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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: CELEXA AND LEXAPRO :MDL NO. 2067
MARKETING AND SALES PRACTICES :Master Docket No.
LITIGATION :09-MD-2067-(NMG)

PAINTERS AND ALLIED TRADES :Case No. 13-CV-13113
DISTRICT COUNCIL 82 HEALTH :(NMG)
CARE FUND, A THIRD-PARTY :
HEALTHCARE PAYOR FUND, on :
behalf of itself and all :
others similarly situated, :
Plaintiffs, :
v. :

FOREST PHARMACEUTICALS, INC. :
and FOREST LABORATORIES, INC., :
Defendants. :

IN RE: CELEXA AND LEXAPRO :MDL NO. 2067
MARKETING AND SALES PRACTICES :Master Docket No.
LITIGATION :09-MD-2067-(NMG)
DELANA S. KIOSSOVSKI and :Judge Nathaniel M Gorton
RENEE RAMIREZ, on behalf of :
themselves and all others :Case No.
similarly situated, :14-CV-13848 (NMG)
Plaintiffs, :
v. :

FOREST PHARMACEUTICALS, INC. :
and FOREST LABORATORIES, INC., :
Defendants. :

NOVEMBER 4, 2016

CHARLES FLICKER, Ph.D.

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1 MR. ROBERTS: Objection.

2 THE WITNESS: I don't recall too many
3 investigators who would hand patients tablets.

4 BY MR. BAUM:

5 Q. All right. So the investigators that
6 were notified of this had to do something with respect
7 to the pink tablets that had been given to their
8 patients to hand out?

9 A. Yes.

10 MR. ROBERTS: Objection.

11 BY MR. BAUM:

12 Q. So at that point they knew which of
13 their patients had been assigned to receive Celexa
14 because they had been assigned to receive Celexa pink
15 tablets, correct?

16 MR. ROBERTS: Objection.

17 THE WITNESS: No, that wouldn't be my
18 understanding.

19 BY MR. BAUM:

20 Q. So when they returned the pink tablets,
21 they wouldn't know that their patient that had those
22 tablets was assigned Celexa?

23 MR. ROBERTS: Objection.

24 THE WITNESS: Under -- if an

1 investigator were to look at a return -- look
2 at returned medication and he saw that the
3 tablets were pink in the -- within this time
4 frame, then I would think the investigator
5 would be able to draw the conclusion that the
6 patient was on active drug.

7 BY MR. BAUM:

8 Q. And why bother to replace these tablets
9 if it weren't an issue that would unblind the study?

10 MR. ROBERTS: Objection.

11 THE WITNESS: Well, the protocol
12 specifies that the color coating of the tablets
13 should be blinded, should be the same,
14 identical in the placebo and treatment groups.

15 BY MR. BAUM:

16 Q. Was it your understanding that all nine
17 of these patients received pink-colored commercial
18 tablets?

19 MR. ROBERTS: Objection.

20 THE WITNESS: Well, was it my
21 understanding? I mean, I have no understanding
22 what my understanding is, but if you're
23 referring to that, what I wrote in the study
24 report, I would say there's evidence of that.

1 Do you see that?

2 A. Yes.

3 Q. And that's your handwriting, right?

4 MR. ROBERTS: Objection.

5 THE WITNESS: Yes.

6 BY MR. BAUM:

7 Q. And were you suggesting that a full set
8 of 160 patients would be enrolled under standard
9 double-blind conditions, right?

10 MR. ROBERTS: Objection.

11 THE WITNESS: Well, that's what it says.

12 BY MR. BAUM:

13 Q. And by implication, you were suggesting
14 that the nine patients subject to the dispensing error
15 were not standardly double-blinded, correct?

16 MR. ROBERTS: Objection.

17 THE WITNESS: It doesn't directly
18 suggest that.

19 BY MR. BAUM:

20 Q. But it does by implication, doesn't it?

21 MR. ROBERTS: Objection.

22 THE WITNESS: I think it does suggest
23 that.

24 BY MR. BAUM: