

**BARTLIT BECK HERMAN PALENCHAR & SCOTT LLP**

www.bartlit-beck.com

CHICAGO OFFICE  
COURTHOUSE PLACE  
54 WEST HUBBARD STREET  
CHICAGO, IL 60610  
TELEPHONE: (312) 494-4400  
FACSIMILE: (312) 494-4440

February 13, 2008

*Via Email and Federal Express*

Michael L. Baum  
Baum, Hedlund, Aristei, Goldman & Menzies, P.C.  
12100 Wilshire Boulevard  
Los Angeles, CA 90025-7114

DENVER OFFICE  
1899 WYNKOOP STREET  
8TH FLOOR  
DENVER, CO 80202  
TELEPHONE: (303) 592-3100  
FACSIMILE: (303) 592-3140

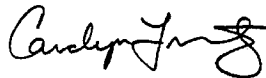
WRITER'S DIRECT DIAL:  
(312) 494-4407  
carolyn.frantz@bartlit-beck.com

Re: *In re Factor VIII or IX Concentrate Blood Products Liability Litigation, MDL No. 986*

Dear Michael:

Please find attached Bayer's response to Interrogatory 2, as well as lists of documents produced from Archive Record Boxes 6579 and 6585.

Very truly yours,



Carolyn Frantz

CJF

*Enclosures*

cc: Patrick McNicholas  
Valerie A. Conzo  
Nicholas R. Diamand

**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'  
INTERROGATORY 2**

Defendant Bayer Corporation ("Bayer") hereby submits its responses to Taiwan  
Plaintiffs' Interrogatory 2.

**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 Response**

2. With regard to the Humanitarian Payment Agreement (Exhibit 1), identify each person who negotiated the Agreement on Your behalf.

**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 as follows:

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, led the negotiation of an agreement with the Taiwan government and Taiwanese hemophiliacs ("the Agreement") on behalf of Bayer in Taiwan in 1997 and 1998. Today, Dr. Strucksberg is retired and lives in Germany.

To the best of Bayer's current understanding, Mr. CT Lee, in the course of representing Bayer as legal counsel in connection with the resolution of potential litigation, participated in

negotiating the Agreement. In 1997 and 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.

To the best of Bayer's current understanding, Mr. DJ Lin participated in negotiating the Agreement in cooperation with Bayer. In 1997 and 1998, DJ Lin was employed by the Tian Shing Trading Company in Taipei, Taiwan. To the best of Bayer's current understanding, DJ Lin is still likely to be employed with the Tian Shing Trading Company in Taiwan and living in Taiwan.

To the best of Bayer's current understanding, Mr. Paul Martin participated in negotiating the Agreement on behalf of Bayer Taiwan Company, Ltd. ("Bayer Taiwan"), a subsidiary of Bayer AG. In 1997 and 1998, Mr. Martin was employed by Bayer Taiwan. Bayer is not aware of Mr. Martin's current residence or employment.

To the best of Bayer's current understanding, Mr. Horst Mueck participated in negotiating the Agreement on behalf of Bayer Taiwan. In 1997 and 1998, Mr. Mueck was employed by Bayer Taiwan. To the best of Bayer's current understanding, Mr. Mueck is now retired and living in Germany.

To the best of Bayer's current understanding, Mr. Thomas Kerr, an attorney living in Pittsburgh, Pennsylvania and employed at Bayer, in the course of representing Bayer as legal counsel in connection with the resolution of potential litigation, traveled once to Taiwan to participate in the negotiation of the Agreement. Today, Mr. Kerr is retired and lives in Pittsburgh.

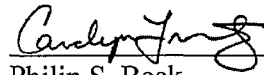
To the best of Bayer's current understanding, Mr. William Hammes, an attorney living in Indiana and employed at Bayer, in the course of representing Bayer as legal counsel in

connection with the resolution of potential litigation, traveled once to Taiwan to participate in the negotiation of the Agreement. Today, Mr. Hammes is retired and lives in Indiana.

Plaintiffs have not provided sufficient information as to the origin or authenticity of the documents shown in Exhibit 1 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 1 is an authentic version of the Agreement, and takes no position with respect to the origin or authenticity of the Chinese-language document.

Dated: February 13, 2008

As to objections:



Philip S. Beck  
Lindley J. Brenza  
Kaspar J. Stoffelmayr  
Carolyn J. Frantz  
BARTLIT BECK HERMAN  
PALENCHAR & SCOTT LLP  
54 West Hubbard Street, Suite 300  
Chicago, IL 60610  
Telephone: (312) 494-4400  
Facsimile: (312) 494-4440

Geoffrey R.W. Smith  
GEOFFREY SMITH, PLLC  
1350 I Street NW, Suite 900  
Washington, DC 20005  
Telephone: (202) 625-1224  
Facsimile: (202) 333-1637

Duncan Barr  
O'CONNOR, COHN, DILLON & BARR  
2405 16th Street  
San Francisco, CA 94103  
Telephone: (415) 281-8888  
Facsimile: (415) 503-4117

Attorneys for Bayer Corporation

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

VERIFICATION

I, Keith Abrams, Vice President, Associate General Counsel and Assistant Secretary, submit this Verification on behalf of Bayer Corporation ("Bayer"). I have read the foregoing Bayer's Responses and Objections to Taiwan Plaintiffs' Interrogatory 2. The Responses and objections contained therein were prepared with the assistance of employees of and counsel for Bayer, upon which I have relied. The responses set forth therein, subject to inadvertent and undiscovered errors, are based upon and necessarily limited by the records and information still in existence, presently recollected, and thus far discovered in the course of preparation of these responses. Subject to the limitations as set forth herein, said responses are true to the best of my knowledge, information and belief.

Dated this 24<sup>th</sup> day of January 2008.

BAYER CORPORATION

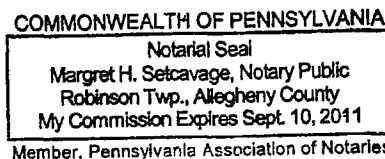
Commonwealth of Pennsylvania )  
 ) ss.  
County of Allegheny )



SUBSCRIBED AND SWORN to me before me, a Notary Public, personally appeared Keith R. Abrams, known to me to be the person whose name is subscribed to the within Instrument, and acknowledged that he executed the same for the purposes therein contained.

On this 24<sup>th</sup> day of January 2008.

Margaret H. Setcavage  
Notary Public



**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing **Bayer's Responses and Objections To Taiwan Plaintiffs' Interrogatory 2** were served this 13<sup>th</sup> day of February, 2008 by Federal Express on the following parties:

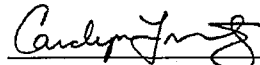
Michael L. Baum  
Baum, Hedlund, Aristei, Goldman & Menzies, P.C.  
12100 Wilshire Boulevard  
Suite 950  
Los Angeles, CA 90025-7114

Patrick McNicholas  
McNicholas & McNicholas, LLP  
10866 Wilshire Boulevard  
Los Angeles, CA 90024

Nicholas R. Diamand  
Lief Cabraser Heimann & Bernstein, LLP  
780 Third Avenue, 48th Floor  
New York, NY 10017-2024

Valerie Conzo  
Sheldon J. Schlesinger, P.A.  
1212 Southeast Third Avenue  
Fort Lauderdale, FL 33316

Elizabeth J. Cabraser  
Lief Cabraser Heimann & Bernstein, LLP  
275 Battery Street, 30th Floor  
San Francisco, CA 94111

  
\_\_\_\_\_  
Carolyn J. Frantz

**Documents Produced from Box 6579****Bates Range**

BC105954 - BC106037
BC106038 - BC106073
BC106074 - BC106111
BC106112 - BC106156
BC106157 - BC106164
BC106165 - BC106174
BC106175 - BC106181
BC106182 - BC106192
BC106193 - BC106194
BC106195 - BC106248
BC107046 - BC107082
BC107083 - BC107096
BC107097 - BC107103
BC107104 - BC107111
BC107112 - BC107118
BC107119 - BC107125
BC107126 - BC107136
BC107137 - BC107190
BC108724 - BC108768
BC108769 - BC108775
BC110557 - BC110559
BC110580 - BC110591
BC110768 - BC110772
BC110866 - BC110866
BC111029 - BC111030
BC111076 - BC111079
BC111436 - BC111439
BC112926 - BC112984
BC114271 - BC114278
BC114586 - BC114603
BC114680 - BC114717
BC121749 - BC121837
BC121838 - BC121855
BC121856 - BC121970
BC121971 - BC122029
BC122030 - BC122034
BC124368 - BC124396
BC124400 - BC124506
BC124507 - BC124538
BC124587 - BC124691
BC124692 - BC124692
BC128419 - BC128423



**Documents Produced from Box 6585****Bates Range**

BC106402 - BC106402
BC106403 - BC106404
BC106405 - BC106405
BC106406 - BC106406
BC107611 - BC107612
BC107613 - BC107614
BC107615 - BC107618
BC107619 - BC107619
BC113189 - BC113189
BC113325 - BC113327
BC113328 - BC113328
BC113329 - BC113329
BC113332 - BC113335
BC113341 - BC113342
BC114760 - BC114760
BC114857 - BC114857
BC114915 - BC114916
BC114933 - BC114933
BC114959 - BC114959
BC114999 - BC114999
BC115059 - BC115061
BC115582 - BC115583
BC126890 - BC126890
BC126893 - BC126901
BC126915 - BC126915
BC126916 - BC126916
BC126917 - BC126918
BC126919 - BC126919
BC126920 - BC126920
BC126928 - BC126928
BC126939 - BC126939
BC126940 - BC126940
BC126941 - BC126941
BC126942 - BC126942
BC126958 - BC126958
BC126959 - BC126959
BC128457 - BC128458
BC128698 - BC128699
BC128700 - BC128701
BC132141 - BC132141
BC136453 - BC136454
BC143999 - BC144009
BC144080 - BC144088
BC147371 - BC147373
BC154724 - BC154724
BC154725 - BC154726
BC154727 - BC154727