

Mark A. Saloman, Esq. (Bar No. 18831992)

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FORDHARRISON LLP

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Attorneys for Defendant sanofi-aventis US LLC

ROBYN P. WINTER and WENDY
SCHWARTZ,

Plaintiffs,

v.

SANOFI-AVENTIS U.S., LLC,

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY
DOCKET NO. ESX-L-4013-17

CIVIL ACTION

**DECLARATION OF MARK A. SALOMAN,
ESQ., IN SUPPORT OF DEFENDANT'S
OPPOSITION TO PLAINTIFFS' MOTION TO
RE-OPEN DISCOVERY**

I, **MARK A. SALOMAN**, of full age, hereby certify as follows:

1. I am an attorney-at-law licensed to practice in the State of New Jersey and a partner in the law firm of FordHarrison LLP, attorneys for defendant sanofi-aventis US LLC ("Sanofi").

I am personally familiar with the facts set forth herein. I submit this Certification in support of Sanofi's Opposition to Plaintiffs' Motion to Re-Open Discovery, Compel Depositions, and Award Attorney's Fees.

2. I am surprised at the serious and important omissions from Plaintiffs' motion. For more than two years (and 830+ days of discovery), Sanofi and I worked closely, respectfully, cooperatively, and diligently with Plaintiffs' counsel, Eric Lubin, Esq., to accommodate Plaintiffs' myriad discovery requests—including their notice to depose the Sanofi employee who decided to terminate each Plaintiff's employment, Human Resources Business Partner Hanna Duffy. This mutual cooperation with Mr. Lubin also included Sanofi consenting to five requests to extend

discovery to, among other things, accommodate Ms. Duffy's unexpected back surgery, from which she is still recovering.

3. On January 9 and 17, 2020, Mr. Lubin and I discussed another extension of discovery, and I told him to file a motion with Sanofi's consent. But instead of filing another timely motion in January 2020 to extend the last discovery end date (to which Sanofi had readily consented), Plaintiffs decided *not* to move to extend and to allow the discovery period to close without the benefit of Ms. Duffy's deposition. This fact is entirely missing from Plaintiff's submission.

4. Now armed with Sanofi's summary judgment motion papers as a roadmap, Plaintiffs seek to re-open discovery to depose Ms. Duffy and Sanofi Head of Employee Relations Kelly Byrne. This groundless motion fails to meet the onerous legal standard and should be denied.

5. *First*, both witnesses were well known to Plaintiffs since early in the discovery process. Indeed, I told Mr. Lubin that Ms. Duffy was the decision-maker in each Plaintiff's termination, and Ms. Duffy and Ms. Byrne were precisely identified in Sanofi discovery responses as being involved in those decisions.

6. *Second*, Plaintiffs *chose* to allow the discovery period to close and not to move to extend discovery—even after *I told* Mr. Lubin a motion was needed because Ms. Duffy remained on a medical leave. Plaintiffs had ample chance to obtain sufficient additional time to depose Ms. Duffy by simply moving—with Sanofi's stated consent—to extend the February 7, 2020 discovery end date. Yet when asked whether he would be filing Plaintiffs' motion to extend, Mr. Lubin told us, "No, I'm good."

7. *Third*, Sanofi was transparent about Ms. Duffy's medical leave, the severity of her unanticipated medical condition, and her uncertain ability to appear (either sitting or standing) for

a deposition during the discovery period. Indeed, I updated Mr. Lubin on her medical condition and leave status weeks before the February 7 discovery end date lapsed.

8. *Fourth*, Plaintiffs never noticed Ms. Byrne's deposition or that of *any* Sanofi corporate designee.

9. *Finally*, any suggestion Sanofi—a global leader in healthcare, which is conducting discovery and several clinical trials for both COVID-19 vaccines and treatments—is somehow using the COVID-19 pandemic to interfere with Plaintiffs' ability to conduct discovery (beyond the discovery end date) is beyond belief. Sanofi and I repeatedly cooperated with and extended every courtesy to Mr. Lubin and his clients to: obviate the need for a single discovery motion during the discovery period; reach consensus on four discovery extensions; agree to last-minute postponements to accommodate Mr. Lubin's scheduling issues; twice consent to a fifth discovery extension which Plaintiffs ignored; and, most recently, adjourn Sanofi's summary judgment motion to accommodate Mr. Lubin's personal needs during the pandemic. (**EXHIBIT A**). Sanofi has only operated in good faith at all times toward Plaintiffs and Mr. Lubin.

10. Absent exceptional circumstances as required by law, re-opening discovery to allow any further depositions is unwarranted.

Procedural History

11. On June 2, 2017, Plaintiffs filed a Complaint and Jury Demand, which was later amended on June 30, 2017. Plaintiffs, former Sanofi pharmaceutical sales representatives, allege claims of whistleblower retaliation under the Conscientious Employee Protection Act, N.J.S.A. 34:19-1, *et seq.* (CEPA), gender discrimination under the Law Against Discrimination, N.J.S.A. 10:5-1, *et seq.* (LAD), breach of contract, tortious interference, and unjust enrichment

12. The original discovery end date was January 15, 2018.

13. Throughout 2018, the parties propounded discovery responses and produced documents. Plaintiffs never sent a deficiency letter to Sanofi, never accused Sanofi of withholding any information, and never served requests for supplemental information based on any perceived deficient discovery responses.

14. Sanofi Human Resources Business Partner Duffy signed Sanofi's discovery responses and she is identified in a raft of e-mails concerning Plaintiffs' respective terminations.

15. On December 6, 2018, Plaintiffs submitted the parties' stipulation for the first, 60-day discovery extension. **(EXHIBIT B)**.

16. In February 2019, Plaintiffs noticed the deposition of Ms. Duffy, who decided to terminate Plaintiffs' employment.

17. On February 12, 2019, Plaintiffs moved to extend discovery with Sanofi's consent. That motion was granted on March 1, 2019 and a new discovery end date of August 4, 2019 was set. **(EXHIBIT C)**.

18. On July 17, 2019, Plaintiffs filed a second motion to extend discovery, again with Sanofi's consent. On August 2, 2019, Plaintiffs' second motion was granted and a new discovery end date of November 9, 2019 was set. **(EXHIBIT D)**.

Plaintiffs Allowed The Discovery Period To Close Without Deposing Ms. Duffy

19. On October 21, 2019, I promptly emailed Mr. Lubin after learning Ms. Duffy had commenced an indefinite medical leave to accommodate spinal surgery. **(EXHIBIT E)**.

20. Based on Ms. Duffy's anticipated prolonged absence, Plaintiffs filed a third motion to extend discovery on October 22, 2019, again with Sanofi's obvious and immediate consent. On November 8, 2019, Plaintiff's third motion was granted and a new discovery end date of February 7, 2020 was set. **(EXHIBIT F)**.

21. I always was upfront and transparent in providing updates on Ms. Duffy's medical leave status when asked by Mr. Lubin. He and I discussed Ms. Duffy's condition and medical leave status several times before the expiration of the February 7 discovery period, including at each deposition held between October 2019 and January 2020.

22. For example, on November 13, 2019, Mr. Lubin emailed to coordinate two defense witness depositions to a date when Ms. Duffy was healthy enough to appear for her deposition. **(EXHIBIT G)**.

23. Then, during breaks in defense witness depositions on November 19, 2019, Mr. Lubin and I conferred about Ms. Duffy's status and potential to be deposed. I told Mr. Lubin her condition was severe and she remained out of commission indefinitely.

24. Following the depositions of two more defense witnesses on January 9, 2020, Mr. Lubin and I *again* discussed Ms. Duffy's medical condition and I *again* told him she remained out of work with no return date.

25. That day, Mr. Lubin requested another discovery extension to allow time for Ms. Duffy to be deposed when she was well enough. I again consented to extend discovery for a fifth time and expected Plaintiffs to promptly file another unopposed motion to extend time for discovery.

26. After reviewing the docket and noting Plaintiffs had not yet filed their motion as stated, my colleague Joanna Rich, Esq., called Mr. Lubin on January 17, 2020. Ms. Rich, at my direction, asked Mr. Lubin if Plaintiffs intended to move to extend discovery, as understood from my prior conversation with Mr. Lubin.¹

¹ Ms. Rich is currently on maternity leave.

27. Mr. Lubin's exact response was, "No, I'm good, but I'll consent if you file a motion" to extend time for discovery.

28. To be sure, I called Mr. Lubin back that day and told him Plaintiffs must file a motion to extend time for discovery if they wanted to depose Ms. Duffy, who was still out on medical leave of absence.

29. Mr. Lubin replied he was "too busy" to file the motion and asked if Ms. Rich or I could file the motion on his behalf. As yet another courtesy, I initially volunteered Ms. Rich to prepare the motion but quickly realized she was unavailable, so I immediately emailed Mr. Lubin:

Eric, after consulting with Joanna, I learned she also is out of pocket most of next week and unavailable to file the motion to extend. I should have talked with her first before calling you today. As I stated, we will not oppose if you file one. . . .

Again, sorry for the confusion.

(EXHIBIT H) (emphasis added).

30. Mr. Lubin never responded to my email, did not contact me, and never filed Plaintiffs' motion to extend time for discovery—though he still had ample time to do so. The discovery period ended three weeks later on February 7, 2020.

31. Though Plaintiffs noticed Ms. Duffy's deposition at least nine months prior to her leave, obtained prior discovery extensions due to Ms. Duffy's eventual medical absence, knew of her medical status, and twice secured Sanofi's consent to extend the discovery end date, Plaintiffs chose to allow the discovery end date to lapse.

32. Following the close of discovery on February 7, the court promptly set a trial date of April 27, 2020, which was adjourned to July 6, 2020.

33. On February 13, 2020, six days after the close of discovery, Mr. Lubin sent an e-mail inquiring about Ms. Duffy's availability and return to work status. I promptly and truthfully

responded Ms. Duffy remained (and remains to this day) on her medical leave of absence.

(EXHIBIT I).

34. Plaintiffs raised no further inquiry related to Ms. Duffy.

35. On April 9, 2020, after two months of silence from Plaintiffs about Ms. Duffy, Sanofi filed its summary judgment motion so it could be adjudicated well before the July 6 trial date.

36. Sanofi's summary judgment motion included certifications from Ms. Duffy and Ms. Byrne detailing Sanofi's legitimate non-retaliatory reasons for Plaintiffs' terminations. These certifications follow the information already in the copious record.

37. As a matter of law, the foregoing demonstrates no exceptional circumstances sufficient to warrant re-opening discovery to allow any further depositions.

38. As to Ms. Duffy, this is so because: Plaintiffs knew she was the decision-maker regarding their respective terminations; had ample opportunity to depose her prior to her medical leave of absence; subsequently knew she physically could not be deposed; knew she remained on a prolonged medical leave of absence; had Sanofi's verbal and written consent to move to extend time for discovery; but purposefully chose not move to extend discovery at any time prior to the February 7, 2020 discovery end date and let the discovery period lapse without taking the deposition.²

² Though irrelevant, Ms. Duffy's certification is based upon information developed long before she commenced her medical leave. That she was well enough to read and sign a certification in support of Sanofi's summary judgment motion is, respectfully, hardly comparable to sitting (or standing) for a deposition—which her medical condition and limitations still prevent.

Plaintiffs Took No Steps To Depose Ms. Byrne

39. Likewise, no exceptional circumstances exist to re-open discovery to depose Ms. Byrne, who was known to Plaintiffs as a defense witness at least as early as April 10, 2019—10 months before the close of discovery.

40. *First*, Sanofi’s April 10, 2019 document production included “DEF1404,” which listed “Kelly Byrne” as a “required attendee” at a meeting with Ms. Duffy on March 22, 2017 in “Kelly’s office” to discuss the investigation which led to the termination of Plaintiff Winter’s employment two days later on March 24, 2017. (**EXHIBIT J**).

41. *Second*, Plaintiffs’ Third Document Request No. 5 requested copies of all documents concerning or discussing the meetings which led to the terminations of both Plaintiffs. Sanofi responded by *precisely* directing Plaintiffs to a handful of specific documents—including DEF1404, which again identified Ms. Byrne. (**EXHIBIT K**).

42. Hardly a “needle in a haystack” as Plaintiffs portray, Sanofi provided Plaintiffs with the exact pages of Sanofi’s production which identified specific individuals—including Ms. Byrne—involved with Plaintiffs’ respective terminations.

43. *Third*, under Rule 4:14-2(c), Plaintiffs had every opportunity to notice the deposition of a Sanofi corporate representative with knowledge of topics relevant to their claims and Sanofi’s well-known defenses. Yet Plaintiffs chose not to do so.

44. *Fourth*, Plaintiffs’ belated accusation that Sanofi improperly answered its interrogatories *two years ago* is misplaced. Sanofi permissibly relied upon Rule 4:17-4(d) when responding to Plaintiffs’ questions—“. . .pursuant to Rule 4:17-4(d), Sanofi refers Plaintiff to the individuals identified in the documents provided.” (**EXHIBIT L**).

45. Had Plaintiffs believed any of Sanofi's discovery responses were deficient, they would have served a discovery deficiency letter requesting supplemental responses and/or moved to compel under Rule 4:23-1, and not allowed for 800+ days of discovery to pass *and* for the discovery end date to pass *and* for Sanofi to move for summary before bringing this purported "issue" to the Court's attention.

46. Pursuant to Rule 1:36-3, copies of all unpublished cases relied upon herein (and contrary unpublished decisions known to counsel) are attached hereto as **EXHIBIT M.**

I certify that the foregoing statements are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Dated: April 30, 2020

s/Mark A. Saloman
MARK A. SALOMAN

WSACTIVE LLP:11452145.1

EXHIBIT A



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Writer's Direct Dial:
MARK A. SALOMAN
973-646-7305
msaloman@fordharrison.com

April 13, 2020

VIA E-COURTS

The Honorable Thomas M. Moore, P.J.S.C.
Superior Court of New Jersey, Law Division - Essex County
470 Martin Luther King, Jr. Boulevard
Newark, New Jersey 07102

Re: Winter and Schwartz v. sanofi-aventis US LLC
Docket No. ESX-L-4013-17

Your Honor:

Defendant sanofi-aventis US LLC ("Sanofi") respectfully responds to the correspondence filed this morning by Plaintiffs' counsel.

Because of the exceptional circumstances presented by the COVID-19 pandemic, Sanofi does not object to Plaintiffs' request to adjourn its summary judgment motion returnable **May 8, 2020**, or the **July 6** trial date.

Sanofi notes Plaintiffs misrepresent the facts about Ms. Duffy (who remains out of work on an extended medical leave of absence) and Ms. Byrne (who was identified in documents produced by Sanofi in discovery). We look forward to correcting the record when Sanofi opposes Plaintiffs' unfounded motion to re-open discovery.

Respectfully submitted,

FORD & HARRISON LLP

s/Mark A. Saloman

MARK A. SALOMAN
Partner

MAS/jsr

cc: All Counsel of Record (via e-Courts)

WSACTIVELLP:11425112.2

EXHIBIT B

LOMURRO, MUNSON, COMER, BROWN & SCHOTTLAND, LLC

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elubin@lomurrofirm.com
Reply to Freehold
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December 5, 2018

VIA EFILE ONLY

Honorable Thomas M. Moore, P.J. Cv.
Superior Court of NJ, Essex County Vicinage
470 Martin Luther King Jr. Blvd., 2nd Fl.
Newark, NJ 07102

Re: Winter & Schwartz v. Sanofi Aventis U.S., LLC et al
Docket No.: ESX-L-4013-17

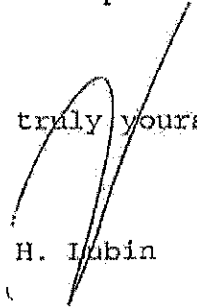
Dear Judge Moore:

As you are aware, this office represents Plaintiffs Robyn Winter and Wendy Schwartz in the above referenced matter.

With the consent of my adversary, I am hereby requesting a 60-day extension of the January 15, 2019 discovery end date in this matter.

Thank you for your courtesy and cooperation.

Very truly yours,


Eric H. Lubin

EHL:ncr

cc: Mark A. Saloman, Esq., VIA EFILE

cc: Joanna Rich, Esq., VIA EFILE

EXHIBIT C

FILED

MAR - 1 2019

Hon. Thomas M. Moore, Civ., P.J.

LOMURRO, MUNSON, COMER, BROWN & SCHOTTLAND LLC
Eric H. Lubin, Esq. ID #: 012442007
Monmouth Executive Center
4 Paragon Way, Suite 100
Freehold, New Jersey 07728
Telephone: (732) 414-0300
Fax: (732) 431-4043
Attorneys for Plaintiffs Robyn P. Winter and Wendy Schwartz

ROBYN P. WINTER and WENDY SCHWARTZ,

Plaintiffs,

v.

SANOFI AVENTIS U.S., LLC,
JOHN DOES 1-10 and RICHARD
ROE ENTITIES 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
ESSEX COUNTY
LAW DIVISION

Docket No.: ESX-L-4013-17

CIVIL ACTION

ORDER

This matter, having been brought before the Court by Eric H. Lubin, Esq., attorney for Plaintiffs Robyn P. Winter and Wendy Schwartz, upon due notice to and with the consent of Mark Saloman, Esq., attorney for Sanofi Aventis U.S., LLC, defendants in this matter; the Court having heard the arguments of counsel, reviewed the papers and heard argument thereon, if granted; and good cause having been shown:

It is on this 1 day of March, 2019, ORDERED and ADJUDGED as follows:

1. Plaintiffs' motion to extend the discovery end date be and hereby **GRANTED**;
2. The new discovery end date in this matter shall be August 4, 2019;

LOMURRO, MUNSON, COMER, BROWN & SCHOTTLAND, LLC
Eric H. Lubin, Esq. ID #: 012442007
Monmouth Executive Center
4 Paragon Way, Suite 100
Freehold, New Jersey 07728
Telephone: (732) 414-0300
Fax: (732) 431-4043

Attorneys for Plaintiffs Robyn P. Winter and Wendy Schwartz

ROBYN P. WINTER and WENDY
SCHWARTZ,

Plaintiffs,

v.

SANOFI AVENTIS U.S., LLC,
JOHN DOES 1-10 and RICHARD
ROE ENTITIES 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
ESSEX COUNTY
LAW DIVISION

Docket No.: ESX-L-4013-17

CIVIL ACTION

NOTICE OF MOTION TO EXTEND
DISCOVERY END DATE

TO: Mark A. Saloman, Esq.
FORD HARRISON LLP
300 Connell Drive, Suite 4100
Berkeley Heights, NJ 07922
Attorneys for Defendant Sanofi Aventis U.S., LLC

PLEASE TAKE NOTICE that the undersigned, attorney for Plaintiffs, ROBYN P. WINTER and WENDY SCHWARTZ, will move before the Superior Court of New Jersey, Law Division, Essex County, on Friday, March 1, 2019 at 9 a.m., or as soon thereafter as the matter may be heard, for the entry of an Order Extending the Discovery End Date.

A copy of the proposed form of Order is served herewith as required by the Rules of Court.

PLEASE TAKE FURTHER NOTICE that Plaintiffs do not request Oral Argument unless the motion is opposed.

LOMURRO, MUNSON, COMER, BROWN & SCHOTTLAND
Attorneys for Plaintiffs
Robyn P. Winter and Wendy Schwartz

BY: 
Eric H. Lubin, Esq.

Dated: February 12, 2019

LOMURRO, MUNSON, COMER, BROWN & SCHOTTLAND, LLC
Eric H. Lubin, Esq. ID #: 012442007
Monmouth Executive Center
4 Paragon Way, Suite 100
Freehold, New Jersey 07728
Telephone: (732) 414-0300
Fax: (732) 431-4043
Attorneys for Plaintiffs Robyn P. Winter and Wendy Schwartz

ROBYN P. WINTER and WENDY
SCHWARTZ,

Plaintiffs,

v.

SANOFI AVENTIS U.S., LLC,
JOHN DOES 1-10 and RICHARD
ROE ENTITIES 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
ESSEX COUNTY
LAW DIVISION

Docket No.: ESX-L-4013-17

CIVIL ACTION

ORDER

This matter, having been brought before the Court by Eric H. Lubin, Esq., attorney for Plaintiffs Robyn P. Winter and Wendy Schwartz, upon due notice to and with the consent of Mark Saloman, Esq., attorney for Sanofi Aventis U.S., LLC, defendants in this matter; the Court having heard the arguments of counsel, reviewed the papers and heard argument thereon, if granted; and good cause having been shown:

It is on this _____ day of _____, 2019, ORDERED and ADJUDGED as follows:

1. Plaintiffs' motion to extend the discovery end date be and hereby **GRANTED**;
2. The new discovery end date in this matter shall be August 4, 2019;

3. The parties shall complete all fact and party depositions within sixty (60) days of the date of this Order;

4. The plaintiffs shall produce any expert reports within forty-five (45) business days of the date of this Order;

5. Defendants shall produce any rebuttal expert reports within forty-five (45) business days of plaintiffs' service of its expert reports;

6. The parties shall complete all expert depositions by the discovery end date;

7. A copy of this Order shall be served upon all counsel within (7) days hereof.

() OPPOSED

() UNOPPOSED

LOMURRO, MUNSON, COMER, BROWN & SCHOTTLAND, LLC

Eric H. Lubin, Esq. ID #: 012442007

Monmouth Executive Center

4 Paragon Way, Suite 100

Freehold, New Jersey 07728

Telephone: (732) 414-0300

Fax: (732) 431-4043

Attorneys for Plaintiffs Robyn P. Winter and Wendy Schwartz

**ROBYN P. WINTER and WENDY
SCHWARTZ,**

Plaintiffs,

v.

**SANOFI AVENTIS U.S., LLC,
JOHN DOES 1-10 and RICHARD
ROE ENTITIES 1-10,**

Defendants.

SUPERIOR COURT OF NEW JERSEY
ESSEX COUNTY
LAW DIVISION

Docket No.: ESX-L-4013-17

CIVIL ACTION

**CERTIFICATION OF
ERIC H. LUBIN, ESQ.**

I, Eric H. Lubin, Esq., of full age, hereby certifies as follows:

1. I am a Partner with the law firm of Lomurro, Munson, Comer, Brown & Schottland, LLC, attorneys for Plaintiffs, Robyn P. Winter and Wendy Schwartz.

2. I have been entrusted with the handling of the above matter, and I am fully familiar with the facts of this case as set forth below.

3. The purpose of this motion is to extend the discovery end date.

4. I have the consent of my adversary, Mark Saloman, Esq., who represents the Defendants, Sanofi Aventis U.S., LLC.

5. There has only been one prior extension of discovery, which was obtained via the automatic 60-day extension by consent of the parties. **EXHIBIT A**

6. This motion is being made before the expiration of the discovery end date, and therefore, is subject to the good cause standard.

7. There is no trial date nor arbitration date.

8. Good cause exists in this case to extend the discovery end date.

9. This matter represents a complex CEPA case brought by two plaintiffs against their prior employer.

10. The parties have been diligent in their discovery thus far. Thousands of pages of discovery have been exchanged among the parties, and written discovery has already been completed.

11. Additionally, medical records of the plaintiffs have been produced and subpoenaed.

12. At this time, the two plaintiff's depositions are scheduled to occur this month. Plaintiff is awaiting dates from the defendant for depositions of the employees that plaintiff has identified.

13. Additionally, one subpoenaed third-party deposition is in the process of being scheduled.

14. After these depositions are completed, plaintiffs will be obtaining at least one expert report per plaintiff. Defendant will likely need to obtain a rebuttal report. Thereafter, the depositions of those experts need to occur.

15. Respectfully, the parties have been diligent in completing their discovery obligations, and it is respectfully requested that this discovery motion be granted so the parties can complete the discovery in this case. Thus, good cause has been shown to extend the discovery end date from March 16, 2019 to August 4, 2019.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



ERIC H. LUBIN, ESQUIRE

Date: 2/17/19

CERTIFICATION

I certify that the Notice of Motion to Extend the Discovery End Date, Certification of Eric H. Lubin, Esq. with Exhibit A, proposed Order, and Certification of Electronic Service, have been e-filed and a courtesy copy forwarded via Regular Mail to the Honorable Thomas M. Moore, P.J. Cv., Essex County Superior Court, Historic Courthouse, 470 Martin Luther King Jr. Blvd., 2nd Floor, Newark, New Jersey 07102, and true copies of same have been served upon the following parties:

Mark A. Saloman, Esq.
FORD HARRISON LLP
300 Connell Drive, Suite 4100
Berkeley Heights, NJ 07922

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



NANCY C. READER, LEGAL ASSISTANT

Dated: February 12, 2019

EXHIBIT A

LOMURRO, MUNSON, COMER, BROWN & SCHOTTLAND, LLC

ATTORNEYS AT LAW
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December 5, 2018

VIA EFILE ONLY

Honorable Thomas M. Moore, P.J. Cv.
Superior Court of NJ, Essex County Vicinage
470 Martin Luther King Jr. Blvd., 2nd Fl.
Newark, NJ 07102

Re: Winter & Schwartz v. Sanofi Aventis U.S., LLC et al
Docket No.: ESX-L-4013-17

Dear Judge Moore:

As you are aware, this office represents Plaintiffs Robyn Winter and Wendy Schwartz in the above referenced matter.

With the consent of my adversary, I am hereby requesting a 60-day extension of the January 15, 2019 discovery end date in this matter.

Thank you for your courtesy and cooperation.

Very truly yours,


Eric H. Lubin

EHL:ncr
cc: Mark A. Saloman, Esq., VIA EFILE
cc: Joanna Rich, Esq., VIA EFILE

EXHIBIT D

FILED

AUG - 2 2019

Hon. Thomas M. Moore, Civ., P.J.

LOMURRO, MUNSON, COMER, BROWN & SCHOTTLAND, LLC

Eric H. Lubin, Esq. ID #: 012442007

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Telephone: (732) 414-0300

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Attorneys for Plaintiffs, Robyn P. Winter and Wendy Schwartz

ROBYN P. WINTER and WENDY
SCHWARTZ,

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SANOFI AVENTIS U.S., LLC,
JOHN DOES 1-10 and RICHARD
ROE ENTITIES 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY

Docket No.: ESX-L-4013-17

CIVIL ACTION

ORDER

This matter, having been brought before the Court by Eric H. Lubin, Esq., attorney for Plaintiffs, Robyn P. Winter and Wendy Schwartz, upon due notice to and with the consent of Mark Saloman, Esq., attorney for Sanofi Aventis U.S., LLC, defendants in this matter; the Court having heard the arguments of counsel, reviewed the papers and heard argument thereon, if granted; and good cause having been shown:

It is on this 2 day of August, 2019, ORDERED and ADJUDGED as follows:

1. Plaintiffs' motion to extend the discovery end date be and hereby **GRANTED**;

2. The new discovery end date in this matter shall be November 9, 2019;

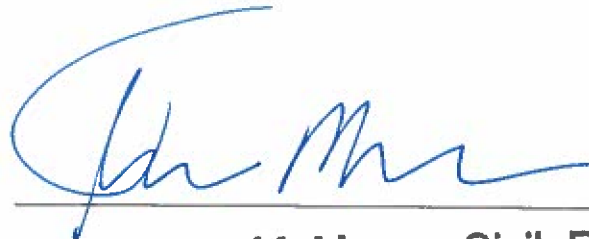
3. The plaintiffs shall complete the depositions of defendants by September 15, 2019;

4. The plaintiffs shall produce any expert reports within forty-five (45) business days of the date of this Order;

5. Defendants shall produce any rebuttal expert reports within forty-five (45) business days of plaintiffs' service of its expert reports;

6. The parties shall complete all expert depositions by the discovery end date;

7. A copy of this Order shall be served upon all counsel within (7) days hereof.



Hon. Thomas M. Moore, Civil, P.J.

() OPPOSED

() UNOPPOSED

LOMURRO, MUNSON, COMER, BROWN & SCHOTTLAND, LLC

Eric H. Lubin, Esq. ID #: 012442007

Monmouth Executive Center
4 Paragon Way, Suite 100
Freehold, New Jersey 07728
Telephone: (732) 414-0300
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Attorneys for Plaintiffs, Robyn P. Winter and Wendy Schwartz

ROBYN P. WINTER and WENDY
SCHWARTZ,

Plaintiffs,

v.

SANOFI AVENTIS U.S., LLC,
JOHN DOES 1-10 and RICHARD
ROE ENTITIES 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY

Docket No.: ESX-L-4013-17

CIVIL ACTION

**NOTICE OF MOTION TO EXTEND
DISCOVERY END DATE**

TO: Mark A. Saloman, Esq.
FORD HARRISON LLP
300 Connell Drive, Suite 4100
Berkeley Heights, NJ 07922
Attorneys for Defendant, Sanofi Aventis U.S., LLC

PLEASE TAKE NOTICE that the undersigned, attorney for Plaintiffs, ROBYN P. WINTER and WENDY SCHWARTZ, will move before the Superior Court of New Jersey, Law Division, Essex County, on Friday, August 2, 2019 at 9:00am, or as soon thereafter as the matter may be heard, for the entry of an Order Extending the Discovery End Date.

A copy of the proposed form of Order is served herewith as required by the Rules of Court.

PLEASE TAKE FURTHER NOTICE that Plaintiffs do not request Oral Argument unless the motion is opposed.

**LOMURRO, MUNSON, COMER, BROWN & SCHOTTLAND
Attorneys for Plaintiffs**

BY: 
Eric H. Lubin, Esq.

Dated: 7/17/19

LOMURRO, MUNSON, COMER, BROWN & SCHOTTLAND, LLC

Eric H. Lubin, Esq. ID #: 012442007

Monmouth Executive Center
4 Paragon Way, Suite 100
Freehold, New Jersey 07728
Telephone: (732) 414-0300
Fax: (732) 431-4043

Attorneys for Plaintiffs, Robyn P. Winter and Wendy Schwartz

ROBYN P. WINTER and WENDY
SCHWARTZ,

Plaintiffs,

v.

SANOFI AVENTIS U.S., LLC,
JOHN DOES 1-10 and RICHARD
ROE ENTITIES 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY

Docket No.: ESX-L-4013-17

CIVIL ACTION

ORDER

This matter, having been brought before the Court by Eric H. Lubin, Esq., attorney for Plaintiffs, Robyn P. Winter and Wendy Schwartz, upon due notice to and with the consent of Mark Saloman, Esq., attorney for Sanofi Aventis U.S., LLC, defendants in this matter; the Court having heard the arguments of counsel, reviewed the papers and heard argument thereon, if granted; and good cause having been shown:

It is on this _____ day of _____, 2019, ORDERED and ADJUDGED as follows:

1. Plaintiffs' motion to extend the discovery end date be and hereby **GRANTED**;

2. The new discovery end date in this matter shall be November 9, 2019;

3. The plaintiffs shall complete the depositions of defendants by September 15, 2019;

4. The plaintiffs shall produce any expert reports within forty-five (45) business days of the date of this Order;

5. Defendants shall produce any rebuttal expert reports within forty-five (45) business days of plaintiffs' service of its expert reports;

6. The parties shall complete all expert depositions by the discovery end date;

7. A copy of this Order shall be served upon all counsel within (7) days hereof.

() OPPOSED

() UNOPPOSED

LOMURRO, MUNSON, COMER, BROWN & SCHOTTLAND, LLC

Eric H. Lubin, Esq. ID #: 012442007

Monmouth Executive Center

4 Paragon Way, Suite 100

Freehold, New Jersey 07728

Telephone: (732) 414-0300

Fax: (732) 431-4043

Attorneys for Plaintiffs, Robyn P. Winter and Wendy Schwartz

ROBYN P. WINTER and WENDY
SCHWARTZ,

Plaintiffs,

v.

SANOFI AVENTIS U.S., LLC,
JOHN DOES 1-10 and RICHARD
ROE ENTITIES 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY

Docket No.: ESX-L-4013-17

CIVIL ACTION

**CERTIFICATION OF
ERIC H. LUBIN, ESQ.**

I, Eric H. Lubin, Esq., of full age, hereby certifies as follows:

1. I am a Partner with the law firm of Lomurro, Munson, Comer, Brown & Schottland, LLC, attorneys for Defendants/Third-Party Plaintiffs.

2. I have been entrusted with the handling of the above matter, and I am fully familiar with the facts of this case as set forth below.

3. The purpose of this motion is to extend the discovery end date.

4. I have the consent of my adversary.

5. There has only been two (2) prior extensions of discovery. One was obtained via the automatic sixty (60) day

extension by consent **(EXHIBIT A)**. The second via Motion **(EXHIBIT B)**.

6. This motion is being made before the expiration of the discovery end date, and therefore, is subject to the good cause standard.

7. There is no trial date nor arbitration date.

8. Good cause exists in this case to extend the discovery end date.

9. The parties have been diligent in their discovery thus far. Written discovery has already been completed, including multiple rounds of supplemental discovery propounded and answered since the last discovery extension.

10. Additionally, the Plaintiffs have each been deposed. However, significant delays occurred by the extended period of time it took for some of the medical providers to produce plaintiffs' records.

11. Both plaintiffs have been deposed over multiple days. Plaintiffs and defendants are currently in the process of scheduling the defendants' depositions, and a subpoena is being served on a crucial third-party fact witness.

12. Plaintiffs are in the process of ordering expert reports. The ordering of these expert reports were delayed by the time it took for plaintiffs' medical providers to produce their

records, as well as the completion of the second day of plaintiff Winter's deposition.

13. Respectfully, the parties have been diligent in completing their discovery obligations, and it is respectfully requested that this discovery motion be granted so the parties can complete the discovery in this case. Thus, good cause has been shown to extend the discovery end date from August 4, 2019 to November 9, 2019.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



ERIC H. LUBIN, ESQUIRE

Date:

7/17/19

EXHIBIT A

LOMURRO, MUNSON, COMER, BROWN & SCHOTTLAND, LLC

ATTORNEYS AT LAW
MONMOUTH EXECUTIVE CENTER
4 PARAGON WAY
SUITE 100
FREEHOLD, NEW JERSEY 07728
(732) 414-0300
FAX (732) 431-4043

Website:
WWW.LOMURROLAW.COM

Eric H. Lubin, Esq.
Attorney Id. #012742007
Direct Dial - (732) 414-0311

elubin@lomurrofirm.com
Reply to Freehold
Dept. Fax -- (732) 431-4043

December 5, 2018

VIA EFILE ONLY

Honorable Thomas M. Moore, P.J. Cv.
Superior Court of NJ, Essex County Vicinage
470 Martin Luther King Jr. Blvd., 2nd Fl.
Newark, NJ 07102

Re: Winter & Schwartz v. Sanofi Aventis U.S., LLC et al
Docket No.: ESX-L-4013-17

Dear Judge Moore:

As you are aware, this office represents Plaintiffs Robyn Winter and Wendy Schwartz in the above referenced matter.

With the consent of my adversary, I am hereby requesting a 60-day extension of the January 15, 2019 discovery end date in this matter.

Thank you for your courtesy and cooperation.

Very truly yours,

Eric H. Lubin

EHL:ncr
cc: Mark A. Saloman, Esq., VIA EFILE
cc: Joanna Rich, Esq., VIA EFILE

EXHIBIT B

FILED

MAR - 1 2019

Hon. Thomas M. Moore, Civ., P.J.

LOMURRO, MUNSON, COMER, BROWN & SCHOTTLAND, LLC
 Eric H. Lubin, Esq. ID #: 012442007
 Monmouth Executive Center
 4 Paragon Way, Suite 100
 Freehold, New Jersey 07728
 Telephone: (732) 414-0300
 Fax: (732) 431-4043
 Attorneys for Plaintiffs Robyn P. Winter and Wendy Schwartz

ROBYN P. WINTER and WENDY
 SCHWARTZ,

Plaintiffs,

v.

SANOFI AVENTIS U.S., LLC,
 JOHN DOES 1-10 and RICHARD
 ROE ENTITIES 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
 ESSEX COUNTY
 LAW DIVISION

Docket No.: ESX-L-4013-17

CIVIL ACTION

ORDER

This matter, having been brought before the Court by Eric H. Lubin, Esq., attorney for Plaintiffs Robyn P. Winter and Wendy Schwartz, upon due notice to and with the consent of Mark Saloman, Esq., attorney for Sanofi Aventis U.S., LLC, defendants in this matter; the Court having heard the arguments of counsel, reviewed the papers and heard argument thereon, if granted; and good cause having been shown:

It is on this 1 day of March, 2019, ORDERED and ADJUDGED as follows:

1. Plaintiffs' motion to extend the discovery end date be and hereby GRANTED;
2. The new discovery end date in this matter shall be August 4, 2019;

3. The parties shall complete all fact and party depositions within sixty (60) days of the date of this Order;

4. The plaintiffs shall produce any expert reports within forty-five (45) business days of the date of this Order;

5. Defendants shall produce any rebuttal expert reports within forty-five (45) business days of plaintiffs' service of its expert reports;

6. The parties shall complete all expert depositions by the discovery end date;

7. A copy of this Order shall be served upon all counsel within (7) days hereof.



Hon. Thomas M. Moore, Civil, P.J.

() OPPOSED

() UNOPPOSED

EXHIBIT E

From: Mark A. Saloman [mailto:Msaloman@fordharrison.com]
Sent: Monday, October 21, 2019 10:49 AM
To: Eric Lubin <ELubin@lomurrofirm.com>
Subject: RE: Winter/Schwartz v. Sanofi [IWOV-WSACTIVELLP.FID1776264]

It did, Eric, though I'm holding **Nov. 14, 15, and 19** for the depositions. I assume those dates are still good for you.

One complication, though: I learned on Friday that Hannah Duffy is out on an indefinite medical leave because she requires back surgery. As of today, she has no return to work date. Obviously, you have our consent for another joint motion to extend.

Assuming the four remaining witnesses are free on the above dates, please let me know if you have a preference for two dates to go forward. Thanks.



Mark A. Saloman - Attorney at Law 

FordHarrison LLP - Ius Laboris USA | Global HR Lawyers 

300 Connell Drive, Suite 4100 | Berkeley Heights, NJ 07922
Msaloman@fordharrison.com | P: 973-646-7305 | C: 973-342-0106

LTC4 Certified Legal Professional | *FHPromise*

EXHIBIT F

FILED
NOV - 8 2019
Hon. Thomas M. Moore, Civ., P.J.

LOMURRO, MUNSON, COMER, BROWN & SCHOTTLAND, LLC
Eric H. Lubin, Esq. ID #: 012442007
Monmouth Executive Center
4 Paragon Way, Suite 100
Freehold, New Jersey 07728
Telephone: (732) 414-0300
Fax: (732) 431-4043
Attorneys for Plaintiffs, Robyn P. Winter and Wendy Schwartz

ROBYN P. WINTER and WENDY
SCHWARTZ,

Plaintiffs,

v.

SANOFI AVENTIS U.S., LLC,
JOHN DOES 1-10 and RICHARD
ROE ENTITIES 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY

Docket No.: ESX-L-4013-17

CIVIL ACTION

ORDER

This matter, having been brought before the Court by Eric H. Lubin, Esq., attorney for Plaintiffs, Robyn P. Winter and Wendy Schwartz, upon due notice to and with the consent of Mark Saloman, Esq., attorney for Sanofi Aventis U.S., LLC, defendants in this matter; the Court having heard the arguments of counsel, reviewed the papers and heard argument thereon, if granted; and good cause having been shown:

It is on this 8th day of November, 2019, ORDERED and ADJUDGED as follows:

1. Plaintiffs' motion to extend the discovery end date be and hereby **GRANTED**;
2. The new discovery end date in this matter shall be February 7, 2020;

3. The plaintiffs shall complete the depositions of defendants by November 30, 2019;

4. The plaintiffs shall produce any expert reports within thirty (30) days of the date of this Order;

5. Defendants shall produce any rebuttal expert reports within thirty (30) days of plaintiffs' service of its expert reports;

6. The parties shall complete all expert depositions by the discovery end date;

7. A copy of this Order shall be served upon all counsel within (7) days hereof.



Hon. Thomas J. McInerney, Chf. P.J.

() OPPOSED

(X) UNOPPOSED

LOMURRO, MUNSON, COMER, BROWN & SCHOTTLAND, LLC

Eric H. Lubin, Esq. ID #: 012442007

Monmouth Executive Center
4 Paragon Way, Suite 100
Freehold, New Jersey 07728
Telephone: (732) 414-0300
Fax: (732) 431-4043

Attorneys for Plaintiffs, Robyn P. Winter and Wendy Schwartz

ROBYN P. WINTER and WENDY
SCHWARTZ,

Plaintiffs,

v.

SANOFI AVENTIS U.S., LLC,
JOHN DOES 1-10 and RICHARD
ROE ENTITIES 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY

Docket No.: ESX-L-4013-17

CIVIL ACTION

ORDER

This matter, having been brought before the Court by Eric H. Lubin, Esq., attorney for Plaintiffs, Robyn P. Winter and Wendy Schwartz, upon due notice to and with the consent of Mark Saloman, Esq., attorney for Sanofi Aventis U.S., LLC, defendants in this matter; the Court having heard the arguments of counsel, reviewed the papers and heard argument thereon, if granted; and good cause having been shown:

It is on this _____ day of _____, 2019, ORDERED and ADJUDGED as follows:

1. Plaintiffs' motion to extend the discovery end date be and hereby **GRANTED**;

2. The new discovery end date in this matter shall be February 7, 2020;

3. The plaintiffs shall complete the depositions of defendants by November 30, 2019;

4. The plaintiffs shall produce any expert reports within thirty (30) days of the date of this Order;

5. Defendants shall produce any rebuttal expert reports within thirty (30) days of plaintiffs' service of its expert reports;

6. The parties shall complete all expert depositions by the discovery end date;

7. A copy of this Order shall be served upon all counsel within (7) days hereof.

() OPPOSED

() UNOPPOSED

LOMURRO, MUNSON, COMER, BROWN & SCHOTTLAND, LLC

Eric H. Lubin, Esq. ID #: 012442007

Monmouth Executive Center
4 Paragon Way, Suite 100
Freehold, New Jersey 07728
Telephone: (732) 414-0300
Fax: (732) 431-4043

Attorneys for Plaintiffs, Robyn P. Winter and Wendy Schwartz

ROBYN P. WINTER and WENDY
SCHWARTZ,

Plaintiffs,

v.

SANOFI AVENTIS U.S., LLC,
JOHN DOES 1-10 and RICHARD
ROE ENTITIES 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY

Docket No.: ESX-L-4013-17

CIVIL ACTION

ORDER

This matter, having been brought before the Court by Eric H. Lubin, Esq., attorney for Plaintiffs, Robyn P. Winter and Wendy Schwartz, upon due notice to and with the consent of Mark Saloman, Esq., attorney for Sanofi Aventis U.S., LLC, defendants in this matter; the Court having heard the arguments of counsel, reviewed the papers and heard argument thereon, if granted; and good cause having been shown:

It is on this _____ day of _____, 2019, ORDERED and ADJUDGED as follows:

1. Plaintiffs' motion to extend the discovery end date be and hereby **GRANTED**;

2. The new discovery end date in this matter shall be February 7, 2020;

3. The plaintiffs shall complete the depositions of defendants by November 30, 2019;

4. The plaintiffs shall produce any expert reports within thirty (30) days of the date of this Order;

5. Defendants shall produce any rebuttal expert reports within thirty (30) days of plaintiffs' service of its expert reports;

6. The parties shall complete all expert depositions by the discovery end date;

7. A copy of this Order shall be served upon all counsel within (7) days hereof.

() OPPOSED

() UNOPPOSED

LOMURRO, MUNSON, COMER, BROWN & SCHOTTLAND, LLC

Eric H. Lubin, Esq. ID #: 012442007

Monmouth Executive Center

4 Paragon Way, Suite 100

Freehold, New Jersey 07728

Telephone: (732) 414-0300

Fax: (732) 431-4043

Attorneys for Plaintiffs, Robyn P. Winter and Wendy Schwartz

ROBYN P. WINTER and WENDY
SCHWARTZ,

Plaintiffs,

v.

SANOFI AVENTIS U.S., LLC,
JOHN DOES 1-10 and RICHARD
ROE ENTITIES 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY

Docket No.: ESX-L-4013-17

CIVIL ACTION

**CERTIFICATION OF
ERIC H. LUBIN, ESQ.**

I, Eric H. Lubin, Esq., of full age, hereby certifies as follows:

1. I am a Partner with the law firm of Lomurro, Munson, Comer, Brown & Schottland, LLC, attorneys for Defendants/Third-Party Plaintiffs.

2. I have been entrusted with the handling of the above matter, and I am fully familiar with the facts of this case as set forth below.

3. The purpose of this motion is to extend the discovery end date.

4. I have the consent of my adversary.

5. There have only been two (3) prior extensions of discovery. One was obtained via the automatic sixty (60) day

extension by consent (**EXHIBIT A**). Two extensions were obtained via Motion (**EXHIBITS B & C**).

6. This motion is being made before the expiration of the discovery end date, and therefore, is subject to the good cause standard.

7. There is no trial date nor arbitration date.

8. Good cause exists in this case to extend the discovery end date.

9. The parties have been diligent in their discovery thus far. Written discovery has already been completed, including multiple rounds of supplemental discovery propounded and answered since the last discovery extension.

10. However, significant delays occurred by the extended period of time it took for some of the medical providers to produce plaintiffs' records.

11. Both plaintiffs have been deposed over multiple days and witness statements from out-of-state third parties have been obtained.

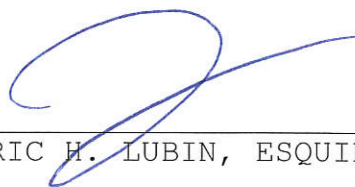
12. Due to Defense counsel's trial schedule, the Depositions of Defendants were delayed. However, Defendants' depositions are scheduled to occur on November 14 and 19, 2019. Another Defense witness just went out on indefinite medical leave, but the extension sought herein should be sufficient to accommodate her

schedule.

13. Plaintiff has retained an economic expert, Royal Bunin, MBA from Bunin Associates. However, Mr. Bunin has also been recovering from a surgery over the past several weeks, which has also caused a slight delay in producing his report. Mr. Bunin is back in the office and Plaintiffs expect his report shortly.

14. Respectfully, the parties have been diligent in completing their discovery obligations, and it is respectfully requested that this final discovery motion be granted so the parties can complete these last few tasks. Again, all parties consent, this motion is returnable prior to the discovery end date and no trial or arbitration date has been set.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



ERIC H. LUBIN, ESQUIRE

Date: 10/22/19

EXHIBIT A

LOMURRO, MUNSON, COMER, BROWN & SCHOTTLAND, LLC

ATTORNEYS AT LAW
MONMOUTH EXECUTIVE CENTER
4 PARAGON WAY
SUITE 100
FREEHOLD, NEW JERSEY 07728
(732) 414-0300
FAX (732) 431-4043

Website:
WWW.LOMURROLAW.COM

Eric H. Lubin, Esq.
Attorney Id. #012742007
Direct Dial - (732) 414-0311

elubin@lomurrofirm.com
Reply to Freehold
Dept. Fax - (732) 431-4043

December 5, 2018

VIA EFILE ONLY

Honorable Thomas M. Moore, P.J. Cv.
Superior Court of NJ, Essex County Vicinage
470 Martin Luther King Jr. Blvd., 2nd Fl.
Newark, NJ 07102

Re: Winter & Schwartz v. Sanofi Aventis U.S., LLC et al
Docket No.: ESX-L-4013-17

Dear Judge Moore:

As you are aware, this office represents Plaintiffs Robyn Winter and Wendy Schwartz in the above referenced matter.

With the consent of my adversary, I am hereby requesting a 60-day extension of the January 15, 2019 discovery end date in this matter.

Thank you for your courtesy and cooperation.

Very truly yours,


Eric H. Lubin

EHL:ncr

cc: Mark A. Saloman, Esq., VIA EFILE

cc: Joanna Rich, Esq., VIA EFILE

EXHIBIT B

FILED
MAR - 1 2019
Hon. Thomas M. Moore, Civ., P.J.

LOMURRO, MUNSON, COMER, BROWN & SCHOTTLAND LLC
Eric H. Lubin, Esq. ID #: 012442007
Monmouth Executive Center
4 Paragon Way, Suite 100
Freehold, New Jersey 07728
Telephone: (732) 414-0300
Fax: (732) 431-4043
Attorneys for Plaintiffs Robyn P. Winter and Wendy Schwartz

ROBYN P. WINTER and WENDY SCHWARTZ,

Plaintiffs,

v.

SANOFI AVENTIS U.S., LLC,
JOHN DOES 1-10 and RICHARD
ROE ENTITIES 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
ESSEX COUNTY
LAW DIVISION

Docket No.: ESX-L-4013-17

CIVIL ACTION

ORDER

This matter, having been brought before the Court by Eric H. Lubin, Esq., attorney for Plaintiffs Robyn P. Winter and Wendy Schwartz, upon due notice to and with the consent of Mark Saloman, Esq., attorney for Sanofi Aventis U.S., LLC, defendants in this matter; the Court having heard the arguments of counsel, reviewed the papers and heard argument thereon, if granted; and good cause having been shown:

It is on this 1 day of March, 2019, ORDERED and ADJUDGED as follows:

1. Plaintiffs' motion to extend the discovery end date be and hereby **GRANTED**;

2. The new discovery end date in this matter shall be August 4, 2019;

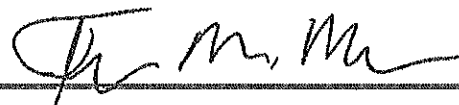
3. The parties shall complete all fact and party depositions within sixty (60) days of the date of this Order;

4. The plaintiffs shall produce any expert reports within forty-five (45) business days of the date of this Order;

5. Defendants shall produce any rebuttal expert reports within forty-five (45) business days of plaintiffs' service of its expert reports;

6. The parties shall complete all expert depositions by the discovery end date;

7. A copy of this Order shall be served upon all counsel within (7) days hereof.



Hon. Thomas M. Moore, Civil, P.J.

() OPPOSED

() UNOPPOSED

EXHIBIT C

FILED

AUG - 2 2019

Hon. Thomas M. Moore, Clv., P.J.

LOMURRO, MUNSON, COMER, BROWN & SCHOTTLAND, LLC

Eric H. Lubin, Esq. ID #: 012442007

Monmouth Executive Center

4 Paragon Way, Suite 100

Freehold, New Jersey 07728

Telephone: (732) 414-0300

Fax: (732) 431-4043

Attorneys for Plaintiffs, Robyn P. Winter and Wendy Schwartz

ROBYN P. WINTER and WENDY
SCHWARTZ,

Plaintiffs,

v.

SANOFI AVENTIS U.S., LLC,
JOHN DOES 1-10 and RICHARD
ROE ENTITIES 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY

Docket No.: ESX-L-4013-17

CIVIL ACTION

ORDER

This matter, having been brought before the Court by Eric H. Lubin, Esq., attorney for Plaintiffs, Robyn P. Winter and Wendy Schwartz, upon due notice to and with the consent of Mark Saloman, Esq., attorney for Sanofi Aventis U.S., LLC, defendants in this matter; the Court having heard the arguments of counsel, reviewed the papers and heard argument thereon, if granted; and good cause having been shown:

It is on this 2 day of August, 2019, ORDERED and ADJUDGED as follows:

1. Plaintiffs' motion to extend the discovery end date be and hereby GRANTED;

2. The new discovery end date in this matter shall be November 9, 2019;

3. The plaintiffs shall complete the depositions of defendants by September 15, 2019;

4. The plaintiffs shall produce any expert reports within forty-five (45) business days of the date of this Order;

5. Defendants shall produce any rebuttal expert reports within forty-five (45) business days of plaintiffs' service of its expert reports;

6. The parties shall complete all expert depositions by the discovery end date;

7. A copy of this Order shall be served upon all counsel within (7) days hereof.



Hon. Thomas M. Moore, Civil, P.J.

() OPPOSED


() UNOPPOSED

CERTIFICATION

I certify that the Notice of Motion to Extend the Discovery End Date, Certification of Eric H. Lubin, Esq. with Exhibits A-C, proposed Order, and Certification of Electronic Service, have been e-filed and a courtesy copy forwarded via Regular Mail to the Honorable Thomas M. Moore, P.J. Cv., Essex County Superior Court, Historic Courthouse, 470 Martin Luther King Jr. Blvd., 2nd Floor, Newark, New Jersey 07102, and true copies of same have been served upon the following parties:

Mark A. Saloman, Esq.
FORD HARRISON LLP
300 Connell Drive, Suite 4100
Berkeley Heights, NJ 07922

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



CATHERINE BLANCO, LEGAL ASSISTANT

Dated: October 22, 2019

EXHIBIT G

Matt Gallo

From: Eric Lubin <ELubin@lomurrofirm.com>
Sent: Wednesday, November 13, 2019 6:54 AM
To: Mark A. Saloman
Cc: Cathy Blanco
Subject: Deposition of Reyes and Chauhan

Mark, one of my kids is very sick again, it's been a chronic issue we are dealing with. I need to move tomorrow's deposition because I know she'll not be able to go to school tomorrow.

Next weeks depositions are fine, but can we move tomorrow's depositions to anytime during the first two weeks of December? Or, we can move them to whenever Ms. Duffy is available. I'm sorry again. Thank you

Sent from my iPhone

EXHIBIT H

From: Mark A. Saloman
Sent: Friday, January 17, 2020 2:29 PM
To: 'Eric Lubin' <ELubin@lomurrofirm.com>
Cc: Joanna Rich <jrich@fordharrison.com>
Subject: Winter


Eric, after consulting with Joanna, I learned she also is out of pocket most of next week and unavailable to file the motion to extend. I should have talked with her first before calling you today. As I stated, we will not oppose if you file one. And I will reach out to Gamino's lawyer to see if we can agree on dates for his dep before I serve a subpoena.

Again, sorry for the confusion.

-M



Mark A. Saloman - Attorney at Law 

FordHarrison LLP - Ius Laboris USA | Global HR Lawyers 
300 Connell Drive, Suite 4100 | Berkeley Heights, NJ 07922
Msaloman@fordharrison.com | P: 973-646-7305 | C: 973-342-0106

LTC4 Certified Legal Professional | *FHPromise*

EXHIBIT I


Matt Gallo

From: Mark A. Saloman <Msaloman@fordharrison.com>
Sent: Thursday, February 13, 2020 12:44 PM
To: Eric Lubin
Subject: RE: Winter/Schartz v. Duffy [IWOV-WSACTIVELLP.FID1776264]

She remains on a medical leave, Eric.



Mark A. Saloman - Attorney at Law 

FordHarrison LLP - Ius Laboris USA | Global HR Lawyers 
300 Connell Drive, Suite 4100 | Berkeley Heights, NJ 07922
Msaloman@fordharrison.com | P: 973-646-7305 | C: 973-342-0106

LTC4 Certified Legal Professional | *FHPromise*

From: Eric Lubin [mailto:ELubin@lomurrolaw.com]
Sent: Thursday, February 13, 2020 8:24 AM
To: Mark A. Saloman <Msaloman@fordharrison.com>
Subject: Winter/Schartz v. Duffy

Mark, any update from Hanna Duffy? Is she still unavailable to be deposed?

ERIC H. LUBIN
Attorney at Law

Monmouth Executive Center
4 Paragon Way, Suite 100
Freehold, NJ, 07728
 Elubin@lomurrolaw.com
 Main: [732-414-0300](tel:732-414-0300)
 Direct: [732-414-0311](tel:732-414-0311)
 Fax: [732-431-4043](tel:732-431-4043)
W www.lomurrolaw.com

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EXHIBIT J

Duffy, Hannah /US

Subject: HMU Review
Location: Kelly's office

Start: Wed 3/22/2017 3:00 PM
End: Wed 3/22/2017 3:45 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Duffy, Hannah /US
Required Attendees: Biller, Corey /US; Byrne, Kelly /US

We will be reviewing two HMUs during this meeting. Summaries below:

1. Gabriel Orpaz

- DCV PC Sales Professional who has been with the company for 4.5 years. New ABL, Sid Chauhan, discovered inconsistent call activity when doing a routine review of call activity for the team. Gabriel lives in NYC but calls on physicians in Jersey City, therefore, we have access to his toll information, which you will see referenced in the HMU. Please see the background information the ABL included in the beginning of the document.
- For the most part, Gabriel gives the response that he is entering calls with the wrong call time. Additionally, he admits to leaving territory early on multiple occasions.
- Question 20 is the only one I think may substantiate call falsification. Gabriel says "even if I said hello, I put the call in on him. If I did not see the guy, I entered the call even if it was not a proper call...probably, I did see him through the window."
- Other than question 20, I don't think the other questions substantiate call falsification, as he mostly gives the response of entering calls incorrectly. At the very least, he's leaving territory early which needs to be addressed.



Gabriel Orpaz
 HMU w Reponse...

2. Robyn Winter

- DCV PC Sales Professional who has been with the company for almost 12 years. This HMU was done as a follow-up to the HMU we had with Charlie Happel earlier this year. As we discussed at the time, Charlie entered calls on no-see physicians. We wanted to hold on making our decision on his HMU outcome, as we thought perhaps the former ABL gave direction to the team to enter calls on these no-see physicians. Our intent was to have an HMU with two other team members: Robyn Winter and Wendy Schwartz. We were only able to have the HMU with Robyn, as Wendy is out on a LOA.
- Wendy says that her former ABL, Mike Gammino, was aware of access challenges and "he was okay with us providing information to nurses or non-provider and logging these interactions as calls." She admits that she has entered calls on people who were not a provider, like a nurse, as long as they were involved in patient care. She admits that she has entered calls on providers when she wouldn't actually see them (leaving info at front desk, talking to nurse, etc.).
- An important piece of information: prior to the HMU meeting in the hotel lobby, Robyn informed her ABL that she had discussed the upcoming meeting with her former ABL, Mike Gammino (who isn't even employed by Sanofi anymore). She asked Mike what he thought it was about and he said "it might be about no-see physicians in Morristown," so he clearly gave her the heads up. Take that for what it is I suppose.

EXHIBIT K

Mark A. Saloman, Esq. (Bar No. 18831992)
FORD HARRISON LLP
300 Connell Drive, Suite 4100
Berkeley Heights, New Jersey 07922
Tel: (973) 646-7300
Fax: (973) 646-7301
Attorneys for Defendant sanofi-aventis US LLC

ROBYN P. WINTER and WENDY
SCHWARTZ,

Plaintiffs,
v.

SANOFI-AVENTIS U.S., LLC, JOHN
DOES 1-10 and RICHARD ROE
ENTITIES 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY

DOCKET NO. ESX-L-4073-17

CIVIL ACTION

**DEFENDANT'S OBJECTIONS AND
RESPONSES TO PLAINTIFFS' THIRD
DEMAND FOR PRODUCTION OF
DOCUMENTS**

TO: Eric H. Lubin, Esq.
Lomurro, Munson, Comer, Brown & Schottland, LLC
Monmouth Executive Center
4 Paragon Way, Suite 100
Freehold, New Jersey 07728

Defendant sanofi-aventis U.S. LLC ("Defendant"), by and through its counsel, FordHarrison LLP, hereby provides its Objections and Responses to Plaintiffs' Third Demand for Production of Documents to Defendant ("Requests"). Defendant reserves the right to supplement these responses if it obtains further information between the time these responses are served and the time of trial.

Dated: June 13, 2019

FORDHARRISON LLP

By: /s/ Joanna S. Rich
Joanna S. Rich, Esq.

GENERAL OBJECTIONS AND RESERVATION OF RIGHTS

The following General Objections apply to and are expressly made part of Defendant's specific responses to each Request set forth below. Defendant's specific objections to each Request are in addition to the General Objections and Reservation of Rights set forth in this section, which are set forth here to avoid the duplication and repetition of restating them for each response. The absence of a reference to a specific General Objection should not be construed as a waiver of any General Objection with respect to each Request.

1. Defendant objects to the Requests to the extent they purport to require disclosure of documents and information beyond the scope mandated by the New Jersey Court Rules.

2. Defendant objects to the Requests to the extent they request information or documents prepared in anticipation of litigation and/or which are confidential and/or protected from discovery by the attorney-client privilege and/or work product doctrine, and/or are otherwise privileged or protected from disclosure.

3. Defendant objects to the Requests to the extent it cannot determine whether the Requests seek information or documents prepared in anticipation of litigation and/or which are protected from discovery by the attorney-client privilege and/or work product doctrine, and/or are otherwise privileged or protected from disclosure.

4. Defendant objects to the Requests to the extent they are overly broad, vague, and/or ambiguous.

5. Defendant objects to the Requests to the extent they seek production of documents and information not relevant to the subject matter of this litigation and not reasonably calculated to lead to the discovery of admissible evidence, that cannot be produced without undue burden to Defendant, and/or that require an unreasonable investigation on the part of Defendant in order to be produced.

6. Defendant objects to the Requests to the extent they seek production of documents and information already in the possession of, publicly available to, or readily obtainable by Plaintiff or her counsel, on the ground that with respect to such production, the Requests are thereby rendered unduly burdensome.

7. Defendant objects to the Requests to the extent they seek documents and/or information outside of the relevant time period at issue in this litigation.

8. Defendant objects to the Requests to the extent they seek information pertaining to issues not presented in Plaintiffs' Complaint.

9. Defendant objects to the Requests to the extent they seek information and/or documents from Defendant's operations at locations other than Plaintiffs' location of employment. As such, Defendant's responses herein are limited to its operations at the location of Plaintiffs' employment.

10. Defendant objects to the Requests to the extent they call for production of confidential, personal or business information, including sensitive commercial or proprietary information or information protected from disclosure by law, court order, or any agreement with respect to confidentiality or nondisclosure.

11. Defendant's statement that it will produce "responsive" documents refers to documents, if any, that can be located after a reasonable search, and with respect to ESI a reasonable and diligent search of electronic data to be performed following an agreement between the parties as to protocol to include custodians, date ranges and applicable key words/phrases, that are non-privileged and relevant to the claims, subject matters and the time period at issue in this action.

12. Defendant expressly reserves the right to supplement, clarify, revise, or correct any and all of the Responses and/or Objections made herein at any time.

13. By making any response to the Requests, Defendant does not waive, and hereby expressly reserves the right to assert any and all objections, including but not limited to competency, relevance, materiality, and privilege, as to the admissibility of such responses into evidence at the time of trial of this action, or in any other proceeding, and/or to the use of any information and/or documents which may hereinafter be produced in response to the Requests, for any purpose, in whole or in part, in any subsequent step or proceeding in this action or in any other action.

14. Defendant provides the Responses herein without in any manner express or implied admitting that the items in the Requests or in any Response thereto is relevant or material to the subject matter of this action.

15. Defendant has not fully completed discovery or preparation for trial in this action, and the Responses provided herein and any documents produced are based only upon information presently available to the Defendant and are given in a good faith effort to comply with the Requests.

16. Each of Defendant's Responses to the Requests is made subject to any and all Objections as to competence, relevance, materiality, privilege, and/or other grounds that would require exclusion of such statement if made by a witness present and testifying in court.

17. Defendant does not waive, and hereby expressly reserves the right to object, on any and all grounds at any time, to other document requests or other discovery procedures involving or relating to the subject matter of the Requests herein answered.

OBJECTIONS AND RESPONSES TO PLAINTIFFS'
THIRD DEMAND FOR PRODUCTION OF DOCUMENTS

1. Pursuant to defendants offer to conduct a search of terms in emails that were sent or received by plaintiffs while employed by defendants, please conduct a search of the following terms (including all variations listed): ridealong; ride-along; ride along; fieldreport; field report; field-report; field ride report; field-ride-report; noseelist; no see list; no-see-list; salescalls; sales calls; sales-calls.

Objection and Response to Third Request No. 1:

Defendant objects to this Request on the grounds that it is overly broad, burdensome, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Request to the extent it seeks disclosure of confidential business information. Defendant objects to this Request to the extent it is not reasonably limited in time. Defendant objects to this Request to the extent the search terms are vague, overbroad, or return false positives. Subject to these objections and without waiving any objections, Defendant has conducted a good faith search and refers Plaintiffs to the documents provided herewith and identified as DEF002016-2146.

2. Copies of any and all documents relating to bonuses and/or awards received by the plaintiffs while employed by defendants.

Objection and Response to Third Request No. 2:

Defendant objects to this Request on the grounds that it is overly broad, burdensome, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Request to the extent it is not reasonably limited in time. Subject to these objections and without waiving any objections, Defendant refers Plaintiffs to the documents previously provided, including but not limited to those identified as DEF1131-1210.

3. Copies of any and all no-see lists, and all emails and documents relating thereto, for any doctors or medical practices that were within either plaintiffs' sales territory as testified to by Plaintiff Schwartz during her deposition.

Objection and Response to Third Request No. 3:

Defendant objects to this Request on the grounds that it is overly broad, burdensome, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Request to the extent it is not reasonably limited in time and/or geographic scope. Subject to these objections and without waiving any objections, Defendant refers Plaintiffs to the documents previously provided and identified as DEF178-186 and DEF400-405.

4. Any and all documents, including emails, memos, texts messages and training manuals, relating to any ride-alongs performed by plaintiffs and a supervisor.

Objection and Response to Third Request No. 4:

Defendant objects to this Request on the grounds that it is vague, overly broad, burdensome, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Request to the extent it is not reasonably limited in time. Subject to these objections, Defendant refers Plaintiffs to the documents provided herewith and identified as DEF2161-2166.

5. Copies of any and all notes, drafts, emails, correspondence or any other document relating to any preparation for or discussing the results of the Help Me Understand meetings of both plaintiffs.

Objection and Response to Third Request No. 5:

Defendant objects to this Request on the grounds that it is vague, overly broad, burdensome, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Request to the extent it seeks documents protected by the attorney-client, work product, and/or litigation privileges. Subject to these objections and

without waiving any objections, Defendant refers Plaintiffs to the documents previously provided and identified as DEF178-186, DEF400-405, DEF663, DEF665-666, and DEF1404.

6. Copies of all documents relating to sample audits performed on any pod or sales team plaintiffs were a part of in the last two years of their employment, including documents relating to members of plaintiffs' sales teams besides plaintiff, including, but not limited to, Charlie Happel.

Objection and Response to Third Request No. 5:

Defendant objects to this Request on the grounds that it is overly broad, burdensome, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Request to the extent it seeks disclosure of confidential business information. Defendant objects to this Request to the extent it seeks confidential personal information of non-parties. Defendant objects to this Request to the extent it is not reasonably limited in scope. Subject to these objections and without waiving any objections, Defendant states it has no responsive documents as to Charlie Happel.

7. Any and all documents relating to any severance agreement offered to or accepted by Mike Gamino, including a copy of the executed Severance Agreement, payment, and any correspondence related thereto.

Objection and Response to Third Request No. 6:

Defendant objects to this Request on the grounds that it is overly broad, burdensome, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Request to the extent it seeks confidential personal information of a non-party.

CERTIFICATION

I, Hannah Duffy, certify that I am an HR Business Partner for sanofi-aventis US LLC, and am authorized to execute this Certification. I have reviewed the foregoing Defendant's Objections and Responses to Plaintiffs' Third Demand for Production of Documents. I am informed and believe that a good faith search for responsive documents was conducted.

I acknowledge my continuing obligation to make a good faith effort to identify additional documents that are responsive to the request and to promptly serve a supplemental written response and production of such documents, as appropriate, as I become aware of them.

Dated: June 11, 2019



HANNAH DUFFY

CERTIFICATE OF SERVICE

I certify on the date set forth below that I sent Defendant's Objections and Responses to Plaintiffs' Third Request for the Production of Documents to Plaintiff via e-mail at the following address:

Eric H. Lubin, Esq.
Lomurro, Munson, Comer, Brown & Schottland, LLC
Monmouth Executive Center
4 Paragon Way, Suite 100
Freehold, New Jersey 07728
Email: elubin@lomurrofirm.com

Dated: June 13, 2019

By: /s/ Joanna S. Rich
JOANNA S. RICH

WSACTIVE LLP:10556721.1

EXHIBIT L

Mark A. Saloman, Esq. (Bar No. 18831992)
Joanna S. Rich, Esq. (Bar No. 29152008)
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300 Connell Drive, Suite 4100
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Tel: (973) 646-7300
Fax: (973) 646-7301
Attorneys for Defendant sanofi-aventis US LLC

ROBYN P. WINTER and WENDY
SCHWARTZ,

Plaintiffs,
v.

SANOFI-AVENTIS U.S., LLC, JOHN
DOES 1-10 and RICHARD ROE
ENTITIES 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY

DOCKET NO. ESX-L-4013-17

**DEFENDANT'S OBJECTIONS AND
ANSWERS TO PLAINTIFF WENDY
SCHWARTZ'S INTERROGATORIES**

TO: Eric H. Lubin, Esq.
Lomurro, Munson, Comer, Brown & Schottland, LLC
Monmouth Executive Center
4 Paragon Way, Suite 100
Freehold, New Jersey 07728

Defendant sanofi-aventis US LLC (improperly pled as "Sanofi-Aventis U.S., LLC") ("Defendant"), by and through its counsel, FordHarrison LLP, hereby provides its Objections and Answers to Plaintiff Wendy Schwartz's Interrogatories ("Interrogatories"). Defendant reserves the right to supplement these responses if it obtains further information between the time these responses are served and the time of trial.

Dated: April 3, 2018

FORDHARRISON LLP

By: /s/ Mark A. Saloman
Mark A. Saloman, Esq.

GENERAL OBJECTIONS AND RESERVATION OF RIGHTS

The following General Objections apply to and are expressly made part of Defendant's specific responses to each Interrogatory. Defendant's specific objections to each Interrogatory are in addition to the General Objections and Reservation of Rights set forth in this section, which are set forth here to avoid the duplication and repetition of restating them for each response. The absence of a reference to a specific General Objection should not be construed as a waiver of any General Objection with respect to each Interrogatory.

1. Defendant hereby reserves all objections to the relevance, form, and admissibility of any response to Plaintiff's Interrogatories until the time of trial. The responses contained herein should not be construed as a waiver of any right to object.

2. Defendant objects to the Interrogatories to the extent they seek information and/or production of documents beyond the scope permitted under the New Jersey Court Rules.

3. Defendant objects to the Interrogatories to the extent that they call for disclosure and/or production of documents or information protected by the attorney-client privilege, work-product doctrine, joint-defense privilege, common defense privilege, or other privilege, or otherwise immune from discovery. Production of any such information and/or documents will not constitute waiver of any privilege with respect to the subject matter thereof or the information contained therein, and will not waive the right of Defendant to object to the use of any such information and/or document (or the information contained therein) during any subsequent proceeding.

4. Defendant objects to the Interrogatories to the extent they call for disclosure of (i) confidential business information and/or (ii) personal information about individuals who are not parties to this action, including present or former employees. Defendant will produce such

information and/or documents, if they are in Defendant's possession or control, only to the extent specified in this response, subject to the parties' execution of a Confidentiality Agreement.

5. Defendant objects to the Interrogatories to the extent they seek the production of documents and information not relevant to the subject matter of this litigation and not reasonably calculated to lead to the discovery of admissible evidence, cannot be produced without undue burden to Defendant, and/or require an unreasonable investigation on the part of Defendant in order to be produced.

6. Defendant objects to the Interrogatories to the extent they seek information and/or documents in the possession, custody or control of individuals, corporations, or entities other than Defendant, including, but not limited to, Plaintiff or her counsel.

7. Defendant objects to the Interrogatories to the extent they are overly broad and/or unduly burdensome.

8. Defendant objects to the Interrogatories to the extent they are vague or ambiguous so that Defendant cannot understand the information being sought and therefore is unable to formulate a responsive answer.

9. Defendant objects to the Interrogatories to the extent they seek the disclosure of information outside the time period relevant to the present litigation.

10. Defendant objects to the Interrogatories to the extent they seek information already known or available to Plaintiff or that is readily obtained by Plaintiff or her counsel without subjecting Defendant to unreasonable burden and expense.

11. Defendant objects to the Interrogatories to the extent they: (a) assume facts not established; (b) constitute, imply, form, require or call for a legal conclusion; or (c) incorporate a characterization based upon a legal conclusion.

12. Defendant objects to the Interrogatories to the extent they seek the disclosure of information or documents that concern individuals or entities other than Defendant who are not parties to this action, disclosure of which would violate the privacy or proprietary interests of such individuals or entities.

13. Defendant objects to the Interrogatories to the extent they seek information and/or documents concerning Defendant's expert witnesses(es) as such requests are premature. At the appropriate time, and in accordance with the New Jersey Court Rules and/or applicable Scheduling Order(s), Defendant will provide relevant, responsive, non-privileged information about such expert witness(es) as Defendant may determine to call at trial.

14. Defendant objects to the Interrogatories to the extent they seek information and/or documents from Defendant's operations at locations other than Plaintiff's location of employment. As such, Defendant's responses herein are limited to Defendant's operations at the location of Plaintiff's employment.

15. Defendant expressly reserves the right to supplement, clarify, revise or correct any or all of the responses herein at any time. By making any response to the Interrogatories, Defendant does not waive, and hereby expressly reserves the right to assert any and all objections as to the admissibility of such responses into evidence at the time of trial of this action, or in any other proceeding, on any and all grounds, including but not limited to, competency, relevance, materiality and privilege. Further, Defendant provides these responses without in any manner express or implied admitting the items in the Interrogatories or in any response thereto are relevant or material to the subject matter of this action.

DEFENDANT'S OBJECTIONS AND ANSWERS
TO PLAINTIFF'S INTERROGATORIES

1. State your full name and address.

Answer and Objection to Interrogatory No. 1:

Defendant states that these Interrogatories are being answered by Defendant sanofi-aventis US LLC, located at 55 Corporate Drive, Bridgewater, New Jersey 08807, with assistance of counsel.

2. Were any admissions made by or on behalf of Plaintiff? If so, identify any writings relating or referring in any way to such admissions. If such admissions were oral, set forth the substance of each admission, the person to whom the admission was made, the date and place of the admission. If written, attach the documents containing the admissions.

Answer and Objection to Interrogatory No. 2:

Defendant objects to this Interrogatory as vague, ambiguous, overly broad, not reasonably limited in time or geographic scope, and thus rendered unduly burdensome. Defendant objects to this Interrogatory to the extent it seeks a legal conclusion and/or intrudes upon the work product privilege. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

3. If you have knowledge of any conversations, statements or admissions of any parties to this suit or any other person as to the manner of the happening of the occurrence or incidents complained of, or as to the injuries or damages claimed, set forth:

- (a) The name and address of each party who made the admission or gave the statement, etc.;
- (b) The exact substance thereof;
- (c) When they were made or taken;
- (d) To whom they were made;
- (e) The names and addresses of the persons present when made or taken; and
- (f) Whether such statements were written, and if so, attach copies to these answers to interrogatories.

Answer and Objection to Interrogatory No. 3:

Defendant objects to this Interrogatory as vague, ambiguous, confusing, overly broad, not reasonably limited in time or geographic scope, and thus rendered unduly burdensome. Defendant

objects to this Interrogatory to the extent it seeks a legal conclusion and/or intrudes upon the attorney-client, work product, and/or litigation privileges. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

4. Attach to these answers to interrogatories all documents upon which you intend to rely at the time of trial. [If said documents have been supplied in response to notice to produce, duplicates need not be supplied. Identification said documents by name and number of demand to which it was produced, will suffice.]

Answer and Objection to Interrogatory No. 4:

Defendant objects to this Interrogatory as premature, as it has not completed discovery or determined which documents it will rely upon at any trial of this matter. Defendant objects to this Interrogatory to the extent it seeks documents and/or information protected from disclosure by the attorney-client, work product, and/or litigation privileges. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff generally to the documents provided.

5. Set forth the names and addresses of all eyewitnesses to every occurrence or incident referred to in the complaint (by numbered paragraph in the Complaint) and their location at the time of the occurrence. If you assert you have no knowledge of the occurrence, and therefore no knowledge of the witnesses, so state as to each such occurrence.

Answer and Objection to Interrogatory No. 5:

Defendant objects to this Interrogatory as vague, ambiguous, confusing, overly broad, not reasonably limited in time or geographic scope, and thus rendered unduly burdensome. Defendant objects to this Interrogatory as vague and confusing to the extent it seeks identification of eyewitnesses to “every occurrence or incident referred to in the complaint” without further description or identification of what is meant by the term. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the individuals identified in the documents provided.

6. Set forth the names and addresses of each and every witness having knowledge of any facts or circumstances regarding:

- (a) The happening of any incident or occurrence set forth in the complaint;
- (b) Any admissions of the parties;
- (c) As to damages claimed with respect to personal injury.

Answer and Objection to Interrogatory No. 6:

Defendant objects to this Interrogatory as vague, ambiguous, overbroad, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Interrogatory as unduly burdensome, as it covers all individuals with knowledge regarding Defendant's employment policies, including without limitation its anti-discrimination, anti-harassment, and anti-retaliation policies, which includes all of Defendant's current and former employees, and Defendant's sales and business policies and practices for sales representatives, the identification of all such individuals is unduly burdensome and oppressive and would not lead to the discovery of relevant and admissible evidence. Defendant objects to this Interrogatory as vague and confusing to the extent it seeks identification of witnesses to "any incident or occurrence set forth in the complaint" without further description or identification of what is meant by the term. Defendant objects to this Interrogatory as overbroad as no personal injuries are at issue in this matter. Defendant objects to this Interrogatory as not reasonably limited in time or geographic scope. Subject to this objection and without waiving any objections, and pursuant to Rule 4:17-4(d), individuals believed to have knowledge or information relevant to Plaintiff's claims are identified in documents provided by Defendant in response to Plaintiff's Requests for Production of Documents.

7. Identify each expert whom you have consulted or retained in the past 7 years with regard to any complaint or charge of discrimination, harassment, hostile work environment, retaliation, and/or whistleblowing asserted against you by any employee.

Answer and Objection to Interrogatory No. 7:

Defendant objects to this Interrogatory as vague, overly broad, not reasonably limited in time or geographic scope, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Interrogatory as premature, as at this time, Defendant has not determined if or from whom it will seek expert testimony at any trial of this matter. Defendant will amend its response to this Interrogatory within the time and manner prescribed by the New Jersey Court Rules and/or any applicable Order(s).

8. As to each person named in answer to the preceding interrogatory, state the subject matter on which each such expert was consulted or retained.

Answer and Objection to Interrogatory No. 8:

See Defendant's Answer and Objection to Interrogatory No. 7.

9. Identify those experts named in answer to interrogatory #7 whom you have consulted or retained as a result of the allegations contained in this Complaint.

Answer and Objection to Interrogatory No. 9:

See Defendant's Answer and Objection to Interrogatory No. 7.

10. Set forth the names and addresses of all proposed expert witnesses who have rendered, or will render an opinion to you with reference to this action and annex true copies of all written reports rendered by said expert witnesses. If no written opinion has yet been obtained, state the substance of the facts and assumptions and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

Answer and Objection to Interrogatory No. 10:

See Defendant's Answer and Objection to Interrogatory No. 7.

11. With regard to the expert witnesses named in interrogatory #7, if an opinion was rendered, state the following:

- (a) When the opinion was rendered;
- (b) Whether it was written or oral;
- (c) Give date or dates when the expert or experts made an inspection of any property, object or thing involved in the incident occurrence; and
- (d) The date or dates when said expert or experts examined Plaintiffs for personal injuries.

Answer and Objection to Interrogatory No. 11:

See Defendant's Answer and Objection to Interrogatory No. 7.

12. With respect to any and all proposed expert witnesses, set forth:
 - (a) The full and detailed qualifications, training, professional and practical experience, education and degree obtained by such person.
 - (b) The dates and years of same, the names and addresses of each institution attended, and the nature of each place at which experience or training was received.
 - (c) Identify all articles, treatises, or writings of any nature authored by each witness.

Answer and Objection to Interrogatory No. 12:

See Defendant's Answer and Objection to Interrogatory No. 7.

13. As to each person named in answer to interrogatory #7 set forth and describe fully:
 - (a) each lawsuit, administrative proceeding, arbitration proceeding, or other judicial or quasi-judicial proceeding in which such person gave testimony, and set forth the names of all parties, court or agency involved, docket number, names and phone numbers of Plaintiffs' and Defendants' counsel, indicate as to each whether information was provided by report, deposition and or trial testimony [whether in person or by deposition] and provide the dates each was given.
 - (b) each such proceeding in which the witness has been employed to assist in the preparation of the prosecution or defense, and set forth the names of all parties, court or agency involved, docket no., names and phone numbers of Plaintiffs' and Defendants' counsel, indicate as to each whether information was provided by report, whether oral or written, and provide the dates each was given.

Answer and Objection to Interrogatory No. 13:

See Defendant's Answer and Objection to Interrogatory No. 7.

14. Identify each person who investigated the subject matter of this litigation, including both before and after the filing of suit, for you or your attorneys or on your or their behalf.

Answer and Objection to Interrogatory No. 14:

Defendant objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, and not reasonably limited in time or geographic scope. Defendant objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client, work product, and/or litigation privileges. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

15. Identify every person who has been interviewed [i.e. questioned or investigated to any extent] by any Defendant or any employee or agent of any Defendant, concerning the subject matter of this litigation, including any event, information, incident or occurrence alleged in the Complaint. As to each interview, state:

- (a) The date, location, length of time and purpose of the interview.
- (b) As to each person interviewed, state for that person:
 - 1. name;
 - 2. addresses;
 - 3. home and work phone numbers;
 - 4. position, title and responsibilities at the time of the interview;
 - 5. position, title and responsibilities at present;
- (c) As to each person present at each interview, state for that person:
 - 1. name;
 - 2. addresses;
 - 3. home and work phone numbers;
 - 4. position, title and responsibilities at the time of the interview;
 - 5. position, title and responsibilities at present.
- (d) Whether the interview was tape recorded or otherwise memorialized. If notes were taken, identify the person[s] who took the notes, whether the notes were handwritten, typed, transcribed, or otherwise recorded. Attach copies of each record and copies of each tape recording.

Answer and Objection to Interrogatory No. 15:

Defendant objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, and not reasonably limited in time or geographic scope. Defendant objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client, work product, and/or litigation privileges. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

16. If any persons whose names appear in these answers to these interrogatories has ever been convicted of a crime, set forth the exact nature of the offense, the date of conviction, the court where convicted, the docket number and the sentence imposed.

Answer and Objection to Interrogatory No. 16:

Defendant objects to this Interrogatory as overly broad, unduly burdensome, not reasonably limited in time or geographic scope, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Interrogatory to the extent it seeks personal and/or confidential information of third parties without a sufficient showing of need.

17. State whether you contend that any declaration against interest with regard to the issues in this lawsuit has been made by any person.

Answer and Objection to Interrogatory No. 17:

Defendant objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or geographic scope, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Interrogatory to the extent it seeks a legal conclusion and/or information protected from disclosure by the attorney-client, work product, and/or litigation privileges. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

18. If the answer to the preceding interrogatory is in the affirmative, set for the substance of each such admission, identify the person making the admission, identify all persons present when the admission was made the place and the time of the admission. If the admission was reduced to writing, annex a copy hereto.

Answer and Objection to Interrogatory No. 18:

Defendant objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or geographic scope, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Interrogatory to the extent it seeks a legal conclusion and/or information protected from disclosure by the attorney-client, work product, and/or litigation privileges. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

19. State the name, address, occupation and place of employment of each person that you or anyone on your behalf has contacted for purposes of obtaining any oral or written statements or opinions regarding this lawsuit.

Answer and Objection to Interrogatory No. 19:

Defendant objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, and not reasonably limited in time or geographic scope. Defendant objects to this Interrogatory as premature, as discovery is ongoing. Defendant objects to this Interrogatory to the extent it seeks a legal conclusion or information protected from disclosure by the attorney-client, work product, and/or litigation privileges. Subject to these objections and without waiving any objections, Defendant has obtained no oral or written statement or opinion regarding this lawsuit.

20. If, in response to any interrogatory, you have refused to disclose any information or the identity of any person, document or oral communication because of a claim of confidentiality or privilege, set forth in detail the facts and circumstances upon which you rely to support such claims.

Answer and Objection to Interrogatory No. 20:

Subject to the General Objections and without waiving any objections, Defendant will provide a privilege log if any relevant and responsive information is withheld on the basis of privilege.

21. Are you aware of the existence of any drawings, maps, pictures, photographs, diagrams or other documentary descriptions concerning the physical premises where Plaintiff worked, that is, the offices of Defendant where Plaintiff was assigned to work. If so, please describe those documents in detail and attach copies hereto.

Answer and Objection to Interrogatory No. 21:

Defendant objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or geographic scope, and not reasonably calculated to lead to the discovery of relevant and admissible evidence.

22. Set forth a complete job history of each Plaintiff, setting forth dates of hire and/or separation, promotion, job title change, job description change, benefits change and/or compensation change. Also include any and all documentation and factual information relating to bonus items or income during employment.

Answer and Objection to Interrogatory No. 22:

Defendant objects to this Interrogatory as unduly burdensome as it seeks information already in the possession of Plaintiff. Subject to and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

23. If Plaintiff is no longer employed by your company:
- (a) set forth when and how the employment relationship ended;
 - (b) identify each person who participated in the decision to end the relationship, setting forth the nature and extent of his/her involvement in the determination and/or execution or enforcement of the decision; and
 - (c) set forth any and all facts or knowledge pertinent to the separation of Plaintiff from answering Defendant's employment.

Answer and Objection to Interrogatory No. 23:

Defendant objects to this Interrogatory as unduly burdensome as it seeks information already in the possession of Plaintiff. Subject to and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

24. If you are aware of any information that you contend was false or misleading in the application materials or application or hiring process for Plaintiff, identify and attach all documents relating to same and supply a complete factual recitation of the information.

Answer and Objection to Interrogatory No. 24:

Defendant objects to this Interrogatory as unduly burdensome as it seeks information already in the possession of Plaintiff. Defendant objects to this Interrogatory as premature, as discovery is ongoing. Defendant expressly reserves the right to supplement its response to this Interrogatory after completion of discovery.

25. If you contend Plaintiff performed his/her job in a less than satisfactory manner, committed an act of misconduct or negligence associated with his/her job, or performed his/her job in a manner necessitating any formal or informal discipline, set forth in complete factual detail all such facts and information relating to that contention, and identify each person who possesses knowledge of each such fact or information.

Answer and Objection to Interrogatory No. 25:

Subject to and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

26. Identify every agent, servant, employee or representative of Defendant who was aware that any individuals, including but not limited to employees who had complained that you acted in discriminatory, unprofessional, improper, retaliatory, and/or harassing manner to themselves or to any other person.

Answer and Objection to Interrogatory No. 26:

Defendant objects to this Interrogatory as vague, ambiguous, confusing, overly broad, unduly burdensome, not reasonably limited in time or geographic scope, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Interrogatory because it fails to define the “individuals” who allegedly complained or the recipient of the alleged complaints (“you”). Defendant objects to this Interrogatory to the extent it seeks confidential personnel information of third parties without a sufficient showing of need. Defendant objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client, work product, and/or litigation privileges.

27. Has the answering Defendant ever been named in any administrative complaint in the New Jersey Division of Civil Rights (or any other state civil rights agency), in the EEOC, or in any state court or any federal court in which it was alleged that the answering Defendant violated any of the statutes or doctrines set forth in Plaintiff's complaint in this action, during the seven (7) year period preceding the filing of this action? If so, set forth each such action and/or lawsuit:

- (a) the docket, claim or tracking number assigned to the matter;
- (b) the name of any attorney representing any Plaintiff and/or complaining party;
- (c) the current status of the matter;
- (d) the allegations contained in the complaint;
- (e) whether it was resolved, the manner and date of resolution; and
- (f) identify and attach all documents relating to same.

An action or complaint should be included in this response if it was still in progress on any day within seven (7) years of the filing date of Plaintiff's complaint even if it was filed more remotely than seven (7) years prior to the filing date of Plaintiff's complaint.

Answer and Objection to Interrogatory No. 27:

Defendant objects to this Interrogatory as overly broad, not reasonably limited in time or geographic scope, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Interrogatory to the extent it seeks confidential information of third parties without a sufficient showing of need. Defendant objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client, work product and/or litigation privileges.

28. Does Defendant have a policy (official or unofficial, written or oral) regarding (a) discrimination or (b) harassment, or (c) whistleblowing?

Answer and Objection to Interrogatory No. 28:

Defendant objects to this Interrogatory as overly broad, not reasonably limited in time, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Subject to these objections and without waiving any objections, yes.

29. If the answer to the foregoing is in the affirmative, please state the substance of that policy if oral and, if written, attach hereto copies of each such policy, and all modifications, additions, or amendments thereto, which have been in effect at any time for the last ten years.

Answer and Objection to Interrogatory No. 29:

Defendant objects to this Interrogatory as overly broad, not reasonably limited in time, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

30. If any such policy exists, were management level employees made aware of them? If so, state specifically (a) how and when such information was disseminated, (b) whether each Defendant was made aware of and provided a copy of said policy, (c) the date on which each policy was provided to each Defendant, (d) the policy(ies) provided to each Defendant.

Answer and Objection to Interrogatory No. 30:

Defendant objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Interrogatory to the extent it seeks confidential personnel information of third parties without a sufficient showing of need. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

31. If any such policy exists, were non-management level employees made aware of them? If so, state specifically (a) how and when such information was disseminated, (b) whether each Defendant was made aware of and provided a copy of said policy, (c) the date on which each policy was provided to each Defendant, (d) the policy(ies) provided to each Defendant.

Answer and Objection to Interrogatory No. 31:

Defendant objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Interrogatory to the extent it seeks confidential personnel information of third parties without a sufficient showing of need. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

32. Does Defendant have a training program for supervisory or managerial employees regarding discrimination, harassment, retaliation, and/or whistleblowing?

Answer and Objection to Interrogatory No. 32:

Defendant objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Subject to these objections and without waiving any objections, yes.

33. If the answer to the foregoing is in the affirmative, please state with specificity (a) the nature and extent of such program, (b) when it came into existence, (c) how often it has been employed and (d) attach hereto copies of each such policy, and all amendments, which have been in effect for the last ten years.

Answer and Objection to Interrogatory No. 33:

Defendant objects to this Interrogatory as not reasonably limited in time and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Interrogatory to the extent it seeks confidential personnel information without a sufficient showing of need. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

34. Does Defendant have a procedure for investigating any allegations, complaints or reports (formal or informal) of discrimination, harassment, retaliation, and/or whistleblowing?

Answer and Objection to Interrogatory No. 34:

Defendant objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Subject to these objections and without waiving any objections, yes.

35. If the answer to the foregoing is in the affirmative, please set forth the details of such procedure and attach hereto copies of each such policy, and all amendments, which have been in effect at any time for the last ten years.

Answer and Objection to Interrogatory No. 35:

Defendant objects to this Interrogatory as overly broad, unduly burdensome, not reasonably limited in time, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

36. Please identify any documents or inter office memorandum either written by or on your behalf or distributed by/for the Defendant regarding the work performance of Plaintiff.

Answer and Objection to Interrogatory No. 36:

Defendant objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, beyond the relevant time period, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

37. Did any Defendant ever have any input, formal or informal, into whether the Plaintiff would be promoted, demoted, disciplined, or received salary increases, perks or bonuses during their tenure at Defendant? If so, state specifically:

- (a) the nature of the involvement of each such Defendant as to each Plaintiff.
- (b) the information each such Defendant provided concerning each Plaintiff, including but not limited to:
 1. The name and title of the person[s] to whom such information was conveyed;
 2. The date upon which such information was conveyed;
 3. The circumstances under which it was conveyed.
 4. The information conveyed.
 5. Whether the information was relied upon by Defendant in making any employment decision.
 6. The employment decision that ensued.
 7. The date of the employment decision that ensued.

Answer and Objection to Interrogatory No. 37:

Defendant objects to this Interrogatory as vague, ambiguous, confusing, overly broad, unduly burdensome, beyond the relevant time period, not reasonably limited in time or geographic scope, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

38. Identify each employee or former employee of Defendant whom you expect to call as a witness at trial and provide a summary of the facts known by each employee. As to each, state (a) whether they are represented by counsel and, if so, (b) the name of said counsel and (c) the date upon which the witness entered into (d) the person or entity who an attorney-client relationship with said counsel, and is paying the legal expenses involved in the relationship.

Answer and Objection to Interrogatory No. 38:

Defendant objects to this Interrogatory as premature, as it has not completed discovery or determined which witness(es) it will call at any trial of this matter. Defendant objects to this Interrogatory to the extent it seeks a legal conclusion and/or intrudes upon the attorney-client, work product, and/or litigation privileges. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), individuals believed to have knowledge or information relevant to Plaintiff's claims are identified in the documents provided by Defendant in response to Plaintiff's Interrogatories and Demands for Production of Documents.

39. For each person identified in Plaintiff's complaint as having committed an illegal act and/or having sanctioned and/or failed to respond to any illegal act, identify that person by supplying his/her full name, date of birth, addresses, phone numbers, present employment status and identify and attach a complete copy of that person's disciplinary file.

Answer and Objection to Interrogatory No. 39:

Defendant objects to this Interrogatory as vague, ambiguous, confusing, overly broad, unduly burdensome, and not reasonably limited in time or geographic scope. Defendant objects to this Interrogatory to the extent it seeks confidential personnel information of third parties without a sufficient showing of need. Defendant objects to this Interrogatory as ambiguous as no individuals are identified in Plaintiff's Complaint. Subject to these objections and without waiving any objections, Defendant refers Plaintiff to the documents provided.

40. Identify and attach any documents relating to any statements, summaries of notes of conversations regarding statements, or other information which pertains in any way to any communication with nonparties concerning the facts alleged in Plaintiff's complaint or any defense.

Answer and Objection to Interrogatory No. 40:

Defendant objects to this Interrogatory as vague, ambiguous, confusing, overly broad, unduly burdensome, and not reasonably limited in time or geographic scope. Defendant objects to this Interrogatory to the extent it seeks a legal conclusion and/or intrudes upon the attorney-

client, work product, and/or litigation privileges. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

41. For each individual with whom any servant, agent, employee or representative of answering Defendant has had communication regarding the Plaintiff after Plaintiff's employment ended, identify the individuals concerned on both ends of the communication, including names, addresses and telephone numbers, present relationship to Defendant, and set forth in detail the nature and extent of the communication, why it occurred, when it occurred, how it occurred and the substance of each communication.

Answer and Objection to Interrogatory No. 41:

Defendant objects to this Interrogatory as vague, ambiguous, confusing, overly broad, unduly burdensome, and not reasonably limited in time or geographic scope. Defendant objects to this Interrogatory to the extent it seeks a legal conclusion and/or intrudes upon the attorney-client, work product, and/or litigation privileges.

42. Set forth the name of each person who conducted, was interviewed by, participated in and/or reviewed materials pertinent to, any investigation conducted by answering Defendant as a result of any complaint made by Plaintiff, in which Plaintiff alleged any wrongful act identified in the allegations of Plaintiff's complaint in this action. For each individual identified:

- (a) set forth in complete factual detail the extent and nature of the participation of each such individual;
- (b) each individual's relationship to the answering Defendant;
- (c) whether each individual is a member of the Defendant's litigation control group and if defense counsel will produce each individual by notice of deposition;
- (d) for every individual who will not be produced by notice of deposition, set forth his/her date of birth, residence address, business address and all known telephone numbers;
- (e) set forth the training and education of the individual, to the extent that the individual conducted and/or managed and/or supervised any investigation, on how to conduct/manage/supervise such investigation;
- (f) identify and attach any and all documents referring or relating to any investigations identified and/or discussed in the answer to this interrogatory;
- (g) identify and attach any and all documents referring or relating to any training or education referenced in response to sub-part (e) above; and
- (h) identify and attach any and all documents referring or relating to the process and procedure by which the individual conducted/managed/supervised said investigation(s).

Answer and Objection to Interrogatory No. 42:

Defendant objects to this Interrogatory as vague, ambiguous, confusing, overly broad, unduly burdensome, and not reasonably limited in time. Defendant objects to this Interrogatory to the extent it seeks a legal conclusion and/or intrudes upon the attorney-client, work product, and/or litigation privileges. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

43. To the extent that any investigation was conducted in connection with, relating to or referencing any complaint the Plaintiff identifies in his or her complaint in this action, set forth the results of the investigation and identify and attach any documents relating to same. To the extent that anyone was disciplined, formally or informally, provide full factual information relating to same.

Answer and Objection to Interrogatory No. 43:

Defendant objects to this Interrogatory as vague, ambiguous, confusing, overly broad, unduly burdensome, and not reasonably limited in time. Defendant objects to this Interrogatory to the extent it seeks a legal conclusion and/or intrudes upon the attorney-client, work product, and/or litigation privileges. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

44. Set forth with specificity and without resort to legal conclusions the facts upon which you intend to rely to support each and every affirmative defense in your answer. Attach complete copies of any and all documents upon which you intend to rely to establish each separate affirmative defense. Please address each of affirmative defenses separately as to each Defendant.

Answer and Objection to Interrogatory No. 44:

Defendant objects to this Interrogatory as vague, ambiguous, confusing, overly broad, unduly burdensome, and not reasonably limited in time or geographic scope. Defendant objects to this Interrogatory to the extent it seeks a legal conclusion and/or intrudes upon the attorney-client, work product, and/or litigation privileges. Subject to these objections and without

waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

45. Do you have insurance which may be used in whole or part to satisfy any judgment entered in the action or to indemnify or reimburse for payments made to satisfy the judgment?

Answer and Objection to Interrogatory No. 45:

Subject to and without waiving any objections, not applicable.

46. If so, as to primary, stop loss and excess insurance, state the name and address of the insurance company offering said policy, the name of the agent who sold you the policy, the policy number, effective dates of coverage, and policy limits, and attach copies of said policies.

Answer and Objection to Interrogatory No. 46:

See Answer and Objection to Interrogatory No. 45.

47. Do you know of any person(s) identified in these answers who is/are unavailable to testify at trial? If so, please identify them and state the reason why you believe each may be unavailable.

Answer and Objection to Interrogatory No. 47:

Defendant objects to this Interrogatory as premature, as it has not completed discovery or determined which witness(es) it will call at any trial of this matter. Defendant objects to this Interrogatory to the extent it seeks a legal conclusion and/or intrudes upon the attorney-client, work product, and/or litigation privileges. Subject to these objections and without waiving any objections, Defendant is currently unaware of any responsive information.

48. Identify any and all persons who aided, assisted or participated in any manner in the preparation of the answers to this Initial Set of Interrogatories.

Answer and Objection to Interrogatory No. 48:

Subject to these objections and without waiving any objections, these Interrogatories were answered with assistance of counsel.

49. State the reason why former employee Charlie Happell is no longer employed with your company.

Answer and Objection to Interrogatory No. 49:

Defendant objects to this Interrogatory to the extent it seeks confidential personnel information of third parties without a sufficient showing of need. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

50. Attach to your answers to these interrogatory questions, or to the response to the Notice to Produce, any and all documents (correspondence, memos, documents, etc.) regarding any investigations into former employee Charlie Happell and the reason for his termination from your company.

Answer and Objection to Interrogatory No. 50:

Defendant objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or geographic scope, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Interrogatory to the extent it seeks confidential personnel information of third parties without a sufficient showing of need. Defendant objects to this Interrogatory to the extent it seeks information protected by the attorney-client, work product, and/or litigation privileges. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

51. Attach to your answers to these interrogatory questions full and complete copies of both plaintiffs' personnel files, and the personnel file of Charlie Happell.

Answer and Objection to Interrogatory No. 51:

Defendant objects to this Interrogatory to the extent it seeks confidential personnel information of third parties without a sufficient showing of need. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

CERTIFICATION

I, Hannah Duffy, certify that I am an HR Business Partner for sanofi-aventis US LLC, and am authorized to execute this Certification. I have reviewed the foregoing Defendant's Objections Answers to Plaintiff Schwartz's Interrogatories. I am informed and believe that the information contained in Defendant's Answers is true and correct to the best of my knowledge and information.

Dated: April 3, 2018

Hannah Duffy
HANNAH DUFFY

CERTIFICATE OF SERVICE

I certify on the date set forth below that I sent Defendant's Objections and Answers to Plaintiff Wendy Schwartz's First Set of Interrogatories to counsel for Plaintiffs at the following address via Email and U.S. Mail:

Eric H. Lubin, Esq.
Lomurro, Munson, Comer, Brown & Schottland, LLC
Monmouth Executive Center
4 Paragon Way, Suite 100
Freehold, New Jersey 07728
elubin@lomurrolaw.com

Dated: April 3, 2018

By: /s/ Mark A. Saloman
Mark A. Saloman

WSACTIVE LLP:9661527.2

Mark A. Saloman, Esq. (Bar No. 18831992)
Joanna S. Rich, Esq. (Bar No. 29152008)
FORD HARRISON LLP
300 Connell Drive, Suite 4100
Berkeley Heights, New Jersey 07922
Tel: (973) 646-7300
Fax: (973) 646-7301
Attorneys for Defendant sanofi-aventis US LLC

ROBYN P. WINTER and WENDY
SCHWARTZ,

Plaintiffs,
v.

SANOFI-AVENTIS U.S., LLC, JOHN
DOES 1-10 and RICHARD ROE
ENTITIES 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY

DOCKET NO. ESX-L-4013-17

**DEFENDANT'S OBJECTIONS AND
ANSWERS TO PLAINTIFF ROBYN P.
WINTER'S INTERROGATORIES**

TO: Eric H. Lubin, Esq.
Lomurro, Munson, Comer, Brown & Schottland, LLC
Monmouth Executive Center
4 Paragon Way, Suite 100
Freehold, New Jersey 07728

Defendant sanofi-aventis US LLC (improperly pled as "Sanofi-Aventis U.S., LLC") ("Defendant"), by and through its counsel, FordHarrison LLP, hereby provides its Objections and Answers to Plaintiff Robyn Winter's Interrogatories ("Interrogatories"). Defendant reserves the right to supplement these responses if it obtains further information between the time these responses are served and the time of trial.

Dated: April 3, 2018

FORDHARRISON LLP

By: /s/ Mark A. Saloman
Mark A. Saloman, Esq.

GENERAL OBJECTIONS AND RESERVATION OF RIGHTS

The following General Objections apply to and are expressly made part of Defendant's specific responses to each Interrogatory. Defendant's specific objections to each Interrogatory are in addition to the General Objections and Reservation of Rights set forth in this section, which are set forth here to avoid the duplication and repetition of restating them for each response. The absence of a reference to a specific General Objection should not be construed as a waiver of any General Objection with respect to each Interrogatory.

1. Defendant hereby reserves all objections to the relevance, form, and admissibility of any response to Plaintiff's Interrogatories until the time of trial. The responses contained herein should not be construed as a waiver of any right to object.

2. Defendant objects to the Interrogatories to the extent they seek information and/or production of documents beyond the scope permitted under the New Jersey Court Rules.

3. Defendant objects to the Interrogatories to the extent that they call for disclosure and/or production of documents or information protected by the attorney-client privilege, work-product doctrine, joint-defense privilege, common defense privilege, or other privilege, or otherwise immune from discovery. Production of any such information and/or documents will not constitute waiver of any privilege with respect to the subject matter thereof or the information contained therein, and will not waive the right of Defendant to object to the use of any such information and/or document (or the information contained therein) during any subsequent proceeding.

4. Defendant objects to the Interrogatories to the extent they call for disclosure of (i) confidential business information and/or (ii) personal information about individuals who are not parties to this action, including present or former employees. Defendant will produce such

information and/or documents, if they are in Defendant's possession or control, only to the extent specified in this response, subject to the parties' execution of a Confidentiality Agreement.

5. Defendant objects to the Interrogatories to the extent they seek the production of documents and information not relevant to the subject matter of this litigation and not reasonably calculated to lead to the discovery of admissible evidence, cannot be produced without undue burden to Defendant, and/or require an unreasonable investigation on the part of Defendant in order to be produced.

6. Defendant objects to the Interrogatories to the extent they seek information and/or documents in the possession, custody or control of individuals, corporations, or entities other than Defendant, including, but not limited to, Plaintiff or her counsel.

7. Defendant objects to the Interrogatories to the extent they are overly broad and/or unduly burdensome.

8. Defendant objects to the Interrogatories to the extent they are vague or ambiguous so that Defendant cannot understand the information being sought and therefore is unable to formulate a responsive answer.

9. Defendant objects to the Interrogatories to the extent they seek the disclosure of information outside the time period relevant to the present litigation.

10. Defendant objects to the Interrogatories to the extent they seek information already known or available to Plaintiff or that is readily obtained by Plaintiff or her counsel without subjecting Defendant to unreasonable burden and expense.

11. Defendant objects to the Interrogatories to the extent they: (a) assume facts not established; (b) constitute, imply, form, require or call for a legal conclusion; or (c) incorporate a characterization based upon a legal conclusion.

12. Defendant objects to the Interrogatories to the extent they seek the disclosure of information or documents that concern individuals or entities other than Defendant who are not parties to this action, disclosure of which would violate the privacy or proprietary interests of such individuals or entities.

13. Defendant objects to the Interrogatories to the extent they seek information and/or documents concerning Defendant's expert witnesses(es) as such requests are premature. At the appropriate time, and in accordance with the New Jersey Court Rules and/or applicable Scheduling Order(s), Defendant will provide relevant, responsive, non-privileged information about such expert witness(es) as Defendant may determine to call at trial.

14. Defendant objects to the Interrogatories to the extent they seek information and/or documents from Defendant's operations at locations other than Plaintiff's location of employment. As such, Defendant's responses herein are limited to Defendant's operations at the location of Plaintiff's employment.

15. Defendant expressly reserves the right to supplement, clarify, revise or correct any or all of the responses herein at any time. By making any response to the Interrogatories, Defendant does not waive, and hereby expressly reserves the right to assert any and all objections as to the admissibility of such responses into evidence at the time of trial of this action, or in any other proceeding, on any and all grounds, including but not limited to, competency, relevance, materiality and privilege. Further, Defendant provides these responses without in any manner express or implied admitting the items in the Interrogatories or in any response thereto are relevant or material to the subject matter of this action.

DEFENDANT'S OBJECTIONS AND ANSWERS
TO PLAINTIFF'S INTERROGATORIES

1. State your full name and address.

Answer and Objection to Interrogatory No. 1:

Defendant states that these Interrogatories are being answered by Defendant sanofi-aventis US LLC, located at 55 Corporate Drive, Bridgewater, New Jersey 08807, with assistance of counsel.

2. Were any admissions made by or on behalf of Plaintiff? If so, identify any writings relating or referring in any way to such admissions. If such admissions were oral, set forth the substance of each admission, the person to whom the admission was made, the date and place of the admission. If written, attach the documents containing the admissions.

Answer and Objection to Interrogatory No. 2:

Defendant objects to this Interrogatory as vague, ambiguous, overly broad, not reasonably limited in time or geographic scope, and thus rendered unduly burdensome. Defendant objects to this Interrogatory to the extent it seeks a legal conclusion and/or intrudes upon the work product privilege. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

3. If you have knowledge of any conversations, statements or admissions of any parties to this suit or any other person as to the manner of the happening of the occurrence or incidents complained of, or as to the injuries or damages claimed, set forth:
 - (a) The name and address of each party who made the admission or gave the statement, etc.;
 - (b) The exact substance thereof;
 - (c) When they were made or taken;
 - (d) To whom they were made;
 - (e) The names and addresses of the persons present when made or taken; and
 - (f) Whether such statements were written, and if so, attach copies to these answers to interrogatories.

Answer and Objection to Interrogatory No. 3:

Defendant objects to this Interrogatory as vague, ambiguous, confusing, overly broad, not reasonably limited in time or geographic scope, and thus rendered unduly burdensome. Defendant

objects to this Interrogatory to the extent it seeks a legal conclusion and/or intrudes upon the attorney-client, work product, and/or litigation privileges. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

4. Attach to these answers to interrogatories all documents upon which you intend to rely at the time of trial. [If said documents have been supplied in response to notice to produce, duplicates need not be supplied. Identification said documents by name and number of demand to which it was produced, will suffice.]

Answer and Objection to Interrogatory No. 4:

Defendant objects to this Interrogatory as premature, as it has not completed discovery or determined which documents it will rely upon at any trial of this matter. Defendant objects to this Interrogatory to the extent it seeks documents and/or information protected from disclosure by the attorney-client, work product, and/or litigation privileges. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff generally to the documents provided.

5. Set forth the names and addresses of all eyewitnesses to every occurrence or incident referred to in the complaint (by numbered paragraph in the Complaint) and their location at the time of the occurrence. If you assert you have no knowledge of the occurrence, and therefore no knowledge of the witnesses, so state as to each such occurrence.

Answer and Objection to Interrogatory No. 5:

Defendant objects to this Interrogatory as vague, ambiguous, confusing, overly broad, not reasonably limited in time or geographic scope, and thus rendered unduly burdensome. Defendant objects to this Interrogatory as vague and confusing to the extent it seeks identification of eyewitnesses to “every occurrence or incident referred to in the complaint” without further description or identification of what is meant by the term. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the individuals identified in the documents provided.

6. Set forth the names and addresses of each and every witness having knowledge of any facts or circumstances regarding:

- (a) The happening of any incident or occurrence set forth in the complaint;
- (b) Any admissions of the parties;
- (c) As to damages claimed with respect to personal injury.

Answer and Objection to Interrogatory No. 6:

Defendant objects to this Interrogatory as vague, ambiguous, overbroad, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Interrogatory as unduly burdensome, as it covers all individuals with knowledge regarding Defendant's employment policies, including without limitation its anti-discrimination, anti-harassment, and anti-retaliation policies, which includes all of Defendant's current and former employees, and Defendant's sales and business policies and practices for sales representatives, the identification of all such individuals is unduly burdensome and oppressive and would not lead to the discovery of relevant and admissible evidence. Defendant objects to this Interrogatory as vague and confusing to the extent it seeks identification of witnesses to "any incident or occurrence set forth in the complaint" without further description or identification of what is meant by the term. Defendant objects to this Interrogatory as overbroad as no personal injuries are at issue in this matter. Defendant objects to this Interrogatory as not reasonably limited in time or geographic scope. Subject to this objection and without waiving any objections, and pursuant to Rule 4:17-4(d), individuals believed to have knowledge or information relevant to Plaintiff's claims are identified in documents provided by Defendant in response to Plaintiff's Requests for Production of Documents.

7. Identify each expert whom you have consulted or retained in the past 7 years with regard to any complaint or charge of discrimination, harassment, hostile work environment, retaliation, and/or whistleblowing asserted against you by any employee.

Answer and Objection to Interrogatory No. 7:

Defendant objects to this Interrogatory as vague, overly broad, not reasonably limited in time or geographic scope, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Interrogatory as premature, as at this time, Defendant has not determined if or from whom it will seek expert testimony at any trial of this matter. Defendant will amend its response to this Interrogatory within the time and manner prescribed by the New Jersey Court Rules and/or any applicable Order(s).

8. As to each person named in answer to the preceding interrogatory, state the subject matter on which each such expert was consulted or retained.

Answer and Objection to Interrogatory No. 8:

See Defendant's Answer and Objection to Interrogatory No. 7.

9. Identify those experts named in answer to interrogatory #7 whom you have consulted or retained as a result of the allegations contained in this Complaint.

Answer and Objection to Interrogatory No. 9:

See Defendant's Answer and Objection to Interrogatory No. 7.

10. Set forth the names and addresses of all proposed expert witnesses who have rendered, or will render an opinion to you with reference to this action and annex true copies of all written reports rendered by said expert witnesses. If no written opinion has yet been obtained, state the substance of the facts and assumptions and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

Answer and Objection to Interrogatory No. 10:

See Defendant's Answer and Objection to Interrogatory No. 7.

11. With regard to the expert witnesses named in interrogatory #7, if an opinion was rendered, state the following:

- (a) When the opinion was rendered;
- (b) Whether it was written or oral;
- (c) Give date or dates when the expert or experts made an inspection of any property, object or thing involved in the incident occurrence; and
- (d) The date or dates when said expert or experts examined Plaintiffs for personal injuries.

Answer and Objection to Interrogatory No. 11:

See Defendant's Answer and Objection to Interrogatory No. 7.

12. With respect to any and all proposed expert witnesses, set forth:
 - (a) The full and detailed qualifications, training, professional and practical experience, education and degree obtained by such person.
 - (b) The dates and years of same, the names and addresses of each institution attended, and the nature of each place at which experience or training was received.
 - (c) Identify all articles, treatises, or writings of any nature authored by each witness.

Answer and Objection to Interrogatory No. 12:

See Defendant's Answer and Objection to Interrogatory No. 7.

13. As to each person named in answer to interrogatory #7 set forth and describe fully:
 - (a) each lawsuit, administrative proceeding, arbitration proceeding, or other judicial or quasi-judicial proceeding in which such person gave testimony, and set forth the names of all parties, court or agency involved, docket number, names and phone numbers of Plaintiffs' and Defendants' counsel, indicate as to each whether information was provided by report, deposition and or trial testimony [whether in person or by deposition] and provide the dates each was given.
 - (b) each such proceeding in which the witness has been employed to assist in the preparation of the prosecution or defense, and set forth the names of all parties, court or agency involved, docket no., names and phone numbers of Plaintiffs' and Defendants' counsel, indicate as to each whether information was provided by report, whether oral or written, and provide the dates each was given.

Answer and Objection to Interrogatory No. 13:

See Defendant's Answer and Objection to Interrogatory No. 7.

14. Identify each person who investigated the subject matter of this litigation, including both before and after the filing of suit, for you or your attorneys or on your or their behalf.

Answer and Objection to Interrogatory No. 14:

Defendant objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, and not reasonably limited in time or geographic scope. Defendant objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client, work product, and/or litigation privileges. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

15. Identify every person who has been interviewed [i.e. questioned or investigated to any extent] by any Defendant or any employee or agent of any Defendant, concerning the subject matter of this litigation, including any event, information, incident or occurrence alleged in the Complaint. As to each interview, state:

- (a) The date, location, length of time and purpose of the interview.
- (b) As to each person interviewed, state for that person:
 - 1. name;
 - 2. addresses;
 - 3. home and work phone numbers;
 - 4. position, title and responsibilities at the time of the interview;
 - 5. position, title and responsibilities at present;
- (c) As to each person present at each interview, state for that person:
 - 1. name;
 - 2. addresses;
 - 3. home and work phone numbers;
 - 4. position, title and responsibilities at the time of the interview;
 - 5. position, title and responsibilities at present.
- (d) Whether the interview was tape recorded or otherwise memorialized. If notes were taken, identify the person[s] who took the notes, whether the notes were handwritten, typed, transcribed, or otherwise recorded. Attach copies of each record and copies of each tape recording.

Answer and Objection to Interrogatory No. 15:

Defendant objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, and not reasonably limited in time or geographic scope. Defendant objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client, work product, and/or litigation privileges. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

16. If any persons whose names appear in these answers to these interrogatories has ever been convicted of a crime, set forth the exact nature of the offense, the date of conviction, the court where convicted, the docket number and the sentence imposed.

Answer and Objection to Interrogatory No. 16:

Defendant objects to this Interrogatory as overly broad, unduly burdensome, not reasonably limited in time or geographic scope, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Interrogatory to the extent it seeks personal and/or confidential information of third parties without a sufficient showing of need.

17. State whether you contend that any declaration against interest with regard to the issues in this lawsuit has been made by any person.

Answer and Objection to Interrogatory No. 17:

Defendant objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or geographic scope, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Interrogatory to the extent it seeks a legal conclusion and/or information protected from disclosure by the attorney-client, work product, and/or litigation privileges. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

18. If the answer to the preceding interrogatory is in the affirmative, set for the substance of each such admission, identify the person making the admission, identify all persons present when the admission was made the place and the time of the admission. If the admission was reduced to writing, annex a copy hereto.

Answer and Objection to Interrogatory No. 18:

Defendant objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or geographic scope, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Interrogatory to the extent it seeks a legal conclusion and/or information protected from disclosure by the attorney-client, work product, and/or litigation privileges. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

19. State the name, address, occupation and place of employment of each person that you or anyone on your behalf has contacted for purposes of obtaining any oral or written statements or opinions regarding this lawsuit.

Answer and Objection to Interrogatory No. 19:

Defendant objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, and not reasonably limited in time or geographic scope. Defendant objects to this Interrogatory as premature, as discovery is ongoing. Defendant objects to this Interrogatory to the extent it seeks a legal conclusion or information protected from disclosure by the attorney-client, work product, and/or litigation privileges. Subject to these objections and without waiving any objections, Defendant has obtained no oral or written statement or opinion regarding this lawsuit.

20. If, in response to any interrogatory, you have refused to disclose any information or the identity of any person, document or oral communication because of a claim of confidentiality or privilege, set forth in detail the facts and circumstances upon which you rely to support such claims.

Answer and Objection to Interrogatory No. 20:

Subject to the General Objections and without waiving any objections, Defendant will provide a privilege log if any relevant and responsive information is withheld on the basis of privilege.

21. Are you aware of the existence of any drawings, maps, pictures, photographs, diagrams or other documentary descriptions concerning the physical premises where Plaintiff worked, that is, the offices of Defendant where Plaintiff was assigned to work. If so, please describe those documents in detail and attach copies hereto.

Answer and Objection to Interrogatory No. 21:

Defendant objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or geographic scope, and not reasonably calculated to lead to the discovery of relevant and admissible evidence.

22. Set forth a complete job history of each Plaintiff, setting forth dates of hire and/or separation, promotion, job title change, job description change, benefits change and/or compensation change. Also include any and all documentation and factual information relating to bonus items or income during employment.

Answer and Objection to Interrogatory No. 22:

Defendant objects to this Interrogatory as unduly burdensome as it seeks information already in the possession of Plaintiff. Subject to and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

23. If Plaintiff is no longer employed by your company:
- (a) set forth when and how the employment relationship ended;
 - (b) identify each person who participated in the decision to end the relationship, setting forth the nature and extent of his/her involvement in the determination and/or execution or enforcement of the decision; and
 - (c) set forth any and all facts or knowledge pertinent to the separation of Plaintiff from answering Defendant's employment.

Answer and Objection to Interrogatory No. 23:

Defendant objects to this Interrogatory as unduly burdensome as it seeks information already in the possession of Plaintiff. Subject to and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

24. If you are aware of any information that you contend was false or misleading in the application materials or application or hiring process for Plaintiff, identify and attach all documents relating to same and supply a complete factual recitation of the information.

Answer and Objection to Interrogatory No. 24:

Defendant objects to this Interrogatory as unduly burdensome as it seeks information already in the possession of Plaintiff. Defendant objects to this Interrogatory as premature, as discovery is ongoing. Defendant expressly reserves the right to supplement its response to this Interrogatory after completion of discovery.

25. If you contend Plaintiff performed his/her job in a less than satisfactory manner, committed an act of misconduct or negligence associated with his/her job, or performed his/her job in a manner necessitating any formal or informal discipline, set forth in complete factual detail all such facts and information relating to that contention, and identify each person who possesses knowledge of each such fact or information.

Answer and Objection to Interrogatory No. 25:

Subject to and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

26. Identify every agent, servant, employee or representative of Defendant who was aware that any individuals, including but not limited to employees who had complained that you acted in discriminatory, unprofessional, improper, retaliatory, and/or harassing manner to themselves or to any other person.

Answer and Objection to Interrogatory No. 26:

Defendant objects to this Interrogatory as vague, ambiguous, confusing, overly broad, unduly burdensome, not reasonably limited in time or geographic scope, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Interrogatory because it fails to define the “individuals” who allegedly complained or the recipient of the alleged complaints (“you”). Defendant objects to this Interrogatory to the extent it seeks confidential personnel information of third parties without a sufficient showing of need. Defendant objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client, work product, and/or litigation privileges.

27. Has the answering Defendant ever been named in any administrative complaint in the New Jersey Division of Civil Rights (or any other state civil rights agency), in the EEOC, or in any state court or any federal court in which it was alleged that the answering Defendant violated any of the statutes or doctrines set forth in Plaintiff's complaint in this action, during the seven (7) year period preceding the filing of this action? If so, set forth each such action and/or lawsuit:

- (a) the docket, claim or tracking number assigned to the matter;
- (b) the name of any attorney representing any Plaintiff and/or complaining party;
- (c) the current status of the matter;
- (d) the allegations contained in the complaint;
- (e) whether it was resolved, the manner and date of resolution; and
- (f) identify and attach all documents relating to same.

An action or complaint should be included in this response if it was still in progress on any day within seven (7) years of the filing date of Plaintiff's complaint even if it was filed more remotely than seven (7) years prior to the filing date of Plaintiff's complaint.

Answer and Objection to Interrogatory No. 27:

Defendant objects to this Interrogatory as overly broad, not reasonably limited in time or geographic scope, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Interrogatory to the extent it seeks confidential information of third parties without a sufficient showing of need. Defendant objects to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client, work product and/or litigation privileges.

28. Does Defendant have a policy (official or unofficial, written or oral) regarding (a) discrimination or (b) harassment, or (c) whistleblowing?

Answer and Objection to Interrogatory No. 28:

Defendant objects to this Interrogatory as overly broad, not reasonably limited in time, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Subject to these objections and without waiving any objections, yes.

29. If the answer to the foregoing is in the affirmative, please state the substance of that policy if oral and, if written, attach hereto copies of each such policy, and all modifications, additions, or amendments thereto, which have been in effect at any time for the last ten years.

Answer and Objection to Interrogatory No. 29:

Defendant objects to this Interrogatory as overly broad, not reasonably limited in time, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

30. If any such policy exists, were management level employees made aware of them? If so, state specifically (a) how and when such information was disseminated, (b) whether each Defendant was made aware of and provided a copy of said policy, (c) the date on which each policy was provided to each Defendant, (d) the policy(ies) provided to each Defendant.

Answer and Objection to Interrogatory No. 30:

Defendant objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Interrogatory to the extent it seeks confidential personnel information of third parties without a sufficient showing of need. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

31. If any such policy exists, were non-management level employees made aware of them? If so, state specifically (a) how and when such information was disseminated, (b) whether each Defendant was made aware of and provided a copy of said policy, (c) the date on which each policy was provided to each Defendant, (d) the policy(ies) provided to each Defendant.

Answer and Objection to Interrogatory No. 31:

Defendant objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Interrogatory to the extent it seeks confidential personnel information of third parties without a sufficient showing of need. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

32. Does Defendant have a training program for supervisory or managerial employees regarding discrimination, harassment, retaliation, and/or whistleblowing?

Answer and Objection to Interrogatory No. 32:

Defendant objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Subject to these objections and without waiving any objections, yes.

33. If the answer to the foregoing is in the affirmative, please state with specificity (a) the nature and extent of such program, (b) when it came into existence, (c) how often it has been employed and (d) attach hereto copies of each such policy, and all amendments, which have been in effect for the last ten years.

Answer and Objection to Interrogatory No. 33:

Defendant objects to this Interrogatory as not reasonably limited in time and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Interrogatory to the extent it seeks confidential personnel information without a sufficient showing of need. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

34. Does Defendant have a procedure for investigating any allegations, complaints or reports (formal or informal) of discrimination, harassment, retaliation, and/or whistleblowing?

Answer and Objection to Interrogatory No. 34:

Defendant objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Subject to these objections and without waiving any objections, yes.

35. If the answer to the foregoing is in the affirmative, please set forth the details of such procedure and attach hereto copies of each such policy, and all amendments, which have been in effect at any time for the last ten years.

Answer and Objection to Interrogatory No. 35:

Defendant objects to this Interrogatory as overly broad, unduly burdensome, not reasonably limited in time, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

36. Please identify any documents or inter office memorandum either written by or on your behalf or distributed by/for the Defendant regarding the work performance of Plaintiff.

Answer and Objection to Interrogatory No. 36:

Defendant objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, beyond the relevant time period, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

37. Did any Defendant ever have any input, formal or informal, into whether the Plaintiff would be promoted, demoted, disciplined, or received salary increases, perks or bonuses during their tenure at Defendant? If so, state specifically:

- (a) the nature of the involvement of each such Defendant as to each Plaintiff.
- (b) the information each such Defendant provided concerning each Plaintiff, including but not limited to:
 1. The name and title of the person[s] to whom such information was conveyed;
 2. The date upon which such information was conveyed;
 3. The circumstances under which it was conveyed.
 4. The information conveyed.
 5. Whether the information was relied upon by Defendant in making any employment decision.
 6. The employment decision that ensued.
 7. The date of the employment decision that ensued.

Answer and Objection to Interrogatory No. 37:

Defendant objects to this Interrogatory as vague, ambiguous, confusing, overly broad, unduly burdensome, beyond the relevant time period, not reasonably limited in time or geographic scope, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

38. Identify each employee or former employee of Defendant whom you expect to call as a witness at trial and provide a summary of the facts known by each employee. As to each, state (a) whether they are represented by counsel and, if so, (b) the name of said counsel and (c) the date upon which the witness entered into (d) the person or entity who an attorney-client relationship with said counsel, and is paying the legal expenses involved in the relationship.

Answer and Objection to Interrogatory No. 38:

Defendant objects to this Interrogatory as premature, as it has not completed discovery or determined which witness(es) it will call at any trial of this matter. Defendant objects to this Interrogatory to the extent it seeks a legal conclusion and/or intrudes upon the attorney-client, work product, and/or litigation privileges. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), individuals believed to have knowledge or information relevant to Plaintiff's claims are identified in the documents provided by Defendant in response to Plaintiff's Interrogatories and Demands for Production of Documents.

39. For each person identified in Plaintiff's complaint as having committed an illegal act and/or having sanctioned and/or failed to respond to any illegal act, identify that person by supplying his/her full name, date of birth, addresses, phone numbers, present employment status and identify and attach a complete copy of that person's disciplinary file.

Answer and Objection to Interrogatory No. 39:

Defendant objects to this Interrogatory as vague, ambiguous, confusing, overly broad, unduly burdensome, and not reasonably limited in time or geographic scope. Defendant objects to this Interrogatory to the extent it seeks confidential personnel information of third parties without a sufficient showing of need. Defendant objects to this Interrogatory as ambiguous as no individuals are identified in Plaintiff's Complaint. Subject to these objections and without waiving any objections, Defendant refers Plaintiff to the documents provided.

40. Identify and attach any documents relating to any statements, summaries of notes of conversations regarding statements, or other information which pertains in any way to any communication with nonparties concerning the facts alleged in Plaintiff's complaint or any defense.

Answer and Objection to Interrogatory No. 40:

Defendant objects to this Interrogatory as vague, ambiguous, confusing, overly broad, unduly burdensome, and not reasonably limited in time or geographic scope. Defendant objects to this Interrogatory to the extent it seeks a legal conclusion and/or intrudes upon the attorney-

client, work product, and/or litigation privileges. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

41. For each individual with whom any servant, agent, employee or representative of answering Defendant has had communication regarding the Plaintiff after Plaintiff's employment ended, identify the individuals concerned on both ends of the communication, including names, addresses and telephone numbers, present relationship to Defendant, and set forth in detail the nature and extent of the communication, why it occurred, when it occurred, how it occurred and the substance of each communication.

Answer and Objection to Interrogatory No. 41:

Defendant objects to this Interrogatory as vague, ambiguous, confusing, overly broad, unduly burdensome, and not reasonably limited in time or geographic scope. Defendant objects to this Interrogatory to the extent it seeks a legal conclusion and/or intrudes upon the attorney-client, work product, and/or litigation privileges.

42. Set forth the name of each person who conducted, was interviewed by, participated in and/or reviewed materials pertinent to, any investigation conducted by answering Defendant as a result of any complaint made by Plaintiff, in which Plaintiff alleged any wrongful act identified in the allegations of Plaintiff's complaint in this action. For each individual identified:

- (a) set forth in complete factual detail the extent and nature of the participation of each such individual;
- (b) each individual's relationship to the answering Defendant;
- (c) whether each individual is a member of the Defendant's litigation control group and if defense counsel will produce each individual by notice of deposition;
- (d) for every individual who will not be produced by notice of deposition, set forth his/her date of birth, residence address, business address and all known telephone numbers;
- (e) set forth the training and education of the individual, to the extent that the individual conducted and/or managed and/or supervised any investigation, on how to conduct/manage/supervise such investigation;
- (f) identify and attach any and all documents referring or relating to any investigations identified and/or discussed in the answer to this interrogatory;
- (g) identify and attach any and all documents referring or relating to any training or education referenced in response to sub-part (e) above; and
- (h) identify and attach any and all documents referring or relating to the process and procedure by which the individual conducted/managed/supervised said investigation(s).

Answer and Objection to Interrogatory No. 42:

Defendant objects to this Interrogatory as vague, ambiguous, confusing, overly broad, unduly burdensome, and not reasonably limited in time. Defendant objects to this Interrogatory to the extent it seeks a legal conclusion and/or intrudes upon the attorney-client, work product, and/or litigation privileges. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

43. To the extent that any investigation was conducted in connection with, relating to or referencing any complaint the Plaintiff identifies in his or her complaint in this action, set forth the results of the investigation and identify and attach any documents relating to same. To the extent that anyone was disciplined, formally or informally, provide full factual information relating to same.

Answer and Objection to Interrogatory No. 43:

Defendant objects to this Interrogatory as vague, ambiguous, confusing, overly broad, unduly burdensome, and not reasonably limited in time. Defendant objects to this Interrogatory to the extent it seeks a legal conclusion and/or intrudes upon the attorney-client, work product, and/or litigation privileges. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

44. Set forth with specificity and without resort to legal conclusions the facts upon which you intend to rely to support each and every affirmative defense in your answer. Attach complete copies of any and all documents upon which you intend to rely to establish each separate affirmative defense. Please address each of affirmative defenses separately as to each Defendant.

Answer and Objection to Interrogatory No. 44:

Defendant objects to this Interrogatory as vague, ambiguous, confusing, overly broad, unduly burdensome, and not reasonably limited in time or geographic scope. Defendant objects to this Interrogatory to the extent it seeks a legal conclusion and/or intrudes upon the attorney-client, work product, and/or litigation privileges. Subject to these objections and without

waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

45. Do you have insurance which may be used in whole or part to satisfy any judgment entered in the action or to indemnify or reimburse for payments made to satisfy the judgment?

Answer and Objection to Interrogatory No. 45:

Subject to and without waiving any objections, not applicable.

46. If so, as to primary, stop loss and excess insurance, state the name and address of the insurance company offering said policy, the name of the agent who sold you the policy, the policy number, effective dates of coverage, and policy limits, and attach copies of said policies.

Answer and Objection to Interrogatory No. 46:

See Answer and Objection to Interrogatory No. 45.

47. Do you know of any person(s) identified in these answers who is/are unavailable to testify at trial? If so, please identify them and state the reason why you believe each may be unavailable.

Answer and Objection to Interrogatory No. 47:

Defendant objects to this Interrogatory as premature, as it has not completed discovery or determined which witness(es) it will call at any trial of this matter. Defendant objects to this Interrogatory to the extent it seeks a legal conclusion and/or intrudes upon the attorney-client, work product, and/or litigation privileges. Subject to these objections and without waiving any objections, Defendant is currently unaware of any responsive information.

48. Identify any and all persons who aided, assisted or participated in any manner in the preparation of the answers to this Initial Set of Interrogatories.

Answer and Objection to Interrogatory No. 48:

Subject to these objections and without waiving any objections, these Interrogatories were answered with assistance of counsel.

49. State the reason why former employee Charlie Happell is no longer employed with your company.

Answer and Objection to Interrogatory No. 49:

Defendant objects to this Interrogatory to the extent it seeks confidential personnel information of third parties without a sufficient showing of need. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

50. Attach to your answers to these interrogatory questions, or to the response to the Notice to Produce, any and all documents (correspondence, memos, documents, etc.) regarding any investigations into former employee Charlie Happell and the reason for his termination from your company.

Answer and Objection to Interrogatory No. 50:

Defendant objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or geographic scope, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Defendant objects to this Interrogatory to the extent it seeks confidential personnel information of third parties without a sufficient showing of need. Defendant objects to this Interrogatory to the extent it seeks information protected by the attorney-client, work product, and/or litigation privileges. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

51. Attach to your answers to these interrogatory questions full and complete copies of both plaintiffs' personnel files, and the personnel file of Charlie Happell.

Answer and Objection to Interrogatory No. 51:

Defendant objects to this Interrogatory to the extent it seeks confidential personnel information of third parties without a sufficient showing of need. Subject to these objections and without waiving any objections, and pursuant to Rule 4:17-4(d), Defendant refers Plaintiff to the documents provided.

CERTIFICATION

I, Hannah Duffy, certify that I am an HR Business Partner for sanofi-aventis US LLC, and am authorized to execute this Certification. I have reviewed the foregoing Defendant's Objections Answers to Plaintiff Winter's Interrogatories. I am informed and believe that the information contained in Defendant's Answers is true and correct to the best of my knowledge and information.

Dated: April 3, 2018

Hannah Duffy
HANNAH DUFFY

CERTIFICATE OF SERVICE

I certify on the date set forth below that I sent Defendant's Objections and Answers to Plaintiff Robyn Winter's First Set of Interrogatories to counsel for Plaintiffs at the following address via Email and U.S. Mail:

Eric H. Lubin, Esq.
Lomurro, Munson, Comer, Brown & Schottland, LLC
Monmouth Executive Center
4 Paragon Way, Suite 100
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elubin@lomurrolaw.com

Dated: April 3, 2018

By: /s/ Mark A. Saloman
Mark A. Saloman

WSACTIVE LLP:9628042.4

EXHIBIT M

No *Shepard's* Signal™
As of: April 30, 2020 12:55 AM Z

Chapadia v. Campbell

Superior Court of New Jersey, Appellate Division
July 18, 2006, Submitted; August 15, 2006, Decided
DOCKET NO. A-6186-04T1

Reporter

2006 N.J. Super. Unpub. LEXIS 1786 *; 2006 WL 2346311

HARSHAD D. CHAPADIA, Plaintiff-Appellant, v.
PASQUALE R. CAMPBELL and PATRICK RASILE,
Defendants-Respondents.

Notice: NOT FOR PUBLICATION WITHOUT THE APPROVAL OF THE APPELLATE DIVISION.

PLEASE CONSULT NEW JERSEY RULE 1:36-3 FOR CITATION OF UNPUBLISHED OPINIONS.

Prior History: [*1] On appeal from the Superior Court of New Jersey, Law Division, Passaic County, L-3595-03.

Core Terms

discovery, certification, arbitration, defense counsel, injuries, updated, due diligence, trial date, reconsideration motion, circumstances, relaxation, ongoing problem, unavailability, accompanied, cases, spine, neck

Counsel: Amy L. Peterson, attorney for appellant.

Saiber, Schlesinger, Satz & Goldstein, attorneys for respondents (David J. D'Aloia, of counsel; Joan M. Schwab and Phoebe S. Sorial, on the brief).

Judges: Before Judges Parker and Sapp-Peterson.

Opinion

PER CURIAM

Plaintiff Harshad D. Chapadia appeals from the entry of an order dated April 14, 2005, granting summary judgment dismissing plaintiff's complaint pursuant to *R. 4:17-7*. We affirm.

On August 21, 2003, plaintiff filed a complaint in which he alleged that he sustained injuries to his neck, back, right elbow, right shoulder, and right wrist and hand, as a result of his September 5, 2002, accident with a vehicle operated by defendant Pasquale R. Campbell and owned by defendant Patrick Rasile.

Plaintiff sought treatment with Dr. Mariamma Thomas, with whom he had also treated in connection with a 1997 motor vehicle accident from which he sustained similar injuries.

Dr. Thomas treated plaintiff for his injuries from September 9, 2002, to January 6, 2003. As part of her treatment, Dr. Thomas ordered diagnostic studies of plaintiff's neck and back. She authored a report dated [*2] January 9, 2003, in which she found that plaintiff sustained "injuries of the cervical spine, dorsal spine, lumbosacral spine, and right shoulder" that "are permanent." Dr. Thomas' report referenced the earlier accident but did not discuss the impact, if any, of those injuries on the most recent injuries.

Following completion of discovery, the parties proceeded to arbitration on December 16, 2004. Liability was allocated 100 percent to defendant, and the arbitrator awarded \$ 12,500 to plaintiff. Defendant rejected the award and, on December 23, 2004, filed a notice of demand for trial de novo.

In a letter dated December 22, 2004, plaintiff's counsel

2006 N.J. Super. Unpub. LEXIS 1786, *2

served upon defense counsel an "updated narrative report" from Dr. Thomas Abraham, Dr. Mariamma Thomas' partner and spouse. In the letter that accompanied the report, plaintiff's counsel stated:

Enclosed herewith please find an updated narrative report from Dr. Mariamma Thomas in the above captioned matter.

The preceding is supplementary to the Answers already supplied; if inconsistent with any previous answer, this information is intended to modify, correct, or replace the original. You may accept this as certified and we represent that it [*3] shall have the same force and effect in lieu of a more formal manner.

Thank you for your attention and courtesy in this regard.

The updated report indicated that plaintiff had returned to the office on December 20, 2004, "with complaints of persistent neck, and back pain, which [were] related to the accident of 9-05-02." In the report, Dr. Abraham also stated, "I had an opportunity also to evaluate Mr. Chapadia's reports regarding an auto accident on 6-08-97. He was treated [by] Dr. Mariamma Thomas from 6-17-97 to 11-03-97 for the accident of 6-08-97." He noted that x-ray and MRI diagnostic studies were ordered in connection with the 1997 accident as well. Dr. Abraham ended his report by comparing the injuries plaintiff sustained from both accidents in terms of percentages, attributing twenty percent of plaintiff's cervical injury, eighty percent of plaintiff's upper dorsal spine injury, and ten percent of plaintiff's lower dorsal spine injury to the 1997 accident. The remaining percentages of injuries to plaintiff's neck and back were attributed to the 2002 accident.

The matter was scheduled for trial on February 28, 2005, but it was adjourned at the request of defense counsel and rescheduled [*4] for April 4, 2005. On that date, during a pre-trial conference with the trial judge, defense counsel, for the first time, objected to the updated report from Dr. Abraham on the basis that the report was barred for non-compliance with *R. 4:17-7*. Defense counsel argued that the updated report was used to "correct a fatal flaw in plaintiff's case," namely, the absence of a comparative analysis of the injuries sustained in the two accidents; and, in addition, the updated report was not accompanied by a certification of due diligence.

Plaintiff's counsel responded:

In this matter, Your Honor, if I may give you a brief

history, Dr. [Mariamma] Thomas __ several cases even to say also, there is an ongoing problem of last year. Many cases with __ defense counsel's office although not directly with defense counsel, where there was an ongoing problem where many trial dates moved __ as to __ ill unavailable to appear. Several times cases were dismissed before Judge Miniman or by Judge Brogan. And it came to a point where she's physically unable to return back to work for various reasons . . . heart problems, diabetes, and [a] . . . she has kidney problem. For that reason . . . the expert doctor [*5] no longer -- is no longer physically available to come to court. The papers were sent back for a report. In this case, it was submitted to counsel, I have no defense that there was not a certification other than to state [that] with defense counsel's firm, this is an ongoing problem throughout all of last year and numerous instances where we had dismissals where we had a, you know, cases __ be adjourned because [Mariamma] Thomas' unavailability. So, Dr. Abraham has been submitting amended reports in many other cases at least in __ trials with Dr. Abraham coming in and testify. Your Honor, __ good faith attempt to comply with the __ court rule which I don't think had been even out [publicly] at the time that __ and I submit that we made a good faith attempt to amend according to the court rules.

The trial judge found *R. 4:17-7* precluded his consideration of the report if the amended report was not accompanied by a certification. The court concluded that "without the new report . . . the plaintiff cannot proceed with the matter and I will grant the motion to dismiss."

Plaintiff filed a motion for reconsideration, which the trial judge denied. He found:

The new rule that we're operating [*6] under is very clear in . . . its intent. It's a more strict version of the circumstance[s] than existed before the rule was amended previously. Such a dismissal would have been without prejudice, and it could have been cured, or there would have been no dismissal. The matter would simply have been adjourned. The offending party, so to speak, would have been given an opportunity to supply the missing information, and everyone would have had an opportunity to look at it, and examine it[, a]nd then the matter would have been rescheduled for trial, and there would not have been a problem.

But that procedure, was evidently frowned upon,

2006 N.J. Super. Unpub. LEXIS 1786, *6

which resulted in the new rule, which indicates, I think clearly, that that procedure should no longer be followed. That these things have to be done in a timely matter. As said, the time limits are set forth in the rule. That if the time limits in the rule are not complied with, additional discovery can be supplied only with a certification explaining why. And if that's not done, the Court is to disregard the additional items. In this case, the reports of the physicians. The Court has no discretion in that.

It seems pretty clear, as I've stated previously, [*7] that the purpose of the rule was to require these things absolutely, and that if the rule was not followed, that the matter was to be dismissed. And there was to be no leeway, except insofar as was provided by the rule.

So for those reasons, as I've indicated have been previously stated, I think that that particular rule precludes my consideration of those documents, and the motion to reconsider is denied.

On appeal, plaintiff argues:

POINT I

THIS COURT SHOULD REVERSE THE DECISION OF THE COURT BELOW, DISMISSING PLAINTIFF'S COMPLAINT WITH PREJUDICE, AND PERMIT THE MATTER TO BE REMANDED FOR TRIAL.

POINT II

DEFENDANTS' FAILURE TO RAISE THE ISSUE OF THE MEDICAL REPORT AND CERTIFICATION, FROM DECEMBER 2004 TO APRIL 2005, SHOULD HAVE EQUITABLY ESTOPPED THE COURT FROM DISMISSING PLAINTIFF'S COMPLAINT.

R. 4:17-7 permits amended answers to interrogatories up to twenty days before the discovery end date fixed by the track assignment or court order. Thereafter, any amendments must be accompanied by a certification that the information was not reasonably available through the exercise of due diligence. *R. 4:17-7*. The rule was amended in 2004 to include additional language:

In the absence of said certification, [*8] the late amendment shall be disregarded by the court and adverse parties. Any challenge to the certification of due diligence will be deemed waived unless brought by way of motion on notice filed and served within 20 days after service of the amendment.

Objections made thereafter shall not be entertained by the court.

[*R. 4:17-7*.]

This amended portion of the rule was included in the Rules and Appendices Amended and Adopted by the Supreme Court (effective September 1, 2004), ordered on July 28, 2004, and published as a notice to the bar on July 30, 2004. 177 *N.J.L.J.* 493 (August 9, 2004). In the comments to this rule, Judge Pressler writes:

This paragraph of the rule was again amended effective September 2004 with respect to the certification of due diligence required for late amendments. The amendment provides that in the absence of the certification, the amendment will be disregarded

[Pressler, *Current N.J. Court Rules*, comment 1 on *R. 4:17-7* (2006).]

The thrust of plaintiff's argument on appeal is not that there was compliance, or even substantial compliance, with the rule. Rather, plaintiff urges that circumstances surrounding his non-compliance warrant relaxation of the rule [*9] pursuant to *R. 1:1-2*, or, in the alternative, that the court should have applied equitable principles to estop defendant from raising any objection to the report because of defendant's failure to raise the issue of the untimely medical report from December 2004 to April 2005.

"Generally, the disposition of discovery issues is within the trial court's discretion." [Mango v. Pierce-Coombs](#), 370 *N.J. Super.* 239, 258, 851 *A.2d* 62 (*App. Div.* 2004). To that end, a trial court's discovery decision will not be disturbed on appeal unless the court has abused its discretion or its determination is based on a mistaken understanding of applicable law. [Rivers v. LSC P'ship](#), 378 *N.J. Super.* 68, 80, 874 *A.2d* 597 (*App. Div.*) (citing [Payton v. New Jersey Turnpike Auth.](#), 148 *N.J.* 524, 559, 691 *A.2d* 321 (1997)), *certif. denied*, 185 *N.J.* 296, 884 *A.2d* 1266 (2005).

In serving the December 21, 2004, expert report, we note that plaintiff not only violated *R. 4:17-7*, but also *R. 4:24-1(c)*. Plaintiff disregarded *R. 4:24-1(c)* by failing to file a motion to reopen discovery. Had there been compliance with this rule, there would have been a record to assist the court in determining whether exceptional circumstances were demonstrated to warrant re-opening discovery to permit Dr. [*10] Abraham's report. [Zadigan v. Cole](#), 369 *N.J. Super.* 123, 132-33, 848 *A.2d* 73 (*Law Div.* 2004); see

2006 N.J. Super. Unpub. LEXIS 1786, *10

also [Bender v. Adelson, 187 N.J. 411, 427-29, 901 A.2d 907 \(2006\)](#)). This was not done. Instead, when defendant moved for dismissal on the day of trial, plaintiff's counsel proceeded to explain the "ongoing problem of last year" and that it was the fact that Dr. Thomas "[was] no longer physically available to come to court," which necessitated the second report. The record, however, suggests otherwise.

In the updated report, Dr. Abraham begins by stating, "Mr. Harshad Chapadia was seen in my office on 12-20-04 with complaints of persistent neck, and back pain, which are related to the accident of 9-05-02." In the next nine sentences thereafter, Dr. Abraham discusses plaintiff's 1997 accident. The report concludes with a comparison, in terms of percentages, between the 1997 and 2002 accidents. Nothing in the report makes any reference to Dr. Abraham examining plaintiff and preparing a report due to the anticipated unavailability of Dr. Thomas.

Next, discovery ended September 2004. When the updated report was served on December 22, 2004, plaintiff filed no certification of due diligence. Moreover, the [*11] certification that was eventually served, after the dismissal of the complaint, still did not explain why Dr. Thomas failed to discuss a comparison of the two injuries in her original report, although she made specific reference to the 1997 accident in the report. Dr. Thomas treated plaintiff for the earlier accident and, as noted in Dr. Abraham's report, Dr. Thomas also ordered diagnostic testing as part of that treatment. In addition, the certification does not indicate the specific date when plaintiff's counsel learned that Dr. Thomas would not be available to testify at the time of trial. This latter omission is particularly problematic in light of counsel's representation to the court that Dr. Thomas' unavailability to testify had been an "ongoing problem last year."

During the reconsideration motion, defense counsel argued there was never a [Polk v. Daconceicao, 268 N.J. Super. 568, 634 A.2d 135 \(App. Div. 1993\)](#), analysis in the original report, and if the requisite certification had accompanied the updated report, he would have challenged the admissibility of the report because:

plaintiff would have to certify that the material was unavailable until after [the] discovery end date. And it couldn't [*12] be done in this case, since the initial treating physician who issued the initial report, Dr. Thomas, was the treating physician for [the] other record, and had the record, and still

failed to provide a *Polk*.

We are of the view that where, as in this case, discovery has closed and arbitration has been completed, defendant should be permitted to rely upon the proofs a plaintiff has presented during the discovery process in preparing for trial. See [Town of Phillipsburg v. Block 1508, Lot 12, 380 N.J. Super. 159, 173-74, 881 A.2d 749 \(App. Div. 2005\)](#). Moreover, *R. 4:17-7* does not place any affirmative obligation upon an adverse party to object to a late amendment unaccompanied by the requisite certification. Rather, the rule expressly directs the court and a party's adversary to disregard the amendment. *Ibid*. It is only when the certification of due diligence is served that the rule imposes a twenty-day time limit for the opposing party to object to an amendment. *Ibid*.

Nor are we persuaded that the unexplained omissions reflected in this record are candidates for application of equitable relief in the form of rule relaxation pursuant to *R. 1:1-2*. As Judge Pressler noted in the comments to the 2004 amendment [*13] to *R. 4:17-7*:

2. Rule relaxation. As a caveat to the discussion on relaxation, it should be noted that the effect of the 2000 Best Practice Rules, see generally Comment 4. on *R. 1:1-2*, on the typical liberality with which amendments had been allowed has yet to be determined but it may be anticipated that the spirit of those rules will mandate stricter compliance.

[Pressler, *supra*, comment 2 on *R. 4:17-7*.]

The Supreme Court's recent decisions in [Bender, supra, 187 N.J. at 416-37](#), and [Szalontai v. Yazbo's Sports Cafe, 183 N.J. 386, 396-97, 874 A.2d 507 \(2005\)](#), confirm Judge Pressler's prediction.

[Bender, supra](#), involved an appeal of a trial court's grant of a motion for mistrial following a jury verdict based upon the plaintiff's counsel's improper remarks during summation that the jury could draw an adverse inference from the defendants' failure to produce independent experts. [187 N.J. at 433-34](#). We reversed and the Supreme Court granted certification. [Id. at 423-25](#). As part of its decision, the Court also addressed the motion judge's exclusion of three defense expert reports. [Id. at 430](#). The motion judge barred the experts' reports [*14] as untimely, recognizing there had been a number of discovery extensions and non-compliance by defendants with prior discovery orders. [Id. at 428-29](#). The motion judge also found that *R. 1:2-2*, the catch-all "relaxation rule," did not apply because defendants'

2006 N.J. Super. Unpub. LEXIS 1786, *14

"request to relax the rule in question is essentially a request that the Court excuse a lack of diligence." *Id. at 420.*

The Court found:

Applying an abuse of discretion review standard to the trial court's decision to bar defendants' requested amendments to their interrogatory answers and deny a further discovery extension, [*Rivers, supra, 378 N.J. Super. at 80* (citation omitted)], we find that defendants failed to show "due diligence," *Rule 4:17-7*, or "exceptional circumstances," *Rule 4-24-1(c)*. We therefore see no reason to upset the trial court's exercise of discretion. Defendants submitted the three disputed expert names and reports in June and July 2002, in violation of two mandatory court orders that expressly precluded the submission of experts after the dates specified and after discovery already had been extended twice. They failed to move before the trial court to accept the additional [*15] names and extend discovery prior to the setting of a final trial date. See *Ponden v. Ponden, 374 N.J. Super. 1, 10, 863 A.2d 366 (App. Div. 2004), certif. denied, 183 N.J. 212, 871 A.2d 90 (2005)* (noting importance of set trial or arbitration date under new rules because "raison d'etre" of amendments is "to render trial dates meaningful").

[Id. at 428-29.

In *Szalontai, supra*, the plaintiff served an expert report and moved to extend discovery after arbitration had been completed and the arbitrator had entered an award favorable to defendants. *183 N.J. at 392-93*. On the same day the motion to extend discovery was filed, the trial date was also fixed. *Id. at 393*. Because arbitration had been completed and a trial date fixed, the trial judge properly concluded that the standard governing the grant of the motion was "exceptional circumstances," pursuant to *R. 4:24-1(c)*. *Ibid.* The court denied the motion, finding that exceptional circumstances had not been demonstrated. *Ibid.* The court explained that "'allowing discovery to reopen at this point . . . would be using the arbitration procedure as almost a screening event to figure out where the weaknesses are' . . ." *Ibid.* On appeal, we concluded that [*16] plaintiff's "'failure to conduct discovery until after he lost at the arbitration was sufficient reason to deny his motion to extend discovery.'" *Id. at 395*. The Supreme Court granted certification and rejected plaintiff's argument that he was prejudiced by the motion

judge's application of "Best Practices" that resulted in the denial of the plaintiff's motion to extend discovery and to produce a liability expert at the time of trial. *Id. at 395-96*. The Court stated:

In this case, plaintiff's request for an extension of the discovery deadline was made not only after both the arbitration and trial date were fixed, but after the arbitration itself had been concluded and an award rendered, and on the very day the trial date was set. Moreover, that request included plaintiff's statement that even his own deposition needed to be taken. Under those circumstances, we wholly endorse the trial court's rejection of plaintiff's request for an extension of the discovery deadline. In the words of the trial court:

There were no depositions that were taken, there's just the report that was apparently put together by some expert and could have been - all the information in that report was available [*17] before the discovery ending. My concern in allowing discovery to reopen at this point is that we really would be using the arbitration procedure as almost a screening event to figure out where the weaknesses are; and then, after the arbitration, we'll go forward and plug in all the holes in our case, and I just don't think that's what arbitration is for. And I think if I were to allow this to proceed that would be undermining the whole effort of the court system to have discovery concluded prior to the arbitration.

[Id. at 397 (footnote omitted).]

Finally, in counsel's certification submitted in support of plaintiff's motion for reconsideration, counsel stated:

4. On April 4, 2005, during conference with Judge Graziano, defense counsel objected, *for the first time*, to a submitted medical report by Dr. Thomas Abraham. Said medical report, dated December 21, 2004, was served on defense counsel December 22, 2004. A discussion was held between the attorneys for both parties, and Judge Graziano, regarding the admissibility of said report. Thereafter, Judge Graziano dismissed the instant matter in order to give plaintiff the opportunity to provide a Certification in accordance with amended *Rule 4:17-7*, [*18] with regard to an interrogatory amendment served after the discovery period.

The designated trial counsel for plaintiff did not appear for oral argument on the reconsideration motion.

2006 N.J. Super. Unpub. LEXIS 1786, *18

Instead, the attorney who appeared for the trial call, and who was therefore privy to the off-the-record discussions, appeared to argue the motion. His first remarks to the court corrected a statement in the certification the designated trial counsel submitted in support of the reconsideration motion:

THE COURT: Okay. Good afternoon to both of you. Plaintiff, your motion. I have the papers here. Tell me what you want -- if you want to add anything to them, or explain it.

[PLAINTIFF'S COUNSEL]: Yes. If I may, Your Honor. First, as the Court and counsel is aware, I am an attorney. I'm hired . . . to appear at trial matters and certain discovery matters. I appeared at the trial on this matter. [Designated trial counsel] filed various motions in this matter, but I'm not officially affiliated with her office.

I do wish to correct Paragraph [4] in the certification . . . sent in on my behalf that I signed. It's Paragraph [4] where it states, . . . ["the instant matter, in order to give plaintiff [the] opportunity." [*19] That was a typo. There was many certifications going back and forth between her office in Passaic and my office in Jersey City. And that was -- it should have meant "which would have given the plaintiff an opportunity in this matter."

THE COURT: All right. We'll certainly accept that correction.

Defense counsel, you would agree with that, I think?

[DEFENSE COUNSEL]: I accept the correction, Your Honor.

In the argument that followed, counsel said he thought the court's dismissal was without prejudice. He does not reference any discussion off the record where the court or defense counsel led him to believe the dismissal was without prejudice. Instead, he told the court, "when I came out of court and I reviewed the transcript of the hearing, I know the matter was dismissed. I didn't realize it was with prejudice." To the extent counsel had been led to believe the dismissal was without prejudice by the court, or that there had been some agreement between counsel that the dismissal would be without prejudice, we believe that may have warranted a different outcome. That not being the case, however, we see no abuse of discretion in the trial court's dismissal with prejudice of plaintiff's complaint [*20] on the day of trial. See [Bender, supra, 187 N.J. at 431](#). Nor do we conclude that the use of the term "summary judgment" in the April 14, 2005, order constitutes reversible error. *R. 4:37-2(d)* provides, "[u]nless the order of dismissal

otherwise specifies, a dismissal under *R. 4:37-2(b)* or *(c)* and any dismissal not specifically provided for by *R. 4:37*, other than a dismissal for lack of jurisdiction, operates as an adjudication on the merits." Here, the court barred the report based upon the failure to comply with the requirements of *R. 4:17-7* and then recognized, "without the new report . . . plaintiff cannot proceed with the matter and I will grant the motion to dismiss."

Affirmed.

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