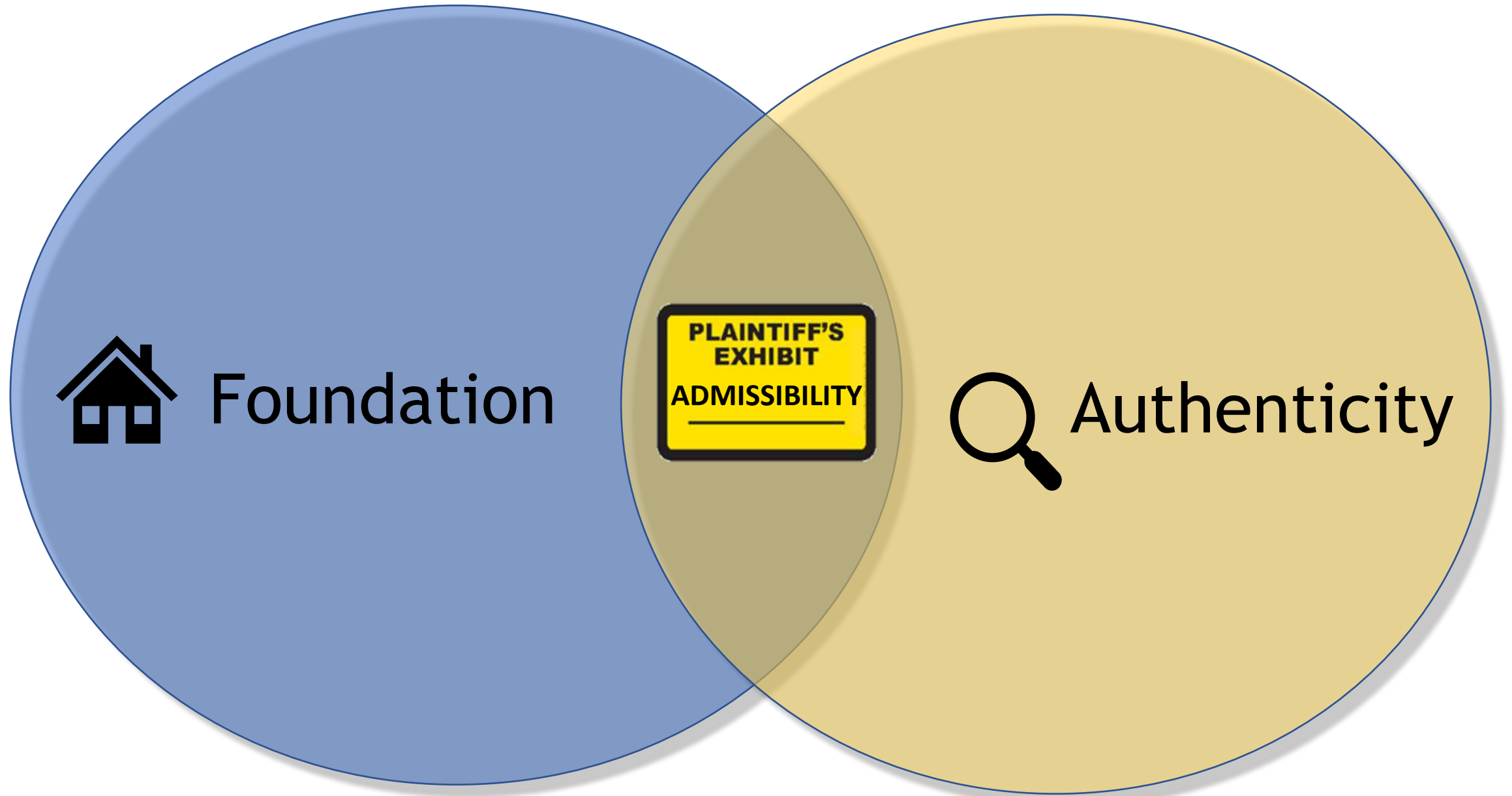


Preparing for Trial & How to Use Depositions to Introduce Documents

Emily Jeffcott

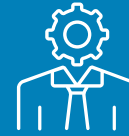


To Get a Document Into Evidence:



AUTHENTICITY

Other Ways to Establish



Self Authenticating



Document Custodial
Deposition



Pre Trial Order

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: TAXOTERE (DOCETAXEL))
PRODUCTS LIABILITY LITIGATION)
)
)
THIS DOCUMENT RELATES TO:)
ALL ACTIONS)

MDL No. 2740

CASE MANAGEMENT ORDER
(GENERAL DISCOVERY PROTOCOL – SANOFI)

In an effort to coordinate discovery and meet the Court's needs, the Parties submitted competing drafts of a proposed General Discovery Protocol captioned litigation. After convening two status conferences, the Court heard on their respective positions regarding the proposed Order. The Court now hereby Orders as follows:

1. **Applicability of Order.** The following procedures apply to discovery on Defendants Sanofi S.A., Aventis Pharma S.A., and US Services Inc. (hereinafter collectively "Sanofi Defendants") and discovery of Defendants not expressly authorized by this Order, this Court or express agreement of the Parties. The Federal Rules of Civil Procedure apply to these proceedings, subject to provisions permitting Court orders or stipulations by the Parties to make appropriate modifications. Pretrial Order Number 49 (Electronically Stored Information Protocol) and Pretrial Order Number 50 (Protective Order) shall apply to all discovery under this Order. The discovery authorized by this Order is hereinafter referred to as "general discovery," and is subject to the limitations set forth below.

vi. **Documents Produced by Parties – Presumption of Authenticity.** In order to reduce the number of requests for admission, this Order establishes a rebuttable presumption that documents produced by the Parties are authentic, if said documents were either created or authored by the producing Party, or any of its employees, agents or contractors, so long as the agent or contractors' work was performed in connection with a project, assignment or clinical trial sponsored by the producing Party. No further evidence to establish authenticity need be provided.



Pre Trial Order

FOUNDATION

WRITE YOUR SUBTITLE HERE



**Personal
Knowledge**



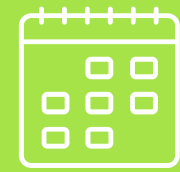
Who/What/When



**Relevance to
Case**



**Non-Hearsay
Uses**



**803/804
Exceptions**

NON-HEARSAY USES

WRITE YOUR SUBTITLE HERE



Effect on Listener



**Prior
Consistent
Statements**



Notice/Knowledge



Impeachment



Verbal Acts



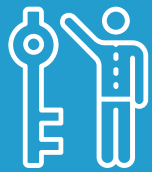
Party Admissions



**Non-Hearsay
Uses**

FOUNDATION

WRITE YOUR SUBTITLE HERE



**Personal
Knowledge**



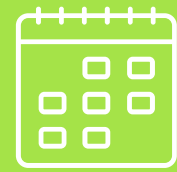
Who/What/When



**Relevance to
Case**



**Non-Hearsay
Uses**



**803/804
Exceptions**

F.R.E. 803 Exceptions

Excited Utterance

Present Sense Impression

State of Mind

Past Recollection Recorded

Business Records

Public Records

Ancient Document



**803/804
Exceptions**

F.R.E. 804 Exceptions

(Declarant Must be Unavailable)



Dying Declaration



Former Testimony



Statement Against Interest



**803/804
Exceptions**

FOUNDATION

Business Records Exception



Contemporaneous

The record must be made contemporaneously by or from information transmitted by someone with knowledge;



Regular Course

The record must have been kept in the course of a regularly conducted activity;

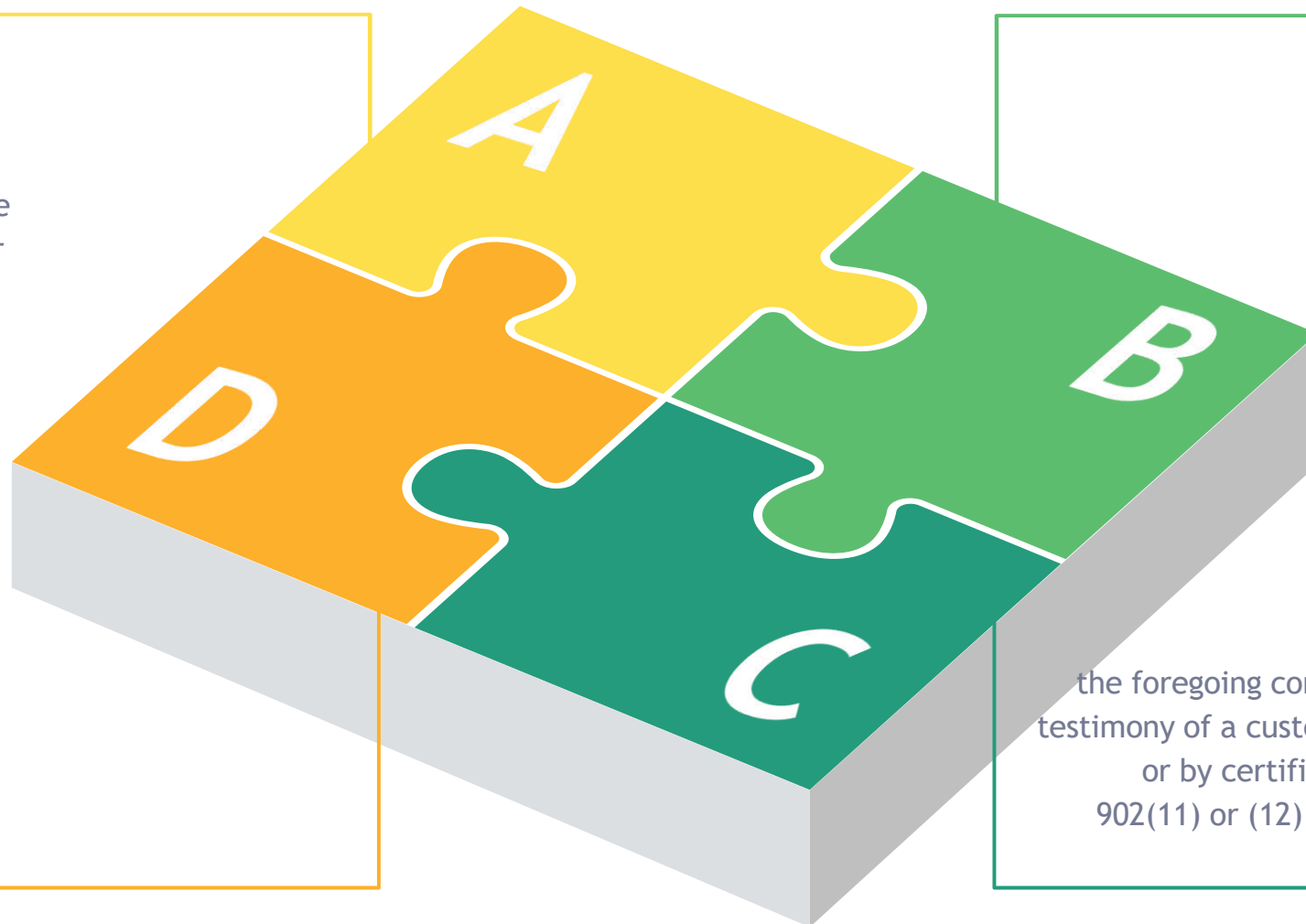
Regular Practice

Making the record must be a regular practice of that activity; and



Qualified Witness

the foregoing conditions are established by the testimony of a custodian, other qualified witness, or by certification that complies with Rule 902(11) or (12) or by other statute permitting certification.



**Not All Emails Are
Business Records!**

