

Exhibit 1

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From: Heard, F. Lane [mailto:LHeard@wc.com]
Sent: Thursday, May 12, 2011 8:09 AM
To: matt_morgan@ared.uscourts.gov; Mullins, Lee; Mike Williams; erik
Subject: RE: HT MDL: does the stay on short term use cases apply to lobular cases?

I have not had an opportunity to talk with my folks since getting Mike's email yesterday afternoon and am not in the office this morning.

The stay, I believe, was intended to preserve the status quo for cases subject to the *Daubert* ruling. That would be ductal cases. By its terms, however, the stay order is not limited to ductal cases – and it should not be, if we are going to broaden the *Daubert* challenge on short-term use and show that the same arguments apply to lobular or other categories of breast cancer. That has been our premise, but I thought it made sense to check in with our team again. Needless to say, there are other *Daubert* issues on the front burner.

From: matt_morgan@ared.uscourts.gov [mailto:matt_morgan@ared.uscourts.gov]
Sent: Thursday, May 12, 2011 10:59 AM
To: Heard, F. Lane; Mullins, Lee; michael_williams@wdolaw.com; erik@hkhlaw.com
Subject: Fw: HT MDL: does the stay on short term use cases apply to lobular cases?

----- Forwarded by Matt Morgan/ARED/08/USCOURTS on 05/12/2011 09:57 AM -----

From: Matt Morgan/ARED/08/USCOURTS
To: "Mike Williams" <michael_williams@wdolaw.com>
Cc: "erik" <erik@hkhlaw.com>, "Zoe Littlepage" <zoe@littlepagebooth.com>, "Heard Esq., Frank Lane (Williams & Connolly LLP)" <"Heard Esq., Frank Lane (Williams & Connolly LLP)"@>
Date: 05/12/2011 09:57 AM
Subject: Re: HT MDL: does the stay on short term use cases apply to lobular cases?

Has this been resolved? Has a motion been filed regarding this dispute?

From: "Mike Williams" <michael_williams@wdolaw.com>
To: <matt_morgan@ared.uscourts.gov>
Cc: "erik" <erik@hkhlaw.com>, "Zoe Littlepage" <zoe@littlepagebooth.com>, "Heard Esq., Frank Lane (Williams & Connolly LLP)" <>
Date: 05/11/2011 03:08 PM
Subject: HT MDL: does the stay on short term use cases apply to lobular cases?

Matt, a dispute has suddenly arisen between plaintiffs and Wyeth/Pfizer over whether the court's order of 3/8/11 staying short term use cases pending the appeal of the Kuhn Daubert order was also meant to stay short term lobular cases, even though neither the Daubert order nor the appeal deal with lobular cases. We have a PPO9 case where the plaintiffs' depo has long been set for this Friday, and suddenly today Wyeth claims the case is stayed. Our client took Prempro for just under three years and developed invasive lobular breast cancer. I have tried to reach Mr. Heard to learn the basis of his belief that lobular cases were stayed, but have been unable to. Mr Heard signed the attached "Notice of postponement" of Friday's depo, a unilateral act by Wyeth to delay discovery in this case. Is it possible to get a ruling from the court on this dispute yet today? Travel for the depo must occur tomorrow morning.

The Daubert order on p 2 provides:

This Order is limited to only Prempro (and its generic equivalents) and ductal cancer. It appears there may be causation differences between lobular and ductal cancer as there are a few studies finding a causal connection between lobular cancer and short-term HRT use. The two cases set for trial on February 1, 2011, involve only ductal cancer and since this issue was not fully fleshed out at the hearing or in the papers, this Order will not address lobular cancer.

Mike Williams
Williams Love O'Leary & Powers, PC
9755 SW Barnes Rd. Suite 450
Portland, OR 97225
p: (503)295-2924
f: (503)295-3720
mwilliams@wdolaw.com

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