



**IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA**

**IN RE: ZOLOFT LITIGATION**

**CIVIL ACTION NO. 14-C-7000**

**THIS DOCUMENT APPLIES TO ALL CASES**

**ORDER GRANTING DEFENDANTS' MOTION TO  
COMPEL DR. CABRERA'S STUDY DOCUMENTS AND DATA**

On August 31, 2016, Defendants filed a motion to compel the production of documents and data pertaining to a Zolofit-related study conducted by Plaintiffs' designated expert, Robert M. Cabrera, Ph.D. *Defendants' Motion to Compel Dr. Cabrera's Study Documents and Data* (Transaction ID 59471090). On September 13, 2016, Plaintiffs filed a response requesting Defendants' motion be denied as moot because Plaintiffs were contemporaneously producing to Defendants a report entitled *Sertraline – Final Report: Oral (gavage) Embryo-Fetal Developmental Toxicity Study in the Mouse*, which Plaintiffs "understand contains all 'raw data' from Dr. Cabrera's mouse study presented by poster at the 2016 Teratology Society meeting and referenced throughout Defendants' Motion." *Plaintiffs' Response to Defendants' Motion to Compel Dr. Cabrera's Study Documents and Data* (Transaction ID 59553405) at ¶2.

In their reply, Defendants asserted Plaintiffs' production was deficient and requested the Panel (1) order production of the underlying data from *in vitro* studies described in Dr. Cabrera's abstracts presented at a 2016 meeting of the Teratology Society and (2) order Plaintiffs to make Dr. Cabrera available for a continuation of his deposition. *Reply Memorandum in Support of Defendants' Motion to Compel Dr. Cabrera's Study Documents and Data* (Transaction ID 59561437) at 1-2.

Having reviewed and maturely considered the submissions of the parties, and having conferred with one another to insure uniformity of their decision, as contemplated by Rule 26.07(a) of the West Virginia Trial Court Rules, the Presiding Judges unanimously found Plaintiffs' production appeared to be deficient and ORDERED Plaintiffs to supplement their production of data related to Dr. Cabrera's presentation and report within ten days. September 19, 2016, Hearing Transcript at 15:13-18.

Defendants' request for a continued deposition of Dr. Cabrera is GRANTED, with the limitation that Defendants may only inquire about information related to Dr. Cabrera's aforementioned report and the underlying data, as well as the supplemental production to be made by Plaintiffs. The parties' objections and exceptions are noted and preserved.

It is so ORDERED.

ENTER: October 5, 2016.

/s/ James P. Mazzone  
Lead Presiding Judge  
Zoloft Litigation