

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE FACTOR VIII OR IX  
CONCENTRATION BLOOD PRODUCTS  
LITIGATION

MDL No. 986  
No. 93 C 7452

This document relates to:

Peng, et al. v. Bayer Corp. et al.,  
Case No. 04-cv-04868;  
Chang, et al. v. Bayer Corp. et al.,  
Case No. 04-cv-04869;  
Ho, et al. v. Bayer Corp. et al.,  
Case No. 06-cv-07012

**BAYER'S RESPONSES AND OBJECTIONS TO TAIWAN PLAINTIFFS'  
INTERROGATORIES 3, 4, AND 5**

Defendant Bayer Corporation ("Bayer") hereby submits its responses to Taiwan Plaintiffs' Interrogatories 3, 4, and 5.

**General Objections**

All of Bayer's responses are made subject to the following general objections:

1. Bayer objects to the extent that the definitions, instructions, and interrogatories seek information protected by the attorney-client privilege, the attorney work product doctrine or any other applicable privilege.
2. Bayer objects to the extent that the definitions, instructions, and interrogatories purport to place any burden on Bayer greater than that imposed by the Federal Rules of Civil Procedure or any order of the Court.
3. Bayer objects that the definitions, instructions, and interrogatories, individually and together as a whole, are vague and ambiguous, overly broad, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence.

4. Bayer objects that the definitions, instructions, and interrogatories seek information not relevant to the Court's forum non conveniens determination.

5. Due to passage of time and limited information available to Bayer, Bayer does not have access to all information requested in these interrogatories and has answered to the best of its current understanding. Bayer's investigation continues, and Bayer reserves the right to amend or supplement these responses.

### **Specific Objections and Responses**

3. With regard to the February 19, 1998 News Release (Exhibit 2), Identify each person who participated in writing it.

**RESPONSE:** Bayer objects that this interrogatory is vague and ambiguous, overly broad, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence, and that it seeks information not relevant to the Court's forum non conveniens determination. It also seeks information protected by the attorney-client privilege, as well as attorney work-product. Subject to and without waiving these objections and its general objections, and without waiving any applicable privileges and protections, Bayer responds that, to the best of Bayer's current understanding, Dr. Michael Strucksberg, an attorney living in Germany and employed at Bayer AG (Bayer's parent company), in the course of representing Bayer AG as legal counsel in connection with the resolution of potential litigation, and possibly others, participated in writing a version of a press release issued in February 1998 ("Press Release"). Today, Dr. Strucksberg is retired and lives in Germany. To the best of Bayer's current understanding, it is likely that an unidentified employee or employees of Bayer AG who worked in an office dealing with corporate communications, also located in Germany, also participated in writing a version of the Press Release. **To the best of Bayer's current understanding, it is likely that Mr. CT Lee or a member of his law office, in the course of**

representing Bayer as legal counsel in connection with the resolution of potential litigation, participated in translating the Press Release into Chinese. In 1998, CT Lee was an attorney employed with Tsar & Tsai in Taiwan and living in Taiwan. Today, Mr. Lee is an attorney employed with Lee, Tsai & Partners in Taiwan and lives in Taiwan. Plaintiffs have not provided sufficient information as to the origin or authenticity of the documents shown in Exhibit 2 attached to the Taiwan Plaintiffs' interrogatories. To the best of Bayer's current understanding, Bayer does not believe the English-language document shown in Exhibit 2 is an authentic version of the Press Release, and takes no position with respect to the origin or authenticity of the Chinese-language document.

4. With regard to the February 19, 1998 News Release (Exhibit 2), Identify each person who approved its language.

**RESPONSE:** Bayer objects that this interrogatory is vague and ambiguous, overly broad, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence, and that it seeks information not relevant to the Court's forum non conveniens determination. It also seeks information protected by the attorney-client privilege, as well as attorney work-product. Subject to and without waiving these objections and its general objections, and without waiving any applicable privileges and protections, Bayer responds that, to the best of Bayer's current understanding, Dr. Michael Strucksberg, an attorney living in Germany and employed at Bayer AG (Bayer's parent company), in the course of representing Bayer AG as legal counsel in connection with the resolution of potential litigation, and possibly others, participated in the decision to approve the language of a version of a press release issued in February 1998 ("Press Release"). Today, Dr. Strucksberg is retired and lives in Germany. Plaintiffs have not provided sufficient information as to the origin or authenticity of the documents shown in Exhibit 2 attached to the Taiwan Plaintiffs' interrogatories. To the best

of Bayer's current understanding, Bayer does not believe the English-language document shown in Exhibit 2 is an authentic version of the Press Release, and takes no position with respect to the origin or authenticity of the Chinese-language document.

5. With regard to the February 19, 1998 News Release (Exhibit 2), Identify each person who authorized the release.

**RESPONSE:** Bayer objects that this interrogatory is vague and ambiguous, overly broad, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence, and that it seeks information not relevant to the Court's forum non conveniens determination. It also seeks information protected by the attorney-client privilege, as well as attorney work-product. Subject to and without waiving these objections and its general objections, and without waiving any applicable privileges and protections, Bayer responds that, to the best of Bayer's current understanding, Dr. Michael Strucksberg, an attorney living in Germany and employed at Bayer AG (Bayer's parent company), in the course of representing Bayer AG as legal counsel in connection with the resolution of potential litigation, and possibly others, participated in the decision to authorize the release of a February 1998 Press Release ("Press Release"). Today, Dr. Strucksberg is retired and lives in Germany. Plaintiffs have not provided sufficient information as to the origin or authenticity of the documents shown in Exhibit 2 attached to the Taiwan Plaintiffs' interrogatories. To the best of Bayer's current understanding, Bayer does not believe the English-language document shown in Exhibit 2 is an authentic version of the Press Release, and takes no position with respect to the origin or authenticity of the Chinese-language document.

Dated: October 25, 2007

As to objections:



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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing **Bayer's Responses and Objections To Taiwan Plaintiffs' Interrogatories 3, 4, and 5** were served this 26th day of October, 2007 by Federal Express on the following parties:

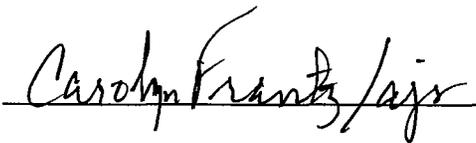
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Handwritten signature of Carolyn Frantz in cursive script, written over a horizontal line.

