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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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

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

v. :

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

Defendants. :

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

v. :

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

Defendants. :

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NOVEMBER 4, 2016

CHARLES FLICKER, Ph.D.

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GOLKOW TECHNOLOGIES, INC.  
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deps@golkow.com

1 MR. ROBERTS: Objection.

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

4 BY MR. BAUM:

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

9 A. Yes.

10 MR. ROBERTS: Objection.

11 BY MR. BAUM:

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

16 MR. ROBERTS: Objection.

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

19 BY MR. BAUM:

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

23 MR. ROBERTS: Objection.

24 THE WITNESS: Under -- if an

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

7   BY MR. BAUM:

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

10           MR. ROBERTS:  Objection.

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

15   BY MR. BAUM:

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

19           MR. ROBERTS:  Objection.

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

1 Do you see that?

2 A. Yes.

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

4 MR. ROBERTS: Objection.

5 THE WITNESS: Yes.

6 BY MR. BAUM:

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

10 MR. ROBERTS: Objection.

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

12 BY MR. BAUM:

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

16 MR. ROBERTS: Objection.

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

19 BY MR. BAUM:

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

21 MR. ROBERTS: Objection.

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

24 BY MR. BAUM: