. Children were treated with risperidone, olanzapine and neuroleptics first for their manic symptoms and they were only eligible to enter the stimulant part Eighty percent of children with pediatric mania have	2 3 4 5 6	February 27, 2009 Page 354 Research still exist today, to your knowledge? A. The Stanley Foundation exists. Our center does not. Q. Does the Stanley center currently sponsor any programs for the psychiatric department at Mass. General, as far as you know?	
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			10 (Pages 355 to 35)
	Joseph Biederman		Joseph Biederman
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	Page 355		Page 356
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1	those disclosures?	1	A. Not very good.
2	A. To both Harvard and Mass. General	2	Q. So from whatever time it was first imposed
3	Q. And on what basis were you supposed to	3	upon you through 2006, did you fulfill those
4	make those insofar as time? Is that an annual	4	requirements accurately and completely?
5	requirement, reporting requirement? Is it a	5	A. To the best of my abilities.
6	requirement as you receive money from those	6	Q. How often would you make annual reportings
7	pharmaceutical companies? Or how or on what time	7	to Harvard with respect to outside income from
8	basis is it supposed to be reported?	8	pharmaceutical companies?
9	A It was very unclear up till recently	9	A. They had cycles, usually occurred every
10	Harvard had cycles that they decided periodically	10	three years or more. The last cycle was in 2007 to
11	that it's a new cycle and required reporting.	11	'8. So 2007? Yes
12	Mass General had the chairman designated individual	12	Q. 2007?
13	researchers to report.	13	A Yes, the last Let me just think for a
14	Q Let's take Harvard. How long have you	14	moment. It was two thousand? Yes, it was 2007.
15	been a member at Harvard Medical School?	15	Q And before that was it a three-year cycle?
16	A. I started as a resident in 1977	16	A. Before that was three years prior. I
17	Q And at what point in time did Harvard	17	don't remember. It was a little bit even at random,
18	impose upon you an obligation to report outside	18	so it's not that it had a precise cadence.
19	income from pharmaceutical companies?	19	Q Were you supposed to make these
20	A. I believe in the late '80s	20	disclosures to this institution at the end of the
21	Q. And that would be the '88-89 time period,	21	year or at what particular time during the year?
22	approximately?	22	A. When the cycle request came
23	A. I don't remember.	23	Q So it would be a written request from
24	Q. Okay. Your memory is not that good today	24	Harvard and then you would have to fulfill that Is
25	on that issue. Right?	25	that correct?
	Stratos Legal Services		Stratos Legal Services
		1	
	800-971-1127		800-971-1127
			800-971-1127 Joseph Biederman February 27, 2009
	800-971-1127 Joseph Biederman		Joseph Biederman
1	800-971-1127 Joseph Biederman February 27, 2009 Page 357		Joseph Biederman February 27, 2009 Page 358
1 2	300-971-1127 Joseph Biederman February 27, 2009 Page 357 A. That's correct.	1 2	Joseph Biederman February 27, 2009 Page 358 Q. And you did that sometime in 2007?
2	300-971-1127 Joseph Biederman February 27, 2009 Page 357 A. That's correct. Q. And when is the last time that you	2	Joseph Biederman February 27, 2009 Page 358 Q. And you did that sometime in 2007? A. Yes, toward the end of 2007. To best of
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2 4 5 6 7 8 90 112 145 167 189 222 2223	Joseph Biederman February 27, 2009 Page 357 A. That's correct. Q. And when is the last time that you received a request from Harvard to disclose your outside income from pharmaceutical companies? A. I believe that was the end of 2007, I believe. Q. And from whom does this request come? A. From the university. Q. And who at the university? A. I don't know. It's a request. Probably from the dean. Q. You're guessing? A. I'm guessing. Q. Who did you turn the requested information in to? A. It was electronic, so it was a website that I turned the information in. Q. So you would receive an e-mail. Is that correct? A. Yes. Q. Saying let us know how much income you had? A. Complete the form for conflict of interest	2345678901123456789011234567890122222	Joseph Biederman February 27, 2009 Page 358 Q. And you did that sometime in 2007? A. Yes, toward the end of 2007. To best of my recollection. Q. Now, did you have the same reporting requirements with respect to Massachusetts General? A. Massachusetts General has a different system. In 2007 and '8 they developed an electronic Web-based reporting system. Q. And before that Excuse me. Were you finished? A. Yes. Q. Before that, what type of system did they have? A. Before that, the requirements were nomination by the chairman to report to individual faculty. So the chairman requested from individual faculty to report their activities outside the institution. Q. And who is the chairman? A. The chairman of psychiatry is Dr. Jerry Rosenbaum. Q. And how long has he been the chairman? A. About five years.
2 4 5 6 7 8 90 112345678901222234	Joseph Biederman February 27, 2009 Page 357 A. That's correct. Q. And when is the last time that you received a request from Harvard to disclose your outside income from pharmaceutical companies? A. I believe that was the end of 2007, I believe. Q. And from whom does this request come? A. From the university. Q. And who at the university? A. I don't know. It's a request. Probably from the dean. Q. You're guessing? A. I'm guessing. Q. Who did you turn the requested information in to? A. It was electronic, so it was a website that I turned the information in. Q. So you would receive an e-mail. Is that correct? A. Yes. Q. Saying let us know how much income you had? A. Complete the form for conflict of interest and the instructions are here; complete it and	2345678901123456789011234567890122234	Joseph Biederman February 27, 2009 Page 358 Q. And you did that sometime in 2007? A. Yes, toward the end of 2007. To best of my recollection. Q. Now, did you have the same reporting requirements with respect to Massachusetts General? A. Massachusetts General has a different system. In 2007 and '8 they developed an electronic Web-based reporting system. Q. And before that Excuse me. Were you finished? A. Yes. Q. Before that, what type of system did they have? A. Before that, the requirements were nomination by the chairman to report to individual faculty. So the chairman to report to individual faculty to report their activities outside the institution. Q. And who is the chairman? A. The chairman of psychiatry is Dr. Jerry Rosenbaum. Q. And how long has he been the chairman? A. About five years. Q. So from 2002 to 2007 that's who you would
2 3 4 5 6 7 8 9 0 11 12 13 4 15	Joseph Biederman February 27, 2009 Page 357 A. That's correct. Q. And when is the last time that you received a request from Harvard to disclose your outside income from pharmaceutical companies? A. I believe that was the end of 2007, I believe. Q. And from whom does this request come? A. From the university. Q. And who at the university? A. I don't know. It's a request. Probably from the dean. Q. You're guessing? A. I'm guessing. Q. Who did you turn the requested information in to? A. It was electronic, so it was a website that I turned the information in. Q. So you would receive an e-mail. Is that correct? A. Yes. Q. Saying let us know how much income you had? A. Complete the form for conflict of interest	2345678901123456789011234567890122222	Joseph Biederman February 27, 2009 Page 358 Q. And you did that sometime in 2007? A. Yes, toward the end of 2007. To best of my recollection. Q. Now, did you have the same reporting requirements with respect to Massachusetts General? A. Massachusetts General has a different system. In 2007 and '8 they developed an electronic Web-based reporting system. Q. And before that Excuse me. Were you finished? A. Yes. Q. Before that, what type of system did they have? A. Before that, the requirements were nomination by the chairman to report to individual faculty. So the chairman to report to individual faculty to report their activities outside the institution. Q. And who is the chairman? A. The chairman of psychiatry is Dr. Jerry Rosenbaum. Q. And how long has he been the chairman? A. About five years.

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1 2 3	A. The reporting The request came from the chairman and the information went to the president of the institution.	1 2 3	A. How long? I think I was requested a few times. Every time that the request came, I completed the request.
45	Q. The president of the institution would be the president of Mass. General?	4	Q. I want to know, is this something that you did yearly?
6	A. Yes.	6	A. The yearly is only recently. It has been
7	Q. And who is that? A. Now it's Peter Slavin.	7	implemented by Mass. General, yearly reporting, but before that, was not yearly.
9	Q. And before Mr. Slavin, who was it?	9	Q And typically how would the reporting go
10 11	<ul> <li>A. I don't remember what was the name of</li> <li>Q. When did Mr. Slavin become the president</li> </ul>	10 11	prior to it becoming a policy of doing it yearly? A. It was random and sporadic.
12	of that institution?	12	Q. So it just varied. Correct?
13 14	A. I'm going to say about five or six years ago.	13 14	<ul> <li>A. Yes</li> <li>Q. And on each occasion that you were</li> </ul>
15	Q. So you would receive a request to report	15	requested by Mass General to report to them your
16 17	to the president of the institution? A. I would receive a request from the	16 17	outside income, did you do so accurately and completely?
18	chairman to report to the institution. I usually	18	A. I did accurately and completely to the
19 20	returned the response to the chairman and the chairman submitted it to whatever the agency or the	19 20	best of my abilities. Q. When you say to the best of your
21	department in the institution was recipient of that	21	abilities, does that mean that there were on
22 23	information. Q. And for how long were you requested by the	22 23	occasion mistakes made? A. On occasions mistake could have been made.
24	chairman to submit this information to the president	24	Q. I'm not asking whether could have been.
25	of the institution? Stratos Legal Services	25	We can all make mistakes. Correct? Stratos Legal Services
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1 2	<ul> <li>A. Correct.</li> <li>Q. Anybody can make a mistake. Right?</li> </ul>	1 2	Q And did the committee come about in your opinion as a result of Senator Grassley's
3	Q. Anybody can make a mistake. Right? A. Correct.	3	investigation into pharmaceutical income to clinical
45	Q. I'm asking you as you sit here today,	4	trial investigators? MR_SPIVACK: Objection, calls for
6	Doctor, under oath, at the time that you fulfilled your responsibilities to submit to Massachusetts	5	speculation, no foundation.
7	General your outside income from pharmaceutical	7	A. Harvard has a standing committee and I do not know whether the committee was active before
9	companies as requested by your chairman, were mistakes made?	9	this or not. But it is a standing committee.
10	A. At the time that I completed the forms I	10 11	Q. Why did they investigate you?
11 12	Q. And did you later determine that a mistake	12	MR. SPIVACK: Objection, calls for speculation
13	had been made? A. Later others determined that some small	13 14	A Senator Grassley sent a complaint to the
14 15	mistakes were made.	15	university about me, and so they investigated me. Q. And who was the committee? Who was on the
16	Q. Who were the others that determined that?	16	committee?
17 18	A. There was a committee at Harvard University that was set up after Senator Grassley's	17 18	<ul> <li>A. They are sitting professors I cannot remember their names, but you can probably find them</li> </ul>
19	complaint that investigated all outside activities	19	in the Harvard website.
20 21	for last ten years. Q. And when was this committee set up?	20 21	<ul><li>Q. What would be the name of that committee?</li><li>A The Committee on Outside Committee on</li></ul>
22	A. How?	22	Conflict of Interest and Conflict of Commitment
23 24	<ul><li>Q. When was the committee set up?</li><li>A. The committee was set up I believe in two</li></ul>	23 24	<ul> <li>Q. Conflict of interest and</li> <li>A. And conflict of commitment</li> </ul>
25	years ago.	25	Q Conflict of commitment. And you cannot
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<ol> <li>remember any of the members of this committee?</li> <li>A. I don't. But they are public, in public</li> <li>domain, so it's not a problem. If my memory fails,</li> <li>you can find the names on the website.</li> <li>Q. Did you appear before this committee?</li> <li>A. I did.</li> <li>Q. And when did you appear before the</li> <li>committee?</li> <li>A. In July of last year.</li> <li>Q. Were you represented by counsel at that</li> <li>meeting?</li> <li>A. I was.</li> <li>Q. You were?</li> <li>A. I was.</li> <li>Q. Who represented you?</li> <li>A. Mr. Spivack.</li> <li>Q. Were you under oath?</li> <li>A. No.</li> <li>Q. Now, you indicated And how long a</li> <li>hearing was this that they investigated you?</li> <li>A. How long was the hearing?</li> <li>Q. Yes.</li> <li>A. It was three hours.</li> <li>Stratos Legal Services</li> </ol>	1Q. And was a determination made that you had2made mistakes in your reporting to Massachusetts3General?4A. There was a determination that came later5that they found some relatively small mistakes.6None of them are mistakes that Senator Grassley7accused me of making.8Q. Was there an investigation into your9disclosures to Harvard Medical School?10A. That was the investigation.11Q. It was the same investigation?12A. Yes.13Q. And were determinations made that you had14made errors with respect to your filings with15Harvard Medical School?16MR. SPIVACK: Objection, asked and17answered.18A. The investigators alleged that there were19some small discrepancies that they identified in20their report. Their report has not been issued, so21I don't think that there is a final report on that.22Q. Were there preliminary findings with23A. Yes.24Q. Were there preliminary findings with25respect to their findings? Stratos Legal Services
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<ul> <li>A. The preliminary findings as I understood</li> <li>them were small amounts over the last nine years,</li> <li>eight years, they identified. None of them were the</li> <li>problems that Senator Grassley put in the</li> <li>Congressional Record.</li> <li>Q. My question probably wasn't clear to you.</li> <li>Let me rephrase it. Was there a written report as</li> <li>to the findings which you have characterized as</li> <li>somewhat small mistakes?</li> <li>MR. SPIVACK: Let me just interpose an</li> <li>objection to the extent it calls for attorney-client</li> <li>information. Joe, to the extent it involves</li> <li>communications between you and me, don't answer. If</li> <li>you can answer the question without that, please do.</li> <li>A. Well, report is in process and the</li> <li>information that I have is information that was</li> <li>discussed with Mr Spivack. So the report is not</li> <li>final, so</li> <li>Q. So all you know is what you've learned</li> <li>from your lawyer?</li> <li>A. Yes.</li> <li>Q. There's been no written documentation of</li> <li>their findings insofar as you know?</li> <li>A. The report, there was a draft report. A</li> <li>final report has not been issued.</li> <li>Stratos Legal Services</li> </ul>	1Q. And have you seen the draft report?2A. I have seen the draft report.3Q. Do you have the draft report with you?4A. No.5Q. Do you know where I can get a copy of the6draft report?7A. You need to ask the medical school.8Q. Now, as I understand it, you were9investigated by the medical school. Correct?10A. I was investigated following Senator11not spontaneously because they had concerns about12me, but because of due diligence secondary to13Senator Grassley's complaint to the medical school.14Q. My question was, you were investigated by15the medical school. Correct?16A. And my response is to explain to you the17context of that investigation. It's not that they18suddenly out of the clear blue became concerned19about my activities. They could have investigated20the other ten thousand faculties equally.21Q. Well, that's a good point. How many22others did they investigate for this alleged23potential conflict of interest and conflict of24commitment?25A. Only those that the senator brought to the Stratos Legal Services

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<ol> <li>fore.</li> <li>Q. And who is that?</li> <li>A. They also lodged complaints against two of</li> <li>my colleagues, Dr. Timothy Wilens and Dr. Tom</li> <li>Spencer.</li> <li>Q. Mett, did you say?</li> <li>A. No; Dr. Tom Spencer and Dr. Timothy</li> <li>Wilens.</li> <li>Q. And are these doctors that are</li> <li>psychiatrists?</li> <li>A. They are psychiatrists.</li> <li>Q. And these are doctors that had ties to</li> <li>drug companies?</li> <li>A. That what?</li> <li>Q. Had ties to drug companies.</li> <li>A. Yes.</li> <li>Q. Was the committee hearing with respect to</li> <li>you separate from the committee hearings with</li> <li>respect to the others?</li> <li>A. They interviewed me separately than the</li> <li>interviews that they conducted with them. But the</li> <li>report I believe is going to be a report on all</li> <li>three of us.</li> <li>Q. Do you know if the medical school did any</li> </ol>	1amounts of money that had been paid to you?2A. I do not know what they inquired3Q. Were you required to produce any4documentation to this committee relative to the5income you had earned from pharmaceutical companies?6A. I provided them with extensive financial7information of my entire earned income over last8eight years9Q. Were there any rights or privileges of10yours suspended pending this investigation?11A. Not rights or privileges. I agreed not to12do any work with pharmaceutical companies until the13investigation is complete.14Q. That was an agreement by you Is that15correct?16A. That's correct.17Q. Was that a negotiated agreement?18A. Yes. I think that the request, we decided19while the investigation is completed that I will20withdraw from activities with pharmaceutical21companies, speaking, doing research, or any22Q. Have you appeared before Senator24Grassley's committee?
25 inquiry into the pharmaceutical companies as to the Stratos Legal Services 800-971-1127	25 A. No. Stratos Legal Services 800-971-1127
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1       Q. Have you had any contact whatsoever with         2       Senator Grassley's committee investigators or the         3       people that are assisting him?         4       A. No.         5       Q. Have you provided any information to         6       Senator Grassley's committee relative to the         7       accusations that have been made against you?         8       A. The information Senator Grassley sent         9       his inquiries to Mass. General and Harvard, so         10       Harvard asked me; I provided them; they provided the         11       senator with the information.         12       Q. And why is it, if you know, that the         13       information relative to your relationship with         14       pharmaceutical companies is important?         15       A. I am not sure if I understand your         16       question.         17       Q. Why does Massachusetts General, why do         18       they care what income you get from pharmaceutical         19       companies? If you know         20       A. Well, the major issue is that there are         21       guidelines. When a researcher is doing         22       investigation for a particular company, you cannot         23       make	<ul> <li>A. \$20,000 a year per company.</li> <li>Q. Is that total? In other words, if Lilly</li> <li>gives you 5,000 and AstraZeneca gives you</li> <li>A. It's per company.</li> <li>Q. It's per company?</li> <li>A. (Witness nodded.)</li> <li>Q. So if I understand what you're telling me,</li> <li>and I just need you to clarify it for me, if you</li> <li>receive in a calendar year more than \$20,000 from</li> <li>one drug company, you are prohibited as a matter of</li> <li>policy by Massachusetts General from doing any</li> <li>clinical trials or work for that company?</li> <li>A. I have to disclose and the institution</li> <li>needs to decide if the research can be carried on.</li> <li>That's the way that is handled. They need to know</li> <li>about that and they need to decide if the research</li> <li>or new investigator has to be put on that study.</li> <li>Q. You have to disclose it to the</li> <li>institution. Correct?</li> <li>A. To the institution, yes.</li> <li>Q. And then the institution can determine</li> <li>whether or not that creates an issue of your going</li> <li>forward with any clinical research you may want to</li> <li>do for that company. Is that correct?</li> <li>A. That's correct.</li> <li>Stratos Legal Services</li> </ul>

1       Q. Did the committee that investigated you       1       committee say that you had acted deliberately?         2       determine that you had arned more than those       a       No         3       Q. Did the committee say that you had acted deliberately?         4       institution?       3       Q. Did the committee say that you had acted deliberately?         5       A. There were a few instances of small non-deliberate       with reckless disregard?       A         7       There were a few instances of small non-deliberate       Who is Libby Semana?       A         9       MR. FIBICH:       Objection, nonresponsive.       P       IVe got only one copy of something I want to ask         10       BY MR. FIBICH:       Objection is period and were doing work for a       INR SPIVACK: Objection, sked and         11       MR SPIVACK: Objection, sked and       INR SPIVACK: Objection, sked and       INR SPIVACK: Objection, sked and         10       That's not my question, sir.       INR SPIVACK: Objection, sked and       INR SPIVACK: Objection, sked and         2       Q. Okay, let me ask it this way. Did the Strat to s Lega1 Services       BO -971-1127         Joseph Bi.edeerman February 27, 2009       Page 373       Joseph Bi.ederman February 27, 2009         Page 373       MR.SPIVACK: Objection, sked and       Gonany the dustice shot spoures in the so.	r		T	14 (rayes 5/1 co 5/4
Page 371Page 31Q. Did the committee that investigated youcommittee say that you had earned more than those2determine that you had earned more than those3minimums and failed to reveal that to the4institution?5A. There were a few instances. The committee6determined that I was probably 99 percent compliant.7There were a few instances of small non-deliberate8violations, small violations.9MR. FIBICH: Objection, nonresponsive.10BY MR. FIBICH: Objection, nonresponsive.11Q. My question to you is, sir, did the12committee in their preliminary findings or tell you13acalest that policy by not14disclosing to them that you had earned more than15S20,000 in a period and were doing work for a16pharmaceutical company that had paid you that?17MR. SPIVACK: Objection, asked and18answered.19A. There were small non-deliberate mistakes20that they uncovered.21Q. Net, hit is way. Did the22A. Weil, thi is my response.23Sir? What idi you say?24A. This is what I can tell you.25Q. Nell, this is my response.26Weil, this is my response.27A. This is what I can tell you.28Weil, this is my response.29Page 37320Nex SPIVACK: Objection, asked and answered.31Massachusetts General requires th				
1       Q. Did the committee that investigated you       1       committee say that you had acted deliberately?         2       determine that you had aemed more than those       3       Q. Did the committee say that you had acted deliberately?         4       institution?       3       Q. Did the committee say that you had acted deliberately?         4       institution?       3       Q. Did the committee say that you had acted deliberately?         5       A. There were a few instances of small non-deliberate       who is Libby Seaman?       7         4       violations, small violated that polie by not       6       MR FIBICH:       10         1       Q. My question to you is, sir, did the       11       MR SPIVACK: Okay         12       committee in their preliminary findings or rell you       13       are of the record         14       disclosing to them that you had earned more than       14       (Short recess taken.)       15         15       \$220,000 in a period and were doing work for a       16       permawceutical company that had paid you that?       18       Q. Doctor, are you ready to proceed?         14       at they uncovered.       18       Q. Doctor, we were talking about your         21       Massachusetts General requires that you disclose to       16       A. Tunderstand         22       Q.		February 27, 2009		February 27, 2009
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2       A No         3       minimums and failed to reveal that to the         4       institution?         5       A. There were a few instances of small non-deliberate         4       distributions, small violations.         7       There were a few instances of small non-deliberate         8       wiba intoins, small violations.         9       MR. FIBICH: Objection, nonresponsive         10       BY MR. FIBICH:         11       Q. My question to you is, sir, did the         12       committee in their preliminary findings or tell you         13       are off the record.         14       disclosing to them that you had carned more than         15       S20,000 in a period and were doing work for a         16       pharmaceutical company that had paid you that?         17       MR. SPIVACK: Objection, asked and         18       q. Dotor, ne were talking about your         19       A. There were small non-deliberate mistakes         20       Q. Data's not my question, sin.         21       Q. That's not my question, sin.         22       Q. That's not my question, sin.         23       Q. Sit'? What did you say?         24       A. Theis is what 1 can tell you.         25       Q.	1	Q. Did the committee that investigated you	1	committee say that you had acted deliberately?
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5       A. There were a few instances. The committee       5       A. The committee in top long to say that.         6       determined that I was probably 99 percent compliant.       6       Q. Who is Libby Seaman is a counsel for Harvard         8       violations, small violations.       9       MR. FIBICH: You want to take a break?         9       MR. FIBICH: Coljection, norresponsive       10       BY MR. FIBICH: Violations, sin, did the         11       Q. My question to you is, sir, did the       11       MR SPIVACK: Objection, asked and         14       disclosing to them that you had earned more than       14         15       \$20,000 in a period and were doing work for a       15         16       pharmaceutical company that had paid you that?       17       MR. SPIVACK: Objection, asked and         18       answered.       18       Q. Doctor, are you ready to proceed?         19       A. There were small non-deliberate mistakes       19       A Yes         20       Sir? What did you say?       21       A Yes         21       Q. Okay, let me ask it this way. Did the       12       13         22       A. Well, this is my response.       22       A I understand         23       Sir2 You and id you say?       23       A I understand         24       A. The	3	minimums and failed to reveal that to the	3	Q Did the committee say that you had acted
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7       There were a few instances of small non-deliberate 8 violations, small violations.       7       A       Libby Seaman is a counsel for Harvard MR FIBICH: You want to take a break?         9       MR. FIBICH: Objection, nonresponsive       9       MR FIBICH: You want to take a break?         10       BY MR. FIBICH: Objection, nonresponsive       9       Ye got only one copy of something I want to take MR SPIVACK: Okay         11       Q. My question to you is, sir, did the 2 committee in their preliminary findings or tell you disclosing to them that you had arearded more than 4       11       MR SPIVACK: Okay THE VIDEOGRAPHER: The time is 9:51. V are off the record         13       are off the record 4       16       MR SPIVACK: Objection, asked and 4       17         14       MR SPIVACK: Objection, asked and 4       17       MY SPICHEN: 4       17         14       MR SPIVACK: Objection, six       20       Q       Q       Doctor, are you ready to proceed?         15       There were small non-deliberate mistakes 4       16       Q       Doctor, we were talking about your 4       17         16       A. There were small non-deliberate mistakes 4       10       Q       Doctor, we were talking about your 4       17         17       M. SPIVACK: Objection, asked and 5       10       A I understand 4       10       10         10       Strat tos Legal Serv			1	
8       violations, small violations.       8       MR FIBICH: You want to take a break?         9       MR. FIBICH: Objection, nonresponsive.       9       I've got only one copy of something I want to ask         11       Q. My question to you is, sir, did the       11       11       MR FIBICH: You want to take a break?         12       committee in their preliminary findings or tell you       12       THE VIDEOGRAPHER: The time is 9:51. W         13       S20,000 in a period and were doing work for a       15         14       disclosing to them that you had earned more than       14         15       S20,000 in a period and were doing work for a       15         16       pharmaceutical company that had paid you that?       16         17       MR SPIVACK: Objection, asked and       17         18       Q. Doctor, are you ready to proceed?       18         20       Netrik this is my response.       20         21       Q. Sir? What di you say?       23         22       A. This is what I can tell you.       24         23       Q. Sir? What di you say?       23         24       A. Their is one from pharmaceutical company form parmaceutical company form savered.       Joseph Biederman February 27, 2009         27       Joseph Biederman February 27, 2009       Page 373	3		1	
9MR. FIBICH: Objection, nonresponsive. 109I've got only one copy of something I want to ask him about1QMy question to you is, sir, did the committee in their preliminary findings or tell you disclosing to them that you had earned more than disclosing to them that you had earned more than 1510MR SPIVACK: Okay. THE VIDEOGRAPHER: The time is 9:51. V are off the record (Short recess taken.)15\$20,000 in a period and were doing work for a infamaceutical company that had paid you that? mR SPIVACK: Objection, asked and answered.16THE VIDEOGRAPHER: We are back on the record The time is one minute after 10:00 BY MR FIBICH:16answered.17MR SPIVACK: Objection, asked and answered.18QDoctor, are you ready to proceed?2A. There were small non-deliberate mistakes 2.010QDoctor, we were taiking about your disclosures to Massachusetts General and to Harvard and you understand the purpose of that disclosure requirement, do you not?2A. This is what I can tell you.24A. This is what I can tell you.242Joseph Biederman February 27, 2009Joseph Biederman February 27, 2009Joseph Biederman February 27, 20093Massachusetts General requires that you disclose to answerd.1Conducted4A. The policy is that if I conduct research with a pharmaceutical company, I cannot do outside activity exceeding the minimums.19Q. Why do they have that requirement? What difference does it make what amount of morey you make from the pharmaceutical company?112A			1	
10       BY MR. FIBICH:       10       him about         11       Q. My question to you is, sir, did the       11       MR SPIVACK: Okay.         13       orally that you had violated that policy by not       13       are off the record.         14       disclosing to them that you had earned more than       14       (Short recess taken.)         15       \$20,000 in a period and were doing work for a       16       record The time is one minute after 10:00         17       MR SPIVACK: Objection, asked and       16       Postor, are you ready to proceed?         19       A. There were small non-deliberate mistakes       20       Q. Doctor, we were talking about your         21       Massachusetts General nequires that you say?       21       A. This is what I can tell you.         22       A. Well, this is my response.       22       Q. Doctor, we were talking about your         22       A. Wil, this is my response.       23       Q. Doctor, we were talking about your         23       Q. Okay, let me ask it this way. Did the       5       Q. Okay, let me ask it this way. Did the         32       Go op 371–1127       A. I understand       25         33       Page 373       Page 373         4       MR. SPIVACK: Objection, asked and       3         3       companies				
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<ul> <li>a orally that you had violated that policy by not</li> <li>disclosing to them that you had earned more than</li> <li>\$20,000 in a period and were doing work for a</li> <li>pharmaceutical company that had paid you that?</li> <li>answered.</li> <li>M. There were small non-deliberate mistakes</li> <li>A. There were small non-deliberate mistakes</li> <li>Q. That's not my question, sir.</li> <li>Q. Sir? What did you say?</li> <li>Q. Okay, let me ask it this way. Did the Stratos Legal Services 800-971-1127</li> <li>Joseph Biederman February 27, 2009</li> <li>Page 373</li> <li>Massachusetts General requires that you disclosure from pharmaceutical company, I cannot do outside activity exceeding the minimums.</li> <li>Q. Why do they have that requirement? What</li> <li>Q. Why do they have that requirement? What</li> <li>Q. Why do they have that requirement? What</li> <li>Q. Doyou bolieve that money that is used to firm subarane transmire potential bias.</li> <li>Q. Doyou bolieve that money that usued to funding academician?</li> <li>A. The money is arbitrary. The idea is to</li> <li>M. Moneys that are given to support studies</li> </ul>			1	
14       disclosing to them that you had earned more than       14       (Short recess taken.)         15       \$20,000 in a period and were doing work for a       15       THE VIDEOGRAPHER: We are back on the         16       pharmaceutical company that had paid you that?       16       record The time is one minute after 10:00         17       MR SPIVACK: Objection, asked and       18       Q Doctor, are you ready to proceed?         18       A. There were small non-deliberate mistakes       19       A. There were small non-deliberate mistakes         20       C. That's not my question, sir.       21       disclosures to Massachusetts General and to Harvard         21       Q. That's not my question, sir.       21       disclosures to Massachusetts General and to Harvard         23       Q. Sir? What did you say?       23       requirement, do you unot?         24       A. This is what 1 can tell you.       24       A. I understand         25       Q. Okay, let me ask it this way. Did the Stratos Legal Services 800-971-1127       Joseph Biederman February 27, 2009       February 27, 2009         10       Massachusetts General requires that you disclose to answered.       Joseph Biederman February 27, 2009       Conducted.         2       Nm RyplyACK: Objection, asked and answered.       3       for research, Doctor. That wan't my question.		· · · · · · · · · · · · · · · · · · ·	1	
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16       pharmaceutical company that had paid you that?       16       record The time is one minute after 10:00         17       MR. SPIVACK: Objection, asked and       17       BY MR. FIBICH:         18       answered.       18       Q. Doctor, are you ready to proceed?         19       A. There were small non-deliberate mistakes       18       Q. Doctor, we were talking about your         21       Q. That's not my question, sir.       21       disclosures to Massachusetts General and to Harvard         23       Q. Sir? What did you say?       23       A. This is what I can tell you.       24       A. I understand         24       A. This is what I can tell you.       24       A. I understand.       25       Q. Tell the jury the reason that Harvard and         25       Q. Okay, let me ask it this way. Did the       25       Q. Tell the jury the reason that Harvard and         26       Yes       Joseph Biederman       Joseph Biederman         February 27, 2009       Page 373       Page 373         10       MR. SPIVACK: Objection, asked and       3         3       answered.       1         4       M. The policy is that if I conduct research       6         7       With a pharmaceutical company.       1         7       Q. Why do they have that requiremen			1	
17       MR SPIVACK: Objection, asked and answered.       17       BY MR FIBICH:         18       answered.       18       Q. Doctor, are you ready to proceed?         19       A. There were small non-deliberate mistakes       19       A. Yes         20       Chart's not my question, sir.       20       Q. Doctor, we were talking about your         21       Q. That's not my question, sir.       21       Q. Doctor, we were talking about your         22       A. Well, this is my response.       22       And you understand the purpose of that disclosure         23       Q. Sir? What did you say?       23       A. I understand         24       A. This is what I can tell you.       24       A. I understand         25       Q. Okay, let me ask it this way. Did the Stratos Legal Services 800-971-1127       26       Q. Tell the jury the reason that Harvard and Stratos Legal Services 800-971-1127         Joseph Biederman February 27, 2009         Page 373         1       Massachusetts General requires that you disclose to them your outside income from pharmaceutical         3       conducted.       2         4       MR. SPIVACK: Objection, asked and answered.       3         6       A. The policy is that if I conduct research with a pharmaceutical company. I cannot do outside activity exceeding the minimums.				
18       answered.       18       Q. Doctor, are you ready to proceed?         19       A. There were small non-deliberate mistakes       19       A. Yes         20       that they uncovered.       20       Q. Doctor, we were talking about your         21       Q. That's not my question, sir.       21       Q. That's not my question, sir.         22       A. Well, this is my response.       22       And you understand the purpose of that disclosure requirement, do you not?         23       Q. Sir? What did you say?       23       A. This is what 1 can tell you.       24         24       A. This is what 1 can tell you.       24       A. Iunderstand         25       Q. Okay, let me ask it this way. Did the Stratos Legal. Services 800-971-1127       25       Q. Tell the jury the reason that Harvard and Stratos Legal. Services 800-971-1127         Joseph Biederman February 27, 2009         Page 373         1       Massachusetts General requires that you disclose to 2 them your outside income from pharmaceutical company, I cannot do outside activity exceeding the minimums.       Q. Not asking you whether you need funding 3 for research, Doctor. That wasn't my question.         3       A. The policy is that if I conduct research 4       G. Nay? My question is a very simple one. Do you 5         4       A. The money is arbitrary. The idea is to 3       MR. SPIVACK: Objection, asked an			1	
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17 are funding the study; they are not biased. 117 O. And as a researcher, you consider yourself		· · · · ·		
		U ** .	\$	
18 Research is expensive and require funding. It 18 a scientist?		1 1 0	,	
19 cannot be done without funding. 19 A. Yes.		······································	1	
Q. Do you believe that pharmaceutical Q. Science is a discipline of very certain				
21 companies that fund studies create bias by the fact 21 exactitude. Correct?		1 · · · · · · · · · · · · · · · · · · ·		
22 that they are funding studies on their product? 22 A. Science has a process.				
2.3 A. I don't. I think that they contract with 2.3 Q. And it's called the scientific process.		•		
<ul> <li>24 investigators to conduct studies that are expensive</li> <li>24 Right?</li> <li>25 to execute; and without funding, research cannot be</li> <li>25 A. Yes.</li> </ul>				
25to execute; and without funding, research cannot be25A. Yes.Stratos Legal ServicesStratos Legal Services	£3		2.3	
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	Joseph Biederman		Joseph Biederman
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	Page 375		Page 376
			-
1	Q. And the purpose of the scientific process	1	trying to understand the diseases that the children
2	is what?	2	that are under my care are afflicted and how to
3	A. You are in a study, you are testing, you	3	better approach them therapeutically, with medicines
4	are addressing a question, you are testing a	4	and with psychosocial treatments.
5	hypothesis. You subject the data to statistical	5	Q Now, you've already told us that you
6	analysis to examine whether the findings are chance	6	consider yourself a world-renowned scientist.
8	or not likely to be chance, and you draw conclusions based on your findings.	8	Correct?
9	Q. It is a search for the greatest truth that	9	A. It is not what I consider myself. It is what others consider myself.
10	can be obtained. Correct?	10	Q So you're familiar with your reputation
11	A. It is a method to investigate.	11	across the world. Correct?
12	Q. And the method to investigate that you use	12	A. I am familiar with my reputation.
13	requires that you be very precise. Correct?	13	Q. And your reputation is that you are a
14	A. As precise as the field allows.	14	specialist in the field of bipolar disease in
15	Q. And you are a very precise individual, are	15	children?
16	you not?	16	A I am a specialist in pediatric
17	A. Iam.	17	psychopharmacology
18	Q. You are a very deliberate individual, are	18	Q. Which includes bipolar mania?
19	you not?	19	A. It is one of many conditions that afflict
20	A. I am not sure what you mean by that.	20	children.
21	Q. Well, what you do is a result of your	21	Q. Well, I thought you indicated to me
22 23	intentional conduct?	22	yesterday and correct me if I'm wrong that
23	A. Well, what I do is I ask questions that I	23	your two subspecialties within the field of
24	have about how to improve the life of the people	24	psychopathology are bipolar mania and ADHD.
25	under my care. So all my research is based on	25	A. I indicated that that's the predominance
	Stratos Legal Services		Stratos Legal Services
	800-971-1127		800-971-1127
	Joseph Biederman		Joseph Biederman
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	Page 377	-	Page 378
1	of my scientific work, not the only work that I do	1	Page 378 A. No, could be somebody related to this
2	of my scientific work, not the only work that I do or the only type of research that I do.	2	Page 378 A. No, could be somebody related to this case.
2 3	of my scientific work, not the only work that I do or the only type of research that I do. Q. When the Grassley committee hearing or the	2	Page 378 A. No, could be somebody related to this case. Q. Well, who?
2 3 4	of my scientific work, not the only work that I do or the only type of research that I do. Q. When the Grassley committee hearing or the Grassley investigation was initiated, you were the	2 3 4	Page 378 A. No, could be somebody related to this case. Q. Well, who? A. I don't know. It's not I have no
2 3 4 5	of my scientific work, not the only work that I do or the only type of research that I do. Q. When the Grassley committee hearing or the Grassley investigation was initiated, you were the subject of newspaper comments, were you not?	2 3 4 5	Page 378 A. No, could be somebody related to this case. Q. Well, who? A. I don't know. It's not I have no access to that information.
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1	coach of the Cowboys now. You know them, don't you?	1	prominent investigators
2	A. I know the Cowboys, yes	2	
1		1	Q I understand there's a lot of people that
3	Q. Bum Phillips had a running back one time	3	do research in child psychiatry. As a matter of
4	and he was asked if he's the best running back ever	4	fact, there's people
5	and Bum Phillips said "I can't tell you he's the	5	<ul> <li>A. In pediatric bipolar illness.</li> </ul>
6	best running back, but he's in a class where it	6	Q. As a matter of fact, there are people that
7	doesn't take long to call the roll." And my	7	disagree with you as to whether
8	question to you is, are you in a class where it	8	A. Sure
9	doesn't take long to call the roll with respect to	9	Q this disease even exists. Isn't that
10	experts in the treatment and diagnosis of bipolar	10	correct?
	• • •	1	
11	mania in children?	11	A. Absolutely.
12	A I would say that there are probably four	12	Q As a matter of fact, you have compared
13	or five people at my level.	13	yourself, because this disease as you see it has
14	Q And who are they?	14	come under criticism, and you've compared yourself
15	A. Dr. Janet Wozniak, Dr. Barbara Geller,	15	to Galileo, haven't you?
16	Dr. Gabrielle Carlson, Robert Findling, people like	16	A. I have not compared myself to Galileo.
17	that that have done a substantial amount of work on	17	I only said that Earth was once flat.
18	the subject.	18	Q. Okay. Well, are you familiar with a
19	Q. So in the entire world as we know it	$19^{10}$	
	•		Boston Globe article where you indicated that
20	sitting here today, it is those individuals and	20	although you were under criticism for saying
21	yourself that are the leading experts in the field	21	pediatric bipolar exists, that you felt like Galileo
22	of bipolar disease in children?	22	who said the world was not flat?
23	A I would say there are probably about one	23	A. I only said that in science there is an
24	hundred people that in one way or another do	24	evolution. The first response to new ideas is to
25	research in child psychiatry, but these are the most	25	demonize them. So the first answer, the people that
1	Stratos Legal Services		Stratos Legal Services
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1	described the HIV virus that won last year Nobel	1	A. (Witness nodded.)
2	Prize in medicine were ridiculed for a decade until	2	Q. And you have compared your determination
3	the reality hit that they may have been right.	3	that bipolar mania or bipolar disease exists in
4	Bruce Jenner, when they discovered the smallpox	4	pediatric populations has been met with the same
5	vaccine, had to inoculate his children to make the	5	skepticism, has it not?
6	point that a vaccine is a good idea.	6	$A_{\rm c}$ I alluded to the fact that there is a
7	So I think that the fact that new ideas	7	history in the evolution of science that new ideas
8		8	-
Ł	are met with skepticism occurs in all fields of		are met with skepticism.
9	knowledge that I am aware of. This is part of the	9	Q. Sir, I'm not talking about the history of
10	scientific discourse.	10	science or anything else. I'm talking specifically
11	Q. And part of the scientific discourse with	11	about your position as a spokesman for the
12	respect to your suggestion that bipolar disorder	12	proposition that pediatric bipolar disease exists.
<b>1</b> 3	occurs pediatrically is that others disagree with	13	And that has been met by some with skepticism?
14	you. Correct?	14	A. Yes.
15	A. I'm not sure if I understand what you are	15	Q. And challenge?
16	saying. Could you repeat it?	16	A. Skepticism
17	Q. Yes. You've indicated that new scientific	17	Q. And challenge?
18	studies are often or new scientific discoveries are	18	A. The people that
19	often met with skepticism. Correct?	19	Q. Do you disagree with "challenge"?
20		20	
21	A. Yes, in all fields of knowledge, yes.		A. Yes. The people that express skepticism
V I	Q. And the world being flat was one of them.	21	are people that did not conduct research to support
	Correct?	22	their skepticism. And I used the Galileo experience
22		0 7	because one thing is to say "I don't like any of
22 23	A. The world being flat is one of them.	23	
22 23 24	Q. The vaccine, smallpox vaccine that you	24	that" and other thing is to say that "I conducted
22 23			
22 23 24	Q. The vaccine, smallpox vaccine that you just referred to?	24	that" and other thing is to say that "I conducted similar research and I was able to show the
22 23 24	Q. The vaccine, smallpox vaccine that you	24	that" and other thing is to say that "I conducted

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1	opposite." That research is not forthcoming.	1	That's the controversy.
2	So the people, the mostly vocal critics	2	MR. FIBICH: Mark this as the next
3	are people that have not done any critical body of	3	exhibit. And we're skipping one but I'll come back
4	research disputing the findings. They're only	4	to it.
5	saying I don't like it, which in science is not the	5	MR. BURNEY: So I'm sorry. The number on
6	same You're not having the same interlocutors by	6	this is 19 or 20? You said the next exhibit but
7	saying I don't like that. You can say it about a	7	we're skipping one.
8	hamburger or a hotdog but not in science. In	8	MR. FIBICH: Hold on.
9	science in order for you to say that this is not	9	THE WITNESS: This is 18.
10	true, you need to show equal amount of work that	10	MR. FIBICH: This is going to be 20.
11	shows the opposite result, and that's the dispute	11	MR BURNEY: This is going to be 20?
12	Today pediatric bipolar illness is accepted by the	12	Okay.
13	practicing community	13	(Biederman Deposition Exhibit 20 marked
14	MR. FIBICH: Object to that as being	14	for identification.)
15 16	nonresponsive. BY MR. FIBICH:	15 16	BY MR. FIBICH:
17	Q. Do you disagree with this statement: The	17	Q. Let me show you what I've marked as Exhibit 20, Dr. Biederman.
18	diagnosis of pediatric bipolar disease is	18	A. Mm-hmm
19	controversial?	19	Q And this is an article out of The
20	A. I disagree. The controversy is about how	20	Washington Post, February 2005 Do you see that?
þ1	to best define, what are the best ingredients.	21	A. Mm-hmm.
22	That's the controversy, not that a group of children	22	Q And if you would turn to page 3 and under
23	that are very sick with high levels of morbidity and	23	the heading Very Disturbed Children, read the
24	disability exist. That controversy is over. The	24	comments that are attributed to you, sir.
25	controversy today is about how to best define it	25	A. Mm-hmm.
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234567890112345678901123456789012234	February 27, 2009 Page 385 Q. Did you talk to The Washington Post? A. I don't remember who I talked to, but apparently I talked to this person. Q. The comments that are contained in the first two paragraphs are comments of yours and you were quoted accurately. Correct? A. This is not a quote, this is an interpretation of what I said. Q. Is it a correct interpretation of what you said? A. I said the same as I said to you. I did not compare myself to Galileo. I said that Earth was once flat. The reporter is not quoting me here. It is her interpretation. She could have said that I am comparing myself to God. This is her interpretation of what I said. Q. Well, why didn't you compare yourself to God? A. Because I am not God. I am saying that the interpretation. Q. Is her interpretation of your statement an accurate statement?	$\begin{array}{c}1\\2\\3\\4\\5\\6\\7\\8\\9\\0\\1\\1\\2\\1\\4\\1\\5\\6\\7\\8\\9\\0\\1\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2$	February 27, 2009 Page 386 not compare myself to Galileo. Q. Sir, I'm asking you, what she says is "Joseph Biederman, a professor of psychiatry at Harvard and one of the most forceful advocates of the aggressive treatment of preschoolers, thinks bipolar disorder has been severely underdiagnosed in children." Is that a correct statement? A. That is correct. That's a quote. Q. Okay, that's a quote. And the next statement is "He likens the criticism he has encountered to the outrage that greeted Galileo's challenge to the notion that the Earth was flat." Is her interpretation of what you said accurate? Yes or no. A. Yes, it was accurate. Q. And do you agree that you are one of the most forceful advocates of the aggressive treatment of preschoolers? A. It is her statement about me. Q. I didn't ask you if it was her statement about you. I'm asking you if you agree that you are one of the most forceful advocates of the aggressive treatment of preschoolers. A. I am.

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	Joseph Biederman		Joseph Biederman
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	Page 387		Page 388
1	scientific papers?	1	noticed and whatever limitations the paper had, they
$\hat{2}$	A. To advance knowledge.	2	were appropriately noted. I published a paper on
3		3	
	Q. And the way you advance knowledge is that	1	the treatment of children with bipolar illness with
4	you come to scientific conclusions that have met,	4	risperidone I recognized it was an open study. My
5	and I'm talking about you yourself, some level of	5	paper, my results were fully replicated ten years
6	scientific rigor that you publish in papers for	6	later in a controlled clinical trial that is the
7	others to read. Correct?	7	most rigorous type of evidence that you can provide
8	A. Papers are published disseminating	8	the field.
9	information for others to read.	9	MR. FIBICH: 1 object to that as being
10	Q. And you believe that the conclusions that	10	nonresponsive.
11	are contained in the scientific papers that you have	11	BY MR. FIBICH:
12	published with respect to bipolar disease and in	12	Q. The papers that you publish have
13	particular Risperdal have met your standards of	13	disclosures as to any things that may influence
14	scientific rigor?	1.4	their conclusions, such as whether it's open label
15	A. All papers that I publish are data-driven.	15	or randomized. Correct?
16	Papers that have insufficient amount of information	16	A. Correct.
17	to draw more definitive conclusions, that level of	17	$Q_{\rm c}$ But other than the limitations that you
18	uncertainty is highlighted in the paper.	18	yourself put in your papers, do you believe that
19	Q. Dr. Biederman, I'm only asking you about	19	they have met your standards of scientific rigor?
20	the bipolar papers with respect to the use of	20	
20		20	A. They met my standards of what I was able
21	Janssen products with respect to this question. Do		to do at that point in time, yes
22	you believe that those papers that you've published	22	Q. And as one of the leading proponents in
23	have met your definition and your standards of	23	the world of the disease of pediatric bipolar
24	scientific rigor?	24	disease, do you feel that you have an input with
25	A. My papers described the facts that I	25	respect to the people that read your studies?
	Stratos Legal Services		Stratos Legal Services
	800-971-1127		800-971-1127
	Tonach Diadowan		Teers by Diesterser
	Joseph Biederman		Joseph Biederman
	Joseph Biederman February 27, 2009		February 27, 2009
<b>4</b> 44	February 27, 2009 Page 389	-	February 27, 2009 Page 390
	February 27, 2009 Page 389 MR SPIVACK: Objection, vague, calls for	1 0	February 27, 2009 Page 390 nonresponsive.
2	February 27, 2009 Page 389 MR. SPIVACK: Objection, vague, calls for speculation.	2	February 27, 2009 Page 390 nonresponsive. BY MR. FIBICH:
2 3	February 27, 2009 Page 389 MR. SPIVACK: Objection, vague, calls for speculation. A. Could you? I'm not sure what are you	2 3	February 27, 2009 Page 390 nonresponsive. BY MR. FIBICH: Q. Do you read the American Journal of
2 3 4	February 27, 2009 Page 389 MR. SPIVACK: Objection, vague, calls for speculation. A. Could you? I'm not sure what are you asking me? Can you reframe the question?	2 3 4	February 27, 2009 Page 390 nonresponsive. BY MR. FIBICH: Q. Do you read the American Journal of Psychiatry?
2 3 4 5	February 27, 2009 Page 389 MR. SPIVACK: Objection, vague, calls for speculation. A. Could you? I'm not sure what are you asking me? Can you reframe the question? Q. Thank you. Doctor, if I ask you any other	2 3 4 5	February 27, 2009 Page 390 nonresponsive. BY MR. FIBICH: Q. Do you read the American Journal of Psychiatry? A. I do.
2 3 4 5 6	February 27, 2009 Page 389 MR. SPIVACK: Objection, vague, calls for speculation. A. Could you? I'm not sure what are you asking me? Can you reframe the question? Q. Thank you. Doctor, if I ask you any other questions that you don't understand, please feel	2 3 4 5 6	February 27, 2009 Page 390 nonresponsive. BY MR FIBICH: Q. Do you read the American Journal of Psychiatry? A. I do. Q. Is this a prominent journal in the field
2 3 4 5 6 7	February 27, 2009 Page 389 MR. SPIVACK: Objection, vague, calls for speculation. A. Could you? I'm not sure what are you asking me? Can you reframe the question? Q. Thank you. Doctor, if I ask you any other questions that you don't understand, please feel free to ask me to rephrase it so that there's no	2 3 4 5 6 7	February 27, 2009 Page 390 nonresponsive. BY MR FIBICH: Q. Do you read the American Journal of Psychiatry? A. I do. Q. Is this a prominent journal in the field of psychiatry?
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	Joseph Biederman		Joseph Biederman
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	Page 391		Page 392
1	MR. SPIVACK: Objection, calls for	1	Q. Was there a transcript or a draft report
2	speculation, misstates the document.	2	that you've seen? I think you said there was.
3	A. Medical journals provide a very large	3	A. Yes.
4	amount of information. The doctors read the	4	Q. Were there findings in that draft report?
5	information and evaluate the quality of the report,	5	A. There were findings in that report.
7	the usefulness, and make decisions accordingly. Q. And if they evaluate your reports on	7	Q. Were the findings against you termed deliberate and reckless disregard for the policies
8	pediatric bipolar, they ought to be able to draw	8	of Massachusetts General?
9	firm conclusions. Correct?	9	A. In the first draft those words were
10	MR. SPIVACK: Objection, calls for	10	included I disputed those, and in the next draft
11	speculation	11	they were eliminated.
12	A. When they read my papers, I provide data;	12	Q. So how many drafts have there been?
13	I discuss limitations. It's descriptive; it's not	13	A. Two.
14 15	ideologic.	14	Q. And then we're still looking at a final
16	MR. FIBICH: Object, nonresponsive. BY MR. FIBICH:	15 16	draft. Right? A That's correct.
17	Q. Let's go back to your investigation at	17	Q Well, what happened between the first
18	Harvard. You were not precise and exact in the	18	draft and the second draft to cause the committee to
19	information that you provided Massachusetts General	19	take out that terminology that you just testified
20	about the income you received from pharmaceutical	20	was taken out?
21	companies, were you?	21	A. I disputed that I did not do anything
22	A. At the time that I provided information,	22	deliberate or reckless, and they agreed with me
23	I believed that I was precise and correct.	23	Q. Was there a transcript of these
24 25	Q. So you just made a mistake.	24	proceedings?
25	A. I made a mistake on a few occasions. Stratos Legal Services	25	MR.SPIVACK: Objection,vague. Stratos Legal Services
	800-971-1127		800-971-1127
	Joseph Biederman		Joseph Biederman
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	February 27, 2009 Page 393		
	Page 393	1	February 27, 2009 Page 394
1 2	Page 393 BY MR. FIBICH:	1 2	February 27, 2009 Page 394 Q. Let me show you what we've marked as
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	Joseph Biederman		Joseph Biederman
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	Page 395		Page 396
1	A. There was a This is one of them, the	1	is not a pharmaceutical company?
2	\$7,000 exceedance because of some misunderstanding	2	A Well, that was my understanding. Because
3	about the presence or absence of a conflict There	3	the study included risperidone and risperidone is
4	was a thousand dollars in one year from Lilly in	4 5	made by Janssen. That kind of leap was not clear to me at the time. I would never have exceeded the
5	exceedance. There was another thousand dollars in 2006 for an exceedance which are considered	6	minimums if I were to have suspected. But because
7	technical violations and there were a few others,	7	the grant was from the Stanley Foundation and not
8	two others of a few thousand dollars. The total	8	from Janssen, but I was testing risperidone, Zyprexa
9	amount of those five instances with five different	9	and Seroquel, so they thought that that should have
10	pharmaceutical companies, only one from Janssen, did	10	been a violation
11	not exceed 26, 26 or 27 thousand dollars over eight	11	Q. This one says "This situation occurred in
12	years	12	2001 when the COI environment," COI, is that
13	Q. And based upon what occurred at that	13	conflict of interest?
14	hearing, they called your violations deliberate and	14	A. Conflict of interest
15	reckless disregard?	15	Q. "Was very different and rules of
16 17	MR. SPIVACK: Objection, misstates the	16 17	engagement for conflict of commitment were hardly
18	testimony. A. They	18	clear." A. This is conflict of interest.
19	Q Initially	19	MR SPIVACK: Objection Objection,
20	A. Initially I argued that none of them	20	misstates the record. You might want to read that
21	were deliberate or reckless disregard, and in the	21	again.
22	new draft those epithets were eliminated	22	MR. FIBICH: Okay.
23	Q. Why are they considering the Stanley	23	BY MR. FIBICH:
24	Foundation contributions to go against the limit	24	Q. "This situation occurred in 2001 when the
25	that was imposed upon you since Stanley Foundation	25	COI" conflict-of-interest "environment was
	Stratos Legal Services 800-971-1127		Stratos Legal Services 800-971-1127
	800-371-1127		000-971-1127
	Joseph Biederman		Joseph Biederman
	Joseph Biederman February 27, 2009		Joseph Biederman February 27, 2009
	February 27, 2009 Page 397	1	February 27, 2009 Page 398
1 2	February 27, 2009	12	February 27, 2009
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			21 (Pages 399 to 402
	Joseph Biederman		Joseph Biederman
	February 27, 2009	]	February 27, 2009
	- Dage 300		Page 400
	Page 399		rage 400
1	with you, Mr. Mick, Mr. Faraone, Ms. Wozniak,	1	consider yourself one, you listed Dr. Wozniak and
2	Mr. Spencer	2	Dr. Spencer
3	A. Dr Spencer They are all doctors.	3	A. No, I did not list Dr. Spencer is in
4	Q. Dr. Spencer. Excuse me, all doctors.	4	pediatric bipolar illness. I listed Dr. Gabrielle
5	They're all Mass General doctors?	5	Carlson, I listed Dr. Barbara Geller, Robert
6	A. With the exception of Steve Faraone, who	6	Findling, myself as the lead, and Dr. Wozniak.
7	works, used to be at Mass General, now he's in	7	Q. And the ones that you listed as being in
8	Stony Brook Where is he? He's in Albany, State	8	this small group of leading experts, how many of
9	University of New York at Albany; and Gahan Pandina	9	those are at Mass. General?
10	is from Janssen	10	A. Dr. Wozniak and myself.
11	Q. That's G-a-h-a-n P-a-n-d-i-n-a. He is a	11	Q. And the other doctors are where? Geller
12	•	12	is where?
13	Ph.D., not a medical doctor Correct?	13	
	A He's a Ph D psychologist, yes		A. Geller is in St. Louis at Wash-U.
14	Q. And he was one of the authors on this	14	Gabrielle Carlson is at Stony Brook. Robert
15	study?	15	Findling I believe is in Cincinnati. Different
16	A. Yes.	16	centers.
1.7	Q. And he's from Janssen?	17	MR. FIBICH: We've got the tape running
18	A He is from Janssen	18	out. Let's take a break.
19	Q And Faraone is also not a medical doctor	19	MR. SPIVACK: Okay
20	Correct?	20	THE VIDEOGRAPHER: The time is 10:35.
21	A. He is a Ph.D. psychologist.	21	We're off the record.
22	Q. And at the time he was with Mass General?	22	(Short recess taken.)
23	A. Yes.	23	THE VIDEOGRAPHER: We're back on the
24	Q. Now, when you listed earlier the leading	24	record. This is tape number 2. The time is ten
25	experts in the world, the short list of which you	25	minutes to 11:00
	Stratos Legal Services		Stratos Legal Services
	800-971-1127		800-971-1127
1	Jacob Diodormon		Tocoph Biodormon
	Joseph Biederman February 27 2009		Joseph Biederman
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	Joseph Biederman		Joseph Biederman
	February 27, 2009		February 27, 2009
	Page 403		Page 404
1	Q. Cephalon, Incorporated. Correct?	1	Company, Shire Laboratories, McNeil Consumer &
2	A. Correct.	2	Specialty Pharmaceuticals, Janssen Pharmaceutical
3	Q. Janssen Pharmaceutical Products Correct?	3	Products, Novartis Pharmaceuticals, and Cephalon,
4	A. Correct	4	Inc. Correct?
5	Q. NeuroSearch A/S. Correct?	5	A. Yes.
6	A. Correct	6	Q. Now, as a result of those associations,
7	Q. Stanley Medical Research Institute.	7	you make a lot of money, do you not?
8	That's not a pharmaceutical company. Correct?	8	A I make money, yes, and
9	A. No	9	Q. As a result of your associations with the
10	Q. Novartis Pharmaceuticals?	10	pharmaceutical companies that you have listed in
11 12	A. Correct.	11 12	this particular paper?
13	<ul> <li>Q. The Lilly Foundation Correct?</li> <li>A Correct.</li> </ul>	13	A. My activities with pharmaceutical
14	Q. The Prechter Foundation, as well as the	14	companies as an expert consultant or speaker are professional activities and I make money, as you
15	National Institute of Mental Health	15	make money doing what you are doing today with me.
16	A. Yes	16	Q. I don't make money for pharmaceutical
17	Q And the National Institute of Child Health	17	companies; I try to take their money.
18	and Human Development?	18	A. Correct, I understand. But it will come
19	A. Correct.	19	to you.
20	Q And the National Institute of Drug Abuse	20	Q. The what?
21	And then you were on the following speakers'	21	A. No, nothing. Yes, what is your question?
22	bureaus: Shire Laboratories, Eli Lilly and Company,	22	Q. My question is, you make a lot of money
23	McNeil Consumer & Specialty Pharmaceuticals, UCB	23	working for pharmaceutical companies?
24	Pharma, Novartis Pharmaceuticals, and you're a	24	A. I make money. "A lot" is
25	member of the advisory board of Eli Lilly and	25	Q A relative term?
	Stratos Legal Services		Stratos Legal Services
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2 3 4 5 6 7 8 9 0 11 12 13 4 5 6 7 8 9 0 11 2 3 4 5 6 7 8 9 0 11 2 3 4 5 6 7 8 9 0 11 2 3 4 5 6 7 8 9 0 11 2 3 4 5 6 7 8 9 0 11 2 5 6 7 8 9 0 11 2 5 6 7 8 9 0 11 2 5 6 7 8 9 0 11 2 5 6 7 8 9 0 11 2 5 6 7 8 9 0 11 2 5 6 7 8 9 0 11 2 5 6 7 8 9 0 11 2 5 6 7 8 9 0 11 2 5 6 7 8 9 0 11 2 5 6 7 8 9 0 11 2 5 6 7 8 9 0 11 2 5 7 8 9 0 11 1 2 5 8 9 0 11 2 1 1 2 1 1 1 1 1 1 1 1 1 1 1 1 1	February 27, 2009 Page 405 A. Yes. Q. As a matter of fact, you make more than your salary working for these pharmaceutical companies do you not? A. No. Q. You make as much working for pharmaceutical companies as you do your salary at Mass. General. Right? A. No, not correct. I think that my income from pharmaceuticals is not larger than my salary. My outside activities is about the size of my salary, but not only from pharmaceuticals. My outside income comes from pharmaceutical and non- pharmaceutical sources. Q. What other sources do you have income from that's not nonpharmaceutical? And I'm not talking about investments, I'm talking about A. No, I don't have any investments in stock of any pharmaceutical. Things like consultation with lawyers, consultation with investment bankers, consultation or CME activities, congresses, if I	23456789011234567890112345678901221	February 27, 2009 Page 406 consultant on legal matters sometimes pertaining to cases of my practice. I don't do any forensic work. Q. And when you're dealing with investment bankers, are you dealing with pharmaceutical products? A. The investment bankers are interested to know about the diseases that I treat and if there is potential for a particular compound or how the market is shaping up. But the consultation is to investment bankers. Q. And you're paid for those consultations? A. I am paid for those consultations? A. I am paid for those consultations. Q. What investment bankers have you consulted with and what products? A. There is not a specific product. I consulted to agencies like Deutsche Bank, things of that type, and there are other kind of investment organizations that do this type of analysis of what the market is and where it's going and so on and so forth. Q. What are you paid for that work, sir? A. Depending on my time. I charge by time.
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2 3 4 5 6 7 8 9 0 112 13 4 5 6 7 8 9 0 112 14 5 6 7 8 9 0 112 14 5 6 7 8 9 0 112 3 4 5 6 7 8 9 0 12 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	February 27, 2009 Page 405 A. Yes. Q. As a matter of fact, you make more than your salary working for these pharmaceutical companies do you not? A. No. Q. You make as much working for pharmaceutical companies as you do your salary at Mass. General. Right? A. No, not correct. I think that my income from pharmaceuticals is not larger than my salary. My outside activities is about the size of my salary, but not only from pharmaceuticals. My outside income comes from pharmaceutical and non- pharmaceutical sources. Q. What other sources do you have income from that's not nonpharmaceutical? And I'm not talking about investments, I'm talking about A. No, I don't have any investments in stock of any pharmaceutical. Things like consultation with lawyers, consultation with investment bankers, consultation or CME activities, congresses, if I speak in a congress, I get an honorarium. Things of that type. Q. So you're an expert witness for lawyers? A. I am not an expert witness, purely Stratos Legal Services	23456789011234567890112345678901222234	<ul> <li>February 27, 2009</li> <li>Page 406</li> <li>consultant on legal matters sometimes pertaining to cases of my practice. I don't do any forensic work.</li> <li>Q. And when you're dealing with investment bankers, are you dealing with pharmaceutical products?</li> <li>A. The investment bankers are interested to know about the diseases that I treat and if there is potential for a particular compound or how the market is shaping up. But the consultation is to investment bankers.</li> <li>Q. And you're paid for those consultations?</li> <li>A. I am paid for those consultations?</li> <li>Q. What investment bankers have you consulted with and what products?</li> <li>A. There is not a specific product. I consulted to agencies like Deutsche Bank, things of that type, and there are other kind of investment organizations that do this type of analysis of what the market is and where it's going and so on and so forth.</li> <li>Q. What are you paid for that work, sir?</li> <li>A. Depending on my time. I charge by time.</li> <li>Q. And you charge by the hour?</li> <li>A. By the hour.</li> <li>Q. And I saw where several years ago in some Stratos Legal Services</li> </ul>
2345678901123456789011234567890122234	<ul> <li>February 27, 2009</li> <li>Page 405</li> <li>A. Yes.</li> <li>Q. As a matter of fact, you make more than your salary working for these pharmaceutical companies do you not?</li> <li>A. No.</li> <li>Q. You make as much working for pharmaceutical companies as you do your salary at Mass. General. Right?</li> <li>A. No, not correct. I think that my income from pharmaceuticals is not larger than my salary. My outside activities is about the size of my salary, but not only from pharmaceuticals. My outside income comes from pharmaceutical and non-pharmaceutical sources.</li> <li>Q. What other sources do you have income from that's not nonpharmaceutical? And I'm not talking about investments, I'm talking about</li> <li>A. No, I don't have any investments in stock of any pharmaceutical. Things like consultation with lawyers, consultation with investment bankers, consultation or CME activities, congresses, if I speak in a congress, I get an honorarium. Things of that type.</li> <li>Q. So you're an expert witness for lawyers?</li> <li>A. I am not an expert witness, purely</li> </ul>	23456789011234567890112345678901222234	February 27, 2009 Page 406 consultant on legal matters sometimes pertaining to cases of my practice. I don't do any forensic work. Q. And when you're dealing with investment bankers, are you dealing with pharmaceutical products? A. The investment bankers are interested to know about the diseases that I treat and if there is potential for a particular compound or how the market is shaping up. But the consultation is to investment bankers. Q. And you're paid for those consultations? A. I am paid for those consultations? A. I am paid for those consultations. Q. What investment bankers have you consulted with and what products? A. There is not a specific product. I consulted to agencies like Deutsche Bank, things of that type, and there are other kind of investment organizations that do this type of analysis of what the market is and where it's going and so on and so forth. Q. What are you paid for that work, sir? A. Depending on my time. I charge by time. Q. And you charge by the hour? A. By the hour. Q. And I saw where several years ago in some

	Joseph Biederman	Joseph Biederman
	February 27, 2009 Page 407	February 27, 2009 7 Page 408
15 16 17 18 20 21 22	<ul> <li>wanted to</li> <li>A. Yes, \$550.</li> <li>Q. And you understand that your ability to</li> <li>earn these moneys from these pharmaceutical</li> <li>companies is dependent upon you being favorable to</li> <li>their products?</li> <li>A. Being what?</li> <li>Q. Favorable to their products.</li> <li>A. Not necessarily.</li> <li>Q. You don't think so?</li> <li>A. No, I don't think so.</li> <li>Q. Now, I also noticed in the reference part</li> </ul>	<ul> <li>Page 408</li> <li>pharmaceutical paper.</li> <li>Q This is a scientific paper regarding a</li> <li>pharmaceutical product. Right?</li> <li>A. This is a Yes, regarding a condition</li> <li>for which the pharmaceutical product was used. But</li> <li>a major purpose of this paper is to point out that</li> <li>children with a conduct disorder have a lot of</li> <li>affective symptoms that benefited from the same</li> <li>treatment that was shown to benefit the condition</li> <li>that the investigators initially studied.</li> <li>Q. The references in the back are used for</li> <li>what purpose?</li> <li>A. The references is to support an assertion.</li> <li>So if I say depression affects 10 percent of the</li> <li>population, I need to put a source of where I got</li> <li>that information.</li> <li>Q. And I noticed that in the reference</li> <li>section that there are nineteen references. Do you</li> <li>see that?</li> <li>A. Let me see. Where are the references?</li> <li>Q. Should be page 800.</li> <li>A. Yes, I see it.</li> <li>Q. There's nineteen references?</li> </ul>
	pharmaceutical paper? A. This is a scientific paper, not a Stratos Legal Services 800-971-1127	<ul> <li>A. Nineteen references.</li> <li>Q. And eight of those references are to you, Stratos Legal Services 800-971-1127</li> </ul>
	Joseph Biederman February 27, 2009	Joseph Biederman February 27, 2009
	Page 409	Page 410
2 3 4 5 6 7 8 9 0 11 12 14 15 6 7 8 9 0 11 23 4 15 6 7 8 9 0 11 23 4 15 6 7 8 9 0 11 23 4 5 6 7 8 9 0 11 23 4 5 6 7 8 9 0 12 23 4 5 6 7 8 9 0 12 2 12 12 12 12 12 12 12 12 12 12 12 1	of work that the papers that I am referencing alludes to. In other words, in science it's an incremental process. It's like a big puzzle. So I did the work up to that point and the references of the work indicate that this type of activity was preceded by other activities. Q. Let's go to page 798, if you would, sir. A. Yes. Q. And the paragraph following this chart, the first full paragraph that begins "Whether." Do you see that, sir? A. Mm-hmm. Q. It says "Whether risperidone is effective in treating affective symptoms outside the context	1A. It's disruptive behavior disorders.2Q. That's not bipolar disease Correct?3A. No.4Q. "Whether risperidone is effective in5treating affective symptoms outside the context of6comorbid deceptive behavior"7A. Disruptive behavior disorders.8Q "disruptive behavior disorders awaits9confirmation in future randomized clinical trials."10Do you see that?11A. Mm-hmm.12Q. And by randomized clinical trial, you mean13a double-blind compared to placebo randomized14prospective clinical trial. Correct?15A. Correct. Our study was a post hoc16analysis of a randomized clinical trial, but that17was not the purpose of the original study.18Q. But you're saying for a determination to19be made as to whether risperidone is effective with20respect to this particular population, you need a21gold standard clinical trial. Correct?22A. That's correct. That was done.23Q. You didn't Excuse me. Go ahead.24A. The randomized clinical trial that I25advocated to be done in bipolar illness was done.24Stratos Legal Services

Joseph Biederman Joseph Biederman February 27, 2009 February 27, 2009 Page 412 Page 411 1 Q. Sir, are you telling me that you turned it 1 Q. You didn't do it, did you? 2 2 down because you didn't have time, or was it turned A. No, but it was done. 3 3 down because the institutional review board at Q. I'm not asking you whether it was done 4 I'm asking you, you didn't do it, did you? 4 Harvard would not let you do it? 5 A. I didn't do it. 5 A. No. I don't recall exactly the details of 6 Q. Why is it that when pharmaceutical б what was the particular issue, but I did not submit. 7 7 companies want the gold standard, they go to The institutional review board gets involved only 8 8 somebody else as opposed to you? after I submit the application, not before So I 9 9 MR. SPIVACK: Objection, argumentative believe I did not participate in this study. 10 10 These studies sometimes require recruiting A. They come to many. The request from the 11 Food and Drug Administration is to have a small 11 at high velocity and I am not always able to h2 12 provide. It's a lot of work for me to participate number of subjects from many, many sites. 13 13 in these multi-site studies. They usually have a Q. Do you lack credibility with the Food and 14 14 Drug Administration? narrow window, so it's a huge amount of work, and my 15 15 judgment may have been that I would not be able to A. Well, I could not participate for 16 16 technical reasons. I was not available at that recruit at the time that the study was interested in h 7 17 time. I don't have the resources to participate in recruiting, so they have to use other sites that 18 118 this study. I would have been very happy to have more availability to recruit at the speed that 119 19 participate if I could. they wanted. That's my recollection to the best of bo 20 Q. You weren't asked to participate, were my recollection. 21 21 you? MR FIBICH: Objection, nonresponsive 22 22 A. I was asked to participate. I couldn't. BY MR. FIBICH: 23 23 Q. I'm asking you a very specific question. Q. Tell me why you couldn't. 24 A. I was very busy with other studies. I did 24 Did you make application to do a double-blind 25 not have the resources to deploy. 25 clinical trial as suggested in this paper to Stratos Legal Services Stratos Legal Services 800-971-1127 800-971-1127 Joseph Biederman Joseph Biederman February 27, 2009 February 27, 2009 Page 413 Page 414 Harvard? 1 1 than you do? 2 2 A. No. A. I do not know that that is true. But in 3 3 0. You did not? any event..... 4 4 Q. Okay. But, in any event, you do studies A No 5 5 Q. And you're telling me the institutional in this area that are all open label. Correct? б б review board at Harvard did not deny that, a request A. I do some double-blind studies too. 7 for Harvard or Mass. General or somebody at 7 Q. The studies that you have done with 8 8 Mass. General to do this study? respect to --9 9 A. I can only do studies if I receive A. My studies, they were open label, yes. 10 10 funding. I did not receive funding to do a double-Q. And that creates a potential bias in these 11 blind study so I did not submit, to the best of my 11 studies, does it not? 12 knowledge, I did not submit any application to the 12 A. The results of my studies have been fully 13 13 IRB. IRB approves studies all the time. replicated in independent large-scale double-blind 14 14 randomized trials. In fact, the study of Zyprexa Q. Well, Doctor, here's what my problem is. 15 15 Maybe you can help me out and help our jury out. replicated my open label study completely; the study 1.6 16 You have told me what an authority you are in the of risperidone replicated my initial open label 17 field of these behaviors. Right? 17 studies completely; and the study of Abilify, to the 18 18 A. Mm-hmm. best of my knowledge, fully replicated what I 19 19 Q. World-renowned. Right? reported in open label studies. 20 20 A. Mm-hmm. MR. FIBICH: Objection, nonresponsive. 21 21 Q. Leading authority in the world, one of the BY MR. FIBICH: 22 leading authorities in the world. Right? 22 Q. The studies you did with respect to 23 23 A. Yes. pediatric bipolar disease and risperidone were all 24 24 There may be others that are equal to you open label. Correct? 0. 25 but there's nobody that knows more about this field 25 A. Yes. Stratos Legal Services Stratos Legal Services 800-971-1127 800-971-1127

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1       Q       But what I don't understand and I want to         2       be clear on, and this is the last time I'm going to         3       ask it, you didn't do it because you didn't have         4       enough time. Correct?         5       A. I did not do it to the best of my         6       recollection because the window that they wanted to         7       recollection because the window that they wanted to         7       recruit was too tight for me and I could not stop         8       doing other activities and just do this.         9       Q. Why do you keep telling me to the best of         10       your recollection? Isn't everything you're telling         11       me today to the best of your recollection?         12       A. Yes         13       MR. SPIVACK: Objection, argumentative.         14       A. I do many studies. I run a very large         15       laboratory. The majority of my studies have nothing         16       to do with pharmaceuticals and I cannot recall every         17       single detail of every study. It's impossible for         18       me to keep it in my active memory.         19       Q         10       you not have a company called Dove         24       Publishing?         25
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<ul> <li>A. If they are, they are listed</li> <li>Q. Well, I'm asking you if you know.</li> <li>A. I do not know.</li> <li>Q. Okay, look at Conclusions. You see at the</li> <li>bottom?</li> <li>A. Yes.</li> <li>Q. It says "Accepted for publication,</li> <li>copyright Excerpta Medica"</li> <li>A. Wait. Where are you reading? Sorry.</li> <li>Q. At the bottom of the Conclusions</li> <li>paragraph.</li> <li>A. After the acknowledgment, the conclusion</li> <li>says "The results of this post hoc analysis of</li> <li>affective symptoms using data from a previously</li> <li>published"</li> <li>Q. The bottom of that, sir.</li> <li>A. Says "suggest that risperidone was</li> <li>effective in treating the factors of explosive</li> <li>irritability; agitated, expansive, grandiose; and</li> <li>depression."</li> <li>Q. Is that the bottom of the paragraph?</li> <li>A. Of the Conclusions? Yes.</li> <li>Q. So the sentence that follows that isn't at</li> <li>the bottom of the paragraph, to your knowledge?</li> <li>A. As I see it here. Are you reading Stratos Legal Services 800-971-1127</li> </ul>

1       somewhere else?       1       MR. SPIVACK: Objection, argumentative.         2       Q. Let me see it. My fault. The other       2       A. Idon't Know. Ido not Know.         2       Conclusions, on the first page. It says "copyright       3       Q. You don't Know?         4       2006 Excerpta Medica, Incorporated."       Q. You don't Know?       Q. You don't Know?         6       A. Yes.       G. Machine in goes down and says "copyright       answered.         7       Q. And then it goes down and says "copyright       answered.       answered.         8       Was abmitted the paper to folical       init his paper, to your knowledge?       MR. SPIVACK: Objection, asked and answered.         11       this paper, to your knowledge?       MR. SPIVACK: Objection, asked and answered.       A. No.         12       A. We submitted the paper to folical       Init Mathia       Init Mathia       Init Mathia         13       Therapeutics belongs to Excerpta       Medica.       Medica?       MR. SPIVACK: Objection, asked and answered.         14       Clinical Therapeutics belongs to Excerpta       MR. SPIVACK: Objection, asked and answered.       A. Yeah.         15       guess But our transactions -       Excerpta Medica?       MR. SPIVACK: Objection, asked and answered.         16       Q. Clinical Therapeutics belongs to Excerpt		
1       somewhere else?       1       MR. SPIVACK: Objection, argumentative.         2       Q. Let me see it. My fault. The other       2       A. Idon't Know. Ido not Know.         2       Conclusions, on the first page. It says "copyright       3       Q. You don't Know?         4       2006 Excerpta Medica, Incorporated."       Q. You don't Know?       Q. You don't Know?         6       A. Yes.       G. Machine in goes down and says "copyright       answered.         7       Q. And then it goes down and says "copyright       answered.       answered.         8       Was abmitted the paper to folical       init his paper, to your knowledge?       MR. SPIVACK: Objection, asked and answered.         11       this paper, to your knowledge?       MR. SPIVACK: Objection, asked and answered.       A. No.         12       A. We submitted the paper to folical       Init Mathia       Init Mathia       Init Mathia         13       Therapeutics belongs to Excerpta       Medica.       Medica?       MR. SPIVACK: Objection, asked and answered.         14       Clinical Therapeutics belongs to Excerpta       MR. SPIVACK: Objection, asked and answered.       A. Yeah.         15       guess But our transactions -       Excerpta Medica?       MR. SPIVACK: Objection, asked and answered.         16       Q. Clinical Therapeutics belongs to Excerpt		
2       Q. Let me see it. My fault. The other       2       A. I don't know.         3       Conclusions, on the first page. It says "copyright       Q. You don't know?         4       2006 Excerpta Medica, Incorporated." Do you see       A. No         5       that?       Q. You don't know?         6       A. Yes.       Q. Well, why did you say it?         6       A. Yes.       BY MK. FIBICH:         9       A. Mm-hmm       Q. Are you just pulling your answers out of         10       Q. What did Excerpta Medica have to do with       BY MK. FIBICH:         11       Mis SPIVACK: Objection, argumentative.       A. No.         12       A. We submitted the paper to four know/edge?       MR. SPIVACK: Objection, answers out of         13       Therapeutics holongs to Excerpta Medica.       MR. SPIVACK: Objection, asked and         15       guess       But our transactions -       16         16       MR. SPIVACK: Don't speculate.       16       A. I believe it's a medical education         17       THE WITNESS: Okay.       17       MR SPIVACK: Don't speculate.       16         17       A. I do not know.       20       Q. You don't know that they're a company that         20       Why do you say that?       20       Q. You don't know that they're a company that </td <td>Page 41</td> <td>.9 Page 420</td>	Page 41	.9 Page 420
800-971-1127       800-971-1127         Joseph Biederman February 27, 2009       Joseph Biederman February 27, 2009         Page 421       Joseph Biederman February 27, 2009         Page 421       Page 421         1       BY MR. FIBICH:       1         2       Q. Do you know what the responsibilities and duties are of a company by the name of Excerpta Medica?       1       Q. Is that your testimony?         2       A. No.       2       A. Yes.         3       Mcdica?       3       MR. SPIVACK: Objection, asked and answered.         4       Medica?       6       Q. Have they ever modified papers for you?         6       A. I don't recall.       10       A. Aldn't recall.         9       Q. So you might have, you just don't know?       10       A. Aldn't recall.         11       Q. So you might have, you just don't know?       11       Q. It's not my question, sir. My question         12       A. I don't recall.       12       MR. SPIVACK: Objection, asked and       13         13       MR. SPIVACK: Objection, asked and       15       answered.       16         14       MR. SPIVACK: Objection       18       interject, please.       17         19       A. I have no idea.       19       THE WITNESS: Okay, sorry.       1	<ul> <li>Q. Let me see it. My fault. The other</li> <li>Conclusions, on the first page. It says "copyright</li> <li>2006 Excerpta Medica, Incorporated." Do you see</li> <li>that?</li> <li>A. Yes.</li> <li>Q. And then it goes down and says "copyright</li> <li>Excerpta Medica, Incorporated."</li> <li>A. Mm-hmm.</li> <li>Q. What did Excerpta Medica have to do with</li> <li>this paper, to your knowledge?</li> <li>A. We submitted the paper to Clinical</li> <li>Therapeutics, not Excerpta Medica. I think that</li> <li>Clinical Therapeutics belongs to Excerpta Medica, I</li> <li>guess. But our transactions</li> <li>MR. SPIVACK: Don't speculate.</li> <li>THE WITNESS: Okay.</li> <li>BY MR. FIBICH:</li> <li>Q. Clinical Therapeutics belongs to Excerpta</li> <li>Medica. Is that what you said?</li> <li>A. I do not know.</li> <li>Q. Why do you say that?</li> <li>A. I guessed.</li> <li>Q. You just pulled that out of the air?</li> <li>A. Well, it's listed here.</li> </ul>	<ul> <li>A. I don't know. I do not know.</li> <li>Q. You don't know?</li> <li>A. No.</li> <li>Q. Well, why did you say it?</li> <li>MR. SPIVACK: Objection, asked and</li> <li>answered, argumentative.</li> <li>BY MR. FIBICH:</li> <li>Q. Are you just pulling your answers out of</li> <li>the air today?</li> <li>MR. SPIVACK: Objection, argumentative.</li> <li>A. No.</li> <li>Q. What is Excerpta Medica?</li> <li>MR. SPIVACK: Objection, asked and</li> <li>answered.</li> <li>A. I believe it's a medical education</li> <li>company.</li> <li>Q. That's all you know about it?</li> <li>A. Yeah.</li> <li>Q. You don't know that they're a company that</li> <li>ghostwrites papers?</li> <li>MR. SPIVACK: Objection, calls for</li> <li>speculation, argumentative, misstates the testimony.</li> <li>A. No.</li> <li>MR. SPIVACK: Lacks foundation.</li> </ul>
Joseph Biederman February 27, 2009Joseph Biederman February 27, 2009Page 421Page 421QDo you know that the responsibilities and duties are of a company by the name of Excerpta duties are of a company by the name of Excerpta duties are of a company by the name of Excerpta deca?Jour State		
February 27, 2009Page 421Page 4211BY MR. FIBICH:1Q. Is that your testimony?2Q. Do you know what the responsibilities and1A. Yes.3duties are of a company by the name of Excerpta3MR. SPIVACK: Objection, asked and4Medica?3MR. SPIVACK: Objection, asked and5A. No.5BY MR. FIBICH:6Q. Have you ever had communications from the67company Excerpta Medica?88A. I don't recall.89Q. So you might have, you just don't know?910A. I don't recall.1011Q. So you might have, you just don't know?1012A. I don't recall.1113MR. SPIVACK: Objection, asked and1314answered.1415BY MR. FIBICH:1516Q. Do you know that Excerpta Medica owns16A. I don't recall.1517Journals that are thought to be scientific journals?1718MR. SPIVACK: Objection1819A. I have no idea.1910A. I don't know who they are.2114A. I don't know who they are.2115A. I don't nemember.2120MR. SPIVACK: Objection1821A. I don't nemember.2122Q. Have you ever dealt with Excerpta Medica?2223A. I don't remember.23	800-971-1127	800-971-1127
1BY MR. FIBICH:1Q. Is that your testimony?2Q. Do you know what the responsibilities and1A. Yes.3duties are of a company by the name of Excerpta3MR. SPIVACK: Objection, asked and4Medica?3MR. SPIVACK: Objection, asked and5A. No.5BY MR. FIBICH:6Q. Have you ever had communications from the6Q. Have you ever had communications from the7company Excerpta Medica?7for you?8A. I don't recall.8A. No.9Q. So you might have, you just don't know?9Q. Have they ever modified papers for you?10A. I don't recall.10A. All my papers were written by me.11Q. So you might have, you just don't know?11Q. It's not my question, sir. My question12A. I don't recall.12was, has anybody at Excerpta Medica modified any paper that you've written?14answered.14answered.15BY MR. FIBICH:15answered.16Q. Do you know that Excerpta Medica owns16A. Not that I know.17journals that are thought to be scientific journals?17MR. SPIVACK: Objection, asked and18MR. SPIVACK: Objection18interject, please.19A. I do not know who they are.21Q. You say you have a good memory. Correct?20Mave you ever dealt with Excerpta Medica?21Q. You say you have a good memory. Correct?23A. I don't remember.23<		
2Q. Do you know what the responsibilities and duties are of a company by the name of Excerpta2A. Yes.3Mclica?3MR. SPIVACK: Objection, asked and answered.5A. No.5BY MR. FIBICH:6Q. Have you ever had communications from the r company Excerpta Medica?6Q. Has Excerpta Medica ever written papers for you?8A. I don't recall.8A. No.9Q. So you might have, you just don't know?9Q. Have they ever modified papers for you?10A. I don't recall.10A. All my papers were written by me.11Q. So you might have, you just don't know?11Q. It's not my question, sir. My question12A. I don't recall.12was, has anybody at Excerpta Medica modified any paper that you've written?14answered.14mR. SPIVACK: Objection, asked and answered.15BY MR. FIBICH:1516Q. Do you know that Excerpta Medica owns journals that are thought to be scientific journals?1716MR. SPIVACK: Objection1818MR. SPIVACK: Objection1819A. I have no idea.1920MR. SPIVACK: lacks foundation.2021A. I don to know who they are.2122Q. Have you ever dealt with Excerpta Medica?2223A. I don't remember.23	Page 42	Page 422
24       Q. You don't remember?       24       BY MR. FIBICH:         25       A. (Witness nodded.)       25       Q. Are you going to answer that question?         Stratos Legal Services       Stratos Legal Services	<ul> <li>Q. Do you know what the responsibilities and duties are of a company by the name of Excerpta Medica?</li> <li>A. No.</li> <li>Q. Have you ever had communications from the company Excerpta Medica?</li> <li>A. I don't recall.</li> <li>Q. So you might have, you just don't know?</li> <li>A. I don't recall.</li> <li>Q. So you might have, you just don't know?</li> <li>A. I don't recall.</li> <li>Q. So you might have, you just don't know?</li> <li>A. I don't recall.</li> <li>MR. SPIVACK: Objection, asked and answered.</li> <li>BY MR. FIBICH:</li> <li>Q. Do you know that Excerpta Medica owns journals that are thought to be scientific journals?</li> <li>MR. SPIVACK: Objection</li> <li>A. I have no idea.</li> <li>MR. SPIVACK: lacks foundation.</li> <li>A. I do not know who they are.</li> <li>Q. Have you ever dealt with Excerpta Medica?</li> <li>A. I don't remember.</li> <li>Q. You don't remember?</li> <li>A. (Witness nodded.)</li> </ul>	<ul> <li>A. Yes.</li> <li>MR. SPIVACK: Objection, asked and</li> <li>answered.</li> <li>BY MR. FIBICH:</li> <li>Q. Has Excerpta Medica ever written papers</li> <li>for you?</li> <li>A. No.</li> <li>Q. Have they ever modified papers for you?</li> <li>A. All my papers were written by me.</li> <li>Q. It's not my question, sir. My question</li> <li>was, has anybody at Excerpta Medica modified any</li> <li>paper that you've written?</li> <li>MR. SPIVACK: Objection, asked and</li> <li>answered.</li> <li>A. Not that I know.</li> <li>MR. SPIVACK: Excuse me. Let me</li> <li>interject, please.</li> <li>IHE WITNESS: Okay, sorry.</li> <li>BY MR. FIBICH:</li> <li>Q. You say you have a good memory. Correct?</li> <li>MR. SPIVACK: Objection, asked and</li> <li>answered.</li> <li>BY MR. FIBICH:</li> <li>Q. Are you going to answer that question?</li> </ul>

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25		25	
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20 21		20 21	
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18		18	
17		17	A. It seems to be.
16		16	published in the Clinical Therapeutics journal?
15		15	from the dataset that was the basis of your paper
14	Q. Dr. Biederman, if you would review a	14	with me that this is a poster presentation arising
13		13	Q. It's the same dataset. And will you agree
12		12	dataset.
11		11	A. (Pause) It appears to be the same
10		10	do that.
8	A My testimony is that to the best of my recollection my papers are submitted directly to the	89	report that you had published in Clinical Therapeutics? Read it and tell me whether you can
7	Sure	78	whether this poster presentation applies to the
6	Q Is that your testimony? I want to make	6	Q. Let me ask you this: Can you determine
5	BY MR. FIBICH:	5	BY MR. FIBICH:
4	answered	4	speculation, asked and answered.
3	MR SPIVACK: Objection, asked and	3	MR SPIVACK: Objection, calls for
2	journal?	2	we've been talking about. Correct?
1	publication to any third party for submission to a	1	that was published in Clinical Therapeutics that
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23		23	Q. You have never submitted a paper for Stratos Legal Services
24	<i>2</i>	24 25	journal.
23 24		23	A. I submit the papers directly to the
22	• •	22	MR. SPIVACK: Same objection
21		21	question.
20		20	MR. FIBICH: No, it's a different
19		19	answered.
18		18	MR. SPIVACK: Objection, asked and
17	• •	17	published in a scientific journal?
16		16	different party that would then try to get them
15	A. I do	15	Q. So you've never submitted a paper to a
14	proceeding, do you not?	14	journal.
13	•	13	A We submit the papers directly to the
12		12	journals?
11		11	would then try to get them published in scientific
10		10	or were they submitted to some third party that
9	Q. Well, if you're too tired to answer my	9	those all submitted directly to scientific journals
8	Q Are you too tired to go on? A. No.	8	with respect to risperidone or bipolar disease, were
7		7	Q. Okay. The papers that you have written
5	MR SPIVACK: Objection, argumentative A. I think so. I'm tired.	5 6	A Every journal has a procedure for submission of papers and we follow those procedures.
4	here?	4 5	process by which it's submitted?
3	morning. Has it diminished as we've been sitting	3	Q. Do you do a cover letter? What is the
2	Q Decent? I thought it was great this	2	O De se la serve lattar? What is the
1	A. I have decent memory.	1	
	_	-	
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12		12	
13		13	MR SPIVACK: Objection, calls for
14		14	-
		t	speculation.
15		15	A Posters requires a production So you
16		16	have a limited amount of space in a poster for a
17		17	scientific meeting to put your tables, your figures
18		18	You have much less space than 10 or 15 written pages
19		19	in a journal, so the production of the poster
		20	
20			requires an investment of time on how to arrange
21		21	So Excerpta Medica may have been asked to put it
22		22	together as a poster and they had some quality
23		23	control issues that the numbers did not match or
24		24	something like that.
25		25	
23		23	Q So Excerpta Medica is preparing drafts of
	Stratos Legal Services		Stratos Legal Services
1	800-971-1127		800-971-1127
	- 1 - 1		
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1	February 27, 2009 Page 429	1	February 27, 2009 Page 430
1 2	February 27, 2009 Page 429 things that are later disseminated in some form to	1	February 27, 2009 Page 430 MR.SPIVACK: Objection, misstates the
2	February 27, 2009 Page 429 things that are later disseminated in some form to physicians. Correct?	1 2	February 27, 2009 Page 430 MR.SPIVACK: Objection, misstates the testimony.
2 3	February 27, 2009 Page 429 things that are later disseminated in some form to physicians. Correct? MR SPIVACK: Objection, vague, misstates	1 2 3	February 27, 2009 Page 430 MR.SPIVACK: Objection, misstates the testimony. BY MR. FIBICH:
2 3 4	February 27, 2009 Page 429 things that are later disseminated in some form to physicians. Correct? MR SPIVACK: Objection, vague, misstates the testimony.	1 2 3 4	February 27, 2009 Page 430 MR.SPIVACK: Objection, misstates the testimony. BY MR.FIBICH: Q. Correct?
2 3 4 5	February 27, 2009 Page 429 things that are later disseminated in some form to physicians. Correct? MR SPIVACK: Objection, vague, misstates the testimony. A. This is a poster based on analysis of data	1 2 3 4 5	February 27, 2009 Page 430 MR. SPIVACK: Objection, misstates the testimony. BY MR. FIBICH: Q. Correct? A. I testified that I did not remember.
2 3 4	February 27, 2009 Page 429 things that are later disseminated in some form to physicians. Correct? MR SPIVACK: Objection, vague, misstates the testimony. A. This is a poster based on analysis of data that we conducted The data that we conducted were	1 2 3 4	February 27, 2009 Page 430 MR.SPIVACK: Objection, misstates the testimony. BY MR.FIBICH: Q. Correct?
2 3 4 5	February 27, 2009 Page 429 things that are later disseminated in some form to physicians. Correct? MR SPIVACK: Objection, vague, misstates the testimony. A. This is a poster based on analysis of data that we conducted The data that we conducted were	1 2 3 4 5	February 27, 2009 Page 430 MR. SPIVACK: Objection, misstates the testimony. BY MR. FIBICH: Q. Correct? A. I testified that I did not remember. Q. And now you remember. Correct?
2 3 4 5 6 7	February 27, 2009 Page 429 things that are later disseminated in some form to physicians. Correct? MR SPIVACK: Objection, vague, misstates the testimony. A. This is a poster based on analysis of data that we conducted The data that we conducted were submitted for peer-review evaluation to a scientific	1 2 3 4 5 6 7	February 27, 2009 Page 430 MR. SPIVACK: Objection, misstates the testimony. BY MR. FIBICH: Q. Correct? A. I testified that I did not remember. Q. And now you remember. Correct? A. It's written in this e-mail, because you
2 3 4 5 6 7 8	February 27, 2009 Page 429 things that are later disseminated in some form to physicians. Correct? MR SPIVACK: Objection, vague, misstates the testimony. A. This is a poster based on analysis of data that we conducted The data that we conducted were submitted for peer-review evaluation to a scientific journal that's called Clinical Therapeutics. In	1 2 3 4 5 6 7 8	February 27, 2009 Page 430 MR. SPIVACK: Objection, misstates the testimony. BY MR. FIBICH: Q. Correct? A. I testified that I did not remember. Q. And now you remember. Correct? A. It's written in this e-mail, because you showed me the e-mail. It's not that it comes flying
2 3 4 5 6 7 8 9	February 27, 2009 Page 429 things that are later disseminated in some form to physicians. Correct? MR SPIVACK: Objection, vague, misstates the testimony. A. This is a poster based on analysis of data that we conducted The data that we conducted were submitted for peer-review evaluation to a scientific journal that's called Clinical Therapeutics. In addition to having the paper in a journal, this	1 2 3 4 5 6 7 8 9	February 27, 2009 Page 430 MR. SPIVACK: Objection, misstates the testimony. BY MR. FIBICH: Q. Correct? A. I testified that I did not remember. Q. And now you remember. Correct? A. It's written in this e-mail, because you showed me the e-mail. It's not that it comes flying from my head.
2 3 4 5 6 7 8 9 10	February 27, 2009 Page 429 things that are later disseminated in some form to physicians. Correct? MR SPIVACK: Objection, vague, misstates the testimony. A. This is a poster based on analysis of data that we conducted The data that we conducted were submitted for peer-review evaluation to a scientific journal that's called Clinical Therapeutics. In addition to having the paper in a journal, this information was sent as a scientific poster that is	1 2 3 4 5 6 7 8 9 10	February 27, 2009 Page 430 MR. SPIVACK: Objection, misstates the testimony. BY MR. FIBICH: Q. Correct? A. I testified that I did not remember. Q. And now you remember. Correct? A. It's written in this e-mail, because you showed me the e-mail. It's not that it comes flying from my head. Q. And now you remember Excuse me. And
2 3 4 5 6 7 8 9 10 11	February 27, 2009 Page 429 things that are later disseminated in some form to physicians. Correct? MR SPIVACK: Objection, vague, misstates the testimony. A. This is a poster based on analysis of data that we conducted The data that we conducted were submitted for peer-review evaluation to a scientific journal that's called Clinical Therapeutics. In addition to having the paper in a journal, this information was sent as a scientific poster that is also peer-reviewed to the American Academy of Child	1 2 3 4 5 6 7 8 9 10 11	February 27, 2009 Page 430 MR. SPIVACK: Objection, misstates the testimony. BY MR. FIBICH: Q. Correct? A. I testified that I did not remember. Q. And now you remember. Correct? A. It's written in this e-mail, because you showed me the e-mail. It's not that it comes flying from my head. Q. And now you remember Excuse me. And now you remember that Excerpta Medica prepared a
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			29 (Pages 431 to 434
	Joseph Biederman February 27, 2009		Joseph Biederman February 27, 2009
	Page 431		Page 432
	-		-
1	limited space you have to present material that	1	MR. SPIVACK: Objection, argumentive.
23	needs to be condensed.	2	BY MR. FIBICH: Q. Aren't you?
4		4	A. The process
5	MR SPIVACK: Objection, misstates the	5	Q Let me ask my question All right? You
6	testimony, misstates the document.	6	do not know what revisions Mr. Pandina made to the
7		7	draft poster presentation that Excerpta Medica
8		8	prepared, do you?
9		9	A I don't remember the specific ones
10	A REAL MALE A STATE A	10	Q. Was it customary for Excerpta Medica to do
11 12	A. Making edits to make sure that the poster	11 12	all of your poster presentations or some of your
13	is written under the limitations of the space that you have in a poster in a way that is clear and with	13	poster presentations? MR. SPIVACK: Objection, calls for
$14^{13}$	acceptable syntax. So maybe the sentence was a	14	speculation, misstates the
15	run-on sentence or something like that	15	A. I do not remember
16	Q. Tell me what revisions he made, sir,	16	Q. I'm sorry, I didn't mean to interrupt you
17	specifically.	17	Do you
18	A. I don't remember.	18	A. I do not remember.
19	Q. You're just making that up out of whole	19	MR. SPIVACK: Let Mr. Fibich ask the
20	cloth, aren't you?	20	question
21	MR. SPIVACK: Objection, argumentative.	21	A. I'm sorry I was responding to a previous
22 23	MR. PECK: Objection, argumentative. BY MR. FIBICH:	22 23	question.
24	Q. You're just making it up? You're	24	Q. Now that you have seen the exhibit that we have marked as 22, has that refreshed your
25	speculating what you think Mr. Pandina did.	25	recollection about the role of Excerpta Medica in
	Stratos Legal Services		Stratos Legal Services
	800-971-1127		800-971-1127
	Joseph Biederman		Joseph Biederman
	February 27, 2009		February 27, 2009
	February 27, 2009 Page 433		
1	Page 433 any other poster presentations?	1	February 27, 2009 Page 434 for identification.)
2	Page 433 any other poster presentations? A. Refresh my memory about this poster	2	February 27, 2009 Page 434 for identification.) BY MR. FIBICH:
2 3	Page 433 any other poster presentations? A. Refresh my memory about this poster Q. No others?	23	February 27, 2009 Page 434 for identification.) BY MR. FIBICH: Q. Let me ask you to describe for our jury,
2 3 4	Page 433 any other poster presentations? A. Refresh my memory about this poster Q. No others? A. I submit many posters, many meetings, and	2 3 4	February 27, 2009 Page 434 for identification.) BY MR. FIBICH: Q. Let me ask you to describe for our jury, what is the difference between an abstract and a
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	Page 435		Page 436
1	A. No.	1	scientific rigor that you so champion in your
2	Q. So it's an oral presentation or a poster	2	testimony here today?
3	presentation. Is that right?	3	MR. SPIVACK: Objection, argumentative.
4	A. That's correct.	4	<ul> <li>Abstracts submitted to scientific meetings</li> </ul>
5	Q. Are abstracts important, the information	5	are proposals to present information at the meeting.
6	contained therein?	6	By design, they contain a very small amount of
7	A. Abstracts are a mechanism for submitting	7	information to elicit the full evaluation of the
8	material to a scientific meeting. The abstracts for	8	information contained
9 10	the meeting are published for people to know what	9 10	Q. Well, let me ask you this way. When you
11 11	material the meeting contained. So the abstract contains, as its name indicate, a very small	11	prepare or desire to present an abstract at a meeting, do you prepare the abstract or does someone
12	abridged amount of information that is not	12	draft the abstract for you?
13	sufficient to know exactly what the information is	13	A. My work, I prepare the abstract
14	unless you find the poster or get the paper and get	14	O. Let me show you Exhibit 23.
15		15	
16		16	
17		17	
18		18	Q. Are you familiar with it?
19	MR. SPIVACK: Objection, asked and	19	A. I am reading it.
20	answered	20	Q. Okay
21		21	A. (Pause) What is your question?
22		22	Q You just told me that you always prepared
23	2	23	your abstract. Do you want to stand by that
24 25		24	testimony or do you want to change it, having read
23	Q. Should they meet the standards of	25	this document?
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			31 (Pages 439 to 442
	Joseph Biederman		Joseph Biederman
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	Page 439		Page 440
		4	
1		1	say you drafted. Correct?
2		2	A. Yes
3	Q I want to go back to your study that was	3	Q. And this is one of those papers that you
4	copyrighted by Excerpta Medica Do you know why	4	say meets your high standards of scientific sanctity
5	they copyrighted the study?	5	and rigor. Correct?
6	<ul> <li>A I think all scientific journals copyright</li> </ul>	6	MR. SPIVACK: Objection, argumentative.
7	the papers.	7	BY MR. FIBICH:
8	Q. Well, they're not a scientific journal,	8	Q. Correct?
9	are they?	9	MR SPIVACK: Objection
10	MR. SPIVACK: Objection, calls for	10	A I don't think that "sanctity" is a word
11	speculation.	11	that applies to science
12	BY MR. FIBICH:	12	Q. Okay Is this paper that we have
13	Q Do you know if Excerpta Medica is a	13	identified as Biederman 21 representative of the
14	scientific journal?	14	type of scientific work that you customarily do?
15	A. Clinical Therapeutics is	15	A. Yes.
16	Q. Well, Clinical Therapeutics didn't	16	Q. Now, I want to make sure that our jury
17	copyright it, Excerpta Medica copyrighted it, and	17	understands what was done here. Okay?
18	I'm asking you if you know why	18	A. Mm-hmm.
19	A. I have no idea.	19	Q. Because I doubt that any of the members
20		20	
21	Q. Now, if you would, sir, pull your paper	21	will have the background that you have in this area.
22	out.	22	Okay?
	MR. BURNEY: Which exhibit?		A. Yes
23	MR. FIBICH: Excuse me. 21.	23	Q. So what I understand that you did was you
24	BY MR. FIBICH:	24	had 110 patients and you had 49 that you gave
25	Q. Sir, this is one of your papers that you	25	Risperdal to and 61 that got a placebo. Is that
	Stratos Legal Services		Stratos Legal Services
	800-971-1127		800-971-1127
	Joseph Biederman		Joseph Biederman
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2 3 4 5 6 7 8 9 0 11 12 14 15 6 7 8 9 0 11 2 3 4 5 6 7 8 9 0 11 2 3 4 5 6 7 8 9 0 11 2 3 4 5 6 7 8 9 0 11 2 3 4 5 6 7 8 9 0 11 2 3 4 5 6 7 8 9 0 11 2 3 4 5 6 7 8 9 0 11 2 3 4 5 6 7 8 9 0 11 2 3 4 5 6 7 8 9 0 11 2 3 4 5 6 7 8 9 0 11 2 3 4 5 6 7 8 9 0 11 2 3 4 5 6 7 8 9 0 11 2 3 4 5 6 7 8 9 0 11 2 3 4 5 6 7 8 9 0 11 2 3 1 2 3 1 1 1 2 1 1 1 1 1 2 1 1 1 1	February 27, 2009 Page 441 correct? A. I would like to clarify that this is not a study that I conducted; this is a study that Dr. Aman conducted. What I did is I conducted a post hoc analysis from the published data that Dr. Aman conducted. Q. Okay, I understand that. You took a study that someone else did and evaluated that study for a certain purpose. Correct? A. That's correct. Q. And the purpose for which you looked at that data was to determine whether risperidone was beneficial for the treatment of affective symptoms in children with disruptive behavior disorder. Correct? A. Correct. Q. So you took somebody else's data and analyzed it for this purpose. Correct? A. That's correct. Q. And you came to certain conclusions. Right? A. Correct. Q. Now, in evaluating this dataset you looked at certain types of behavior that we call affective	23456789011234567890112345678901222234	February 27, 2009 Page 442 A. Correct. Q. And affective symptoms are serious symptomatology associated with disruptive behavior disorder. Correct? A. Correct. The symptoms, the analysis that we did used information from the rating scale that this study relied upon that is called the Nisonger rating scale. So we did a statistical technique that is called factor analysis in which we aggregated mathematically and empirically certain symptoms from the 100 items or so that the scale had that alluded to agitation, euphoria and depression. MR. FIBICH: I object to that as being nonresponsive. BY MR. FIBICH: Q. My question is, you were looking at affective symptoms. Correct? A. Yes. Q. And you used a rating scale to do that. Correct? A. No. I used data from a rating scale that Dr. Aman used in his study, double-blind study of risperidone showing that children with conduct disorder or disruptive behavior disorder, mental

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1			<u> </u>
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	double-blind conditions to risperidone.	1	A. It means other symptoms that were not in
2	MR FIBICH: 1 object as being	2	the category of depression, agitation or euphoria.
3	nonresponsive.	3	Q. These would be symptoms that are not as
4	BY MR. FIBICH:	4	extreme as affective symptoms?
5	Q. Dr. Aman had information about how these	5	A No, they are different symptoms These
6	children reacted when they were on risperidone.	6	are symptoms that are more in the disruptive
7	Correct?	7	behavior category more strictly speaking. So I
8	A. That's correct	8	extracted from the disruptive behavior disorders the
9	Q. And you took the description that he made	9	kind of symptoms that could be construed as
10	of these children and applied that to the Nisonger	10	affective
11	rating scale. Correct?	11	Q. Now, let me make sure that I understand
12	A I took the Nisonger rating scale and	12	and hopefully our jury will understand. You looked
13	subjected that to a technique that is called factor	13	at affective symptoms, and these are grandiose,
14	analysis that examined a natural aggregation of	14	depression, great irritability?
15	certain symptoms under certain categories So the	15	A. Yes.
16	way that the symptoms were aggregated were symptoms	16	Q. Those are affective symptoms. And then
17	that we called agitation, euphoria, and depression.	17	you looked at nonaffective symptoms, and
18	Those are symptoms that are known as affective	18	nonaffective symptoms are symptoms that are just
19	symptoms, and we reanalyzed the data that Dr Aman	19	kind of ordinary misbehavior?
20	produced in light of those symptoms	20	A. Not misbehavior These are symptoms of
21	Q Well, you also looked at one nonaffective	21	children with disruptive behavior, lying, bullying,
22	outcome variable. Correct?	22	these type of things.
23	A. Yes.	23	Q. Lying and what?
24	Q And a nonaffective outcome variable, what	24	A. Bullying.
25	is a nonaffective variable?	25	Q. Bullying?
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1	A. Yes, as examples. So then the rating	1	disorder standing alone?
2	scale has more than one hundred items, so some items	2	A. The symptoms in the scale are not a
3	were not in this mathematical analysis that we	3	diagnosis of anything. Children were entered into
4	concluded were not part of the affective symptoms.	4	the study; they had to qualify for a diagnosis of
5	We called them nonaffective or disruptive symptoms	5	conduct disorder based on the DSM.
6	Q. And I'm trying to make sure that our jury	6	Q. Okay, let me try it one more time. Tell
7	understands that, and so I'm going to try to put it	7	
	and obtained and, and be the bound to up to but h		the jury the difference between affective symptoms
18	in words that hopefully you'll agree with	1	the jury the difference between affective symptoms and nonaffective symptoms in lay language if you
8	in words that hopefully you'll agree with. Nonaffective behaviors are kind of like being a	8	and nonaffective symptoms in lay language, if you
9	Nonaffective behaviors are kind of like being a	8 9	and nonaffective symptoms in lay language, if you can.
9 10	Nonaffective behaviors are kind of like being a brat, lying and bullying. Would you agree with	8 9 10	and nonaffective symptoms in lay language, if you can. A. Affective symptoms refer to problems with
9 10 11	Nonaffective behaviors are kind of like being a brat, lying and bullying. Would you agree with that?	8 9 10 11	<ul> <li>and nonaffective symptoms in lay language, if you can.</li> <li>A. Affective symptoms refer to problems with mood regulation and include things as agitation,</li> </ul>
9 10 11 12	Nonaffective behaviors are kind of like being a brat, lying and bullying. Would you agree with that? A. I don't think so, that being a brat is the	8 9 10 11 12	<ul> <li>and nonaffective symptoms in lay language, if you can.</li> <li>A. Affective symptoms refer to problems with mood regulation and include things as agitation, aggression, depression, these type of examples.</li> </ul>
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9 10 11 12 13 14	Nonaffective behaviors are kind of like being a brat, lying and bullying. Would you agree with that? A. I don't think so, that being a brat is the right terminology. These are kind of behaviors that, remember, these children were of subnormal	8 9 10 11 12 13 14	<ul> <li>and nonaffective symptoms in lay language, if you can.</li> <li>A. Affective symptoms refer to problems with mood regulation and include things as agitation, aggression, depression, these type of examples. Nonaffective symptoms could be distractibility, inattention, oppositional, things that are more in</li> </ul>
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	Joseph Biederman		Joseph Biederman
	February 27, 2009		February 27, 2009
	Page 447		Page 448
1	Q. It says "The treatment effect analysis	1	Q These were all three affective variables
2	found that the mean scores of all three independent	2	that you looked at Right?
3	dimensions were significantly reduced with	3	A. That's correct.
4	risperidone compared with placebo at weeks two, four	4	Q. And so you say "The effect sizes of
5	and six." I read that correctly, right?	5	improvement," and effect size would be a method of
6	A. Yes	6	determining how much improvement there was?
[ 7	Q. So what you did was you measured these	7	A. It is a statistical method that is used to
8	children or assessed these children based upon the	8	examine the magnitude of improvement. So the effect
9	earlier data at weeks two, four and six. Correct?	9	sizes are divided into small, 1, 2; medium, 4 to
10	A. I did not assess the children; I just used	10	.6; and large, above 7
11	the data from Dr. Aman. So it's not that I examined	11	Q So it goes on and it says "The effect
12	these children.	12	sizes of improvement in these factors," and these
13	Q. I understand that. And thank you for	13	factors refer to the three independent dimensions
14	clarifying that. The data that Dr. Aman had that	14	which you've identified as affective behaviors.
15	you looked at had validity at two, four and six	15	Right?
16	weeks. Correct?	16	A. Yes
17	A. Yes.	17	Q "Range from 44 to 0.95 at endpoint "
18	Q. And when you say "all three independent	18	Correct?
19	dimensions," what are you talking about?	19	A. To .95; close to 1.
20	A. We mathematically extracted the three	20	Q And that is a false statement, is it not?
21	areas, euphoria, aggression, I believe, and	21	A. Say again?
22	depression. Those are the domains; and we	22	MR. SPIVACK: Objection, argumentative
23 24	reanalyzed the data. In other words, children that	23	BY MR FIBICH:
24	had those domains, we were able to examine how they	24 25	Q That is a false statement, is it not?
23	responded to risperidone in this study. Stratos Legal Services	23	MR SPIVACK: Objection, argumentative
	800-971-1127		Stratos Legal Services 800-971-1127
	Terrah Diedeward	1	T 1 D: 1
	Joseph Blederman	1	Joseph Blederman
	Joseph Biederman February 27, 2009		Joseph Biederman February 27, 2009
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	Joseph Biederman		Joseph Biederman
Ì	February 27, 2009		February 27, 2009
	Page 451		Page 452
	rage 451		rage 452
1	Q. But it wasn't reckless disregard for the	1	A. I don't have it in front of my memory.
2	truth, was it?	2	Q. And in this study that we've been talking
3	A Absolutely not	3	about, these were retarded children, were they not?
4	Q. It wasn't a disregard of the scientific	4	A Yes.
5	method, was it?	5	Q. Severely retarded, were they not?
6	A. Not at all. If you look at the previous	6	A No. They were mildly retarded.
7	number in the agitated depression, the effect size	7	Q. Minor retarded?
8	of .74 is a very large effect size. The effect .69	8	A. Mildly, mildly
9	in the explosive behavior is a large effect size.	9	Q. Mild?
10	Q. You're saying 74? Well, let me ask it	10	A. Yes.
11	this way. Are you saying effect size has	11	(Biederman Deposition Exhibit 24 marked
12	definitions for small, medium, and large?	12	for identification.)
13	A. Yes.	13	BY MR FIBICH:
14	Q. And it is your testimony under oath here	14	Q. Doctor, let me show you Exhibit 24. This
15	today as a scientist that those effect sizes, those	15	is an article that appeared in The Boston Globe.
16	numbers represent a large effect?	16	A. Mm-hmm
17	A. Effect size above 7 are considered	17	• • • • • • • • • • • • • • • • • • • •
18		18	Q. Now, you told us yesterday you didn't read
19	large	19	the paper. Did you read this article by chance or
	Q. You consider. Is that		was it called to your attention?
20 21	A. No, no, that's the convention.	20	A. It was called to my attention. I did not
	Q. Refer me to a text on that, please.	21	read it.
22	A. It's Cohen The person that described	22	Q. This again goes down to, refers to Senator
23	that, his last name is Cohen. I can give you the	23	Grassley. It says that Senator Grassley has accused
24	reference.	24	you of failing to tell Harvard until last March
25	Q. I'm waiting.	25	about most of the more than 1.5 million the
	Stratos Legal Services		Stratos Legal Services
	800-971-1127		800-971-1127
	Joseph Biederman		Tocoph Diodorman
			Joseph Biederman
	February 27, 2009		February 27, 2009
	February 27, 2009		February 27, 2009
	February 27, 2009 Page 453		February 27, 2009 Page 454
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	Joseph Biederman February 27, 2009		Joseph Biederman February 27, 2009
	Page 455		Page 456
1	A My work has had an effect of making	1	Q And during the 30-year period that you
2	clinicians aware that bipolar illness exists in	2	have been a clinician at that hospital, how many
3	children.	3	
4		4	patients have you treated that you believe had
5	Q. But you don't have an idea of the	5	pediatric bipolar disease that were under the age of
6	magnitude as we sit here today, do you?	6	six? Approximately.
7	A. I don't. And I am not the only one that	7	A. It's hard for me to know. I would say two
	helped in this awareness As I said to you before,	1	dozens.
8	there are about one hundred laboratories and	8	Q. And from six to age twelve, how many?
9 10	researchers in the country and in the world that are	9	A. A few hundred.
11	interested in the subject. Each one of these people	10	Q Two hundred?
12	has contributed their part in making this diagnosis	11	A. A few hundred.
13	more visible in the practicing community.	12	Q. Three hundred?
14	Q. Do you feel that you are the creator of	13	A. I cannot tell you exactly.
15	the diagnosis of pediatric bipolar	14	Q And then what about 12 to 18?
	A. Absolutely not.	15	A Less than that.
16	Q disorder?	16	Q So it's a very rare disease?
17	A. Absolutely not. The famous psychiatrist,	17	A. No, it's not rare. We calculate it to
18 19	Kroeplin, that described manic-depressive illness,	18	affect somewhere between 16 and 20 percent of our
	I mean, his textbook he already described that can	19	referral pool.
20	exist in children, so I did not invent anything	20	Q 16 to 20 percent of what?
21	Q. When did you first start seeing children	21	A. Of our referral pool, the people that come
22	at Mass. General Hospital, what year?	22	to our program.
23	A. In '79.	23	Q. But still over a 30-year period you have
24	Q. So that was 30 years ago, approximately?	24	only seen
25	A. Yes.	25	A. Well, I am one of the clinicians. I think
	Stratos Legal Services		Stratos Legal Services
}	800-971-1127		800-971-1127
	Joseph Biederman		Joseph Biederman
	February 27 2009		
	February 27, 2009		February 27, 2009
	Page 457		February 27, 2009 Page 458
- <b>1</b>	Page 457 that my program has many clinicians, so I am in	1	February 27, 2009 Page 458 with the same tools of the trade. They will get the
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			36 (Pages 459 to 402
	Joseph Biederman		Joseph Biederman
ł	February 27, 2009		February 27, 2009
	Page 459		Page 460
1	that you do not consider the research you do to be	1	A Fully. We have some ideas. For example,
2	what is termed clinical research?	2	the prolactin problem that we talked yesterday is
3	A. No, it is clinical research.	3	due to the effect of risperidone on a particular
4	Q. You what?	4	type of receptors in the dopamine system that are
5	A. It is clinical research.	5	called dopamine 2 receptors. So other mechanisms
6	Q. Okay. There seemed to be some	6	are not fully known.
7	misunderstanding about that.	7	Q. Well, basically we know that Risperdal
8	Now, before we go any further, I'd asked	8	affects the chemistry in the brain. Correct?
9	you if you generally understood what was in the	9	A. The hypothesis, the reason that
10	label for Risperdal.	10	risperidone, Clozaril and others are called atypical
11	A. Yes.	11	neuroleptics is because they exert influences at
12	Q. And are you aware that the label contains	12	least in two brain systems. One is dopamine and the
13	a statement that the mechanism of action for	13	other one is serotonin.
14	Risperdal is unknown?	14 15	Q And do children's brains develop over
15	A. Correct.	1	time?
16 17	Q. And what does that mean?	16 17	<ul> <li>A. Children's brain and adults' brain develop over time.</li> </ul>
18 18	A. It means that the exact way that the risperidone and other medications work in the brain	18	Q. And are there any studies on the long-term
19	is not fully elucidated.	19	effect of giving children Risperdal for any period
20	Q. Well, I'm not interested in other	20	of time, the safety of that?
21	medications. I'm just interested in Risperdal with	21	A. There are studies today of a few years,
22	respect to that question. Okay?	22	not more than a few years' follow-up. When a drug
23	A. Yes, yes.	23	is, say, brought to market there is a requirement
24	Q. What it means is we don't know really how	24	that there is at least one or two years of
25	it works. Right?	25	follow-up, so I believe that risperidone has some
	Stratos Legal Services		Stratos Legal Services
	800-971-1127		800-971-1127
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	Joseph Biederman February 27, 2009		Joseph Biederman February 27, 2009
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	Joseph Biederman February 27, 2009		Joseph Biederman February 27, 2009
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$1 \\ 2 \\ 3 \\ 4 \\ 5 \\ 6 \\ 7 \\ 8 \\ 9 \\ 0 \\ 1 \\ 1 \\ 2 \\ 1 \\ 1 \\ 1 \\ 5 \\ 6 \\ 7 \\ 8 \\ 9 \\ 0 \\ 1 \\ 1 \\ 2 \\ 1 \\ 1 \\ 5 \\ 6 \\ 7 \\ 8 \\ 9 \\ 0 \\ 1 \\ 1 \\ 2 \\ 1 \\ 1 \\ 1 \\ 5 \\ 6 \\ 7 \\ 8 \\ 9 \\ 0 \\ 1 \\ 1 \\ 2 \\ 1 \\ 1 \\ 1 \\ 5 \\ 6 \\ 7 \\ 8 \\ 9 \\ 0 \\ 1 \\ 1 \\ 2 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1$	<ul> <li>A. I propose to use it in children. The pediatric age group, as we discussed, is a long period of time.</li> <li>Q. And you don't know the long-term effect on the developing brains of children of that age if Risperdal is given to them for a long period of time, do you?</li> <li>A. I do know the long-term effect of not treating, so in this case</li> <li>Q. That's not what I asked you.</li> <li>A. So in medicine doctors are trained to weigh benefits and risks. So on the one hand I have children that have in front of them a very rocky clinical course with the possibilities of not being able to remain at home, of being hospitalized. And on the other hand I have tools to help some of them. So even if I do not know fully the long-term effects, I know what happens if I don't treat. That will be very catastrophic outcome, including death from suicide or possibilities of homicide with the level of violence.</li> </ul>	$ \begin{array}{c} 1\\2\\3\\4\\5\\6\\7\\8\\9\\10\\11\\12\\13\\14\\15\\16\\17\\18\\9\\20\\21\\22\\12\end{array} $	<ul> <li>know what it is, can you?</li> <li>A. The risks require long-term follow-up and long-term follow-ups are not easy to do, particularly if people are asked to come back for follow-ups for a very long period of time. It's a very difficult practical thing to do.</li> <li>Q. And when doctors use Risperdal for an off-label purpose, they don't know what the risk of that drug is on that particular population, do they? MR PECK: Object to form.</li> <li>A They know some of the risks. Some of the risks are monitorable For example, the neuroleptics can produce abnormal movements, so those are monitored clinically. The neuroleptics can produce metabolic changes that can be monitored. So when doctors prescribe these type of medications, they monitor their patients for safety for whatever is known.</li> <li>Q. So that's what ought to happen when a doctor uses a drug for a purpose other than its approved use. There ought to be certain monitoring to more affort.</li> </ul>
22	MR. FIBICH: Object to that as being	22	to ensure that there's not adverse effects
23	nonresponsive.	23	Correct?
24	BY MR. FIBICH:	24	A. That's correct.
25	Q. You can't evaluate a risk if you don't	25	Q. Now, although you have testified you are
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1	unaware of the long-term effects of Risperdal, there	1	Q. And that weight gain can be relatively
2	are some effects that have adverse effects that you	2	significant, can it not?
3	are aware of. Correct?	3	A. Sometimes
45	MR. SPIVACK: Objection, misstates the testimony.	4 5	Q. And as a clinician and as a physician, you are aware, are you not, that weight gain can
6	A. Yes, there are adverse effects. They are	6	oftentimes lead to metabolic syndrome?
7	listed in the package insert and also known to	7	A. I am aware of that and I monitor for that
8	clinicians that these drugs can produce.	8	in my practice
9	Q. And you have observed You're aware that	9	Q And that's how you guard against it, you
10	not only are some of those adverse effects listed in	10	monitor for it. Correct?
11	the Physicians' Desk Reference or the label, but you	11	A. Yes.
12	have also observed those in your practice. Correct?	12	Q And have you also seen You indicated
13	A. Sometimes. I think that in general my	13	some movement disorders. Are you referring to
14 15	experience with this line of treatments has been	14 15	tardive dyskinesia?
15 16	positive and not negative. Q. I'm not asking you whether you think it's	15 16	A. Tardive dyskinesia refers to long-term
17	positive or negative. I'm only asking you	17	effects. There are other problems that are called extrapyramidal reactions that can include tremor,
18	A. No, I'm saying	18	rigidity, things of that type that occur, that can
19	Q. Excuse me. Adverse effects that you may	19	occur more acutely or more proximately to the onset
	have observed in the population that you prescribe	20	of treatment.
20			Q. Have you seen in your population that
20 21	this medication for. Okay? And what is the number	21	Q: That's you been in your population that
21 22		22	you've treated with Risperdal extrapyramidal
21 22 23	this medication for. Okay? And what is the number one adverse effect that you've observed in the population that you treated with Risperdal?	22 23	you've treated with Risperdal extrapyramidal effects?
21 22 23 24	this medication for. Okay? And what is the number one adverse effect that you've observed in the population that you treated with Risperdal? A. The most common adverse effect is weight	22 23 24	you've treated with Risperdal extrapyramidal effects? A. Sometimes. It's quite uncommon.
21 22 23	this medication for. Okay? And what is the number one adverse effect that you've observed in the population that you treated with Risperdal? A. The most common adverse effect is weight gain.	22 23	you've treated with Risperdal extrapyramidal effects? A. Sometimes. It's quite uncommon. Q. And have you also in the population that
21 22 23 24	this medication for. Okay? And what is the number one adverse effect that you've observed in the population that you treated with Risperdal? A. The most common adverse effect is weight	22 23 24	you've treated with Risperdal extrapyramidal effects? A. Sometimes. It's quite uncommon.

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1	-	1	-
12	you've treated discovered cases of tardive dyskinesia?	1 2	A. I apologize. Q. I'm as anxious to get through as you are.
3	A. I have seen children that developed	3	
4	movements, extremely rarely. And in those cases I	4	A. I apologize Q. That's okay. It's probably my fault.
5	discontinue the treatment.	5	In the geriatric population, you're aware
6	Q. Right. But you're aware, are you not,	6	that Risperdal can cause strokes?
7	based upon your clinical practice, your education,	7	A. Yes. It's a very rare event, but it can
8	your background, your training and your studying of	8	happen
9	this drug, that Risperdal can cause weight gain and	9	Q. That's your opinion. Right?
10	subsequent glucose dysregulation?	10	A. No, the statistics on stroke in the
11	A. I am aware of that.	11	elderly are larger than placebo but they are small
12	Q. And it can also cause tardive dyskinesia?	12	in size. It is not a frequent occurrence.
13	A. Very rarely, I am aware of that too.	13	Q. You are aware, are you not, that there's a
14	Q. And also extrapyramidal side effects?	14	black box warning in the label for the use of
15	A. Yes.	15	Risperdal with dementia?
16	Q. And in the adult population, you're aware	16	A. I am aware
17 18	that it is often associated with strokes?	17	Q. And the adverse effect that is warned
19	A. In the geriatric population.	18	against is strokes. Correct?
20	<ul><li>Q. The geriatric population.</li><li>A. I would not say often. It's a risk.</li></ul>	19 20	A. Correct. I am only Q. Go ahead
21	Q. You're aware that Risperdal can cause	20	A. I am only saying that the risk is small,
22	strokes in the	22	but there. I am only qualifying that this is not a
23	A. It's a small	23	one-to-one correspondence that all geriatric
24	Q. Let me finish. He can't take us both	24	patients that take risperidone will have stroke.
25	down.	25	What I'm saying is that the risk is there, but it's
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1	uncommon. Still a risk.	1	confidential. Do you see that?
2	Q. It is a significant-enough risk that the	2	A. Where?
3	FDA has required that Janssen put in its label a	3	Q On the protocol outline itself
4	bolded black box around that particular risk.	4	A. Yes.
5	and the second second second second second present whether it will be		A. ICS.
	Correct?	5	
6		5 6	
	Correct? A. It's statistically significant but small.		Q And this is a protocol outline that was
6 7 8	Correct? A. It's statistically significant but small. MR. FIBICH: Object as being nonresponsive.	6 7 8	<ul> <li>Q And this is a protocol outline that was furnished to you, was it not?</li> <li>A I do not remember exactly, but I got it.</li> <li>It was furnished to me.</li> </ul>
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	with a face study to be petitled The Difference and	1	widely known that the two long open of an est of
	outline for a study to be entitled The Efficacy and	1	widely known that the typical age of onset of
2	Safety of Flexible Dose Ranges of Risperidone versus	2	bipolar disorder is in the second and third decades
3	Placebo in the Treatment of Manic or Mixed Episodes	3	of life," that would be in someone's twenties or
4	Associated with Bipolar I Disorder in Adolescents	4	thirties Correct?
5	A. Mm-hmm.	5	A. Yes.
1		1	
6	Q Did you ever do this study?	6	Q. "It is extremely rare to find bipolar
7	A. No.	7	disorder with onset in childhood." Do you see that?
8	Q. Do you know why not?	8	A. Yes.
9	A. I don't recall.	9	Q. Do you disagree with that statement?
10	Q. Have you ever started a study with the use	10	A. That was the wisdom of the day.
11		11	
	of Risperdal for any purpose and not concluded that	E .	Q. And that was the wisdom in 2002. Correct?
12	study?	12	A. That's correct.
13	A. Not that I recall.	13	Q. It goes on to say "In a retrospective
14	Q. It goes down on that first page, sir,	14	study performed by Loranger in adults with bipolar
15	under the headline Rationale for Study, if you would	15	disorder, less than 5 percent reported that onset of
16			
	go down to the third paragraph, starts with "We."	16	this disease began before the age ten." Are you
17	A. Mm-hmm.	17	familiar with the study of Loranger?
18	Q. And if you would then go down to the	18	A. I am vaguely familiar, but I would like to
19	middle of the fourth line where it says "In	19	remind you that the more recent studies done by the
20	addition."	20	STEP program in close to 5,000 adults with bipolar
21	A Sorry You are talking about a	21	illness, a study funded by the NIH, finds that 70,
22		22	
1	subparagraph still?		close to 70 percent of adults have onset in
23	Q. Third paragraph where it says	23	childhood and less than 30 percent start before age
24	A Yes, "In addition," I have it.	24	of twelve.
25	Q It says "In addition, even though it is	25	MR. FIBICH: Object to that as being
Γ	Stratos Legal Services	<b>—</b>	Stratos Legal Services
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1	nonresponsive	1	Q. Yes Let me find it for you (Pause)
2	BY MR. FIBICH:	2	Right there at the top it says Commentary, and it
3	Q. Let's go back to the body, and if you	3	says "Commentary on the protocol of this proposed
4		4	
1 '	would turn to Bates number		risperidone study in adolescent population "
5	MR. SPIVACK: I'm sorry, Mr. Fibich. I	5	Correct?
6	just wanted to ask for clarification. Did you read	6	MR SPIVACK: Objection, foundation
7	this document to say that the typical age of onset	7	A. Could you ask me the question again?
8	of bipolar disorder is in the second and third	8	Q. Read the top sentence on this page.
9	decades of life and you interpreted that as the	9	
		E	A. "There is no expert consensus that JB's
10	twenties and thirties? Wouldn't that be the teens	10	view is a valid one."
11	and twenties?	11	Q. Well, that one wasn't the one I wanted you
12	MR. FIBICH: I suppose it could be. Good	12	to read, but let's go to that one: "There is no
13	point. Surprised a scientist didn't catch that.	13	expert consensus that JB's view is a valid one."
14	MR. SPIVACK: But the lawyer did. That's	14	And JB is Joe Biederman. Correct?
	•		
15	what's more surprising.	15	A. Correct.
16	BY MR. FIBICH:	16	Q. And then under Expert View that they're
17	Q. Let's go back to Bates number 3927579.	17	referring to, it says "JB felt strongly that most
18	A. What's the last digits?	18	bipolars manifest first in this age group, that this
19	Q. 7579.	19	group is easily characterized and available for an
	•		
20	A. 79, yes.	20	outpatient study. GC felt that this group was
20		21	important to study as it formed a significant part
21	Q. This appears to be commentary on proposed		
21 22	Q. This appears to be commentary on proposed risperidone in adolescents mania study. See that at	22	of a child psychiatrist's practice in the U.S." And
21 22	risperidone in adolescents mania study. See that at		
21 22 23	risperidone in adolescents mania study. See that at the top?	23	then the commentary, whoever's making this
21 22 23 24	risperidone in adolescents mania study. See that at the top? A. Could you point out where you are	23 24	then the commentary, whoever's making this commentary, says they disagree with you. Correct?
21 22 23	risperidone in adolescents mania study. See that at the top? A. Could you point out where you are referring to?	23	then the commentary, whoever's making this commentary, says they disagree with you. Correct? MR. SPIVACK: Objection, foundation.
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1	BY MR. FIBICH:		page of yours under the 12 to 17 age group.
2	Q. There's a comment that there is no expert	2	A. Mm-hmm.
3	consensus that your view is a valid one. Correct?	3	Q. Says "JB did not think that doing a study
4	MR SPIVACK: Objection, foundation	4	of acute classical mania in this group was feasible
5	A. This is what the writer of this note says	5	because he thought these kids would be too ill and
6 7	Q And if you would, go on down to like the	67	disturbed to participate in a study on a voluntary
8	middle paragraph, it says Let me mark it for you so you don't have to look I've drawn a line where	8	basis, and that this type of mania was rare, so
9	I want to call your attention. It says "We will be	9	recruitment would be difficult if not impossible." Was that your view back in 2001?
10	hard-pressed to convince a significant group of	10	A. I do not
11	psychiatrists to come up with clear diagnostic	11	Q. Excuse me. '3.
12	criteria, let alone convincing the FDA of how this	12	A. I do not know what this alludes to
13	group comes under the umbrella of DSM-IV as	13	Q. Well, the e-mails were in 2003. They
14		14	refer to this protocol outline and it says that your
15	And then it goes down, the last sentence	15	view, and let's assume for the purposes of my
16		16	question it was 2003, that you do not think or that
17	appropriate for Dr. Mahmoud's group rather than for	17	you
18	a regulatory focus study " What does that mean,	18	MR. PECK: Counsel, let me just point out
19	that this study may be more appropriate for Mahmoud?	19	the bottom of the page says February 2002
20		20	MR. FIBICH: Okay, thank you
21	for speculation	21	BY MR FIBICH:
22		22	Q February 13, 2002, it says that you
23		23	thought the type of mania that is sought to be
24	A. No	24	studied here is rare and recruitment would be
25	Q Go down to the expert view on this same	25	difficult if not impossible. Was that your view in
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Joseph Biederman February 27, 2009Page 479Page 479Page 479Page 479Page 479Page 479A. Mm-hmm.Q Is the letter that you sent to The New York Times?A. Appears to be a planned letter to 3 the editor of The New York Times?1A. Appears to be.2Yenk Times the one that is contained here on Ext 3 27?A. Appears to have done it.2B. A. He appears to have done it.3B. Q. And then sent it to you. Correct?7P. A. Isent it to him to look at the letter, he 100I. Q. And what changes did he make?10I. I don't know because it does not have the 1410A. I don't know what he edited.10Q. But, in any event, he made some changes to your letter thinking it would enhance the purpose for the letter. Right?P. A. He probably made cosmetic changes for 202P. Bitjoyu understand English, do you not?P. A. Idid.P. A. Idid.P. Did you send this letter to The New YorkP. A. Idid.P. A	which I s. d t, ms der
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8       Q. And then sent it to you. Correct?       8       was a few months ago         9       A. I sent it to him to look at the letter, he       9       A. Mm-hmm.         10       reviewed it and sent it back.       10       Q this is what you were proposing to send         11       Q. And what changes did he make?       10       Q this is what you were proposing to send         12       A. I don't know because it does not have the       11       to The New York Times?         12       A. I don't know what he edited.       11       What I cannot remember if whether I incorporate         14       Q. But, in any event, he made some changes to       14       What I cannot remember if whether I incorporate         15       your letter thinking it would enhance the purpose       16       For the letter. Right?       16         17       MR. SPIVACK: Objection, calls for       17       pharmaceutical manufacturers is inaccurate Firs         18       my and my colleagues' work on pediatric bipolar       19       disorder focuses on this illness, its symptoms,         19       A. He probably made cosmetic changes for       20       Our work helps understand this devastating disor         21       Q. But you understand English, do you not?       21       Our work helps understand this devastating disor         22       A. Pretty we	t, ns
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21       Q. But you understand English, do you not?       21       Our work helps understand this devastating disor         22       A. Pretty well.       22       and treatment options. Second, the J&J Center in         23       Q. Did you send this letter to The New York       23       2002 to 2005 performed research on ADHD and         24       Times?       24       disorder The center performed no clinical trials         25       A. I did.       25       Stratos Legal Services         800-971-1127       800-971-1127	der
24       Times?       24       disorder       The center performed no clinical trials         25       A. I did.       25       on J&J products. It was called J&J Center to be         Stratos       Legal       Services       Stratos       Legal       Services         800-971-1127       800-971-1127       800-971-1127	1
24       Times?       24       disorder       The center performed no clinical trials         25       A. I did.       25       on J&J products. It was called J&J Center to be         Stratos       Legal       Services       Stratos       Legal       Services         800-971-1127       800-971-1127       800-971-1127	
25       A. I did.       25       on J&J products. It was called J&J Center to be         Stratos Legal Services       800-971-1127       Stratos Legal Services	bipolar
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1transparent about its funding."1A. The money was used to fund a confer2It then goes on down to the fifth point,2that brought 100 researchers from all over the	
3 says "I have not engaged in ghostwriting. The lead 3 country to discuss issues pertaining to pediati	
4 author, a J&J researcher and expert scientist, wrote 4 bipolar illness.	
5 the abstract " What abstract are they referring to 5 Q. Well, was it used to pay travel expense	ec
6 there? Are you referring to 6 or to rent a room, or what was the money actu	
7 A. There was an abstract in the Academy of 7 spent on?	
8 Child Psychiatry. I'm not totally sure which one, 8 A. For all of the above. It was to pay for	
9 but was an abstract that Dr. Pandina authored. 9 travel expenses, rent a room, and have a dayl	
10 Q. Was that the abstract that we earlier went 10 conference.	ت الم الم
11 through with respect to your study of the mildly 11 Q. And what was the conference on?	
12 retarded children? 12 A. Pediatric bipolar illness	
13 A. I am not sure which abstract, but I know 13 Q. And was there a transcript made of th	
14 it was an abstract that Dr. Pandina authored. There 14 particular presentation?	-
	is
15 were no details in The New York Times which exactly, 15 A. There was no transcript but there wer	is
15were no details in The New York Times which exactly,15A. There was no transcript but there wer16what abstract that I could review.16series of papers that were published in the	is
15were no details in The New York Times which exactly,15A. There was no transcript but there wer16what abstract that I could review.16series of papers that were published in the17Q. Then it goes on that J&J did not pay you17scientific literature.	is e a
15were no details in The New York Times which exactly,15A. There was no transcript but there wer16what abstract that I could review.16series of papers that were published in the17Q. Then it goes on that J&J did not pay you17scientific literature.1858,159 in 2001, that 50,000 was an educational grant18Q. Well, whether or not this is the actual	is e a
<ul> <li>15 were no details in The New York Times which exactly,</li> <li>16 what abstract that I could review.</li> <li>17 Q. Then it goes on that J&amp;J did not pay you</li> <li>18 58,159 in 2001, that 50,000 was an educational grant</li> <li>19 to Massachusetts General Hospital. What was that</li> <li>15 A. There was no transcript but there were series of papers that were published in the scientific literature.</li> <li>18 Q. Well, whether or not this is the actual</li> <li>19 letter that was sent to The New York Times,</li> </ul>	is e a are the
15were no details in The New York Times which exactly,15A. There was no transcript but there wer16what abstract that I could review.16series of papers that were published in the17Q. Then it goes on that J&J did not pay you17scientific literature.1858,159 in 2001, that 50,000 was an educational grant18Q. Well, whether or not this is the actual19to Massachusetts General Hospital. What was that19letter that was sent to The New York Times,20educational grant for?20	is e a are the t's
15were no details in The New York Times which exactly, what abstract that I could review.15A. There was no transcript but there wer series of papers that were published in the scientific literature.16What abstract that I could review.1617Q. Then it goes on that J&J did not pay you171858,159 in 2001, that 50,000 was an educational grant1819to Massachusetts General Hospital. What was that1920educational grant for?2021A. For a conference on pediatric bipolar21	is e a are the t's
15were no details in The New York Times which exactly, what abstract that I could review.15A. There was no transcript but there wer series of papers that were published in the scientific literature.16What abstract that I could review.1617Q. Then it goes on that J&J did not pay you171858,159 in 2001, that 50,000 was an educational grant1819to Massachusetts General Hospital. What was that1920educational grant for?2021A. For a conference on pediatric bipolar2122illness22	is e a are the t's
15were no details in The New York Times which exactly, what abstract that I could review.15A. There was no transcript but there wer series of papers that were published in the scientific literature.16What abstract that I could review.1617Q. Then it goes on that J&J did not pay you171858,159 in 2001, that 50,000 was an educational grant1819to Massachusetts General Hospital. What was that1920educational grant for?2021A. For a conference on pediatric bipolar2122illness2223Q. And Massachusetts General would get the23	is e a are the t's
15were no details in The New York Times which exactly, what abstract that I could review.15A. There was no transcript but there wer series of papers that were published in the scientific literature.16Wata abstract that I could review.1617Q. Then it goes on that J&J did not pay you171858,159 in 2001, that 50,000 was an educational grant1819to Massachusetts General Hospital. What was that1920educational grant for?2021A. For a conference on pediatric bipolar2123Q. And Massachusetts General would get the2324money, and then what would they do with that money?2424Massachusetts General would get the23	is e a are the t's
15were no details in The New York Times which exactly, what abstract that I could review.15A. There was no transcript but there wer series of papers that were published in the scientific literature.16What abstract that I could review.1617Q. Then it goes on that J&J did not pay you171858,159 in 2001, that 50,000 was an educational grant1819to Massachusetts General Hospital. What was that1920educational grant for?2021A. For a conference on pediatric bipolar2123Q. And Massachusetts General would get the2324money, and then what would they do with that money?2425How was that money used?25	is e a are the t's
15were no details in The New York Times which exactly, what abstract that I could review.15A. There was no transcript but there wer series of papers that were published in the scientific literature.16Wata abstract that I could review.1617Q. Then it goes on that J&J did not pay you171858,159 in 2001, that 50,000 was an educational grant1819to Massachusetts General Hospital. What was that1920educational grant for?2021A. For a conference on pediatric bipolar2123Q. And Massachusetts General would get the2324money, and then what would they do with that money?2424Massachusetts General would get the23	is e a are the t's

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1 2 3 4 5 6 7 8 9 10 12 13 14 15 16 17 18	for identification.) BY MR. FIBICH: Q. Doctor, if you would, look at Exhibit 28. A. Mm-hmm. Q. And do you know what this is? A. It's a presentation that we gave about the J&J Center. Q. And when did you give this presentation? A. I do not know. Whenever the date. There is no date here. Q. Would it have been about the time that the center was getting started? MR. SPIVACK: Objection, calls for speculation. A. I do not know. We met with Janssen twice a year, as I mentioned earlier. Q. What was the purpose of the center? What was the center's purpose?	$ \begin{array}{c} 1\\2\\3\\4\\5\\6\\7\\8\\9\\0\\1\\1\\2\\3\\1\\4\\1\\5\\1\\7\\1\\8\end{array} $	<ul> <li>products in connection with that goal?</li> <li>A. Because Janssen had products that could potentially treat those diseases, so there was in my view a potential intersect between a commercial entity like Janssen and McNeil and our interest to advance science. And the premise was that if the illnesses that we are studying are serious and devastating, as we believed that they are, and if the medicines that they have could provide relief to those problems if proven effective and safe, then that is the synergy between academia and a commercial entity.</li> <li>Q Well, Doctor, there were other drugs that would also potentially assist in the treatment of the diseases you were going to study, were there not?</li> <li>A. But I was speaking to Janssen; I was speaking to McNeil. So I wanted to engage The</li> </ul>
19	MR. SPIVACK: Objection, asked and	19	intersect was with the medicines that they have.
20 21 22 23 24 25	answered. A. The purpose focused on understanding the illnesses that Janssen and McNeil had products. The center focused on the diseases of pediatric bipolar illness and ADHD. Q. And why did you only study Janssen Stratos Legal Services 800-971-1127	20 21 22 23 24 25	I would not propose to study medicines of another company to Janssen. They have risperidone and McNeil has Concerta, and there were other medicines that other companies have, like olanzapine for example, or Topamax that we're also interested in psychiatry. Stratos Legal Services 800-971-1127
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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 9 20 21 22 23 24 25	<ul> <li>Q. Well, was there a limitation put on what you could study by Janssen?</li> <li>A. No.</li> <li>Q. Only their products?</li> <li>A. No. I did not just study their products</li> <li>I wanted to engage their interest in supporting science and I believed that this was a win-win opportunity for scientists like myself and a commercial entity. The idea was that they have potential medicines to treat disorders. We need to understand the disorders that they have medicines that could help. And my proposal was to advance knowledge on the disorders, not on the treatment of the disorders</li> <li>MR FIBICH: Objection, nonresponsive</li> <li>BY MR FIBICH:</li> <li>Q. My question to you is, did Janssen limit your ability to use other products in whatever you were going to study?</li> <li>A. I did not study in the center other products or any products. I studied the diseases. As I have mentioned several times, the center had five cores, none of them therapeutics. The cores were on neuroimaging, on genetics, on paradigm development, on assessment and analysis. Those were Stratos Legal Services</li> </ul>	$\begin{array}{c}1\\2\\3\\4\\5\\6\\7\\8\\9\\0\\1\\1\\2\\3\\4\\5\\6\\7\\8\\9\\0\\1\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2$	<ul> <li>the cores. There was no treatment in the center. MR. FIBICH: Objection, nonresponsive.</li> <li>BY MR. FIBICH:</li> <li>Q. My question is: In the cores that you set up for your center for pediatric psychopathology research, did Janssen limit your use in your studies to their products? Did they limit you?</li> <li>A. No. This</li> <li>Q. The limitation was one that you imposed on yourself. Correct?</li> <li>A. I proposed a center, that we focus on ADHD and bipolar illness in the sense that I was interested in researching.</li> <li>Q. Let me ask you another way because I don't think I'm communicating very well with you.</li> <li>A. Okay, please do.</li> <li>Q. When you went to them and said "I need two million dollars to do this study," this center, did you say "I will only use Johnson &amp; Johnson products"?</li> <li>A. The center did not use any medicines.</li> <li>I proposed to them a center. A center was budgeted for a year for \$500,000. I never knew if the center will be refunded.</li> <li>Q. Let me see that a moment. Stratos Legal Services</li> </ul>

<b></b>			43 (Pages 487 to 490)
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1	A. Sure.	1	structured interviews, that person can help me train
2	Q. Was part of the plan for this center to do	2	other people that they hire for the clinical trial
3	clinical trials? A. The center did not have any clinical trial	3	to conduct structured interviews. Q. Okay, give me an example of what you're
5	activity. The center could support clinical trial	5	talking about. You said the center funded
6	activity but not do it.	6	individuals that had expertise. What do you
7	Q. Okay, let's talk about that The center	7	A. Well, we had from the center funding for a
8	could support clinical trial activity. How would	8	core of psychometricians that are trained to do
9 10	they do that?	9 10	structured interviews and cognitive assessments. Takes us about a year to train a person like that.
10 11	A. Well, the center had personnel that had expertise in assessments. A clinical trial requires	11	So having a core of people that are trained if we
12	assessment. The center has expertise in data	12	need to hire additional people and train them, we
13	analysis. A clinical trial requires analysis So	13	have people with expertise that can help train
14	we have in-house the expertise that could allow to	14	additional personnel to conduct another study
15	rise to the occasion if we have additional funding	15	Q. And that's what some of the money that
16 17	to do a clinical trial, so a clinical trial that we conducted with Johnson was separate from the center	16 17	Janssen gave you was used for. Correct? A. Some of the money was to maintain a core
18	and was a clinical trial on risperidone.	18	of psychometricians in our lab, yes.
19	Q. The clinical trials were separate from the	19	Q. And the psychometricians would then help
20	center?	20	with the clinical trials?
21	A. Yes.	21	A Would help train additional personnel that
22 23	<ul><li>Q. But the center supported those trials?</li><li>A. The center did not support the trials.</li></ul>	22 23	are required for a clinical trial. Q. This is a PowerPoint presentation that you
24	The center funded personnel that had the expertise.	24	prepared, is it not?
25	So if I have a person that knows how to do	25	A. Yes
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1	Q. And the page that I've referred you to is	1	BY MR. FIBICH:
2	entitled Johnson & Johnson Center for Pediatric	2	Q. Were clinical trials done with respect to
3	Psychopathology Research, Mass. General Hospital,	3	the use of Risperdal?
4	Clinical Trials Program Correct?	4	A. We conducted a clinical trial of
5	A. Yes The clinical trial program was not	5	risperidone in children, not as part of the center
6	part of the center. What I meant, that the center	б	
1		17	but as a separate contract.
7 8	could have infrastructure that could allow us to conduct clinical trials. The clinical trials that	7	Q. And who did that clinical trial?
7 8 9	conduct clinical trials. The clinical trials that we conducted with risperidone and Reminyl were done	7 8 9	
8 9 10	conduct clinical trials. The clinical trials that we conducted with risperidone and Reminyl were done with separate funding, not with the center funding.	8 9 10	<ul><li>Q. And who did that clinical trial?</li><li>A. I did that clinical trial</li></ul>
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8	<ul> <li>conduct clinical trials. The clinical trials that</li> <li>we conducted with risperidone and Reminyl were done</li> <li>with separate funding, not with the center funding.</li> <li>They were a separate contract for those trials</li> <li>Q. So in addition to the two million dollars</li> <li>to set up this center, you got additional funding to</li> <li>do the Risperdal and the Reminyl clinical trials.</li> <li>Correct?</li> <li>A. The center had support for these cores</li> <li>that supported neuroimaging, genetics, statistical</li> <li>and paradigm development. The budget for the center</li> <li>was half a million per year, roughly distributed</li> <li>between the five cores of the hundred thousand</li> <li>dollars. Remember that the 500,000 has a tax,</li> <li>institutional tax of 25 percent, so the net payment</li> <li>is 25 percent less than that. The center did not</li> </ul>	8 9 10 11 12 13 14 15 17 18 9 0 12 22 22 23	<ul> <li>Q. And who did that clinical trial?</li> <li>A. I did that clinical trial.</li> <li>Q. And under what auspices did you do that clinical trial?</li> <li>A. The clinical trial was done in my program and it was a separate contract with</li> <li>Q. What program?</li> <li>A. This is a clinical and research program in pediatric psychopharmacology.</li> <li>Q. Say that again, please.</li> <li>A. Clinical and research program in pediatric psychopharmacology.</li> <li>Q. Is that a center?</li> <li>A. No. It's a program.</li> <li>Q. A program?</li> <li>A. (Witness nodded.)</li> <li>Q. So you did a Risperdal clinical trial in</li> </ul>

Joseph Biederman Joseph Biederman February 27, 2009 February 27, 2009 Page 492 Page 491 1 A. Yes. 1 collected from other grants 2 2 Q. And did you do a clinical trial with So we have a small component that had this 3 З respect to Reminyl in that same program? assessment expertise that we were able to train 4 4 A. Yes. people for a clinical trial more rapidly, but to do 5 Q. And did you do a clinical trial with 5 so with personnel on the salaries and expenses that б 6 respect to Concerta in that same program? the center had. 7 MR. FIBICH: Object to that as 7 A. Yes. 8 8 Q And did you do a clinical trial with nonresponsive. 9 9 BY MR. FIBICH: respect to Topamax in that same program? 110 10 Q Sir, you represented in a planned letter A. Yes 11 O. And were those clinical trials assisted in 11 to The New York Times to the editor that the center 12 performed no clinical trials on J&J products 112 some way by people that were hired by the Johnson & 113 Johnson Center for Pediatric Psychopathology 13 A. The center did not perform clinical 14 14 trials Research? 15 15 But you yourself through another program A. To a very small extent. 0. 16 O. That means yes? 16 did do clinical trials on four J&J products. 117 17 A. No, that means to a small extent. Correct? h 8 That means yes. Correct? 18 A Outside the center. The center did not do **O**. 119 Let me recap. The neuroimaging core paid 19 clinical trials. Α. 20 20 Q. Would you agree with me that this is for neuroimagers to do neuroanatomical software 21 development. The paradigm development core paid 21 somewhat misleading to The New York Times about your 22 M.I.T. to develop a driving simulation, paid a Ph.D. 22 involvement with Janssen-sponsored clinical trials? 23 psychologist to develop work simulation paradigms; 23 MR SPIVACK: Objection, argumentative 24 24 provided a salary, part-time salary for a Α. I don't think so 25 25 statistician to conduct analysis from data that we 0 You don't think so? Stratos Legal Services Stratos Legal Services 800-971-1127 800-971-1127 Joseph Biederman Joseph Biederman February 27, 2009 February 27, 2009 Page 494 Page 493 1 A. No. 1 preschool age children, that was a Janssen-funded 2 2 Q. Were most of the clinical trials in which study? 3 3 Risperdal was used sponsored by Janssen? A. No, that was based on the Stanley 4 A. No. Some were sponsored by the Stanley 4 Foundation. 5 5 Q. Your open label trial of risperidone in Foundation. 6 6 children and adolescents with bipolar disorder, that Q. My question was, were most of them 7 7 was Janssen. Correct? sponsored by Janssen? 8 8 MR. SPIVACK: Objection, vague. A. That was Janssen, yes. 9 9 BY MR. FIBICH: Q. The risperidone for treatment of affective h o 10 symptoms in children with disruptive behavior Q. Or was a majority of them sponsored by 11 11 disorder, that was Janssen. Correct? Janssen? 12 12 A. Yes. A. That was a data analysis; it was not a 13 13 Q. As a matter of fact, all but one of them clinical trial. 14 was sponsored by Janssen. Correct? 14 Q. That wasn't sponsored by Janssen? 15 A. Well, yes. There is a study of 15 A. The data analysis was done as part of our 16 16 risperidone in children six to 18. Our principal data analytic efforts at the center. 17 17 study was funded by the Stanley Foundation and we Q. The Aman study was sponsored by Janssen. 18 18 had a study of spectroscopy funded by Janssen. So You know that, do you not? 19 19 there were two studies funded by Johnson and one A. The Aman study I believe was sponsored --20 20 study funded by the Stanley Foundation. And I am not totally sure about that either. I 21 21 Well, there's more than that, isn't there, believe the Aman study was part of the research unit Q. 22 22 sir? in pediatric psychopharmacology funded by the NIH. 23 23 I am not sure that they were funded by Janssen A. Tell me more. 24 24 Well, your open label eight-week trial of Ο. completely. 25 25 olanzapine for treatment of bipolar disorder in Q. And the other studies that you did with Stratos Legal Services Stratos Legal Services 800-971-1127 800-971-1127

1       respect to Topamax and the other drugs that were       1       A       Mm-hmm         2       listed in your PowerPoint, the clinical trials you       3       did on those were sponsored by Janssen?       3       Johnson Center for Pediatric Psychopathold         4       A       No. The Topamax study was sponsored by       7       Research. You see that?       7         5       non-Janssen 1 doin tremember. May have been the       6       Q       It says "Supports research on the         6       stanley Foundation. We added Topamax to Zyprexa and       7       disorders that J&J products treat" and lists         7       examined the weight gain in people that took Zyprexa       10       A       Yes         9       weight lability of Zyprexa in half. The study of       9       A       Supports research on ADHD and pe         10       Reminyl was funded by Ortho-MeNeil, not Janssen.       10       A       Supports research on ADHD and pe         11       Was solidly negative       14       Go forward       10       A       Supports research on ADHD and pe         12       A. Ortho-McNeil. That was a separate company       12       It treat       16       Go forward         13       from Janssen. And the Reminyl study, by the way,       13       Q       That's right Do you want to turn be	Page 496 gy
February 27, 2009Page 4951respect to Topamax and the other drugs that were1AMm-hmm.2listed in your PowerPoint, the clinical trials you2QBut it's supposed to read Johnson &3did on those were sponsored by2QBut it's supposed to read Johnson &4A. No The Topamax study was sponsored by2QBut it's supports research on the5non-Janssen I don't remember. May have been the5AYes6Stanley Foundation. We added Topamax to Zyprexa and6QIt says "Supports research on the7weight lability of Zyprexa in half. The study of6QIt says "Supports research on ADHD and pe9weight lability of Zyprexa in half. The study ofASupports research on ADHD and pe10Reminyl was funded by Ortho-McNeil, not Janssen.10A. Supports research on ADHD and pe12A. Ortho-McNeil. That was a separate company13Go forward13from Janssen. And the Reminyl study, by the way,13QThat's right Do you want to turn bi14mc Redick?16QOre more page. And here it talks al15MR FIBICH: Let's mark that.18MR FIBICH: Johnson & Johnson C16read back?19Pediatric Psychopathology Research.17Ibree ref and the age for you that I want to ask you21Q18MR FIBICH:22Q"Provides ongoing consultation for12Joseph Biederman 	-
Page 4951respect to Topamax and the other drugs that were2listed in your PowerPoint, the clinical trials you3did on those were sponsored by Janssen?4A. No. The Topamax study was sponsored by5non-Janssen I don't remember. May have been the6Stanley Foundation. We added Topamax to Zyprexa and6Resamined the weight gain in people that took Zyprexa8with and without Topamax, and Topamax reduced the9weight lability of Zyprexa in half. The study of1Q. Funded by Ortho-McNeil, not Janssen11Q. Funded by Whom?12A. Ortho-McNeil That was a separate company13from Janssen. And the Reminyl study, by the way,14was solidly negative15MR PECK: I'm sorry. Could I have that16read back?17(The reporter read the answer.)18MR FIBICH: Let's mark that.19Gliederman Deposition Exhibit 29 marked19Gliederman Deposition Exhibit 29 marked20Strat.os Legal Services800-971-1127Joseph Biederman February 27, 200923Let me find the page for you that I want to ask you24A. Yes25that's big age here And I apologize;26that's big age here And I apologize;27Joseph Biederman February 27, 200929Page 49711for existing compound." Do you see that?2A res3Q. And that was really the purpose of the center, was t	-
1       respect to Topamax and the other drugs that were       1       A       Mm-hmm         2       listed in your PowerPoint, the clinical trials you       3       did on those were sponsored by Janssen?       3       Johnson Center for Pediatric Psychopathold         4       A       No. The Topamax study was sponsored by       7       Research. You see that?       7         5       non-Janssen I don't member. May have been the       5       A       Yes       6       Q       It says "Supports research on the         6       stanley Foundation. We added Topamax to Zyprexa and       7       disorders that J&J products that we've been talking about         9       weight lability of Zyprexa in half. The study of       9       A       Supports research on ADHD and pe         10       Reminyl was funded by Ortho-McNeil, not Janssen       10       A       Supports research on ADHD and pe         12       A. Ortho-McNeil That was a separate company       12       treat       13       Go forward         13       from Janssen. And the Reminyl study, by the way,       13       Q       That's right Do you want to turn be         14       Ga forward       16       Research. Provades       MR FIBICH: Johnson & Johnson C         15       MR FIBICH: Let's mark that.       18       MR FIBICH: Her's provides longoin	-
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3       did on those were sponsored by Janssen?       3       Johnson Center for Pediatric Psychopatholoc         4       A. No. The Topamax study was sponsored by       6       Research. You see that?         5       non-Janssen I don't remember. May have been the       6       Stanley Foundation. We added Topamax to Zyprexa and       7         6       Stanley Foundation. We added Topamax to Zyprexa in that.       6       Q       It says "Supports research on the         7       with and without Topamax, and Topamax reduced the       6       Q       It says "Supports research on ADHD and pe         10       Reminyl was funded by Ortho-McNeil, not Janssen.       10       A. Supports research on ADHD and pe         11       Q       Funded by whom?       11       12         12       A. Ortho-McNeil. That was a separate company       11       12       A. Forward?         14       was solidly negative       12       14       Go forward         15       MR. PECK: I'm sorry. Could I have that       15       A. Forward?         16       Reservent Provides ongoing consultation for       19       Pediatric Psychopathology Research.         19       Girederman Deposition Exhibit 29 marked       19       Pediatric Psychopathology Research.         10       Go forward       12       22 <td>ду</td>	ду
3       did on those were sponsored by Janssen ?       3       Johnson Center for Pediatric Psychopatholo         4       A. No. The Topamax study was sponsored by non-Janssen 1 don't remember. May have been the Stanley Foundation. We added Topamax to Zyprexa and examined the weight gain in people that took Zyprexa in that with and without Topamax, and Topamax reduced the weight lability of Zyprexa in half. The study of weight lability of Zyprexa in half. The study of I Reminyl was funded by Ortho-McNeil, not Janssen.       3       Johnson Center for Pediatric Psychopatholo Research. You see that?         7       Reminyl was funded by Ortho-McNeil, not Janssen.       6       Q. It says "Supports research on the disorders that J&J products treat" and lists: four product that we've been talking about 12         10       Reminyl was funded by Ortho-McNeil, not Janssen.       10       A. Supports research on ADHD and per bipolar illness that these compounds potent treat         12       A. Ortho-McNeil That was a separate company       11       Ureret?       13       Q. That's right Do you want to turn bipolar illness that these compounds potent treat         14       was solidly negative       14       15       A. Forward?         16       Refielder:       14       15       A. Forward?         16       Refielde:       14       15       A. Forward?         17       (The reporter read the answer.)       17       MR FIBICH:       18       MR FIBICH: <td< td=""><td>gy</td></td<>	gy
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5       non-Janssen I don't remember. May have been the       5       A       Yes         6       Stanley Foundation. We added Topamax to Zyprexa and       6       Q       It says "Supports research on the         7       examined the weight gain in people that took Zyprexa       7       disorders that J&J products treat" and lists         8       with and without Topamax, and Topamax reduced the       8       four products that we've been talking about         9       weight lability of Zyprexa in half. The study of       9       A       Supports research on ADHD and pe         10       Reminyl was funded by Ortho-McNeil, not Janssen.       10       A       Supports research on ADHD and pe         12       A       Ortho-McNeil That was a separate company       12       treat       13         14       was solidly negative       14       Go forward       14       Go forward         15       MR PECK: I'm sorry. Could I have that       15       A       Four and pe       6         16       read back?       16       Go forward       15       Pediatric Psychopathology Research.       16         16       Giederman Deposition Exhibit 29 marked       19       Pediatric Psychopathology Research.       20       19       19         18       MR FIBICH:       21 </td <td></td>	
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5       Johnson products. Correct?       5       nonresponsive.         6       MR. SPIVACK: Objection, argumentative       6       BY MR. FIBICH:	
6 MR. SPIVACK: Objection, argumentative 6 BY MR. FIBICH:	g
7 MR. PECK: Objection, foundation. 7 Q. Who did you show this PowerPoint	
8 A. I believe 8 presentation to?	
9 MR SPIVACK: Calls for speculation, 9 A. We showed this PowerPoint preser	lation to
10 misstates the testimony 10 people in Janssen and McNeil that were in	
11 BY MR. FIBICH: 11 the center.	
12 Q. Isn't that true? 12 Q. Well, did you do this for the purpor	
13     MR. SPIVACK: Same objections.     13     convincing them to make contributions to	es of
14A.No.14or was this done after the center was agree	
15 Q. If you're doing strictly scientific 15 funded by Johnson & Johnson?	his center
	his center
	his center 1 to be
	his center d to be I
	his center d to be I beople that
19 A. I am concerned with Johnson & Johnson 19 if it's scientifically sound from their perspective descent and the second state of the second stat	his center d to be I beople that funds and
20 because Johnson & Johnson, Janssen-McNeil have 20 and in the hope that they will be interested	his center d to be I people that funds and ctive,
21 commercial interests I need to find an intersect 21 continuing funding of the work.	his center d to be I people that funds and ctive,
22 Advancing science for a pharmaceutical company or to 22 So it is responsible. The same I do	his center d to be I people that funds and ctive, in
23 do research that is removed from the most parochial 23 NIH grants, that I report periodically what	his center d to be I people that funds and ctive, in vith
24 interest that most pharmaceutical companies do is a 24 done with the funding, that I am fulfilling	his center d to be I people that funds and ctive, in vith I have
25 leap So what I was telling Janssen and McNeil, 25 obligations. So this is a reporting to say w	his center d to be I people that funds and ctive, in vith I have
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1	Joseph Biederman		Joseph Biederman
	February 27, 2009		February 27, 2009
	Page 499		Page 500
	rage 499		rage 500
1	have we done and what we would like to do in the	1	Q How many papers did you publish as a
2	year to come.	2	result of this four-year tenure of this center that
3	MR. FIBICH: Object to that as being	3	was sponsored by Janssen?
4	nonresponsive	4	A Dozens of papers.
5	BY MR. FIBICH:	5	Q. When you say dozen, you mean twelve?
6	Q. At the time that Johnson & Johnson agreed	6	A No, no, dozens. I am using the plural. I
7	to fund the Center for Pediatric Psychopathology	7	don't know Forty. I don't know. I didn't count
8	Research, was it a five-year commitment? Four-year	8	them
9	commitment, rather.	9	Q. How many?
10	A. It was only one-year commitment.	10	A. Forty.
11	Q. So they gave you \$500,000 for one year and	11	Q Forty?
12	then you would do a PowerPoint presentation to	12	A Yeah. My program publishes seventy to
13	educate them on what you were doing so that they	13	eighty papers a year
14	would continue to support you. Is that correct?	14	Q. What program are you referring to now?
15	A. I was describing reporting on what we have	15	A The program that I run as the clinical and
16	done and what are the plans for the next year.	16	research program in pediatric psychopharmacology and
17	Q. Because you wanted them to continue to	17	adult ADHD
18	support this center?	18	Q. Did you seek other pharmaceutical
19	A. Yes,	19	companies to sponsor a similar center after Johnson
20	Q. Were you disappointed after four years	20	& Johnson decided not to fund anymore?
21	that they decided not to support the center?	21	A We seek funding from all sources possible,
22	A. I consider that part of life. I think	22	pharmaceutical companies, private foundations and
23	that funding is never forever, so we have done four	23	the NIH. Research is very expensive and require
24	years of activity and it was very productive. We	24	funding. Research cannot be conducted without
25	published dozens of papers.	25	funding. We have been funded by each, with the
65	Stratos Legal Services	2.5	Stratos Legal Services
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	Joseph Biederman		Joseph Biederman
	February 27, 2009		February 27, 2009
	Page 503		Page 504
1	A. No. This was at the end of the first year	1	central to the short and long-term goals and
23	of the center.	2	interests of J&J." Is that correct? A. Correct.
4	Q. Okay. And if you would, go to page 222, the	4	Q. And this was something that you felt was
5	Bates number.	5	sufficiently important that you wanted to present
6	A. Yes.	6	this to the people at this meeting. Correct?
7	Q. And do you see the block in the left-hand	7	MR. SPIVACK: Objection, foundation
8	corner, says "Supports research on the disorders	8	BY MR. FIBICH:
9 10	that J&J products treat, Concerta, Risperdal, Reminyl and Topamax." Do you see that?	9 10	Q. Well, you prepared this slide, did you not?
11	A. Yes.	11	A. I prepared these slides, yes.
12	Q. Did you prepare this PowerPoint	12	Q. And you thought this was important that
13	presentation?	13	you project this to them. Correct?
14	A I did.	14	A. I thought that there is an intersect, a
15 16	Q. And the attendees at this particular conference were whom?	15 16	win-win situation between our interest to advance
17	A. Were scientists that participated in the	17	science and the commercial interest of Janssen and McNeil.
18	center and teams from McNeil and Janssen.	18	Q. It was a win-win prospect because you were
19	Q. And then if you would, go to page 224, in	19	going to advance science and they were going to have
20	the middle left-hand side there is "Added value of	20	an opportunity to expand the market for their drugs
21	the center." Do you see that? Entitled Added Value	21 22	Correct?
22 23	of The Center. A. Mm-hmm.	22	MR. SPIVACK: Objection, misstates the testimony.
24	Q. The third bullet point says "This fosters	24	BY MR. FIBICH:
25	a collaborative effort that prioritizes projects	25	Q. Is that what you mean?
	Stratos Legal Services		Stratos Legal Services
	800-971-1127		800-971-1127
	Joseph Biederman		Taarah Disdamaa
	February 27, 2009		Joseph Biederman February 27, 2009
1	February 27, 2009	1	February 27, 2009 Page 506
2	February 27, 2009 Page 505		February 27, 2009
23	February 27, 2009 Page 505 A. No. Q. Okay. Tell me why my statement is inaccurate.	1 2 3	February 27, 2009 Page 506 nonresponsive. These products had already been tested; they had already gotten approval from the FDA. Correct?
2 3 4	February 27, 2009 Page 505 A. No. Q. Okay. Tell me why my statement is inaccurate. A. We thought about the center as advancing	1 2 3 4	February 27, 2009 Page 506 nonresponsive. These products had already been tested; they had already gotten approval from the FDA. Correct? A. Not for the conditions that we are testing
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 9 20 21 22 23 24	February 27, 2009 Page 505 A. No. Q. Okay. Tell me why my statement is inaccurate. A. We thought about the center as advancing science, so we need to study the diseases for which they have compounds that can help the diseases. We wanted to document if the diseases are morbid enough that required treatment and if the treatment is shown safe and efficacious, then the treatment can be deployed and then the pharmaceutical company that makes those treatments, if they are effective and safe, can benefit. But it is a sequential process; it is not a one-to-one correspondence. The pharmaceutical companies usually support direct things that are of benefit to them, clinical trials. For them to support something that is quasi-esoteric science, knowledge, is several steps removed from their commercial agenda and is predicated on several steps that have to occur for them to be successful commercially with their product. The products have to be tested; the diseases have to be tested as serious enough to warrant treatment. So that's the way that you predicate the	$1 \\ 2 \\ 3 \\ 4 \\ 5 \\ 6 \\ 7 \\ 8 \\ 9 \\ 0 \\ 1 \\ 1 \\ 2 \\ 1 \\ 3 \\ 4 \\ 5 \\ 6 \\ 7 \\ 8 \\ 9 \\ 0 \\ 1 \\ 1 \\ 2 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1$	February 27, 2009 Page 506 nonresponsive. These products had already been tested; they had already gotten approval from the FDA. Correct? A. Not for the conditions that we are testing that we are interested. Adult ADHD was not tested, the pediatric bipolar illness was not tested. Q. Was it a win-win for both parties? A. I believed that supporting research on the diseases that they could have successful compounds is a very important part of their mission. Doing a good thing, advancing research I believe is eventually or potentially profitable. The steps that are required have some risk. The diseases that you are studying may not be warranting of treatment. The treatments may not work. So those are things, the steps that they take by advancing science. But it is certainly several steps removed from all the other pharmaceutical companies that just want to do a clinical trial, the FDA kind of clinical trial. So doing non-clinical trial activities is a very different approach that the pharmaceutical company took. MR. FIBICH: Objection, nonresponsive. BY MR. FIBICH:

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1	Janssen, in your opinion?	1	that it's safe and effective for children and
2	MR. SPIVACK: Objection, asked and	2	adolescents.
3	answered.	3	MR. FIBICH: Objection, nonresponsive.
4	A. I believed that has the promise of a	4	BY MR. FIBICH:
5	win-win situation.	5	Q. Was it a win for Janssen to contribute
6	Q. Okay, you believed it had the promise at	6	this money to your center?
7	the time you started, correct, that it could be a	7	A. I believe it was the right thing to do.
8	win-win?	8	Q. That's not my question. I object to that
9	A. Could be a win-win if all the forces	9	as being nonresponsive. I'm not asking you whether
10	align, we can do the research that will lead to the	10	it was right, I'm not asking you whether it was
11	decision to do clinical trials and that in turn if	11	intended. I'm asking you, do you believe it was a
12	successful and safe and effective can lead to	12	win for Janssen?
13	their that will be the alignment with the	13	MR. SPIVACK: Objection, vague,
14	commercial interest, not before.	14	argumentative.
15	Q. And now we're seven years out from the	15	A. I do not know. I think that yes, they
16	time this started, we can look back. In your	16 17	invested in a good cause and at the end they had
17 18	opinion was it a win for the Johnson & Johnson Center for Psychopathology Research? Was it a win	18	approval of risperidone for pediatric bipolar
19	for your center?	19	illness They have shown it is safe and effective, did not only rely on open or off-label use and open
20	A. I believe that the center advanced	20	label data. They did the right thing. But it was a
21	science. We did what we are paid to do.	20 21	very lengthy process from the time that we started
22	Q. So the answer is yes, it was a win?	22	investigating till the time that the approval
	A. We did what we are paid to do. The	23	occurred.
23 24		24	MR. FIBICH: Objection, nonresponsive.
25	showed, replicated our initial findings and showed	25	BY MR. FIBICH:
ľ.	Stratos Legal Services		Stratos Legal Services
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	Joseph Biederman		Joseph Biederman
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1	Q. If you would, go to page 225, the top		not picked up by the reviewer, and it was not picked
2	block, J&J Center Data Management and Biostatistics	2	up by the publishing company. It was a mistake.
3	Core. Do you see that?	3	Q. Excerpta Medica didn't pick it up, did
45	A. Yes.	4	they?
6	Q. It goes down to the last bullet point,	5	A. It was not picked up by us, it was not
7	"These studies demonstrate the unique value of our	7	picked up by the reviewers, and it was not picked up
8	collaboration." And collaboration, that means your center is working with Janssen. Correct?	8	by the publisher, Clinical Therapeutics.
9	A. Janssen is funding the center.	9	Q. Or the copyright holder, Excerpta Medica.
10	Q. Well, actually there was an individual	10	Right? They didn't pick it up either? A. They did not pick it up.
11	over there that helped you do some of your analysis,	11	Q. It says "The findings are critical steps
12	a Dr. Wu.	12	in meeting J&J's goals vis-à-vis product
13	A. I don't know who Dr. Wu is. I believe	13	development." Do you see that?
14	that you are referring to the analysis of Dr. Aman	14	A. Say again where?
1.5	data. Since Dr. Aman data was not our data, we had	15	Q. The last bullet point in the block at the
16	to ask the help of Janssen statistician for our	16	top right-hand side: "The findings are critical
17	analysis.	17	steps in meeting J&J's goals vis-à-vis product
18	Q. You asked the help of Janssen's	18	development." I read that correctly, didn't 1?
19	statisticians for your analysis for what?	19	A. Yes.
20	A. For the secondary analysis of the Aman	20	Q. And that's really what you were trying to
jana Va		21	do in your research, was help J&J meet its product
	study that we talked before.		
21			development goals. Correct?
	Q. That's the one that had the mistake in it.	22 23	development goals. Correct? MR. SPIVACK: Objection, argumentative,
21 22	Q. That's the one that had the mistake in it.	22	development goals. Correct? MR. SPIVACK: Objection, argumentative, misstates the testimony.
21 22 23	Q. That's the one that had the mistake in it. Right?	22 23	MR. SPIVACK: Objection, argumentative,
21 22 23 24	<ul> <li>Q. That's the one that had the mistake in it.</li> <li>Right?</li> <li>A. No, had only the mistake in reporting the</li> </ul>	22 23 24	MR. SPIVACK: Objection, argumentative, misstates the testimony. A. No. I argued that doing research on the Stratos Legal Services
21 22 23 24	<ul> <li>Q. That's the one that had the mistake in it.</li> <li>Right?</li> <li>A. No, had only the mistake in reporting the one number. That was not picked up by us, it was</li> </ul>	22 23 24	MR. SPIVACK: Objection, argumentative, misstates the testimony. A. No. I argued that doing research on the

			49 (rages Jil (O Ji4)
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1	diseases that they have potential drugs will, could.	. 1	Q You don't know whether it was the first
2	may be profitable for them if they do the right	2	part, the middle, or latter part of the year?
3	clinical trials The entire idea of doing a	3	A I don't remember
4	clinical trial in pediatric bipolar illness was	4	Q You just remember it was 2002?
5	dependent on developing enough data to understand	5	À Yes.
6	the illness in itself That is a necessary first	6	Q. Show you a document we've marked as 31.
7	step	7	
8	MR FIBICH: Objection. nonresponsive	8	
9	Let's take a short break	9	
10 11	THE VIDEOGRAPHER: The time is ten minutes	10	Q
12	after 2:00 We are off the record	11 12	What senter in the
13	(Short recess taken ) (Biederman Deposition Exhibit 31 marked	$12 \\ 13$	What center is he
14	for identification )	14	referring to, if you know? A The J&J Center
15	THE VIDEOGRAPHER: We are back on the	15	Q. The J&J Center, that's the Johnson &
16	record This is tape number 4 The time is 2:29	16	Johnson Center for Pediatric Psychopathology
17	BY MR_FIBICH:	17	Research?
18	Q Dr Biederman, tell me again when the	18	A Yes
19	Johnson & Johnson Center for Pediatric	19	Q. Can we just call that "J&J Center" and use
20	Psychopathology began?	20	that term?
21	A In 2002	21	A. Yes.
22	Q Do you remember the month?	22	Q. Okay
23	A No.	23	
24	Q Was it late in 2002?	24	
25	A I don't remember	25	Churches Level Countral
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$\begin{array}{c} 2 \\ 3 \\ 4 \\ 5 \\ 6 \\ 7 \\ 8 \\ 9 \\ 1 \\ 1 \\ 2 \\ 3 \\ 4 \\ 5 \\ 6 \\ 7 \\ 1 \\ 1 \\ 2 \\ 3 \\ 1 \\ 1 \\ 5 \\ 6 \\ 7 \\ 1 \\ 1 \\ 2 \\ 3 \\ 1 \\ 1 \\ 5 \\ 6 \\ 7 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1$	Joseph Biederman February 27, 2009	$ \begin{array}{c} 1\\2\\3\\4\\5\\6\\7\\8\\9\\0\\1\\1\\2\\3\\4\\5\\6\\7\\8\end{array} $	Joseph Biederman February 27, 2009 Page 514 Q. And that was one of the things that the
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$\begin{array}{c} 2\\ 3\\ 4\\ 5\\ 6\\ 7\\ 8\\ 9\\ 0\\ 1\\ 1\\ 2\\ 3\\ 4\\ 5\\ 6\\ 7\\ 8\\ 9\\ 0\\ 1\\ 1\\ 2\\ 3\\ 4\\ 5\\ 6\\ 7\\ 8\\ 9\\ 0\\ 1\\ 1\\ 2\\ 3\\ 4\\ 5\\ 6\\ 7\\ 8\\ 9\\ 0\\ 1\\ 1\\ 2\\ 2\\ 1\\ 1\\ 1\\ 2\\ 2\\ 1\\ 1\\ 2\\ 2\\ 1\\ 1\\ 1\\ 1\\ 1\\ 1\\ 1\\ 1\\ 1\\ 1\\ 1\\ 1\\ 1\\$	Joseph Biederman February 27, 2009	$ \begin{array}{c} 1\\2\\3\\4\\5\\6\\7\\8\\9\\0\\1\\1\\2\\3\\4\\5\\6\\7\\8\\9\\0\\1\\1\\2\\0\end{array} $	Joseph Biederman February 27, 2009 Page 514 Q. And that was one of the things that the J&J Center was to do. Right? A. The center, I think there is a little bit
2345678901123456789011234567890122222	Joseph Biederman February 27, 2009	$\begin{array}{c} 1\\ 2\\ 3\\ 4\\ 5\\ 6\\ 7\\ 8\\ 9\\ 1\\ 1\\ 1\\ 2\\ 3\\ 4\\ 5\\ 6\\ 7\\ 8\\ 9\\ 0\\ 1\\ 1\\ 2\\ 3\\ 4\\ 5\\ 6\\ 7\\ 8\\ 9\\ 0\\ 1\\ 1\\ 2\\ 3\\ 4\\ 5\\ 6\\ 7\\ 8\\ 9\\ 0\\ 1\\ 1\\ 2\\ 3\\ 4\\ 5\\ 6\\ 7\\ 8\\ 9\\ 0\\ 1\\ 1\\ 2\\ 3\\ 4\\ 5\\ 6\\ 7\\ 8\\ 9\\ 0\\ 1\\ 1\\ 2\\ 1\\ 3\\ 4\\ 5\\ 6\\ 7\\ 8\\ 9\\ 0\\ 1\\ 1\\ 2\\ 2\\ 1\\ 1\\ 1\\ 2\\ 0\\ 2\\ 1\\ 1\\ 1\\ 1\\ 1\\ 1\\ 1\\ 1\\ 1\\ 1\\ 1\\ 1\\ 1\\$	Joseph Biederman February 27, 2009 Page 514 Q. And that was one of the things that the J&J Center was to do. Right? A. The center, I think there is a little bit of a misnomer here This core, we call it
234567890112345678901123456789012222	Joseph Biederman February 27, 2009	$ \begin{array}{c} 1\\2\\3\\4\\5\\6\\7\\8\\9\\0\\1\\1\\2\\3\\4\\5\\6\\7\\8\\9\\0\\1\\1\\2\\0\end{array} $	Joseph Biederman February 27, 2009 Page 514 Q. And that was one of the things that the J&J Center was to do. Right? A. The center, I think there is a little bit of a misnomer here. This core, we call it assessment core because, as you see in the
234567890112345678901123456789012234	Joseph Biederman February 27, 2009	$\begin{array}{c} 1\\ 2\\ 3\\ 4\\ 5\\ 6\\ 7\\ 8\\ 9\\ 0\\ 1\\ 1\\ 2\\ 3\\ 4\\ 5\\ 6\\ 7\\ 8\\ 9\\ 0\\ 1\\ 1\\ 2\\ 3\\ 4\\ 5\\ 6\\ 7\\ 8\\ 9\\ 0\\ 1\\ 1\\ 2\\ 3\\ 4\\ 5\\ 6\\ 7\\ 8\\ 9\\ 0\\ 1\\ 1\\ 2\\ 3\\ 4\\ 5\\ 6\\ 7\\ 8\\ 9\\ 0\\ 1\\ 2\\ 2\\ 2\\ 2\\ 2\\ 2\\ 2\\ 2\\ 2\\ 2\\ 2\\ 2\\ 2\\$	Joseph Biederman February 27, 2009 Page 514 Q. And that was one of the things that the J&J Center was to do. Right? A. The center, I think there is a little bit of a misnomer here. This core, we call it assessment core because, as you see in the activities, those are personnel that we reserve that
234567890112345678901123456789012222	Joseph Biederman February 27, 2009 Page 513	$\begin{array}{c} 1 \\ 2 \\ 3 \\ 4 \\ 5 \\ 6 \\ 7 \\ 8 \\ 9 \\ 0 \\ 1 \\ 1 \\ 3 \\ 4 \\ 5 \\ 6 \\ 7 \\ 8 \\ 9 \\ 0 \\ 1 \\ 1 \\ 1 \\ 3 \\ 4 \\ 5 \\ 6 \\ 7 \\ 8 \\ 9 \\ 0 \\ 1 \\ 1 \\ 2 \\ 2 \\ 2 \\ 2 \\ 2 \\ 2 \\ 2 \\ 2$	Joseph Biederman February 27, 2009 Page 514 Q. And that was one of the things that the J&J Center was to do. Right? A. The center, I think there is a little bit of a misnomer here. This core, we call it assessment core because, as you see in the activities, those are personnel that we reserve that had expertise in assessment, psychological testing
2345678901123456789012234	Joseph Biederman February 27, 2009 Page 513 Stratos Legal Services	$\begin{array}{c} 1 \\ 2 \\ 3 \\ 4 \\ 5 \\ 6 \\ 7 \\ 8 \\ 9 \\ 0 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 5 \\ 6 \\ 7 \\ 8 \\ 9 \\ 0 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 5 \\ 6 \\ 7 \\ 8 \\ 9 \\ 0 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1$	Joseph Biederman February 27, 2009 Page 514 Q. And that was one of the things that the J&J Center was to do. Right? A. The center, I think there is a little bit of a misnomer here. This core, we call it assessment core because, as you see in the activities, those are personnel that we reserve that had expertise in assessment, psychological testing and things like that that are necessary for clinical Stratos Legal Services
2345678901123456789011234567890122234	Joseph Biederman February 27, 2009 Page 513	$\begin{array}{c} 1 \\ 2 \\ 3 \\ 4 \\ 5 \\ 6 \\ 7 \\ 8 \\ 9 \\ 0 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 5 \\ 6 \\ 7 \\ 8 \\ 9 \\ 0 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 5 \\ 6 \\ 7 \\ 8 \\ 9 \\ 0 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1$	Joseph Biederman February 27, 2009 Page 514 Q. And that was one of the things that the J&J Center was to do. Right? A. The center, I think there is a little bit of a misnomer here. This core, we call it assessment core because, as you see in the activities, those are personnel that we reserve that had expertise in assessment, psychological testing and things like that that are necessary for clinical

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$\begin{array}{c}1\\2\\3\\4\\5\\6\\7\\8\\9\\0\\1\\1\\2\\1\\3\\4\\5\\6\\7\\8\\9\\0\\1\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2$	<ul> <li>trials. So this program did not conduct clinical trials but supported infrastructure of personnel that could train people for clinical trials if we get a contract for a clinical trial.</li> <li>Q. Well, in any event, does it not appear to you that Janssen viewed the center, the J&amp;J Center, as doing clinical trials?</li> <li>MR. SPIVACK: Objection, calls for speculation, no foundation.</li> <li>A. I don't think so. As you see, the budget was modest for that activity. Clinical trials cannot be sustained with that budget.</li> <li>Q. So technically the J&amp;J Center didn't do clinical trials, it trained and supervised clinical trials staff. Correct?</li> <li>A. The center supported a few personnel with expertise in assessment. That expertise in assessment can be used in clinical trials and non-clinical trial activities. So, for example, if we do a genetic family study of pediatric bipolar illness, we need people that have expertise in assessment to be able to do that. We can also train people if we have a contract for clinical trial much more rapidly than starting at point zero that I need Stratos Legal Services 800-971-1127</li> </ul>	12345678901121345678901121345678901222222222222222222222222222222222222	<ul> <li>to start all over again. So it's a body of competent, trained individuals that can train other people if we have additional funding.</li> <li>Q. And who would make the determination as to the percent of the funding that would go to these respective cores?</li> <li>A. Me.</li> <li>Q. So the budgeted amount over there was something that you came up with Correct?</li> <li>A. Yes. I distributed the total funds available in the different activities depending on what resources those activities required.</li> <li>Q. And who made the determination of the allocation of J&amp;J funds?</li> <li>A. I did. Stratos Legal Services 800-971-1127</li> </ul>
	Joseph Biederman February 27, 2009		Joseph Biederman February 27, 2009
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1 2 3 4 5 6 7 8 9 10	Q. And these were things that the J&J center	1 2 3 4 5 6 7 8 9 10	<ul> <li>activities.</li> <li>Q. And then in addition to the J&amp;J funds that go to the respective cores, we have a center allocation. Correct?</li> <li>A. Yes.</li> <li>Q. And where does the center allocation money come from?</li> <li>A. The center had the total budget that was 500,000 minus 25 percent, :</li> </ul>
$\begin{array}{c} 1 \\ 1 \\ 1 \\ 2 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\$	<ul> <li>did. Correct?</li> <li>A. The J&amp;J center supported infrastructure, so this is infrastructure quality assurance.</li> <li>Reliability efforts are infrastructure activities.</li> <li>Q. And then I don't understand. We've got a J&amp;J funds and a core allocation. What does that mean?</li> <li>A. That we are allocating these funds listed here and the core allocation means we represented what proportion of the core are for these expenses.</li> <li>Q. Do I understand you to be saying that the J&amp;J funds that are listed here are being allocated for the clinical trials core?</li> <li>A. Yes. These are the funds in dollars in percentage of the core that were allocated to these Stratos Legal Services</li> </ul>	12 13 14 15 16 17 18 20 21 22 23 24 25	<ul> <li>Q. And what is the center contribution? What is that?</li> <li>A. I cannot tell you how we calculated that.</li> <li>But it's all The dollar amounts are here probably are the most straightforward. It's what percentage</li> <li> Some of these calculations represent what percentage of the total budget of the 500,000 minus 25 percent were allocated to these individual activities.</li> <li>Q. Let me ask you this. If I took all of the J&amp;J funding that's listed in these respective cores and added that up, would it or should it have come up to \$500,000?</li> <li>A. \$500,000 minus the 25 percent the hospital Stratos Legal Services</li> </ul>

		·	51 (Pages 519 to 522)
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1	takes in overhead.	1	A. Research is expensive and requires
2	Q And for the record, the attachments that	2	continuous support.
3	we have been looking at, these documents here that	3	Q. But as I understand you, you do clinical
4	are attached, are actually J&J Center documents.	4	research because of your background and knowledge
5	Correct?	5	
		1	and you want to benefit mankind. Correct?
6	A. I don't know who they are.	6	A. I do research to advance knowledge, yes.
7	Q. Well, you made the allocations and it	7	Q. And in addition to that, is there a
8	appears that they're assigned according to core	8	benefit to you in doing this research?
9	You can't tell me that those are J&J documents?	9	A. You need to define what benefit means.
10	MR. SPIVACK: Objection, asked and	10	Q. Well, do you understand what the word
11	answered.	11	benefit means?
12	A. I do not know.	12	A. I know what benefit means.
13	Q. You don't know?	13	Q. Something of value to you
14	A. No.	14	A The value is advancing of science.
15	(Biederman Deposition Exhibit 32 marked	15	Q. That's the only value you get? You don't
16		16	get It doesn't help your prestige, it doesn't
17		17	help you with regard to your recognition by your
18		18	peers? It doesn't help you in any other way?
19		19	A. Not necessarily. To do research is to
20		20	advance science and knowledge and I'm very proud to
21		21	be able to advance science and knowledge. You are
22	•	22	
22			using the word "benefit" as I understand by the
23		23	passage as a commercial benefit. I don't sell
24		24	T-shirts, I don't have any benefit of that kind
25	0	25	Advancing knowledge is an abstraction and I believe
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	· · · · · · · · · · · · · · · · · · ·		~
1	that advancing knowledge is good for humanity. All	1	
2	of us benefit from advancements in medicine that we	2	A May I read it?
3	can have better treatments, save lives and so on and	3	Q Sure.
4	so forth. That is very costly and cannot be done	4	A. Tell me, which part are you? There
5	without money.	5	are several studies here. Which one are you
6	Q. Now, Dr. Biederman, I didn't mean to	6	reading?
7	suggest that there's anything wrong in being	7	
8	benefited by your science. And I object to your	8	
9	last statement as being nonresponsive. I'm not	9	
		10	
10			1
11	point is that if you go and do these things and you	11	
11 12	point is that if you go and do these things and you publish, doesn't that benefit your standing in the	11 12	
11 12 13	point is that if you go and do these things and you publish, doesn't that benefit your standing in the relevant scientific community that you practice in?	11 12 13	
11 12 13 14	point is that if you go and do these things and you publish, doesn't that benefit your standing in the relevant scientific community that you practice in? A. I do not do it to advance my standing. I	11 12 13 14	
11 12 13 14 15	point is that if you go and do these things and you publish, doesn't that benefit your standing in the relevant scientific community that you practice in? A. I do not do it to advance my standing. I do it to advance knowledge.	11 12 13 14 15	
11 12 13 14 15 16	<ul> <li>point is that if you go and do these things and you publish, doesn't that benefit your standing in the relevant scientific community that you practice in?</li> <li>A. I do not do it to advance my standing. I do it to advance knowledge.</li> <li>Q. Then why do you make a big list of</li> </ul>	11 12 13 14 15 16	
11 12 13 14 15 16 17	<ul> <li>point is that if you go and do these things and you publish, doesn't that benefit your standing in the relevant scientific community that you practice in?</li> <li>A. I do not do it to advance my standing. I do it to advance knowledge.</li> <li>Q. Then why do you make a big list of everything and make your résumé or C.V. a hundred</li> </ul>	11 12 13 14 15 16 17	
11 12 13 14 15 16 17 18	<ul> <li>point is that if you go and do these things and you publish, doesn't that benefit your standing in the relevant scientific community that you practice in?</li> <li>A. I do not do it to advance my standing. I do it to advance knowledge.</li> <li>Q. Then why do you make a big list of everything and make your résumé or C.V. a hundred and some pages long?</li> </ul>	11 12 13 14 15 16 17 18	
11 12 13 14 15 16 17 18 19	<ul> <li>point is that if you go and do these things and you publish, doesn't that benefit your standing in the relevant scientific community that you practice in?</li> <li>A. I do not do it to advance my standing. I do it to advance knowledge.</li> <li>Q. Then why do you make a big list of everything and make your résumé or C.V. a hundred and some pages long?</li> <li>A. These are factual. These are facts on the</li> </ul>	11 12 13 14 15 16 17 18 19	
11 12 13 14 15 16 17 18 19 20	<ul> <li>point is that if you go and do these things and you publish, doesn't that benefit your standing in the relevant scientific community that you practice in?</li> <li>A. I do not do it to advance my standing. I do it to advance knowledge.</li> <li>Q. Then why do you make a big list of everything and make your résumé or C. V. a hundred and some pages long?</li> <li>A. These are factual. These are facts on the ground.</li> </ul>	11 12 13 14 15 16 17 18 19 20	
11 12 13 14 15 16 17 18 20 21	<ul> <li>point is that if you go and do these things and you publish, doesn't that benefit your standing in the relevant scientific community that you practice in?</li> <li>A. I do not do it to advance my standing. I do it to advance knowledge.</li> <li>Q. Then why do you make a big list of everything and make your résumé or C. V. a hundred and some pages long?</li> <li>A. These are factual. These are facts on the ground.</li> </ul>	11 12 13 14 15 16 17 18 19 20	
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	23	Page 524
	1	Q And when you would do clinical trials, you
		would get a principal investigator fee Right?
	З	A. Sometimes I collected very little solely
		from clinical trials I'm not sure in this study I
		collected anything.
	7	
	. 8	
	13	
	14	•
	19	
	20	
	21	Q And you've earlier testified that
		risperidone can cause weight gain.
		hyperprolactinemia, and disturbances of glycemic and lipid control?
		A Yes.
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Q. And can lead to diabetes?	1	
A Yes		
	6	
33 I want to ask you what this is	7	
• · · ·	8	
~	!	
	12	
	13	
	14	
	_	
	19	
	20	
	21	A. I know Dr. Gharabawi, Dr. Mahmoud, and
		Dr. Pandina
	23	Q. How about Mr. Kent Bockes?
	24 25	A. I don't remember who he was Q. He's a marketing guy. Did you know that?
	February 27, 2009 Page 52 Stratos Legal Services 800-971-1127 Joseph Biederman February 27, 2009 Page 52 Q. And can lead to diabetes? A Yes (Biederman Deposition Exhibit 33 marked for identification.) BY MR FIBICH: Q. Doctor, let me show you what I believe is	February 27, 2009         Page 523         1         2         3         4         5         6         7         8         9         10         11         12         3         9         10         11         12         13         14         15         13         14         15         13         14         15         15         16         17         18         19         20         21         22         23         24         25         Stratos Legal Services         800-971-1127         20         21         22         3         10         21         22         23         24         25         25         26         27

Joseph Biederman February 27, 2009Joseph Biederman February 27, 2009Page 5271A. I have no idea.12MR. SPIVACK: Objection, asked and23answered.34BY MR. FIBICH:45Q. I'm sorry?56MR. SPIVACK: Same objection.67A. I don't know who he was.78MR. FIBICH: Okay, you don't know who he89is, right.910(Biederman Deposition Exhibit 34 marked1011for identification.)1112BY MR. FIBICH:1213Q. What is the Center for Child and1314Adolescent Psychiatric Research?1415A. I have no idea1516I think that this is the J&J Center; this1617meant the J&J Center. Maybe at that time I did1718not I wanted to make sure that the center's1819funding are clear, so I renamed it the J&J Center19	
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20 for the Study of Pediatric Psychopathology 20 Q And who is Mr. Kent Bockes	.0
2121AI don't remember what his po2222	sidon was.
23 23	
24 24	
25 25	
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1 Q. Then you are also in a foundation as a 1 addition to the Prechter family?	
2 director that is involved with research into issues 2 A. Not that I know.	
3 dealing with pediatric bipolar, are you not? 3 Q. Not that you know. Are the	
4 A. We had the funding from the Prechter 4 foundations that you have relations	
5 Foundation 5 in particular I'm concerned about d	•
6Q. From which foundation?6A. I am not in any directorship7A. Prechter. Prechter, it's the name of an7foundation.	of any
	tor of one
8 individual who has bipolar illness, he committed 9 suicide, and his family formed a foundation and the 9 foundation?	or of any
10 money we got, I believe half a million dollars, to 10 A. No.	
11 study the genetics of bipolar illness. 11 Q. No? Is that right?	
12 Q. What is the name of that foundation? 12 A. That's right.	
13 A. Prechter, P-r-e-c-h-t-e-r. It's Michigan- 13 Q. Sir, has the issue of who fur	nds a study
14 based; I think it's a Detroit-based foundation. 14 been studied by scientists to determ	
15 Q. Are you on the board of this foundation? 15 not that in and of itself may potenti	
16 A. No. 16 bias in the study?	
17 Q. What do you have to do with the 17 A. Not that I know of	
18 foundation? 18 Q. Are you familiar with a psy	chiatrist by
19 A. We applied for funds. 19 the name of John Davis?	a
20 Q. And do you receive funds from it? 20 A. I believe that John Davis is	the president
21 A. Yes. 21 of Mount Sinai Medical School.	
22 Q. Is this foundation funded by 22 Q. And he is a psychiatrist?	
23 pharmaceutical companies in addition to 23 A Yes	
24 A. No. 24 Q. Do you know Mr. Davis? E	Dr. Davis.
25 Q. Let me finish my question, please in 25 A. I do not know personally. I	
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Joseph Biederman Joseph Biederman February 27, 2009 February 27, 2009 Page 532 Page 531 1 1 five showed Zyprexa was superior in treating name 2 2 And do you know his reputation in the schizophrenia But when Janssen sponsored its own Q. 3 3 psychiatric community? studies comparing the two drugs, Risperdal came out 4 A. I know that he is an expert in 4 ahead in three out of four. In fact, when 5 5 schizophrenia. psychiatrist John Davis analyzed every publicly 6 (Biederman Deposition Exhibit 35 marked б available trial funded by the pharmaceutical 7 7 for identification.) industry pitting five new antipsychotic drugs 8 BY MR. FIBICH: 8 against one another, nine in ten showed that the 9 9 Q Why is it that you think he is an expert best drug was the one made by the company funding 10 10 in schizophrenia? the study. 'On the basis of these contrasting 11 11 A. Because he writes papers on schizophrenia. findings in head-to-head trials, it appears that 12 Q. And do you find him to be authoritative 12 whichever company sponsors the trial produces the 13 13 with respect to the papers that he has done with better antipsychotic drug,' Davis and others wrote 14 14 respect to schizophrenia? in the American Journal of Psychiatry." 15 15 A. I don't have an opinion. Schizophrenia is Did you read the article that he prepared 16 not my area of expertise. I know that he writes on 16 for the American Journal of Psychiatry on this 17 17 schizophrenia. subject? 18 Q. Let me show you an article that has 18 A. No. 19 appeared in The Washington Post. You probably 19 Assume with me that this study contains 0. 20 haven't read this since you don't read newspapers. 20 the conclusion that is set forth in this article. 21 Sir, just on the first page, this article 21 Does it surprise you that the pharmaceutical company 22 which was written in 2006 says "Pharmaceutical giant 22 that sponsors the trial is the one that comes out 23 Eli Lilly & Co. recently funded five studies that 23 ahead? 24 compared its antipsychotic drug Zyprexa with 24 MR. SPIVACK: Objection, argumentative, 25 25 Risperdal, a competing drug made by Janssen All speculation, no foundation. Stratos Legal Services Stratos Legal Services 800-971-1127 800-971-1127 Joseph Biederman Joseph Biederman February 27, 2009 February 27, 2009 Page 533 Page 534 1 A I have no idea I need to read the 1 approved indications by the FDA for schizophrenia. 2 2 article. In the decision about which drug to use, 3 3 Q. What article? doctors not only take data from these head-to-head 4 4 A. The article that Dr. Davis published in comparisons that are very difficult to execute, 5 American Journal of Psychiatry. 5 because when you have an effective treatment, it's 6 Q. And if you read that and his conclusions 6 very difficult to show superiority against another 7 7 were that the company that sponsored the trial was treatment. So the weighing of the evidence is, is 8 the one that came out ahead, would that make you 8 the drug effective in the condition that I want to 9 9 think that there is a potential money bias in who use it? What are the side effects of one or the 10 other? And those are the decisions that clinicians 10 funds studies? 111 111 MR. SPIVACK: Objection, multiple levels use in selecting a drug. 12 12 of speculation, no foundation, argumentative. MR. FIBICH: Objection, nonresponsive. 13 A A clinical trial is sensitive to the 13 BY MR FIBICH: 14 instrumentation that you use, the type of patients 14 Q. This article goes on to say "Such studies 15 15 that you recruit, the length of follow-up, make up the bulk of the evidence that American 16 16 et cetera, et cetera. Doctors in practice in doctors rely on to prescribe \$10 billion worth of 17 17 weighing risk and benefit take into consideration antipsychotic medications each year." Were you 18 18 effective treatments. aware of this figure as a proposed figure for the 19 19 All of these studies show individually cost of antipsychotic medications each year? 20 20 efficacy against placebo, so these are approved MR SPIVACK: Objection, no foundation. 21 21 drugs. So the relative superiority of one over A. I do not know how much money is spent on 22 22 another is a matter of debate like saying that only antipsychotic medications. 23 Honda produces better cars than Chevrolet, so the 23 Q. Do you currently use Risperdal at your 24 24 Honda advertising will favor one over the other. clinics? 25 But each of these compounds showed efficacy in their 25 A. Yes, I do. Stratos Legal Services Stratos Legal Services 800-971-1127 800-971-1127

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1	at the department of psychiatry, Beth Israel Medical	1	A I see that
2	Center in New York City. Is that correct?	2	Q And that's what we've been talking about
3	MR. SPIVACK: Objection, no foundation,	3	Correct?
4	calls for speculation.	4	A. We have been talking about a lot of
5	BY MR. FIBICH:	5	things
6	Q. Does the article suggest to you that this	6	Q Well, the most recent thing we were
7	is sponsored in part by the people at the department	7	talking about is the relationship between outcomes
8	of psychiatry, Beth Israel Medical Center?	8	of clinical trials and its relationship to
9	MR. SPIVACK: Objection, calls for	9	pharmaceutical funding Correct?
10	speculation, no foundation.	10	MR SPIVACK: Objection, misstates the
11	A. The answer is yes.	11	testimony
12		12	•
	MR SPIVACK: Excuse me. Calls for	13	A As I told you a few times before, the
13	speculation, no foundation	4	studies that compare two compounds are different
14	BY MR. FIBICH:	14	than registration studies that establish safety and
15	Q. The answer is yes?	15	efficacy that compare against placebo. Some studies
16	A. There is a notice here, yes.	16	may examine the impact of medicines in several
17	Q. Okay.	17	aspects of the illness, such as quality of life. So
18	And the background is that pharmaceutical	18	the basic studies that lead to registration and
19	industry funding of psychiatric research has	19	approval of a compound for the FDA meet a very high
20	increased significantly in recent decades, raising	20	standard of quality that is acceptable to the most
21	the question of the relationship between	21	stringent reviewer on the Earth, that is the FDA.
22	pharmaceutical company funding of clinical	22	So what these studies, and I do not know
23	psychiatric studies and the outcomes of those	23	what are these studies, I suspect that they are
24	studies, and that this study examines that	24	studies similar to what Dr. Davis was talking
25	relationship. Do you see that?	25	before, this kind of head-to-head comparison trying
<i></i>	Stratos Legal Services	20	Stratos Legal Services
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1	to see if there is some advantage to one compound in	1	authors of this paper?
2	a class versus another compound in the class. Which	2	MR. SPIVACK: Same objection, calls for
3	is a different agenda than establishing safety and	3	speculation, no foundation.
4	efficacy of an individual compound.	4	A. "These data indicate an association
5	MR. FIBICH: Objection, nonresponsive.	5	between pharmaceutical industry funding of clinica
6	BY MR. FIBICH:	6	studies and positive outcomes of those studies."
7	Q Sir, under Results, would you read those	7	Q. And you
8	results for our jury as reflected in the abstract?	8	A. Let me finish. "Further research is
9	MR. SPIVACK: Objection, no foundation	9	needed to elucidate the mechanisms underlying this
10	A. "The percentage of studies sponsored by	10	relationship."
11	drug companies increased from 25 percent in 1992 to	11	Q. And you had never read this study before
12	57 percent in 2002." You want me to continue?	12	today. Is that correct?
13	Q. Please. Read the entire results section.	13	A. I did not.
	•		
14	MR. SPIVACK: Same objection, calls for	14	(Biederman Deposition Exhibit 37 marked
15	speculation, no foundation.	15	for identification.)
16	A. "Favorable outcomes were significantly	16	BY MR. FIBICH:
1 7	more common in studies sponsored by the drug	17	Q. Let me show you 37, ask you to review that
	manufacturer, 78 percent, than in studies without	18	abstract for me. (Pause)
18	munulation in persona, and in station manual	19	Have you had a chance to look over this,
18	industry sponsorship, 48 percent, or sponsored by a		
18 19	industry sponsorship, 48 percent, or sponsored by a		sir?
17 18 19 20 21	industry sponsorship, 48 percent, or sponsored by a competitor, 28 percent. These relationships	20	
18 19 20 21	industry sponsorship, 48 percent, or sponsored by a competitor, 28 percent. These relationships remained after controlling for the effects of	20 21	A. The abstract, yes.
18 19 20 21 22	industry sponsorship, 48 percent, or sponsored by a competitor, 28 percent. These relationships remained after controlling for the effects of journal, year, drug studies, studied sorry	20 21 22	<ul><li>A. The abstract, yes.</li><li>Q. And this is from another medical journal?</li></ul>
18 19 20 21 22 23	industry sponsorship, 48 percent, or sponsored by a competitor, 28 percent. These relationships remained after controlling for the effects of journal, year, drug studies, studied sorry time since FDA drug approval, diagnosis, sample	20 21 22 23	<ul> <li>A. The abstract, yes.</li> <li>Q. And this is from another medical journal? MR. SPIVACK: Objection, no foundation.</li> </ul>
18 19 20 21 22 23 24	industry sponsorship, 48 percent, or sponsored by a competitor, 28 percent. These relationships remained after controlling for the effects of journal, year, drug studies, studied sorry time since FDA drug approval, diagnosis, sample size, and selected study design variables."	20 21 22 23 24	<ul> <li>A. The abstract, yes.</li> <li>Q. And this is from another medical journal? MR. SPIVACK: Objection, no foundation.</li> <li>A. It is another medical journal, yes.</li> </ul>
18 19 20 21 22 23	industry sponsorship, 48 percent, or sponsored by a competitor, 28 percent. These relationships remained after controlling for the effects of journal, year, drug studies, studied sorry time since FDA drug approval, diagnosis, sample	20 21 22 23	<ul> <li>A. The abstract, yes.</li> <li>Q. And this is from another medical journal? MR. SPIVACK: Objection, no foundation.</li> </ul>

1       Q. Do you currently use Invega in your       1       A. Ninety percent or more of medicine is symptomatic relief. Medicine can cure very little         2       clinics?       a. Yes, I do.       2         4       Q. Do you currently use generic Risperdal in your clinics?       a. Ninety percent or more of medicine, shower, to allow people to have a decemt life despite havin the disease         7       Q. Is the generic Risperdal as effective as       anything. What we can do in medicine, however, to allow people to have a decemt life despite havin the disease         9       A. I did not study that. I cannot tell you.       9         0       Patients frequently complain when they are switched to generic that the efficacy is lost.       0         12       Mary that stude or not, do you?       13       A. No.         13       that's true or not, do you?       A. No.       0       Do you believe you get a less biased         14       A. I have basis to know what patients       14       Q. If you would, turn to be second page, and the the discagraph stating with "Davis warned". Do you see that?       A. No.         15       says "Reliance on induxity-sponsored studies is not it featomstrute curse but the measure and work is again.       16       Warned'. Do you see that?       A. No.         16       warned'. Do you see that?       A. No.       Q. And where is that?       A. In New Yok.         20			
Page 535Page1Q. Do you currently use Invega in your12clinics?3A. Yes, I do.4Q. Do you currently use generic Risperdal in25your clinics?6A. Yes, I do.7Q. Is the generic Risperdal as effective as8Risperdal?9A. I did not study that. I cannot tell you.10Patients frequently complain when they are switched11to generic that the efficacy is lost.12Q. But you have no basis to know whether13that's true or not, do you?14A. I have basis to know that patients15complain to me when switched to generic that the17A. I have basis to know that patients18Q. The next-to-last patagraph of this article19you aree with that statement?21is exacerbated in areas of medicine the where the goal22you aree with that statement?23ymbomatic relif, which allows more that the diror of the24results for full as not to demonstrate cures to to measure25you aree poining out one.26you aree poining out one.27Joseph Biederman February 27, 200928Page 5371medications that are genuinely superior H and academic researcher' is someone such as yourself.10Q. Ho know his the deputy editor of the JAMA?1medications that are genuinely superior of the Jaman?29Page 5371medications that are			
2       clinics?       2       symptomatic relief. Medicine can cure very little         3       A. Yes, I do.       2       symptomatic relief. Medicine can cure very little         4       Q. Do you currently use generic Risperdal in       symptomatic relief. Medicine can cure very little         7       A. Yes, I do.       5       anything. What we can do in medicine, however, to allow people to have a decent life despite havit         7       A. Yes, I do.       5       anything. What we can do in medicine, however, to allow people to have a decent life despite havit         10       Patients frequently complain when they are switched to generic that the efficace vis lost.       10       PM FIBICH:       Oby ou get a less biased         12       Q. It you would, turn to the second page, and that to finder to psychiatry, but experts any the problem       14       Q. If you would, turn to the second page, and that it of instriction of more static paragraph statting with "Davis is a gain.         13       a. No.       14       Q. If you would, turn to the second page, and that the or psychiatry, but experts any the problem         14       Q. The next-to-last paragraph of this article       Q. And tell the jury who Davis is again.         15       complain terest, which allows more lattude in       Q. If you would, turn to the second page, and where is that?         16       port instat to finish is an       Q. If you would, turn tothe second page, and where i		Page 536	
800-971-1127       800-971-1127         Joseph Biederman February 27, 2009       Joseph Biederman February 27, 2009       Joseph Biederman February 27, 2009         Page 537       Page         1       medications that are genuinely superior. He and Journal of The American Medical Association. Do you know Dr. Rennie?       1         5       A. I do not know him personally       2         6       Q But you know he is the deputy editor of you are pointing out to me.       6         10       Q. He says "He and Rennie also questioned academic researchers' role in these studies " And an academic researcher's role in these studies " And an academ	<ul> <li>2 clinics?</li> <li>A. Yes, I do.</li> <li>Q. Do you currently use generic Risperdal in</li> <li>your clinics?</li> <li>A. Yes, I do.</li> <li>Q. Is the generic Risperdal as effective as</li> <li>Risperdal?</li> <li>A. I did not study that. I cannot tell you.</li> <li>Patients frequently complain when they are switched</li> <li>to generic that the efficacy is lost.</li> <li>Q. But you have no basis to know whether</li> <li>that's true or not, do you?</li> <li>A. I have basis to know that patients</li> <li>complain to me when switched to generic that they</li> <li>are not doing as well as with the compound that I do</li> <li>before.</li> <li>Q. The next-to-last paragraph of this article</li> <li>says "Reliance on industry-sponsored studies is not</li> <li>limited to psychiatry, but experts say the problem</li> <li>is exacerbated in areas of medicine where the goal</li> <li>of trials is not to demonstrate cures but to measure</li> <li>symptomatic relief, which allows more latitude in</li> <li>how the results are interpreted and marketed." Do</li> <li>you agree with that statement?</li> </ul>	<ul> <li>2 symptomatic relief. Medicine can cure very little</li> <li>3 conditions. With exception of infections, which are</li> <li>4 bacteria, we are very ineffective in curing</li> <li>5 anything. What we can do in medicine, however, is</li> <li>6 to allow people to have a decent life despite having</li> <li>7 the disease.</li> <li>8 MR. FIBICH: Objection, nonresponsive.</li> <li>9 BY MR. FIBICH:</li> <li>10 Q. Do you believe you get a less biased</li> <li>11 result from publicly funded studies than studies</li> <li>12 that are funded by pharmaceutical companies?</li> <li>13 A. No.</li> <li>14 Q. If you would, turn to the second page,</li> <li>15 down to the third paragraph starting with "Davis</li> <li>16 warned." Do you see that?</li> <li>17 A. Yes.</li> <li>18 Q. And tell the jury who Davis is again.</li> <li>19 A. Dr. Davis is I believe currently the</li> <li>20 president of Mount Sinai School of Medicine.</li> <li>21 Q And where is that?</li> <li>22 A. In New York.</li> <li>23 Q It says "Davis warned that the circular</li> <li>24 results he found could undermine the confidence of</li> <li>25 clinicians and patients and even cast doubt on</li> </ul>	
Joseph Biederman February 27, 2009Page 537Joseph Biederman February 27, 2009Page 537Page1medications that are genuinely superior. He and 2 Rennie," who is Drummond Rennie, the editor of the 3 Journal of The American Medical Association. Do you 4 know Dr. Rennie?1entire paper from start to finish is an advertisement. It is a much more subtle and tellin a divertisement. It is a much more subtle and tellin a dat tan anything they can publish as an ad." Did 4 I read that correctly?5A. I do not know him personally 6GQ. And do you agree that when a company ur you as an author, it gives credence to an advertisement if the paper promotes their product a safe and effective drug for the treatment of a condition that you studied?9Q. He says "He and Rennie also questioned 100He says "He and Rennie also questioned 1111academic researcher's role in these studies " And 1211MR. SPIVACK: Objection, argumentative calls for speculation, no foundation.12A. Yes12A. Clinical trial is a scientific exercise.14A. Yes12A. Clinical trial is a scientific exercise.15Q"Says Davis, who joked in an interview 15Patients are blindly assigned to drug or placebo 1516that he no longer gets to fly first class to Tokyo 1616He findings are collected exhaustively. They ard tifferent centers, parts of the world participate.17The findings are collected exhaustively. They ard judged by the FDA I am talking about registrat judged by the FDA I am talking about registrat studies to be adequ			
February 27, 2009Page 537Page 537Page 537Page 537Page 537Page 100Page 537Page 100Page 537Page 100Page 537Page 100Page 537Page 100Page 537Page 100Page 100Page 537Page 100Page 100 <th colspan<="" th=""><th></th><th></th></th>	<th></th> <th></th>		
1medications that are genuinely superior. He and 21entire paper from start to finish is an advertisement. It is a much more subtle and tellin a dat than anything they can publish as an ad." Did 42Rennie," who is Drummond Rennie, the editor of the 31entire paper from start to finish is an advertisement. It is a much more subtle and tellin a dat than anything they can publish as an ad." Did 43Journal of The American Medical Association. Do you 43ad than anything they can publish as an ad." Did 44I do not know him personally. 6Q. But you know he is the deputy editor of 75A. I do not know, and I'm glad that 996Q. He says "He and Rennie also questioned 10Q. He says "He and Rennie also questioned 118aaffe and effective drug for the treatment of a 			
2Rennie," who is Drummond Rennie, the editor of the Journal of The American Medical Association. Do you 4 know Dr. Rennie?2advertisement. It is a much more subtle and tellin ad than anything they can publish as an ad." Did 43Know Dr. Rennie?3ad than anything they can publish as an ad." Did 44I read that correctly?5A. I do not know him personally.5A. You read it very well.6QBut you know he is the deputy editor of 76Q. And do you agree that when a company up you are pointing out to me.9you are pointing out to me.9asafe and effective drug for the treatment of a condition that you studied?11academic researchers' role in these studies " And11MR. SPIVACK: Objection, argumentative calls for speculation, no foundation.13Correct?12A. Yes.1414A. Yes.15Patients are blindly assigned to drug or placebo.15Q"Says Davis, who joked in an interview15Patients from very different parts of the country, different centers, parts of the world participate.17and Monte Carlo since he stopped accepting money16fmom pharmaceutical companies, guessed that 9018from pharmaceutical companies, guessed that 9018studies to be adequate to establish safety and efficacy. I can hardly consider results of a		Page 538	
21by a company that later enlists a university21clinical trial as advertising.22researcher as the author. 'We know that happens all22MR. FIBICH: Objection, nonresponsive.23the time,' Rennie said. 'The only reason that the23BY MR. FIBICH:24company wants a non-company person as an author is24Q. Dr. Davis thinks so, does he not?25to give credence to an advertisement. The whole25A. It's a freeStratos Legal ServicesStratos Legal ServicesStratos Legal Services	<ul> <li>Rennie," who is Drummond Rennie, the editor of the</li> <li>Journal of The American Medical Association. Do you</li> <li>know Dr. Rennie?</li> <li>A. I do not know him personally.</li> <li>Q. But you know he is the deputy editor of</li> <li>the JAMA?</li> <li>A. I actually do not know, and I'm glad that</li> <li>you are pointing out to me.</li> <li>Q. He says "He and Rennie also questioned</li> <li>academic researchers' role in these studies." And</li> <li>an academic researcher is someone such as yourself.</li> <li>Correct?</li> <li>A. Yes.</li> <li>Q. "Says Davis, who joked in an interview</li> <li>that he no longer gets to fly first class to Tokyo</li> <li>and Monte Carlo since he stopped accepting money</li> <li>from pharmaceutical companies, guessed that 90</li> <li>percent of industry-sponsored studies that boast a</li> <li>prominent academic as the lead author are conducted</li> <li>by a company that later enlists a university</li> <li>researcher as the author. "We know that happens all</li> <li>the time,' Rennie said. 'The only reason that the</li> <li>company wants a non-company person as an author is</li> <li>to give credence to an advertisement. The whole</li> </ul>	<ul> <li>advertisement. It is a much more subtle and telling</li> <li>ad than anything they can publish as an ad." Did</li> <li>I read that correctly?</li> <li>A. You read it very well.</li> <li>Q. And do you agree that when a company uses</li> <li>you as an author, it gives credence to an</li> <li>advertisement if the paper promotes their product as</li> <li>a safe and effective drug for the treatment of a</li> <li>condition that you studied?</li> <li>MR. SPIVACK: Objection, argumentative,</li> <li>calls for speculation, no foundation.</li> <li>A. A clinical trial is a scientific exercise.</li> <li>Patients are blindly assigned to drug or placebo</li> <li>Patients from very different parts of the country,</li> <li>different centers, parts of the world participate.</li> <li>The findings are collected exhaustively. They are</li> <li>judged by the FDA I am talking about registration</li> <li>studies to be adequate to establish safety and</li> <li>efficacy. I can hardly consider results of a</li> <li>clinical trial as advertising.</li> <li>MR. FIBICH: Objection, nonresponsive.</li> <li>BY MR. FIBICH:</li> <li>Q. Dr. Davis thinks so, does he not?</li> <li>A. It's a free</li> </ul>	

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•	1	nonresponsive. Listen to my question; I'm trying to
		get through. Have you seen any studies that studied the
	4	relationship between who funds a study and the
Q. Well, if the position of Dr. Davis is	5	outcome of that study?
accurately reflected in the article that we've been	6	MR_SPIVACK: Objection, asked and
	1	answered
		A. You mentioned this study here in this article.
•		Q. But you'd never seen that study before
	11	today, have you?
calls for speculation, no foundation.	12	A. I have not seen this study specifically,
	{	no.
		Q And if you were to see the studies, might
		that help persuade you that who pays for a clinical trial may determine in some part its outcome?
		MR. SPIVACK: Objection, calls for
studied the relationship between an outcome of a	18	speculation, no foundation.
clinical trial and who pays for the clinical trial.	19	MR. FIBICH: Well, let's do it this way
Is that correct?		Let's mark that.
-		(Biederman Deposition Exhibit 36 marked
		for identification.) BY MR. FIBICH:
		Q. Doctor, have you had a chance to look over
	25	Exhibit 36?
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MR. SPIVACK: If you're going to ask him	1	A. Let me read it at least. No?
	2	Q. Sure.
		A. (Pause) Okay.
		Q. All right. First of all, this is a peer-reviewed article that has been published in a
	1	scientific journal. Correct?
	7	A. That's correct.
Q. You can read as much of it or as little of	8	Q And that scientific journal is the Journal
it as you want. And if you want to read more,	9	of Psychological Medicine Correct?
I certainly don't want to deprive you of that	10	A. It's called Psychological Medicine.
opportunity. Okay? A. The only thing I can read is the abstract.	11 12	Q. Okay, Psychological Medicine. And that is a scientific journal that you recognize as being
Is that agreed upon?	$13 \\ 14$	authoritative in the area in which it is
	13	
Is that agreed upon? Q. Okay. Well, the abstract is a summary. A. This paper has a few pages. I cannot read in two minutes.	13 14 15 16	authoritative in the area in which it is disseminated. Correct? MR PECK: Objection, foundation. A. It's a good journal.
Is that agreed upon? Q. Okay. Well, the abstract is a summary. A. This paper has a few pages. I cannot read in two minutes. Q. No, no, my question to you, sir, is a	13 14 15 16 17	<ul> <li>authoritative in the area in which it is</li> <li>disseminated. Correct?</li> <li>MR. PECK: Objection, foundation.</li> <li>A. It's a good journal.</li> <li>Q. It's a good journal, okay. And this is a</li> </ul>
Is that agreed upon? Q. Okay. Well, the abstract is a summary. A. This paper has a few pages. I cannot read in two minutes. Q. No, no, my question to you, sir, is a simple one. An abstract is a summary of the paper	13 14 15 16 17 18	<ul> <li>authoritative in the area in which it is</li> <li>disseminated. Correct?</li> <li>MR. PECK: Objection, foundation.</li> <li>A. It's a good journal.</li> <li>Q. It's a good journal, okay. And this is a scientific study, is it not?</li> </ul>
Is that agreed upon? Q. Okay. Well, the abstract is a summary. A. This paper has a few pages. I cannot read in two minutes. Q. No, no, my question to you, sir, is a simple one. An abstract is a summary of the paper itself, is it not?	13 14 15 16 17 18 19	<ul> <li>authoritative in the area in which it is</li> <li>disseminated. Correct?</li> <li>MR. PECK: Objection, foundation.</li> <li>A. It's a good journal.</li> <li>Q. It's a good journal, okay. And this is a</li> <li>scientific study, is it not?</li> <li>A. It appears to be.</li> </ul>
Is that agreed upon? Q. Okay. Well, the abstract is a summary. A. This paper has a few pages. I cannot read in two minutes. Q. No, no, my question to you, sir, is a simple one. An abstract is a summary of the paper itself, is it not? A. It is. But does not have details of the	13 14 15 16 17 18 19 20	<ul> <li>authoritative in the area in which it is</li> <li>disseminated. Correct?</li> <li>MR. PECK: Objection, foundation.</li> <li>A. It's a good journal.</li> <li>Q. It's a good journal, okay. And this is a</li> <li>scientific study, is it not?</li> <li>A. It appears to be.</li> <li>Q. And it is done by a number of individuals.</li> </ul>
Is that agreed upon? Q. Okay. Well, the abstract is a summary. A. This paper has a few pages. I cannot read in two minutes. Q. No, no, my question to you, sir, is a simple one. An abstract is a summary of the paper itself, is it not? A. It is. But does not have details of the paper itself.	13 14 15 16 17 18 20 21	<ul> <li>authoritative in the area in which it is</li> <li>disseminated. Correct?</li> <li>MR. PECK: Objection, foundation.</li> <li>A. It's a good journal.</li> <li>Q. It's a good journal, okay. And this is a</li> <li>scientific study, is it not?</li> <li>A. It appears to be.</li> </ul>
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Is that agreed upon? Q. Okay. Well, the abstract is a summary. A. This paper has a few pages. I cannot read in two minutes. Q. No, no, my question to you, sir, is a simple one. An abstract is a summary of the paper itself, is it not? A. It is. But does not have details of the paper itself. Q. Sure. Do you want me to ask you some questions or do you want to study this?	13 14 15 17 18 20 22 23	<ul> <li>authoritative in the area in which it is</li> <li>disseminated. Correct?</li> <li>MR. PECK: Objection, foundation.</li> <li>A. It's a good journal.</li> <li>Q. It's a good journal, okay. And this is a</li> <li>scientific study, is it not?</li> <li>A. It appears to be.</li> <li>Q. And it is done by a number of individuals.</li> <li>Do you know any of these people that are listed?</li> <li>A. No.</li> <li>Q. None?</li> </ul>
	MR. SPIVACK: Objection, calls for speculation. A. I said it's a free country. People can think whatever they want. Q. Well, if the position of Dr. Davis is accurately reflected in the article that we've been reading, he certainly thinks that a scientific paper sponsored by a pharmaceutical company with an academic researcher and author is an advertisement, doesn't he? MR. SPIVACK: Objection, argumentative, calls for speculation, no foundation. A. Dr. Davis can think whatever he wants. We are a free society and we encourage free thinking. If I agree to what he says or not is a different question, and I don't Q. And you have never seen any studies that studied the relationship between an outcome of a clinical trial and who pays for the clinical trial. Is that correct? MR. SPIVACK: Objection, asked and answered. A. I have seen clinical trials that were negative funded by pharmaceutical companies, so Q That's not my question, sir. Objection, Stratos Legal Services 800-971-1127 Joseph Biederman February 27, 2009 Page 541 MR. SPIVACK: If you're going to ask him about this exhibit, I think he needs more than 25 seconds to take a look at it. MR. FIBICH: Okay. Tell me when you're ready. A. What would you like me to read, the entire paper or parts of it?	MR. SPIVACK: Objection, calls for1speculation.2A. I said it's a free country. People can3think whatever they want.4Q. Well, if the position of Dr. Davis is5accurately reflected in the article that we've been6reading, he certainly thinks that a scientific paper7sponsored by a pharmaceutical company with an8academic researcher and author is an advertisement,9doesn't he?10MR. SPIVACK: Objection, argumentative,11calls for speculation, no foundation.12A. Dr. Davis can think whatever he wants. We13are a free society and we encourage free thinking.14If I agree to what he says or not is a different15question, and I don't16Q. And you have never seen any studies that17studied the relationship between an outcome of a18clinical trial and who pays for the clinical trial.19Is that correct?20MR. SPIVACK: Objection, asked and21answered.22A. I have seen clinical trials that were23negative funded by pharmaceutical companies, so

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1A. It is another medical journal.12Q. This appears to be a medical journal from2	I have no idea what kind of analysis they are doing, what areas of medicine they're investigating and so
3 Denmark. Is that correct?	on and so forth
4 MR. SPIVACK: Objection, no foundation. 4	Q So you can't tell me what the conclusion
5 A. I think it's a British Medical Journal. 5	of this paper is from the abstract?
6 Q. Okay. BMJ would be an acronym for British 6 7 Medical Journal Is that correct? 7	A I cannot.
7Medical Journal. Is that correct?78A. Yes.8	(Biederman Deposition Exhibit 38 marked for identification)
9 Q. And you understand British Medical Journal 9	BY MR, FIBICH:
10 to be a prestigious journal?	Q Doctor, I earlier understood you to say
11 A. Yes. 11	that you were not associated with any foundations
12 Q. And this abstract concludes like the 12	Is that correct?
13 abstract we previously looked at, that being that 13	A You asked me if I am in the board of
14 industry-supported reviews of drugs should be read 14 15 with caution because they are less transparent and 15	directors of foundation. I have been a scientific adviser for some foundations
15with caution because they are less transparent and1516have methodological limitationsCorrect?16	Q What foundations are you a scientific
17 MR SPIVACK: Objection, calls for 17	adviser for?
18 speculation, no foundation 18	A. I've been in scientific board of the Child
19 A. I think that this pertain to reviews, not 19	and Adolescent Bipolar Foundation and I have been in
20 necessarily to the source studies. 20	scientific advisory board of, I do not remember the
21 Q. What do you understand the conclusion of 21	name because it has changed, the Association of
22this research to be?2223MR SPIVACK: Objection, calls for23	Bipolar Depression and Bipolar I'm sorry, I
23MR. SPIVACK: Objection, calls for2324speculation, no24	don't remember the correct name, but it's an association that supports the patient in bipolar
25 A. I need to read the paper more carefully. 25	illness
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	A. No.
1         Q. Let me show you 38.         1           2         2	Q. Do you attend meetings of this
3	organization?
4 A. I am in the scientific advisory board. 4	A. Not particularly. The organization has
5 5	meetings during the child psychiatry meetings that
6	if I attend the child psychiatry meeting, I attend
7 A. Professional, okay, sorry Professional 7	their meeting. Otherwise I don't.
8advisory board.89QAnd with respect to this foundation, does9	
9QAnd with respect to this foundation, does910this foundation support research into bipolar10	
11 disease?	
12 A. Not at all. The foundation supports 12	
13 families in desperate straits with their young ones. 13	
14 Q. So the answer is no? 14	
15 A. The answer is no. 15	Q. How much have you contributed?
16 Q. And in this foundation, the development 16	A. A few hundred personally. Not for the
17director is asking Mr. Bockes with Janssen for a1718contribution. Is that correct?18	institution. I contribute a few hundred dollars a
18contribution. Is that correct?1819A. It appears to be.19	year as a charitable contribution. Q. Do you have a relationship with the Sang
20 Q. And are you paid for your work on this 20	Foundation?
21 advisory board?	A. Yes, I have a relationship with the Sang
22 A. No. 22	Foundation.
2.3 Q. Do you receive an honorarium? 2.3	Q. What is the Sang Foundation?
24 A. No. 24	A. The Sang Foundation is the Sang family had
25 Q. Do you receive travel expenses? 25	the tragedy of losing their I believe 21-year-old
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<ul> <li>young son from suicide secondary to bipolar illness,</li> <li>so they are very interested in supporting activities</li> <li>to educate the public on bipolar illness in the</li> <li>young. So they have supported, agreed to support</li> <li>the conference that I have been running for last six</li> <li>years funded by the NIMH when I run out of funds</li> <li>from NIMH. They agreed to continue the funding so</li> <li>we can carry on the conference.</li> <li>Q. And what conference are you talking about?</li> <li>A. The pediatric bipolar conference that we</li> <li>have been running for last six, seven years.</li> <li>Q. And where is that bipolar conference held?</li> <li>A. It has been held in different parts of the</li> <li>country.</li> <li>Q. And this is funded by the Sang Foundation</li> <li>sometimes?</li> <li>A. No. The foundation only funds, is going</li> <li>to fund it this year because the moneys that we got</li> <li>from the NIMH run out. They did not renew. It was</li> <li>a five-year grant and we run it for six years with</li> <li>no cost extension and</li> <li>Q. I'm sorry. What is NAMH?</li> <li>A. National Institute of Mental Health.</li> </ul>	1       Q       Okay, I didn't understand you. That's         2       federal funding. Correct?         3       A. Federal funding, yes.         4       Q       And they no longer are going to fund it,         5       so the Sang Foundation is going to fund it this         6       year. Correct?         7       A. Correct.         8       Q         9       held this year?         10       A         11       Q. And where is the conference going to be         9       held this year?         10       A         11       Q. And in what amount did they fund this         12       bipolar conference?         13       A. \$50,000.         14       Q         15       A. To travel stipends and renting a room at         16       the hotel.         17       Q         18       A. That conference should be held the last         19       Friday of March.         20       Q by ou need something to drink?         21       A. Maybe. You know what? Maybe you can give         me some water Thank you. I apologize.         23       Q. Was Mr. Sang a patient of yours?         24       A. No.
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<ul> <li>A. No.</li> <li>Q. The pediatric bipolar conference that will</li> <li>be held in Boston in March, where will it be held?</li> <li>A. The Charles Hotel. The Charles Hotel in</li> <li>Cambridge.</li> <li>Q. And will you be a presenter at that</li> <li>conference?</li> <li>A. I am the chair of the conference.</li> <li>Q. Is there an agenda?</li> <li>A. Yes, there is an agenda.</li> <li>Q. If I wanted to attend that conference</li> <li>would I be allowed in?</li> <li>A. You need to get an invitation and a reason</li> <li>to attend. The conference is limited to people that</li> <li>are working on pediatric bipolar illness.</li> <li>Q. So it's an invitation only?</li> <li>A. It's by invitation for people. It's not</li> <li>very difficult to get an invitation, but have to be</li> <li>people It's not open to the public because we</li> <li>don't have room for anybody that wants to walk in.</li> <li>Q. Well, will you send me an invitation?</li> <li>A. Why would I send you an invitation?</li> <li>Q. Because I'm interested in the subject.</li> <li>I've had the pleasure of meeting you here these last</li> <li>two days and this issue of pediatric bipolar disease</li> <li>Stratos Legal Services</li> </ul>	<ul> <li>is something of interest to me.</li> <li>MR. SPIVACK: Objection, argumentative.</li> <li>BY MR FIBICH:</li> <li>Q. Will you give me an invitation?</li> <li>A. Probably not.</li> <li>MR. SPIVACK: Same objection.</li> <li>A. Probably not. I don't think that somebody</li> <li>like yourself that has venomous views on the</li> <li>subject, hasn't any good intentions for the field,</li> <li>should attend the conference. The idea is to try to</li> <li>advance the field, not to bury it.</li> <li>Q. And is it your opinion I'm trying to hurt</li> <li>that field?</li> <li>A. I think that you don't hold great views on</li> <li>the subject, from what I heard in your questioning.</li> <li>Q. Well, who do you invite to this</li> <li>conference?</li> <li>A. People that are working on pediatric</li> <li>bipolar illness.</li> <li>Q. And who determines that? I mean, do you</li> <li>have somebody that goes out and searches the</li> <li>literature or do you solicit people that may be</li> <li>interested? How does it work?</li> <li>A. I invite my colleagues, people that</li> <li>publish on the subject, and I encourage them to</li> <li>Stratos Legal Services</li> </ul>

21       A. Sometimes they have been invited. It is not something that I particularly court, but in some pharmaceutical companies they are very involved in pediatric bipolar.       21       A. Someone that has good reputation.         23       pharmaceutical companies they are very involved in pediatric bipolar.       23       Osmeone that is a leader in forming opinions?         24       A. I do not know what that means, forming opinions.       24       A. I do not know what that means, forming opinions.         25       Q. Well, you have one coming up at the end of Stratos Legal Services 800-971-1127       Joseph Biederman February 27, 2009       Stratos Legal Services 800-971-1127         Joseph Biederman February 27, 2009         Page 557       Page 558         1       (Biederman Deposition Exhibit 39 marked 2       1       National Institutes of Health examining whether women that are pregnant with depression should continue on their antidepressants or not. The study 4         2       Q. Doctor, the court reporter has marked as 5       1       National Institutes of Health examining whether 4         3       BY MR. FIBICH:       3       4       found that women that continue on antidepressant had 5         4       Q. Doctor, the court reporter has marked as 5       5       1       Kustos Legal. The study 4         5       Exhibit 39 a Wall Street Journal article in July of 6       2006 entitled Financial Ties to Industry Cloud Major 7			· · · · ·	00 (Fages 335 CO 336
Page 555         Page 556           1         invite their junior faculty that are interested, in section of the subject. But all the people that attend not people that people that attend not people.         1         Match Have you gotten your invitation list.           3         subject. But all the people that attend not people.         3         A. I blink we sent - The invitations have.           4         been sent on giving and indicated that there'd that public sent instruction.         5         been sent on giving the substruction.           7         O, Now, I though you indicated that there'd that what you're referring to ?         A. Now, I though you indicated that there'd that what you're indicately have that there'd that perform that in the sent only indicated that there'd that there is any hody if you. Innow what if a feed need is?           9         A. Not that 1 particularly from V in an sent?         1         A. I do not know how if's defined.           12         Q. Well, do you know what a key opinion leader is?         1         A. I do not know how if's defined.           14         A. I do not know how if's defined.         1         A. I do not know how if's defined.           15         I dori know how if's defined.         1         A. I do not know what a second in the second in th				
1       invite their junior faculty that are interested,       1       March Have you gotten your invitution list         2       residents and fellows that are interested, on the       3         3       aubject Dipolar litness       A       I think we sent The invitations have         4       that published something or has done some scientific       A       I think we sent The invitations have         5       Q. Now, I thought you indicated that thered       been one in Maim There's one in Coral Gables       fs         6       Q. Will there is anyhody from       pharmaceutical. But I there is sombody from         7       A. Yee, tha's what refer to.       9         8       and what you're referring to?       9         9       A. Will there heany industry people       11         10       Q. Will, done how whether or not you are       12         11       Pharmaceutical companies they have scientists that       13         12       A I that I particular strike that have a       14         13       pharmaceutical companies they have been invited It is       15         14       pharmaceutical companies they have been invited It is       16         15       gene that is a good reputation?       1         16       Q. Well, wou have one coming up at the ad of Stratos Leggal. Services	1	February 27, 2009		_
2       residents and fellows that are interseted on the subject of bioloar illness       2       prepared yet?         4       that published symething or has done some scientific work on the subject of bioloar illness       A       I think we sent - The invitations have         5       Q. Now, I thought you indicated that there'd       6       been one in Maint. There's one in Corl Gables Is that what you're referring to?       7         9       A       Yes, that's what I refer to.       9       8         10       Q. Will there bary industry people at this pharmaceutical comparines they have scientists that are interested in pediatric bipolar and if so, they will be invited       1       A       I do not know whist a fer not you are considered a key opinion leader by I mansen?         11       A. Not hat I particularly know. In some pharmaceutical comparines invited that have a pharmaceutical comparines invited that have a particular interest in the subject of pediatric bioloar diorder. Correct?       Q       A       I do not know how barsen thinks about key opinion leaders, but I interper as people that have a loon companies they have scientist in some particular interest in the subject of pediatric bioloar diorder. Correct?       Q       Someone that has good reputation?         2       A. I do not know what that means, forming opinions?       A       I do not know what that means, forming opinions?         3       Page 558       I       National Institutes of Health examining whether wore that the prainatith depression should contin		Page 555		Page 556
3         Subject. But all the people that attend are people that published something or has done some scientific 5         3         A         1 think we sent - The invitations have been sent long time ago 1 am not sure. I cannot to Q. Nov, It houghly no indicated that there'd 5           6         Q. Nov, It houghly no indicated that there'd 5         1	1	invite their junior faculty that are interested,	1	March Have you gotten your invitation list
4         that published somehing or has done some scientific work on the subject of biplon liness         4         been sent long time ago. 1 am not sure. I cannot           6         Q. Now, I thought you indicated that there'd been one in Maint There's one in Coral Gables IS that what you're referring to?         5         tell you not go for whead if there is somebody from pharmaceutical, it's going to be isolated vent.           7         A. Yes, that's what I refer to         7         7           9         A. Yes, that's what I refer to         0         0         0         0           11         particular conference? And by that I mean pharmaceutical industry people         12         0 <t< td=""><td></td><td></td><td>1</td><td></td></t<>			1	
5         work on the subject of bipolar illness         5         tett you on top of my head if there is anybody from           7         been one in Miami         There's one in Coral Gables         5           8         that what you're referring 00°         6           9         A. Yes, that's what refer to.         9           10         Q. Will there be any industry people at this         10         Q. Do you know what a key opinion leader is?           11         patricular conference? And by that Imean         11         A. I tokinow how'it's defined.           12         pharmaceutical industry people         12         Q. Well, do you know whether or not you are considered a key opinion leader by lansen?           14         pharmaceutical companies inviced that have a law opinion leader by lansen?         14         A. I believe I am.           15         will be inviced         16         Considered a key opinion leader by lansen?           14         pharmaceutical companies inviced that have a law opinion leaders, but I interpet as people that have a law opinion leaders?         10           16         will be inviced         16         Consource hat has a good reputation?           17         A. I someone that has a good reputation?         20         Someone that has a good reputation?           21         A. Someone that has a good reputation?         20 <td></td> <td></td> <td>1</td> <td></td>			1	
6       Q. Now, thought you indicated that there'd       6       pharmaceutical. it sping to be isolated event.         8       that whay you're refering to?       7       pharmaceutical. it sping to be isolated event.         9       A. Yes, that's what I refer to.       9         10       Q. Will there be any industry people at this.       10       2       Do you know what a key opinion leader is?         11       A. Not that I particular (xhow In some       2       Q. Well, do you know whether or not you are         13       A. Not that particular bipolar is they have scientists that       11       A. I don't know how vits defined.         14       pharmaceutical (companies linvited that have a       12       Q. Well, doy ou know what a key opinion leader by the pharmaceutical integratis invited that have a         15       are interested in pediatric bipolar       A. I do not know how Janscen thinks about key         16       pharmaceutical companies linvited that have a       11       A. I do not know how Janscen thinks about key       opinion leaders, but i linterpret as people that have a         19       pharmaceutical (companies linvited that have a       13       A. I do not know how Janscen thinks about key         10       pediatric bipolar       2       Q. Someone that has good reputation?       2         21       A. Sometine sinvited thar any that paraticular (particular (parti				
7       been one in Miami, There's one in Coral Gables Is that whow irre defining to P is isolated event.         8       that whay outre referring to P.         9       A. Yes, that's what I refer to.       8         10       Q. Will there be any industry people at this particular conference? And by that I mean       10         12       pharmaceutical industry people       10         12       pharmaceutical companies they have scientiss that a re interseted in peditainary to the scientiss that a re interseted in peditainary to the scientist at are interseted in peditainary to the scientist, that scientistical score inter and if so, they       10       Q. Well, do you know what a key opinion leader is?         14       pharmaceutical companies invited that have a       10       Q. Well, do you understand a key opinion         16       leader to be?       A. I do not know how lassen thinks about key       opinion leaders, but I interpret as people that have do megod academic work         19       patricular interest in the subject of pediatric       10       Q. Someone that has good reputation?         21       A. Sometimes they have been invited. It is       21       A. I do not know what that means, forming         23       patricular interest is plast error cers?       Q. Someone that has good reputation?         23       opinions?       A. I do not know what that means, forming         24       pediatric bipolar.				
8         that whay you're referring to?         8         The majority are scientists in the field in academia           10         Q. Will there be any industry people at this         11         A. Yes, that's what i refer to.           11         pharmaceutical industry people         12         Q. Do you know what a key opinion leader is?           11         A. Not that I particular (conference? And by that I mean         11         A. I don't know how what a key opinion leader is?           12         pharmaceutical companies they have scientists that are interested in pediatric bipolar and if so, they         13         C. On you know what a key opinion leader by Janssen?           14         A. Not that I particularly know. In some         13         Considered a key opinion leader by Janssen?           15         are interest in the subject of pediatric         15         A. I do not know how Janssen thinks about key           16         particular interest in the subject of pediatric         16         A. Someone that has good reputation?           16         pater sout interports have been invited. It is         a. I do not know what that means, forming           17         A. Someone that has good reputation?         A. I do not know what that means, forming           17         Joseph Biederman         February 27, 2009         February 27, 2009           18         Yesta wastot Exaption Maked as <td< td=""><td></td><td></td><td>E</td><td></td></td<>			E	
10       Q. Will due be any industry people at this       10       Q. Do you know what a key opinion leader is?         11       patramaceutical industry people       11       A. Not that I particulary know. In some       12         12       patramaceutical industry people       12       Q. Well, do you know whether or not you are         13       A. Not that I particularly know. In some       12       Q. Well, do you know whether or not you are         14       Pharmaceutical companies they have scient/sist stat       15       G. So there will be employees from       16         15       patricular interest in the subject of pediatric       19       oppinon leaders, but I interpret as people that have         16       patricular interest in the subject of pediatric       19       oppinon leaders, but I interpret as people that have         17       A. Somecimes they have been invited. It is       16       A. I do not know how Jansen thinks about key         18       pharmaceutical companies they are very involved in       20       opinions.       22         18       pediatric bipolar.       4       A. I do not know what that means, forming       opinions.         21       Joseph Biederman       February 27, 2009       February 27, 2009       Page 558         19       Page 558       1       Nattonal Institutes of Health examining whether </td <td></td> <td></td> <td></td> <td></td>				
11       particular conference?       A. Not that I particularly know. In some       11       A. I don't know how it's defined.         14       pharmaccutical companies they have scientists that       14       A. I believe I am.         15       Q. And what do you understand a key opinion       14         16       will be invited       15       Q. And what do you understand a key opinion         16       will be invited       14       A. I believe I am.         17       Q. So there will be employees from       16       16         18       pharmaccutical companies invited that have a       18       opinion leaders, but I interpret as people that have         19       patricular interest in the subject of pediatric       19       opinion leaders, but I interpret as people that have         21       A. Sometimes they have been invited. It is       21       A. Sometimes they have been invited. It is         23       pharmaccutical companies they are very involved in       22       Q. Someone that has a good reputation?         24       A. I do not know what that means, forming       opinions?         25       B00-971-1127       26       Stratos Legal Services         26       for identification.)       Page 557       Page 558         206       for identififeation.)       Stret os that ins to that co				
12       pharmaccutical industry people       12       Q. Well, do you know whether or not you are considered a key opinion leader by Janssen?         14       pharmaccutical companies they have scientists that       14       A. I believe I am.         15       are interested in pediatric bipolar and if so, they will be employees from       16       Reader to be?         17       Q. So there will be employees from       17       A. I do not know whet assen thinks about key opinion leaders, but interpret as people that have a bipolar disorder. Correct?       20       A. Sometimes they have been invited. It is         20       bipolar disorder. Correct?       20       Sometome that has good reputation.         21       A. Sometome that has good reputation.       20       Sometome that has good reputation.         21       A. Sometome that has good reputation.       20       Sometome that has good reputation.         22       Q. Sometome that has good reputation.       20       Sometome that has good reputation.         22       Q. Sometome that has good reputation.       20       Sometome that has good reputation.         23       opinions?       23       Sometome that has good reputation.         24       A. I do not know what that means, forming opinions?       20       Sometome that has good reputation.         24       Page 557       Fage 557       Jo seeph Biede				
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	Joseph Biederman February 27, 2009		Joseph Biederman February 27, 2009
	Page 559		Page 560
1	Q. The second sentence, starting with "The	1	Q. "None of his financial ties were reported
2	lead author." You see that?	2	in the study. In total, the authors failed to
3	A. Yes.	3	•
			disclose more than sixty different financial
4	Q. "Lee S. Cohen, a Harvard Medical School	4	relationships with drug companies "You don't know
5	professor and director of the perinatal and	5	what all his financial relationships with drug
6	reproductive psychiatry research program at	6	companies are, do you?
7	Mass. General, is a longtime consultant to three	7	A. I have no idea.
8	antidepressant makers." Is that true?	8	Q Was Dr. Cohen one of the doctors that was
9	A. I don't know Dr. Cohen's ties to	9	investigated by the committee at Mass. General?
10	pharmaceuticals.	10	A. No.
11	Q. Says he's a paid speaker for seven of	11	Q Do you know if he was investigated because
12	them. Is that true?	12	of his ties to drug companies as a result of this
13	A. I have no idea. He does not share with	13	controversy?
14	me	14	<ol> <li>To my knowledge, he was not investigated.</li> </ol>
15	Q. His research work is funded by four drug	15	Q. It says "Dr. Cohen and some of his
16	makers. Do you know if that's true?	16	co-authors subsequently hit the lecture circuit,
17	A. I do not know. I do know that the	17	telling physicians about their findings while also
18	research that was published in JAMA was funded by	18	spotlighting flaws in other recent studies that have
19	none.	19	found increased risks to babies born to mothers who
20	MR. FIBICH: Object as nonresponsive.	20	use antidepressants." And that's what you have done
21	BY MR. FIBICH:	21	on behalf of Janssen, you've gone on the lecture
22 23	Q. That's not what I'm asking, sir. I'm	22	circuit telling physicians about your findings with
23	asking if this information that is contained in this	23	respect to Risperdal and spotlighting flaws in other
24	sentence is inaccurate to your knowledge.	24	companies' drugs. Isn't that correct?
25	A. I have no idea.	25	MR SPIVACK: Objection, to form, no
	Stratos Legal Services		Stratos Legal Services
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1	Joseph Biederman February 27, 2009		Joseph Biederman February 27, 2009
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1	psychiatric illness. This is the crossroad, this is	1	BY MR. FIBICH:
2	where the rubber meets the road, and this is the	2	Q Do you know that?
3	same dilemma that I have: I have to weigh a child	3	A. No. He did not mention because the study
4	that may kill or may commit suicide and I need to	4	was funded by the National Institute of Health and
5		5	his understanding was that since the study was not
1	treat. This is what is the intersection with my	1	
6	clinical practice.	6	funded by pharmaceutical industry, the disclosure
7	MR FIBICH: Objection, nonresponsive.	7	may be irrelevant This is the reason that he did
8	BY MR. FIBICH:	8	not disclose. Not to obscure critical information.
9	Q. My question to you, sir, if you didn't	9	Q So you think that ties to drug companies
10	understand it, was that a key opinion leader's role	10	is irrelevant information with respect to studies
		1	
11	is to influence the practice of doctors and popular	11	that are published by someone that has those ties?
12	opinion as well?	12	MR. SPIVACK: Objection, misstates the
13	MR. SPIVACK: Objection.	13	testimony, argumentative
14	BY MR. FIBICH:	14	BY MR. FIBICH:
15	Q. Isn't that right?	15	Q Is that right?
16	A. No.	16	MR. SPIVACK: Same objection.
17	MR_SPIVACK: Objection, asked and	17	A Dr. Cohen did not disclose not because of
18	answered, argumentative	18	any demonic anything Dr Cohen's understanding of
19	BY MR. FIBICH:	19	his responsibilities of disclosing are limited to
20	Q. Now, the reason that Dr. Cohen in his	20	studies that are funded by pharmaceutical companies.
20 21		21	To the best of my knowledge, Dr. Cohen has disclosed
22 23		22	extensively in his papers about his ties to
23	manufacturers. Right?	23	pharmaceutical companies. That's the reason that
24	MR. SPIVACK: Objection, calls for	24	this writer knows about that
25	speculation, no foundation.	25	MR. FIBICH: Objection, nonresponsive.
1	Stratos Legal Services	-	Stratos Legal Services
	800-971-1127		800-971-1127
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	Joseph Biederman		Joseph Biederman
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1	MR. SPIVACK: If I might ask, Mr. Fibich,	1	opinion leader. It is a designation that they use
2	do you know about how much longer you have?	2	to describe me. I don't have any contractual or
3	MR. FIBICH: About an hour and twenty	3	otherwise agreement to discharge my function of key
4	minutes.	4	opinion leader.
5	MR. SPIVACK: Then we should take a break	5	Q. Earlier today you listed for us the people
6	at this point.	6	that in your estimation form the group of most
7	MR. FIBICH: Okay, I think so too, give	7	renowned psychiatrists in the field of pediatric
8	our court reporter a break.	8	bipolar disorder. Correct?
9	MR. SPIVACK: Yes.	9	A. Correct.
10	THE VIDEOGRAPHER: The time is 3:38.	10	Q. And that was yourself, Dr. Wozniak,
11	We're off the record.	11	Barbara Geller, Gabrielle Carlson
12	(Short recess taken.)	12	A. Carlson, yes.
13	THE VIDEOGRAPHER: We're back on the	13	
			Q and Robert Findling. Right?
(m +	record. This is tape number 5 and the time is	14	A. Yes.
14		I	
15	4:00 p.m.	15	Q. And are you aware that Gabrielle Carlson,
	4:00 p.m.	15 16	
15 16	4:00 p.m. BY MR. FIBICH:	16	Robert Findling, Barbara Geller and Janet Wozniak
15 16 17	4:00 p.m. BY MR. FIBICH: Q. Dr. Biederman, we were talking about key	16 17	Robert Findling, Barbara Geller and Janet Wozniak are also key opinion leaders for Janssen?
15 16 17 18	4:00 p.m. BY MR. FIBICH: Q. Dr. Biederman, we were talking about key opinion leaders and their purpose, and you've	16 17 18	Robert Findling, Barbara Geller and Janet Wozniak are also key opinion leaders for Janssen? A. I have no idea.
15 16 17 18 19	4:00 p.m. BY MR. FIBICH: Q. Dr. Biederman, we were talking about key opinion leaders and their purpose, and you've indicated that you recognize that you're a key	16 17 18 19	<ul> <li>Robert Findling, Barbara Geller and Janet Wozniak</li> <li>are also key opinion leaders for Janssen?</li> <li>A. I have no idea.</li> <li>Q. To your knowledge, does Dr. Wozniak have</li> </ul>
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1	-	-	
1	Q. You don't know whether she is an adviser to them?	<ol> <li>What do you think the purpose of being a key opini</li> <li>leader is? To influence opinion?</li> </ol>	ion
3	A. I do not know.	3 A. I do not know.	
4	(Biederman Deposition Exhibit 40 marked	4 Q. Do you think that being a key opinion	
5	for identification.)	5 leader is related in any way to your status as a	
6	BY MR. FIBICH:	6 principal investigator in scientific trials?	
7	Q. It is your interpretation that key opinion	7 A. I don't think so. I think my status of	
8	leaders is just a term that Janssen uses to describe	8 key opinion leader is because of the quality of my	
9	you, that they're not looking for anything in	9 research. I would say 80 to 90 percent of my work	
10	particular when they want you as a key opinion	L0 has nothing to do with medications. And I	
11	leader. Is that correct?	1 published, as you know if you looked at my C.V.,	
12	A. I have no idea what Janssen thinks about	1 have more than 600 papers	
13	the meaning of key opinion leader. You asked me a	13 Q. Let me show you an exhibit that we've	
14	different question. You asked me whether I think	1.4 marked as 40, if you would. Right there, sir.	
15	that I am a key opinion leader I think I am very	15	
16	prominent and probably would be considered a key	L 6	
17	opinion leader. My expertise is because of the	17	
18	science that I have, not because of self-declaratory	18	
19	anything. And so my influence in the field is	19	
20 21	because of my scientific work.	20 21	
21 22	Q. Regardless of the reason for you being a key opinion leader, and let's assume it's because of	21 22	
22	your standing in the scientific community, your	23	
24	reputation, the body of work that you devoted your	24	
25	life to, let's assume it's all of those things.	25 V	
	Stratos Legal Services	Stratos Legal Services	
	800-971-1127	800-971-1127	
	Joseph Biederman	Joseph Biederman	
	Joseph Biederman February 27, 2009	Joseph Biederman February 27, 2009	
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2 3 4	February 27, 2009	February 27, 2009 Page 1 A. National Institute of Mental Health. 2 3 4	570
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2 3 4 5 6 7 8 9 10 11 12	February 27, 2009 Page 569 (Biederman Deposition Exhibit 41 marked	February 27, 2009 Page A. National Institute of Mental Health. A. Solutional Institute of Mental Health.	570
2 3 4 5 6 7 8 9 10 11 12 13	February 27, 2009 Page 569 (Biederman Deposition Exhibit 41 marked	February 27, 2009 Page A. National Institute of Mental Health. A. Stational In	570
2 3 4 5 6 7 8 9 10 11 12 13 14	February 27, 2009 Page 569 (Biederman Deposition Exhibit 41 marked	February 27, 2009 Page A. National Institute of Mental Health. A. Solutional Institute of Mental Health.	570
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2 3 4 5 6 7 8 9 0 11234567 8 9 0 11234567 18 9 0 12222	February 27, 2009 Page 569 (Biederman Deposition Exhibit 41 marked for identification.)	February 27, 2009 Page A. National Institute of Mental Health.	570
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2 3 4 5 6 7 8 9 0 11234567 8 9 0 11234567 8 9 0 12223	Page 569 (Biederman Deposition Exhibit 41 marked for identification.)	February 27, 2009 Page A. National Institute of Mental Health.	570
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2 3 4 5 6 7 8 9 0 112 13 15 6 7 8 9 0 112 13 15 6 7 8 9 0 112 14 5 6 7 8 9 0 112 14 5 6 7 8 9 0 12 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	Page 569 (Biederman Deposition Exhibit 41 marked for identification.)	February 27, 2009 Page A. National Institute of Mental Health.	570

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4		4	
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6		6 7	MR FIBICH: I tell you what, let's do it
7 8		8	this way. We'll come back to that question. (Biederman Deposition Exhibit 43 marked
9 .0		9	for identification.)
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1		11 12	
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2 3		2 3	
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9	Q. You don't remember. Are you getting	9	
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4	please let me know.	14	
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	questions	16 17	
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	oseph Biederman		Joseph Biederman
Fe	bruary 27, 2009		February 27, 2009
	Page 575		Page 576
23 Q. An ad 24 A. For m 25 Q. Does	s she? an administrative assistant. ministrative assistant for whom? y program. she work at the J&J Center or cos Legal Services 800-971-1127	$\begin{array}{c}1\\2\\3\\4\\5\\6\\7\\8\\9\\0\\1\\1\\2\\3\\4\\5\\6\\7\\8\\9\\0\\1\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2\\2$	Massachusetts General? A. Yes, she's an employee of my program at Massachusetts General Hospital. Q. Well, I don't understand; there's so many different terms. Are we talking about the J&J Center she's an employee? A. No, she's an employee of Mass. General. Q. Okay. But she works for you? A. She works for me. Q. Reports to you? A. Yes. T Stratos Legal Services 800-971-1127
	oseph Biederman bruary 27, 2009		Joseph Biederman February 27, 2009
	Page 577		Page 578
<ul> <li>by labeling the second system of the secon</li></ul>	PIVACK: Objection, calls for no foundation, argumentative.	$1 \\ 2 \\ 3 \\ 4 \\ 5 \\ 6 \\ 7 \\ 8 \\ 9 \\ 0 \\ 1 \\ 1 \\ 2 \\ 1 \\ 3 \\ 4 \\ 5 \\ 6 \\ 7 \\ 8 \\ 9 \\ 0 \\ 1 \\ 1 \\ 2 \\ 1 \\ 3 \\ 4 \\ 5 \\ 6 \\ 7 \\ 8 \\ 9 \\ 0 \\ 1 \\ 1 \\ 2 \\ 2 \\ 2 \\ 2 \\ 2 \\ 2 \\ 2 \\ 2$	<ul> <li>A. Because the audience need to know all sources of support for a conference.</li> <li>Q. Did Janssen ever sponsor your pediatric bipolar conference?</li> <li>A. The first bipolar conference was funded by Janssen.</li> <li>Q. How many have there been?</li> <li>A. Only one funded by Janssen.</li> <li>Q. Well, no. How many conferences have there been?</li> <li>A. Six through NIMH and one by Janssen, so seven.</li> <li>Q. And one potentially by Janssen that you can't recall?</li> <li>A. One potentially that may have had additional supplemental funds, not funded, because most of the funding came from the NIMH. MR. FIBICH: Mark that, please. (Biederman Deposition Exhibit 44 marked for identification.)</li> <li>BY MR. FIBICH:</li> <li>Q. Doctor, Exhibit 44 are some documents excuse me; I didn't mean to pull it back like that that were produced to us in response to the subpoena that was served on you. Stratos Legal Services 800-971-1127</li> </ul>

Joseph Biederman February 27, 2009 Page 579 MR. SPIVACK: Do you have copies? MR. SPIVACK: Do you have copies? MR. SPIVACK: Do you have copies? A No. Q Can you identify what that is? A fort know what this is Q Can you identify what that is? A loar is your handwriting? A No. Q And neither an i because I different a context is a fair characterization, or would you thar abplazard way of recording moneys that may have been paid to you. Would you and it oppears to be a rather haphazard way of recording moneys that may have been paid to you. Would you and it oppears to be a rather haphazard way of recording moneys that may thare been paid to you. Would you and it oppears to be a rather haphazard way of recording moneys that may thare been paid to you. Would you and it oppears to be a rather haphazard way of recording moneys that may yours? A No. 2 Q You's certain of that? 3 yours? A No. 2 Q Vou's certain of that? 3 yours? A No. 2 G Let ne make sure that i understand your 2 Letsimeny. The handwriting on this document, is it 3 yours? A No. 2 Q You's certain of that? 3 yours? 4 A No. 2 Q You's certain of that? 3 yours? 4 A No. 2 Q You's certain of that? 3 yours? 4 A No. 2 Q Doet hat appear to be what it is? 4 A No. 3 HY MR. FIBICH: 4 A No. 5 Fratos Legal Services 3 800-971-1127	1			
Page 579     Page 580       1     MR. SPIVACK: Do you have copies?     1     A. Yep       3     BY MR. FIBICH: 16 no at.     2     0. In sorry?       3     BY MR. FIBICH: 16 no at.     3     A. Yep       4     Q. Can you identify what that is?     4     A. Yep       5     A. I don't know what that is?     5     Now, the last two pages appear to be       6     Q. It's not you indawriting?     Pause 504       7     A. No.     7     Seems to be correct       10     A. Looks like worksheets of different     10     A. Seems to be correct       11     anounts. In not sare what this refers to     11     A. Yep       12     Q. And neither an I because I dicht prepare     12     evidence of payment to you by lassen?       13     it But it was produced by you and it appears to be     A. Yes     Yes       14     a rather haphazard way of recording moneys that may     16     A. I don't remember what ithis is       15     base been paid to you. Would you base precisions for another way if it son that funderstand your     16     A. I don't remember what ithis is       16     A. I don't remember what this is     18     Q. Welt, whatever it is, it appears to be       17     Chort eermain of that?     22     Stratos Legal Services       20     You's cortain of				
1       MR. SPIVACK: Do you have copies?       1       A. Yep.         2       MR. SPICK: Use of the document, if I may       3       4         4       Q. Can you identify what that is?       2       Q. Im sorry?         4       Q. Can you identify what that is?       4       Q. Let me see the document, if I may         5       A. Icots It your handwriting?       A. Icots it your handwriting?       A. No.         6       Q. It's not your handwriting?       A. No.       Sore it has a fact and and anch 2 and of 2001 and         7       A. No.       Sore it has a fact and anch 2 and of 2001 and       March 14th of 2001. Would you to two occasions for a lecture on March 2 and of 2001 and         8       Q. It's not your handwriting? (Pause) My       See if the anch 2 ancher is a fair characterization.       A. See if the ancher 2 anche		-		
2       MR. FIBICH:       2       Q. Fm sorry?         3       BY MR. FIBICH:       3       A. Yeeh, it's not my handwriting         4       Q. Can you identify what that is?       A. Yeeh, it's not my handwriting         7       A. No.       The out how what this is?       Now, the last two pages appear to be         7       A. No.       The out how what this is?       Now, the last two pages appear to be         9       question to you is, do you know what that is?       Now, the last two pages appear to be         11       anounus. Fm not sure what this refers to       Storebreak the first pages, you don't know what         13       is but it was produced by you and it appears to be       Q. But the first pages, you don't know what         15       have been paid to you. Would you look over that and       Storebreak the is fair characterization, argumentative.         16       a rather handwriting on this document, is it is?       A. Yes.         17       characterize it in some other way if it's not?       No.         18       more speculation, argumentative.       Q. But the first pages, you don't know what is?         19       calls for speculation, argumentative.       Q. But the first page whith hat?         19       Q. Let me make save that I understand your       Strato's Legal Services         19       Josseph Biederman </td <td>1</td> <td></td> <td>1</td> <td></td>	1		1	
3       BY MR. FIBICH:       3       A. Yeah, it's not my handwriting         4       Q. Lar you identify what that is?       4       Q. Let me see the document, if I may.         5       A. No.       6       0. Is it your handwriting?       7         7       A. No.       7       7       Now, the last two pages appear to be         6       Q. Is not your handwriting?       8       March 18th of 2001. Would you look ower that and         9       question toyou is, do you know what that is?       9       see if you hink my comment is correct?         10       A. Looks like worksheets of different       10       A. Seems to be correct         11       announts. Thm osture what this terfers to.       12       Q. And neither am Ibecause I didn't prepare         12       Q. And neither am Ibecause I didn't prepare       14       A. Seems to be correct         13       is that it was produce doy you and it appears to be       14       A. I don't remember what its it         14       earlather haphazard way of recording moneys that may.       14       Q. But the first pages, you don't kappears to be         15       earl for the as this i characterization, argumentative.       19       mokeys and some relationship to branzacutical         16       A. I don't remember what itis it       2       Wolf you agree with hat? <td></td> <td></td> <td></td> <td></td>				
4       Q. Can you identify what that is?       4       Q. Let me ase the document, if I may.         6       Q. Is it your handwriting?       5       Now, the last two pages appear to be         7       A No.       7       occasions for a lecture on March 2nd of 2001 and         8       Q. It's not your handwriting?       7       occasions for a lecture on March 2nd of 2001 and         9       question to you is, do you know what that is?       9       see if you think my comment is correct?         11       amounts. I'm not sure what this refers to.       11       A. Loos like worksheets of different       10         13       is Buri twas produced by you and it appears to be       14       A. Yes.       14       Q. But the first pages, you don't know what         14       arather haphazard way of recording monosys that may       15       that is?       14       Q. But the first pages, you don't know what         15       haw been paid to you. Would you look over that and       15       that is?       16       A. I don't remember what it is 10?         16       est finat is a fair characterization, or would you       16       A. I don't than what it is?       16       No.       17       that is?       16       Now that what it is?       17       10       10       10       11       10       10       1			1	
5       Å       I don't know what this is       5       Now, the last two pages appear to be         7       A. No.       Construction       invoices wherein 52,000 was paid to you on two occessions for a lecture on March And of 2001 and ose if you think my comment is correct.         10       A. Looks like worksheets of different       10       March 14th of 2001. Would you look over that and see if you think my comment is correct?         11       amounts. The not sure what this refers to.       2.       Q. And neither an lbecause I didn't prepare         12       Q. And neither an lbecause I didn't prepare       12       Q. But the first pages, you don't know what this is?         13       it. But it was produced by you and it appears to be       13       A. Yes.         14       arather haphazard way of recording moneys that may       14       Q. But the first pages, you don't know what         14       chart restmether way it its on?       14       Looks like some kind of dnat.       16         15       ealls for speculation, argumentative.       19       ontor its and watth add and you agree with that?       10         16       A. No.       21       M. SPIVACK: Objection, no foundation, estartos Legal Services 8       800-971-1127         17       Joseph Biederman Eebruary 27, 2009       Page 581       10       10         18       MR. SPIVACK: Object			1	
6       Q. Is it your handwriting?       6       invoices wherein \$2,000 was paid to you on two occasions for a lecture on March And of 2001 and a mounts. For not you what that is?         9       question to you is, do you know what that is?       9       see if you think my comment is correct?         11       amounts. The not sure what this refers to a aratter haphazard way or recording moves that may to be any of recording moves that may to have been paid to you. Would you look over that and that is fa fair characterization, or would you       16       A. I don't remember what it is 1 think it is a fair characterization, or would you for characterization, or would you for characterization, or would you       6       A. I don't remember what it is 1 think it is a fair characterization, or would you         16       A. I don't remember what it is 1.       16       A. I don't remember what it is 1.       17         17       Generation of that?       20       A. I don't remember what it is 1.       18       100 that the?         18       MR. SPIVACK: Objection, no foundation, teals it or speculation.       18       18       100 that the?       100 that the?         19       Joseph Biederman February 27, 2009       Page 581       30 seph Biederman February 27, 2009       10 seph Biederman February 27, 2009       10 seph Biederman February 27, 2009         10       A. Ry 1099c that appear to be what it is?       3       3       10 seph Biederman February 27, 2009       10 seph Biederman February			1	
7       Â. No.       7       accessions for a lecture on March 2101 and of 2001 and guestion to you is, do you know what that is?         9       A. Looks like worksheets of different       10       A. Looks like worksheets of different         10       A. Looks like worksheets of different       10       A. Seems to be correct.         11       But it was produced by you and it appears to be       12       Q. And meither an lbecause1 didn' prepare         12       Q. And meither an lbecause1 didn' prepare       12       4. Seems to be correct.         13       it But it was produced by you and it appears to be       13       A. Yes.         14       arather haphszard way of recording moneys that may       14       Q. But the first pages, you don't know what         15       have been paid to you. Would you look over that and       15       that is ?         16       G. N. FNIVACK: Objection, no foundation,       16       Q. Well, whatever it is, it appears to be         17       looks like some kind of draft.       19       moneys and some relationship to pharmaceutical         17       looks like some kind of ast.       19       moneys and some relationship to pharmaceutical         18       yours?       Q. You're certain of that?       21       MR SPIVACK: Objection, no foundation,         14       Q. Ose that appear to be what it is? </td <td>5</td> <td>A. I don't know what this is</td> <td>•</td> <td></td>	5	A. I don't know what this is	•	
8       Q. Is and your handwriting? (Pause) My       8       March 14th of 2001. Would you look over that and see if you think my comment is correct?         11       amounts. I'm not sure what this refers to.       10       A. Seems to be correct.         11       amounts. I'm not sure what this refers to.       11       Q. And neither an I because I din't prepare         13       it. But it was produced by you and it appears to be       13       A. Yes.         14       a rather haphazard way or focording moneys that my       14       A. Yes.         15       see if that is a fair characterization, or would you       16       A. I don't remember what ith is 1         16       cell for speculation, argumentative       16       A. I don't remember what ith is 1         16       calls for speculation, argumentative       16       A. I don't remember what this is         17       A. No       20       Well, whatever it is, it appears to be       moneys and some relationship to pharmaceutical         18       WMR FIBICH:       20       Sus read it and see if you would agree       with that characterization.         19       Q. Vovie certain of that?       Statos Legal Services       BY MR, FIBICH:       2         20       Sus read it and see if you would agree       with that characterization.       Statos Legal Services         20 <td>6</td> <td>Q. Is it your handwriting?</td> <td></td> <td></td>	6	Q. Is it your handwriting?		
6       Q. If's not your handwriting? (Pause) My       8       March 14th of 2001. Would you look over that and see if you think my comment is correct?         11       amounts. I'm not sure what this refers to.       11       A. Looks like worksheets of different       10       A. Seems to be correct.         12       Q. And neither an I because I diff prepare       11       12       2. So the last three pages you you by by amsson?         13       it. But it was produced by you and it appears to be       13       A. Yes.         14       a rather haphazard way or gumentative.       14       Itom't emember what this is         16       see if that is a fair characterization, or would you look over that and       15       that is?         16       charterization, or would you look over that and       16       A. I don't remember what this is.         17       charterization, or would you look over that and       16       A. I don't remember what this is.         18       MR. SPIVACK: Objection, no foundation,       16       A. No.       22         2       Q. Vou't certain of that?       23       BY MR, FIBICH:       3         2       Joseph Biederman       February 27, 2009       Page 581         2       MR. SPIVACK: Objection, no foundation,       1       Seens and the end of the yea:         3       MR	7	A. No.	7	occasions for a lecture on March 2nd of 2001 and
9     question to you is, do you know what thai is?     9     see if you think my comment is correct?       10     A. Looks like worksherts of different     10     A. Seems to be correct.       11     amounts. Im not sure what this refers to     11     Q. So the last three pages you recognize as       12     Q. And neither and because I didn't prepare     13     A. Yes.       14     arather haphazard way of recording moneys that may     14     Yes.       15     haw been paid to you. Would you look over that and     15     that its?       16     see if that is a fair characterization, or would you     16     A. I don't remember what it is 1 think it       16     calls for speculation, argumentative.     19     Q. Well, whatever it is, it appears to be       17     to hard the marker what this is.     10     Comparies. Would you agree with that?       18     A. No.     21     Q. Let me make suce that 1 understand your       19     calls for speculation.     21     MR. SPIVACK: Objection, no foundation,       21     yours?     23     BV MR. FIBICH:       23     Joseph Biederman     February 27, 2009       Page 581     Joseph Biederman       7     A. Th mot sure what it is       8     Q. Obes that appear to be what it is?       14     Q. Doses that appear to be what it is? </td <td>8</td> <td>Q. It's not your handwriting? (Pause) My</td> <td>8</td> <td>March 14th of 2001. Would you look over that and</td>	8	Q. It's not your handwriting? (Pause) My	8	March 14th of 2001. Would you look over that and
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11       amounts. I'm not sure what this refers to       11       Q. So the last three pages you procognize as         12       Q. And neither and because I didn'i prepare       12       evidence of payment to you by Janssen?         14       a rather haphazard way of recording moneys that may       14       A. Yes.         14       a rather haphazard way of recording moneys that may       14       Q. But the first pages, you don't know what         15       that is fair characterization, or would you       16       K. Yes.         16       see if that is a fair characterization, or would you       16       A. I don't remember what this is.         17       characteriza it in some other way if it's not?       17       Ioks the some kind of draft.         18       Q. Well, whatever it is, it appears to be       moneys and some relationship to pharmaceutical         19       calls for speculation, argumentative.       19       moneys and some relationship to pharmaceutical         21       Q. Let me make sure that 1 understand your       21       MR. SPIVACK: Objection, no foundation,       22         24       A. No.       24       Q. Joust certain of that?       25         31       Joseph Biederman       February 27, 2009       Page 582         11       Joseph Biederman       February 27, 2009       Page 582				• •
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800-971-1127     800-971-1127       Joseph Biederman February 27, 2009     Joseph Biederman February 27, 2009       Page 581     Page 582       1     MR SPIVACK: Objection, no foundation, 2 calls for speculation.     1       3     BY MR FIBICH:     3       4     Q. Does that appear to be what it is?     3       5     MR SPIVACK: Objection, no foundation, 6 calls for speculation.     6       7     A. I'm not sure what it is.     7       8     Q. Okay. By what method did you keep up with 9     8       10     companies?     10       11     A. By 1099s that the pharmaceutical 0 companies?     10       12     MR. FIBICH: Mark that as an exhibit, 13     13       14     please.     14       15     (Biederman Deposition Exhibit 45 marked 16     16       16     17     18       19     (Biederman Deposition Exhibit 46 marked 20     16       11     2     22     23       22     22     23     24       23     24     25     24	25	Q. You're certain of that?	25	with that characterization.
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Page 583	Page 584
<ol> <li>MR. PECK: Do you have copies for counsel?</li> <li>MR. FIBICH: No.</li> <li>BY MR. FIBICH:</li> <li>4</li> <li>5</li> <li>6</li> <li>7</li> <li>8</li> </ol>	1 MR. SPIVACK: Objection, no foundation. 2 A. The document contains my name. 3 4 5 6 7 8
9 10 11 12 13 14 15 16 17 18 BY MR. FIBICH: 19 Q. You looked at this document, did you not? 20 A. Ubwa as idea what this document is	<ul> <li>9</li> <li>10 BY MR. FIBICH:</li> <li>11 Q. Does it contain a funding amount?</li> <li>12 MR. SPIVACK: Same objections.</li> <li>13 A. I have no idea what this document is.</li> <li>14 Q. Does it contain a funding amount?</li> <li>15 A. I have no idea what the document is.</li> <li>16 Q. Does it contain a funding amount?</li> <li>17 MR. SPIVACK: Objection, calls for</li> <li>18 speculation, no foundation.</li> <li>19 BY MR. FIBICH:</li> <li>20 Desc it contain a funding amount?</li> </ul>
<ul> <li>A. I have no idea what this document is</li> <li>about.</li> <li>Q. Let me try this question. Have you looked</li> <li>at this document?</li> <li>A. I looked at the document.</li> <li>Q. Does this document contain your name? Stratos Legal Services 800-971-1127</li> </ul>	<ul> <li>Q. Does it contain a funding amount?</li> <li>MR. SPIVACK: Same objections.</li> <li>A. I have no idea what the document is.</li> <li>Q. Does it contain a funding amount?</li> <li>MR. SPIVACK: Same objections.</li> <li>BY MR. FIBICH: Stratos Legal Services 800-971-1127</li> </ul>
Joseph Biederman February 27, 2009	Joseph Biederman February 27, 2009
Page 585 1 2 3 4 5 6 7 8 9 10 11 12 Q. Well, can you read it? It's right here. 13 A. I can read it. I don't know what that 14 amount represents or what is it. 15 16 17 18 19 20 21 22 23 24 25	Page 586
Stratos Legal Services 800-971-1127	Stratos Legal Services 800-971-1127

68 (Pages 587 to 590)

	68 (Pages 587 to 590)
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<ol> <li>Q. In your dealings with Janssen, have they</li> <li>ever said there's money on the table?</li> <li>A. I have no idea what that means.</li> <li>Q. I'm not asking you whether you know what</li> <li>it means. I'm asking you if that is a term that</li> <li>Janssen has used with you, money on the table.</li> <li>A. No.</li> </ol>	1 2 3 4 5 6 7
8       (Pause)         9       MR. PECK: We will have to make copies         10       because we're not given a courtesy copy.         11       MR. FIBICH: What was that? What did you         12       say?         13       MR. PECK: I said we will have to make	8 9 10 11 12 13 14
<ul> <li>15 (Biederman Deposition Exhibit 47 marked</li> <li>16 for identification.)</li> <li>17 BY MR. FIBICH:</li> <li>18</li> <li>19</li> <li>20</li> </ul>	15 16 17 18 19 20 21
22 23	21 22 23 24
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Stratos Legal Services 800-971-1127	Stratos Legal Services 800-971-1127
Joseph Biederman February 27, 2009	Joseph Biederman February 27, 2009
<ul> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22 Q. And why would you be interested in using</li> </ul>	Page 590 1 2 3 4 5 6 7 8 9 9 10 11 Q. And you never did a study long enough to 12 see what the long-term weight gain would be. 13 Correct? 14 A. We followed some of the children in our 15 study of risperidone for up to one year. 16 17 18 19 20 21 22 22 22 23 24 24 25 25 25 25 25 25 25 25 25 25 25 25 25
<ul> <li>23 Meridia in conjunction with a regimen of Risperdal?</li> <li>24 A. Because we documented that risperidone</li> <li>25 produces weight gain.</li> </ul>	23 24 25

69 (Pages 591 to 594)

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Stratos Legal Services	25 Stratos Legal Services
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Joseph Biederman February 27, 2009 Page 595 A Depends If the mesting has something to do with a particular work tak we did for a pharmaceutical company, the pharmaceutical company, will support it Q. Well, what about if i Well, let me ask it this way Were any of these trips to have that allow for the VI. The Mith there is as talmout of funds to travel 50 those are funds that I have available to travel 50 those are funds that I have available to travel 50 those are funds that I have available to travel 50 those are funds that I have available to travel 50 those are funds that I have available to travel 50 those are funds that I have available to travel 50 those are funds that I have available to travel 50 those are funds that I have available to travel 50 those are funds that I have available to travel 50 those are funds that I have available to travel 50 those are funds that I have available to travel 50 those are funds that I have available to travel 50 those are funds that I have available to travel 50 those are funds that I have available to travel 50 those are funds that I have available to travel 50 those are funds that I have available to travel 50 those are funds that I have available to travel 50 those are funds that I have available to travel 50 those are funds that I have available to travel 50 those are copy for yail And this will 10 to these meetings with a vo without 11 funds are any organization that you belong to? 12 they travel for are you travel to professional 13 to conferme to professional 24 A Not teally 25 Q. Well, you said if you haf funds you would 35 thrat for vou teally 26 Q. Well, you said if you haf funds you would 35 that for you teally 27 A. Not that I remember. 28 geo 591 i subport nut was issued to you. My question would 35 that you said you haf funds you would 35 that for you tare of the said that be are available for you to travel 31 funds for travel to professional 32 13 231,834, sponsor is aundy, for a pediatric mania conference 33 and Y fund, it was a pediatric mania confe			1	
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1approximately 30,000 pages of documents included on2that CD, when it has come to my attention that there3are approximately 17,400 documents on that CD. And4also the privilege log as it was produced, it was5represented to me by Mr. Spivack that copies of6documents needed to be redacted because they7contained personal information and Social Security8numbers and information such as on 1099s. And after9viewing the documents, there was no such information10contained within the documents that were produced to11plaintiffs in this matter12In addition to that, some documents that13were referenced on the privilege log which was14handed to me with five pardon me seven pages,151, 2, 3, 4, 20, 21, 22 and 23, it appears that there16are pages missing, and they are Bates-numbered17documents that are represented within the privilege18log that were not turned over to me pursuant to the20And I would like to go ahead and mark this21as Exhibit 49, as it appears plaintiff has been22handed an incomplete set of documents pursuant to	1(Pause)2MS LaMACCHIA: Furthermore, plaintiff3wishes to reserve her right at this time to further4examine Dr. Biederman upon a complete and full5production of documents pursuant to the subpoena6duces tecum.7MR. SPIVACK: For the record,8Dr. Biederman has been subjected to two full days of9examination. We think that's more than enough for10someone who is a third party and really has no other11participation in this litigation. So to the extent12there's any reservation of additional examination,13we would object and will oppose attempts to examine14in the future if that arises.15As far as the production, we think that16the production actually was of all documents17responsive to the subpoena. I think it's actually18an issue with splitting up documents for the numbers19that you see in terms of the numbers that appear on20the CD. We actually think we produced everything.21Now, as far as the privilege log, we also22think that was a complete privilege log for
<ul> <li>23 the subpoena duces tecum</li> <li>24 (Biederman Deposition Exhibit 49 marked)</li> </ul>	<ul><li>23 documents responsive or were potentially responsive</li><li>24 to this production. However, we will certainly go</li></ul>
25 for identification )	25 back and check both, we'll confirm, and if we find
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<ul> <li>anything that is inaccurate or is responsive and</li> <li>should have been produced, we will undertake to</li> <li>produce that.</li> <li>With regard to any personal financial</li> <li>information, that's another thing that we will</li> <li>check. We actually believe that there were 1099s</li> <li>which contain home addresses and Social Security</li> <li>numbers. If there are such documents, as we</li> <li>requested at the outset, what we will do is provide</li> <li>you with a replacement CD and ask that you use that.</li> <li>MS. LaMACCHIA: Okay, counsel, just so the</li> <li>record is clear, upon my review of the entirety of</li> <li>your production, there were documents contained</li> <li>within the privilege log that were not in the</li> <li>production. And I believe Mr. Burney made a</li> <li>representation to the court in New Jersey that there</li> <li>was approximately 30,000 pages of documents on the</li> <li>CD. In actuality there were 17,474 pages of</li> <li>documents.</li> <li>MR. BURNEY: For the record, I told the</li> <li>Court that I wasn't sure and that I thought there</li> <li>was 30,000 pages. This was not because I I am</li> <li>not giving you an empty CD, you know, or a CD that</li> <li>only has half the documents. I misspoke.</li> <li>MR. SPIVACK: We'll go back and confirm.</li> <li>Stratos Legal Services</li> </ul>	1       MS. LaMACCHIA: And with a complete         2       privilege log, I'm unsure as to why plaintiff was         3       only provided with pages 1, 2, 3, 4, and then 21,         4       22, 23.         5       MR. BURNEY: It's a printing error that         6       occurs in Excel because those columns go beyond         7       That should have been shrunken down to beyond pages         8       1 through 4       So there's no intermittent pages. The         9       intermittent pages are blank. If you'd like, I can         10       print the entire document for you and you'll have 19         11       blank pages and then the last four pages will have         12       those columns that you see before you.         13       MR SPIVACK: So we'll stipulate that we         14       don't know how to use Excel.         15       MS LaMACCHIA: I would also like you to         16       stipulate that another production, a complete and         17       full set of documents will be produced to plaintiff.         18       MR SPIVACK: If we haven't produced         19       anything, we will produce any responsive documents         16       they exist.         21       MS LaMACCHIA: Okay. Then I further         22       reserve my right upon the prod

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1	understand.	1	yesterday. I've got more examination.	
2	MS LaMACCHIA: Thank you	2	MR. SPIVACK: Okay. That is between you	
3	MR. SPIVACK: And we'll try to take a look	3	and Mr. Peck.	1000
4	at that and confirm.	4	MR. FIBICH: So you want the witness to	10000
5	MS. LaMACCHIA: Thank you.	5	continue to be? Well, let me ask it this way. If Mr. Peck is going to cross-examine him, then I	
7	MR. FIBICH: And will you check with your client about my invitation to the pediatric bipolar	7	want cross-examination after Mr. Peck.	
8	disease conference?	8	MR. SPIVACK: That's up to you and he to	
9	MR. SPIVACK: I'll be happy to check with	9	discuss.	
10	him	10	MR FIBICH: Okay So my question to you,	
11	MR. FIBICH: Thank you.	11	and I understand you're trying to stay out of this,	
12	MR. SPIVACK: Is there any further	12	but my question to you is: Are you going to tell	1000
13	examination?	13	the witness to leave so that I'm deprived of my	100
14 15	MR. PECK: Yes, there is Actually, before I get started, I'll move over to Mr. Fibich's	14 15	right of cross-examination of him after he examines your witness?	
16	seat, I would ask that he provide me with the	16	MR. SPIVACK: Well, Dr. Biederman has	1
17	American	17	stayed till 5:00 o'clock, which was the agreed-upon	
18	MR. FIBICH: Hold on a minute. I'm not	18	schedule.	
19	through. I stopped because it was 5:00 o'clock	19	MR. FIBICH: Right.	
20	MR. SPIVACK: You're not through?	20	MR. SPIVACK: As a matter of courtesy, if	
21	MR. FIBICH: Through with my examination.	21	Mr Peck has questions, we are going to afford him	
22	MR. SPIVACK: So are you saying that you	22	that right for another fifteen minutes. We don't	
23 24	are intending to continue the deposition?	23 24	intend to stay here for the rest of the evening.	
25	MR. FIBICH: Well, what I thought we were going to do was stop at 5:00 o'clock like we did	24 25	MR. FIBICH: Well, that was what my understanding was. I mean, I have more questions.	
2.5	Stratos Legal Services	2.5	Stratos Legal Services	
	800-971-1127		800-971-1127	
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	Page 607		Page 60
1	I am not trying to be difficult. But what	1	Mr. Peck to work it out. We have tried to
2	I don't want is to give Mr. Peck the right to cross-	2	MR. FIBICH: Well, no, no, here's the
3	examine or examine this client and me not have the	3	problem, Peter You're saying he's going to stay
4	right to cross-examination. This was never	4	here and answer questions, so if he's going to stay
5	discussed before the Court, despite numerous	5	here and answer questions, then I'll ask my
6	hearings that were held before the Court, that	6	questions, because I'm not through. If you tell me
7	Janssen would be asking questions and under what	7	that he's not going to stay here and answer
8	conditions, for how long, and whether we split the	8	questions, then I'll finish as a matter of courtesy.
9	time up.	9	He's told me twice today he's tired. I'm tired,
10	We have now utilized the entire time for	10	we're all tired, it's Friday.
11 12	the examination of Dr. Biederman, so I suggest quite	11 12	MR_SPIVACK: The Celtics are playing
13	frankly that we terminate the deposition today and	13	tonight.
$14^{15}$	if Mr. Peck wants to take his deposition some other	1.5 1.4	MR. FIBICH: And the Celtics. And the
15 15	time, then he can petition the Court.	15	Rockets beat the Cavaliers last night.
16	He had the opportunity, I might add, to do	16	MR. SPIVACK: All right. Then in that
10 17	that before these hearings. He could have said if	17	case, as far as my client's interest, it is now five
18	this is our two days of Dr. Biederman, then Janssen reserves the right to do an examination for some	18	after 5:00 and
19 19	•	19	THE WITNESS: Ten after 5:00
20	period of time, and the Court could have allocated what portion of the two days that he would be	20	MR. SPIVACK: Ten after 5:00 by your watch and we'll finish with the deposition then. I mean,
21	entitled to. But in the absence of that, I don't	21	terminate it.
22	think we can go on like this.	22	MR. FIBICH: All right
23	So do you want me to keep asking	23	MR. PECK: For the record, Mr. Fibich, you
24	questions? Not really?	24	had fifteen hours. I can't agree to your offer of
25	MR. SPIVACK: You know, it's up to you and	25	fifteen minutes on cross-examination. I will
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	Joseph Biederman		Joseph Biederman
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	Page 609		Page 61
1	reserve the right to continue the deposition and I	1	recall?
2	will object to any dissemination of this deposition	2	recall? MR. PECK: American Journal of Psychiatry.
2 3	will object to any dissemination of this deposition for any reason to any person anywhere any time	2 3	MR. PECK: American Journal of Psychiatry. It was produced and read by you
2 3 4	will object to any dissemination of this deposition for any reason to any person anywhere any time without my opportunity to examine Dr. Biederman on	2 3 4	MR. PECK: American Journal of Psychiatry. It was produced and read by you MR. FIBICH: I tell you what's do.
2 3 4 5	will object to any dissemination of this deposition for any reason to any person anywhere any time without my opportunity to examine Dr. Biederman on the documents that you produced.	2 3 4 5	MR. PECK: American Journal of Psychiatry. It was produced and read by you MR. FIBICH: I tell you what's do MR. PECK: Washington Post article,
2 3 4 5 6	will object to any dissemination of this deposition for any reason to any person anywhere any time without my opportunity to examine Dr. Biederman on the documents that you produced. I will remind everybody of their	2 3 4 5 6	MR. PECK: American Journal of Psychiatry. It was produced and read by you MR. FIBICH: I tell you what's do. MR. PECK: Washington Post article, which was Exhibit Number 20.
2 3 4 5 6 7	will object to any dissemination of this deposition for any reason to any person anywhere any time without my opportunity to examine Dr. Biederman on the documents that you produced. I will remind everybody of their obligations under the protective order in the New	2 3 4 5 6 7	MR. PECK: American Journal of Psychiatry. It was produced and read by you MR. FIBICH: I tell you what's do. MR. PECK: Washington Post article, which was Exhibit Number 20. MR. FIBICH: I'm sorry. Say that again.
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Joseph Biederman		
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VITNESS: Joseph Biederman, M D [Volume 2]		
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of Amber N Avila, an individual case v.		
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Pharmaceutical Products, L.P. a/k/a		
Janssen, L.P., et al	1	
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