

81

3

40275°—14——1

Croper's Castle Dip is a poisonous preparation and must be used in accordance with directions. *Never increase the strength.* Croper's Castle Dip will fulfill claims made for it as the strength designated. **ABUSE:** 1. If the strength is increased, the dip will be very useful of severe water; 2. Applied inside the ear and nostrils, a dropful, follow with olive oil or white of egg, mucilaginous demulsi; 3. Shiny grating potassium bromide in water. If much pain, give two teaspoonfuls paregoric in water. *Never patient lie down and get up.* **CAUTION:** Keep away from children, pets and food stuffs. *Avoid excessive skin contact and wash off thoroughly after exposure.* If on clothing, remove and wash. Avoid inhalation and spray mist. Skin absorption or swallowing may be fatal if absorbed. Wash with water, empty container several times with water. *Do not use for lice, and bury containers, never re-use.* -G-

Three Basic Approaches

LAFON NURSING FACILITY OF THE HOLY FAMILY EVACUATION PLAN 2005

SITUATION

Facility description

Lafon Nursing Facility of the Holy Family is located on the river side of Chef Monteur Highway in the 6900 block. It is a one-story structure with 73 semi-private and 9 private rooms all with adjoining baths.

There are three (3) nursing units, each with three (3) exits.

One exit on each station leads to Chef Highway, another to Gentilly Road and a third door is an east or west exit.

The building has a fire resistance of two (2) hours.

All doors are equipped with panic bars and alarms.

The building is equipped with central air, heat, smoke detectors, fire alarm system with two dedicated phone lines to the fire department.

The facility is also equipped with a sprinkler system and closed circuit T.V.

All resident rooms are equipped with call bells and an intercommunication system to nurses' stations.

The facility has an auxiliary emergency power generator which provides light to all hallways, telephones, refrigeration, and outlets for emergency use. The generator is located in a small, locked building directly across from the Gentilly exit. The front of the building is used for storage of Hazardous Wastes.

The Boiler room, found to the left of the Gentilly exit, holds the heating and air-conditioning systems.

Projected 100 year floor level: Our architect said that "occupied building spaces are built in conformance with FEMA requirements for minimal slab elevations, which are based on the 100-year floor levels. The min slab elevation at Lafon is -4.00' with actual slab elevation at approximately +2.0'."

Lafon keeps a two-week supply of non-perishable foods and supplies for emergencies.

Lafon stores many over-the-counter drugs which include anti-inflammatory/analgesics, anti-diarrhea, antacids, laxatives, topical antibiotic ointments, cough syrups and vitamins.

- See attachment of emergency drugs(S 1)

While many staff members may have a family emergency plan, we do not keep such information.

Hazards which may affect Lafon include: tornado, hurricane winds, water shortage, chemical spills in the area.

Lafon has no lightning rods nor lightning protection. Our architect said this is unnecessary.

3/05

Blow-Ups of Selected Text

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3/05

Call-Outs

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LAFON NURSING FACILITY OF THE HOLY FAMILY EVACUATION PLAN 2005

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3/05

Text Boxes

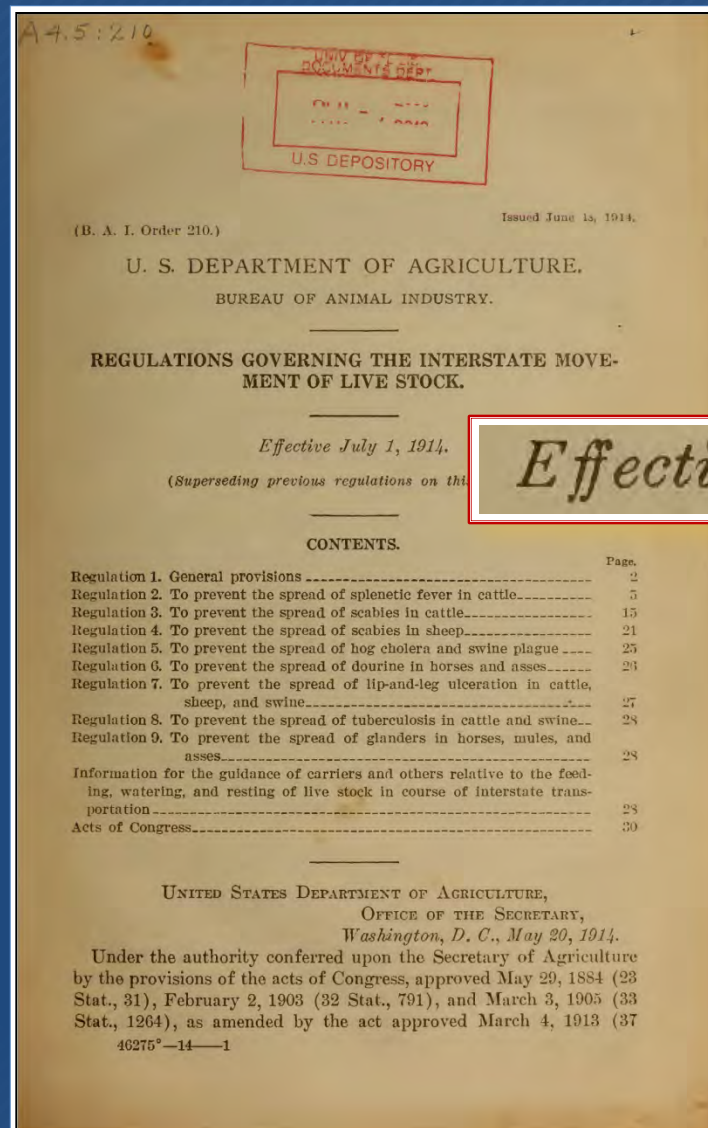
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The building has a fire resistance of two (2) hours.

Arsenical Dipping Ordered by U.S. Government



Effective July 1, 1914.

Prescribed Formula for Dipping Solutions

EXTERMINATING THE TEXAS-FEVER TICK.

27

If made properly this stock emulsion is permanent and will keep indefinitely.

To prepare the stock emulsion for use it is diluted with water to a 20 or 25 per cent emulsion. In order to obtain a 20 per cent emulsion of oil it is necessary to use one part of the stock emulsion to three parts of water, and for a 25 per cent emulsion one part of stock emulsion to two and one-fifth parts of water. The stock emulsion is permanent, but the diluted emulsion does not remain uniformly mixed, so that if allowed to stand it should be thoroughly mixed by stirring before using. Or and if this is not a sufficient amount Care should be observed in the preparations.

Arsenical dips are much favored during the past few years. This has been due to their efficacy, cheapness, the ease with which they are prepared, and the comparatively slight injury they cause to cattle when properly prepared and used. Homemade dips are the ones most commonly used and are quite satisfactory in every way when ordinary care is used in their preparation. This dip is prepared in proportions of 1 to 1 and the comparative little advantage is largely counterbalanced by the fact that it is more expensive than a homemade dip.

The formula most commonly used in making an arsenical dip is the following:

Sodium carbonate
Arsenic trioxid
Pine tar,
Water sufficient

If for any reason the amounts given by the regulation of cattle which are areas, but for one of the cattle to be best to use the hot weather and weeks.

408

Farmers' Bulletin 498 (1912)

Arsenical dips as agents for destroying cattle ticks have come into much favor during the past few years. This has been due to their efficacy, cheapness, the ease with which they are prepared, and the comparatively slight injury they cause to cattle when properly prepared and used. Homemade dips are the ones most commonly used and are quite satisfactory in every way when ordinary care is used in their preparation.

The formula most commonly used in making an arsenical dip is the following:

Sodium carbonate (sal soda) pounds..	24
Arsenic trioxid (white arsenic) do....	8
Pine tar gallon..	1
Water sufficient to make 500 gallons.		

Lafon's 2005 Evacuation Plan

LAFON NURSING FACILITY OF THE HOLY FAMILY
6900 Chef Menteur hwy
New Orleans, LA. 70126

2005 EVACUATION PLAN (Addendums)

Hand-delivered by
Sr. Augustine Mc Daniel

4/14/05

Office of Emergency Preparedness
1300 Pedido St.
Suite 9E06
New Orleans, LA. 70112

Received by:

(Name)

(Position)

(Date)

04/14/05

- All Department Heads Assigned to Review Designated Sections
- Typed by Georgia Horne (Sr. Augustine's Assistant)
- Ultimate Responsibility - Sister Augustine

Lafon Evacuation Plan – Decision Options

Hurricane Safety Plan, pg. 3

Announcements of Plans

Announcements
by the A

Decision

Decision

1.

2.

3.

- 2. To transfer residents:**
 - a. to second floor of Lafon**
 - b. move 10-12 residents to Child Care Center**
 - c. send resident sisters and 40 other residents to Motherhouse**
 - d. call family members to assist in taking loved ones home**
 - e. ask Methodist to admit tube feeders**

NWS Forecast - Friday, August 27 at 5:00 p.m.

“PROBABILITIES FOR GUIDANCE IN HURRICANE PROTECTION PLANNING BY GOVERNMENT AND DISASTER OFFICIALS”

Hurricane KATRINA

Page 1 of 1

About/Welcome
Cyclone Forecasts
Latest Advisory
Past Advisories
Audio/Podcasts
About Advisories
Marine Forecasts
Atlantic & E Pacific
Gridded Marine
About Marine
Tools & Data
Satellite/Radar
Analysis Tools
Aircraft Recon
GIS Datasets
Data Archive
Development
Experimental
Research
Forecast Accuracy
Outreach & Education
Prepare
Storm Surge
About Cyclones
Cyclone Names
Wind Scale
Forecast Models
Resources
Glossary | Acronyms
Frequent Questions
Our Organization
About NHC
Mission | Staff
Visitors | Virtual Tour
Library Branch
NCEP | Newsletter
Contact Us
Comments

HURRICANE KATRINA PROBABILITIES NUMBER 04
DWS TPC/NATIONAL HURRICANE CENTER MIAMI FL
5 PM EDT FRI AUG 26 2005

PROBABILITIES FOR GUIDANCE IN HURRICANE PROTECTION
PLANNING BY GOVERNMENT AND DISASTER OFFICIALS

AT 5 PM EDT...2100Z...THE CENTER OF KATRINA WAS LOCATED NEAR
LATITUDE 24.4 NORTH...LONGITUDE 82.9 WEST

CHANCES OF CENTER OF THE HURRICANE PASSING WITHIN 45 NAUTICAL MILES
OF LISTED LOCATIONS THROUGH 2PM EDT MON AUG 29 2005

LOCATION	A	B	C	D	E	LOCATION	A	B	C	D	E
25.2N 85.1W	46	X	X	X	46	PENSACOLA FL	X	1	7	9	17
25.6N 86.4W	24	4	X	X	28	MOBILE AL	X	X	6	10	16
26.9N 87.7W	2	15	4	1	22	GULFPORT MS	X	X	5	11	16
NOAA 230W 824W	1	1	X	X	2	BURAS LA	X	X	8	9	17
MIAMI 239W 850W	1	1	X	X	2	NEW ORLEANS LA	X	X	4	11	15
COCOA BEACH FL	X	X	1	1	2	NEW IBERIA LA	X	X	1	13	
DAYTONA BEACH FL	X	X	1	3	4	PORT ARTHUR TX	X	X	X	7	
JACKSONVILLE FL	X	X	1	8	6	GALVESTON TX	X	X	X	5	
SAVANNAH GA	X	X	X	3	3	FREESPORT TX	X	X	X	4	
KEY WEST FL	99	X	X	X	99	PORT O CONNOR TX	X	X	X	2	
MARCO ISLAND FL	45	X	X	X	45	GULF 28W 85W	3	9	4	2	15
FT MYERS FL	19	1	X	X	20	GULF 28W 87W	X	8	9	4	20
VENICE FL	12	2	X	1	15	GULF 28W 89W	X	4	11	4	19
TAMPA FL	3	4	2	2	11	GULF 28W 91W	X	X	6	8	14
CEDAR KEY FL	1	4	4	3	12	GULF 28W 93W	X	X	3	8	9
ST MARKS FL	X	3	5	5	13	GULF 28W 95W	X	X	X	4	4
APALACHICOLA FL	X	6	6	5	17	GULF 27W 96W	X	X	X	2	2
PANAMA CITY FL	X	4	8	5	17						

COLUMN DEFINITION PROBABILITIES IN PERCENT
A IS PROBABILITY FROM NOW TO 2PM SAT
FOLLOWING ARE ADDITIONAL PROBABILITIES
B FROM 2PM SAT TO 2AM SUN
C FROM 2AM SUN TO 2PM SUN
D FROM 2PM SUN TO 2PM MON
E IS TOTAL PROBABILITY FROM NOW TO 2PM MON
X MEANS LESS THAN ONE PERCENT

FORECASTER STEWART

55
DEON

Quick Navigation Links:
Tropical Cyclone Forecasts - Tropical Marine Forecasts - Data Archive
Outreach - Prepare - About Cyclones - About NHC - Contact Us

NOAA/National Weather Service
National Centers for Environmental Prediction
National Hurricane Center
11681 SW 17th Street
Miami, Florida 33165-2149 USA
nhcwebmaster@noaa.gov
Page last modified: Friday, 26-Aug-2006 20:55:03 UTC

Disclaimer
Credits
Information Quality
Glossary

Freedom

New Orleans, LA: 15%

Gulfport, MS: 16%

Mobile, AL: 16%

Pensacola, FL: 17%

Apalachicola, FL: 17%

Panama City, FL: 17%

Cooper Cattle Dip Warning

“Cooper’s Cattle Dip is a poisonous preparation and must be used in accordance with directions.”

CAUTION  POISON

Cooper's Cattle Dip is a poisonous preparation and must be used in accordance with directions. Never increase the strength. Cooper's Cattle Dip will fulfill claims made for it at the strength designated.

ANTIDOTE—Emetic of mustard (1 tablespoonful to cupful of warm water); hydrated oxide of iron and magnesia, a cupful; follow with olive oil or white of eggs, mucilaginous drinks; thirty grains potassium bromide in water. If much pain, give two teaspoonfuls paregoric in water. Have patient lie down and keep warm. Call physician immediately.

CAUTION—Keep away from children, pets and food stuffs. Avoid excessive skin contact and wash off thoroughly after exposure. If on clothing remove and wash. Avoid inhalation and spray mist. Skin absorption or swallowing may be fatal to livestock. Rinse empty containers several times with water. Perforate or break, and bury containers, never re-use. -6-

ACTIVE INGREDIENTS—Arsenic Trioxide 20.00%
Soap 10.25%
Cresylic Acid 4.10%
INERT INGREDIENT—Water not exceeding 50%
ARSENIC—15.15% Calculated as metallic Arsenic, all in water soluble form.
5 GALLONS U. S. MEASURE

WILLIAM COOPER & NEPHEWS

1909-25 CLIFTON AVE. CHICAGO, U. S. A.

CAUTION  POISON

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1988 – Amendment to Lease

STATE OF LOUISIANA

LOCATION: NEW ORLEANS BRANCH

PARISH OF ORLEANS

AMENDMENT TO LEASE

7. USE OF PREMISES:

... LESSEE warrants and agrees that it will use the property in accordance with the environmental laws of the City of New Orleans, State of Louisiana, and United States of America, will store no combustible, explosive, or hazardous materials, and that all contamination resulting from the use of the premises will be removed under the applicable laws of the City of New Orleans, State of Louisiana, and the United States of America."

112 City Park Avenue, New Orleans, Louisiana 70119, and LESSOR may from time to time designate other places in the City of New Orleans for payment of the rent by written notice to LESSEE.

4. FIRE AND EXTENDED COVERAGE INSURANCE: During the lease term LESSEE shall maintain in force a policy of insurance insuring the improvements on the leased premises for fire and

ORRFPD
000117

Effectively Highlighting Trial Testimony

Testimony of Dale David

Q. Did you help pour any chemicals into the cattle dipping vat?

A. No.

Q. Do you know what kind of chemicals were used in the cattle dipping vat?

A. No.

Q. Before this lawsuit came about, had you ever even heard of the name Cooper's cattle dip before?

A. No.

Testimony of John G. Broussard

Knowledge of when vat was built?

NO

Knowledge of who built vat?

NO

Recollection of ever seeing cattle run through vat?

NO

Knowledge of type of chemicals used in vat?

NO

Knowledge of whether arsenic used in vats?

NO

Knowledge of how vats were emptied?

NO

Testimony that *Cooper's Cattle Dip* used in vat?

NO

Farmers' Bulletin 498



Dr. Michael Kosnett

Q. And yesterday during your examination, you were shown this document, which is United States Department of Agriculture Farmers' Bulletin 498, is that correct?

A. Yes.

Q. This document was published in 1912?

A. Yes.

Q. Who was the target audience for this document that discusses method of exterminating the Texas fever tick

A. It was available to the agricultural community.

Q. And did you recognize it was widely used and widely distributed within that community?

A. I believe it was.

Making Medical Issues Understandable

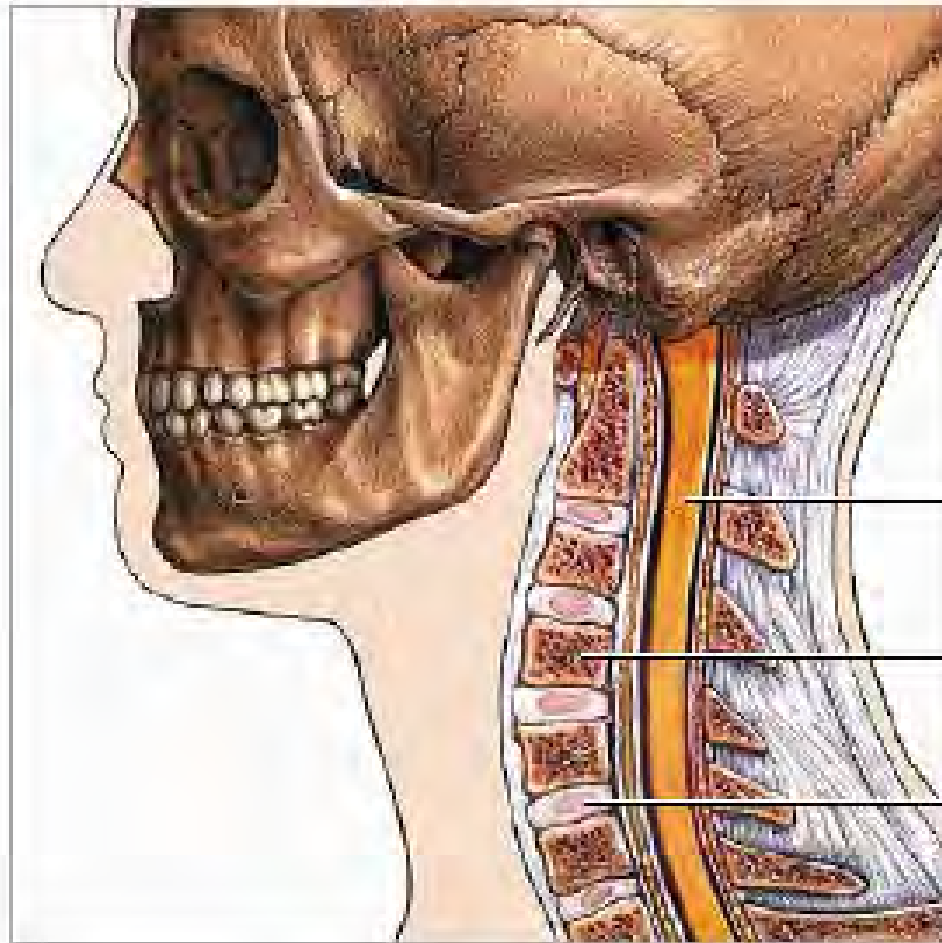
Medical Records Are Difficult to Read

[illegible]

“Father Died of Heart Attack at age 53 years”

“Brother Has High Blood Pressure – Uncontrolled”

Normal Cervical Spine

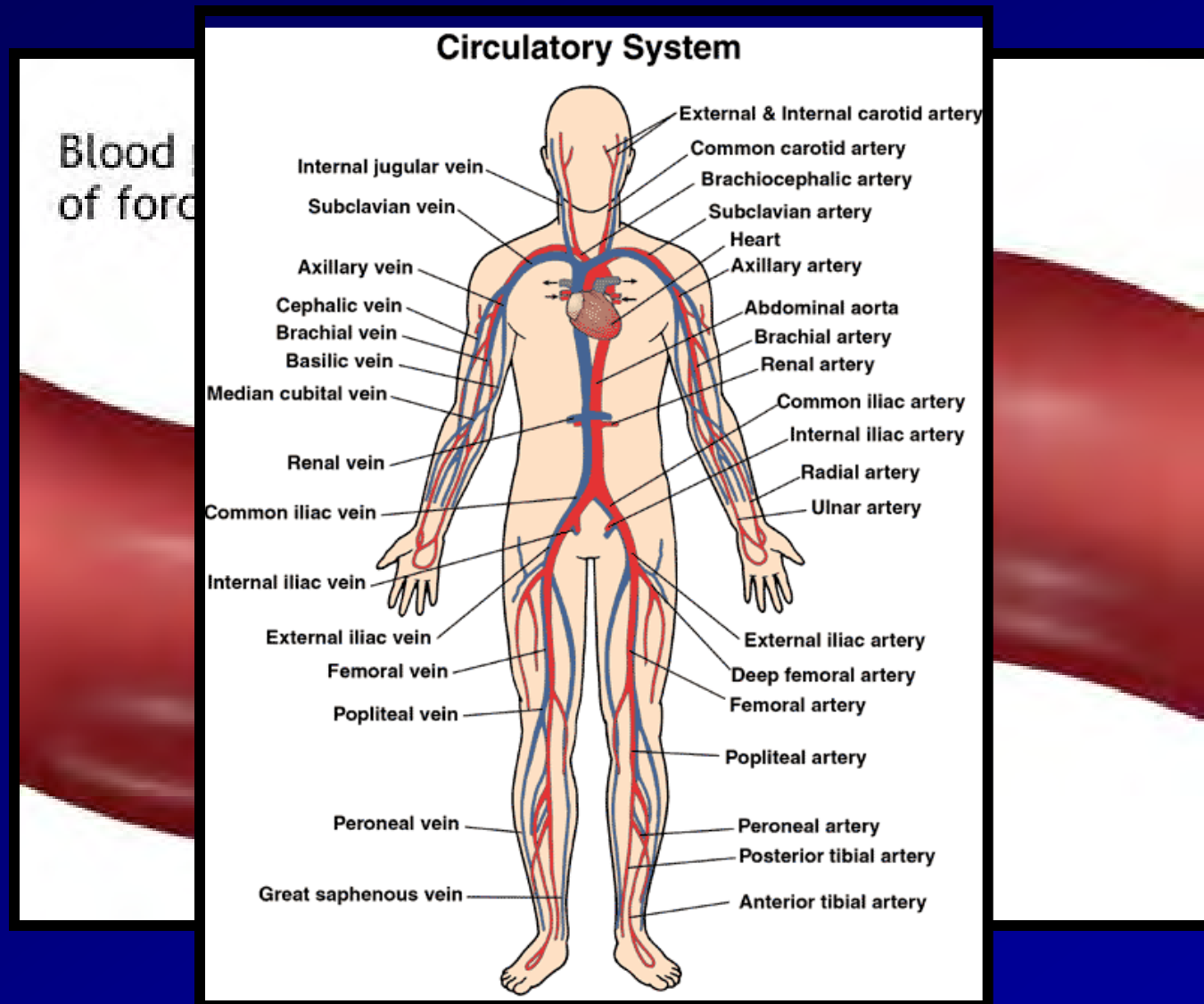


Spinal cord

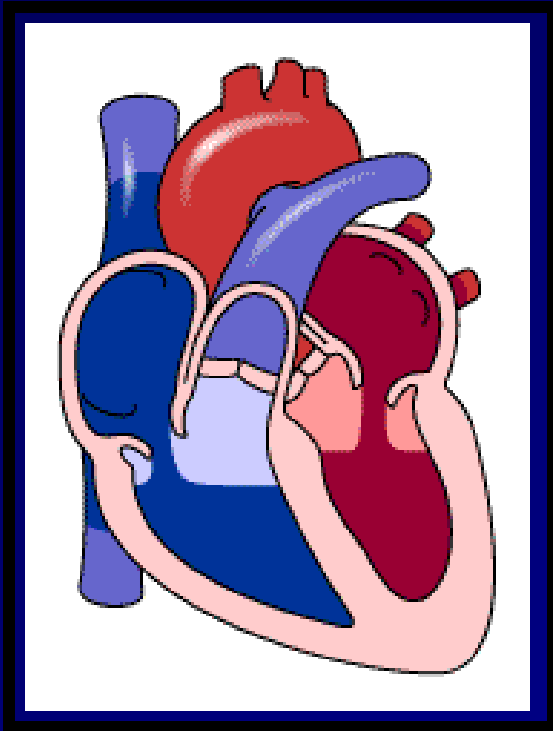
Vertebral body

Intervertebral
disc

What Is Blood Pressure?



How is Blood Pressure Measured?



Systolic / Diastolic

**Maximum
Pressure**

**Minimum
Pressure**

When Is Your Blood Pressure Too High?

- **Normal:** 120/80 and below
- **Pre-Hypertension:** 120-139/80-89
- **Hypertension:** 140/90 and above

Turning Medical Records Into Weapons

**Obtain Admissibility
Before Trial**

An Automobile Accident Occurred On May 22, 2000



?

Louisiana Clinic Note – 3/13/92

Pamela Ann Vizier Todaro

MAR 19 1992 1st visit New Patient

3/13/92 - "She hurt her neck and back. She has been seen by Ken Vogel. She had a whole bunch of tests including MRI, myelogram, etc. Dr. Vogel said that she was "getting old." He told her she had six ruptured discs in her back and neck and that none of them were touching the nerve and there was nothing that could be done for her."

PAMELA ANN VIZIER TODARO

APRIL 24, 1992

We got all of Pam's work up and she does indeed have multiple degenerative discs, some of them relatively severe. She had a wonderful work up by Dr. Landry and Dr. Vogel. I wish I had a magic wand but my magic wand is broken. I have tried her on some Lodine because she has a bad stomach and I have had some pretty good results with Lodine. However, I have reinforced to her that I think it is terribly unlikely she is going to get completely well and that Dr. Vogel and Dr. Landry may perhaps be indelicate but are anatomically and pathologically correct. We will see her in three months. Dr. P./bf

DIAGNOSIS: LUMBAR DEGENERATIVE JOINT DISEASE; CERVICAL DEGENERATIVE JOINT DISEASE

Louisiana Clinic Note – 3/13/92

Pamela Ann Vizier Todaro

MAR 13 1992 1st visit New Patient

PAMELA ANN VIZIER TODARO

3/13/92 - "Cervical MRI brought with patient does indeed show multiple degenerative discs with herniation."

APR 24 1992

PAMELA ANN VIZIER TODARO

APRIL 24, 1992

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DIAGNOSIS: LUMBAR DEGENERATIVE JOINT DISEASE; CERVICAL DEGENERATIVE JOINT DISEASE

Surgery of 9/28/93

DCT - 115

OPERATIVE REPORT

PATIENT NAME: TODARO, PAMELA
MRUN: 081-874

9/28/93 - "The anterior disc was excised. The disc was curetted. It was totally dry and degenerative.

It was totally dry and degenerative. We went down to the posterior longitudinal ligament which was fibrillated and there were several fissures in it. We removed all the disc material and then we took a graft from the iliac crest that was 6 mm and put it in place. We obtained hemostasis with Gelfoam soaked in thrombin. We used electrocautery.

A routine closure was performed. Patient was sent to Recovery in good condition. Blood loss was minimal, less than 50 cc.

Patient tolerated the procedure well. The patient's blood

OPERATIVE REPORT - PAGE ONE

DEF5 0075

ST. CHARLES GENERAL HOSPITAL
NEW ORLEANS, LA 70115

Louisiana Clinic Note – 11/1/94

Pamela Ann Vizier Todaro

AUG 05 1994

11/1/94 - “Poor Pam’s back is getting worse. She has rather marked spasm and limited motion. Her epidural didn’t work. She isn’t a pill taker, and she doesn’t like the effects of Demerol. She gets nauseated with Vicodin, Codeine, and Darvon, so I am going to try her on Talacen.”

1-16-95 case settled per worksheet A/c # SAUNB-
345184

DEF5 0025

Next Scheduled Visit

Louisiana Clinic Note – 1/26/95

JAN 26 1995 CP

Shoulder pain
w/ back

1/26/95 – APPOINTMENT CANCELLED

Work full time. No Xp - just
med. alcohol, fine

PM Hx SIP Acet, LBP

Exam:

Trm. fine, dlt. L-S-L
C-L

11/1/94 Was Last Visit With Dr. Phillips

WHY?

The Answer:

Louisiana Clinic Note – 1/16/95

Pamela Ann Vizier Todaro

AUG 05 1994

PAMELA ANN VIZIER TODARO
AUGUST 5, 1994

Her neck is okay. It is not the best I've ever done, as I've said before. I'd get a "B," but she didn't just have a single lesion.
Her back is horrible. She has marked spasm, limited motion, and...

1-16-95 case settled per worksheet A/c# SAUNB-
345184

DEF5 0025

PAMELA ANN VIZIER TODARO
NOVEMBER 1, 1994

Poor Pam's back is getting worse. She has rather marked spasm and limited motion. Her epidural didn't work.

“1/16/95 Case Settled per worksheet”

DISABILITY STATUS: TOTAL, TEMPORARY FROM 11/01/94 TO 2/1/95
COPY TO: BENJAMIN B. SAUNDERS, ATTORNEY

1-16-95 case settled per worksheet A/c# SAUNB-
345184

DEF5 0025

Creating Context With Timelines

Orkin's Knowledge of Any Further Issues at Site

Remainder of 1999



2000



2001



2002



2003



Jan. 2004 – Lawsuit Filed

Naritin's Path to FDA Approval

1990

2000

Pre-clinical
Testing

Phase I
Testing

Phase II
Testing

Phase III
Testing

Final FDA
Review of Data

2 years

IND

3 years

2 years

3 years

NDA

9 months

Approval

34 Studies
In-vitro
In-vivo
Animals

29 Studies
525 Subjects

5 Studies
326 Subjects

4 Key Pivotal
Studies - 3290
Subjects

Phase IV
Studies



Mark Johnson's Hypertension

Symptoms: 2002 – 2003

April, 2002

Fatigue on
Exertion

March, 2003

Episode of Dizziness,
Visual Disturbance
Heart Palpitations &
Shortness of Breath

July, 2003

Fatigue and
Heart
Palpitations

March

April

May

February

March

April

May

June

July

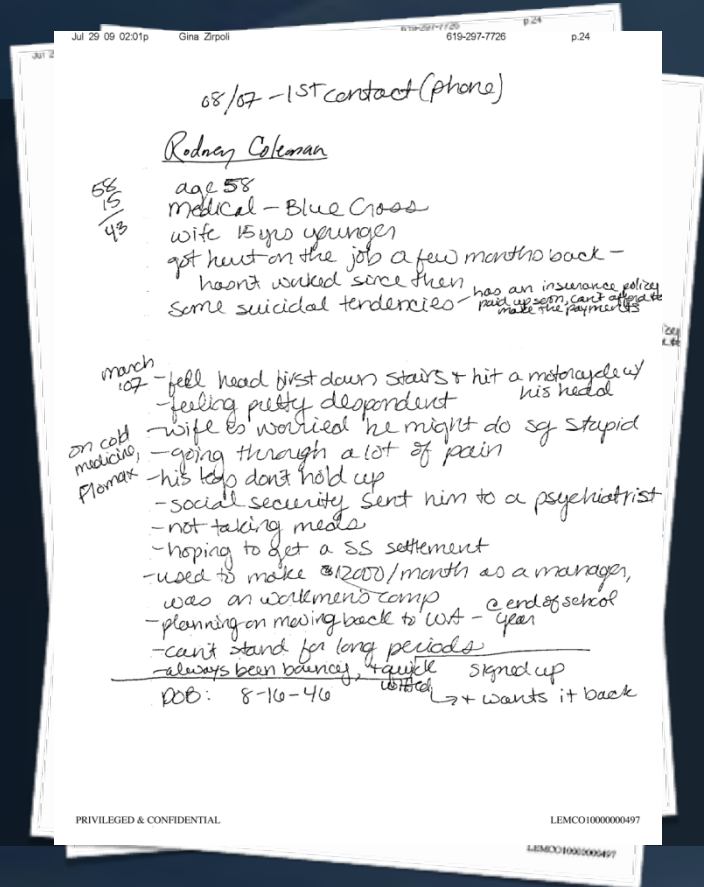
2002

2003

Relevant Timeframe



Dr. Bradford, Psychiatrist (August 2007)



- “Feeling despondent, can no longer provide for family, suffered a financial loss”
- “Wife is worried he might do something stupid”
- Some Suicidal Tendencies

Relevant Timeframe



Hurricane Katrina Timeline - August 2005

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29 KATRINA	30	31	1	2	3

Timeline - Thursday, August 25, 2005

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	25					6
7	8					13
14	15					20
21	22					27
28	29					3

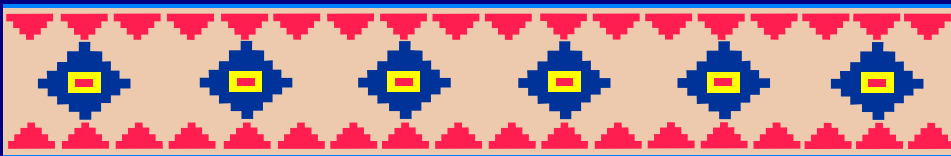
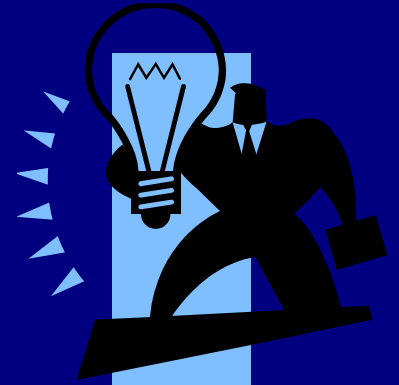
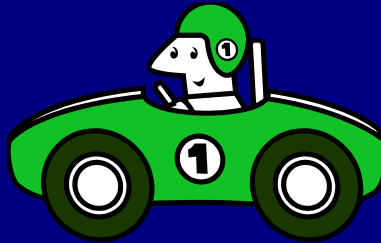
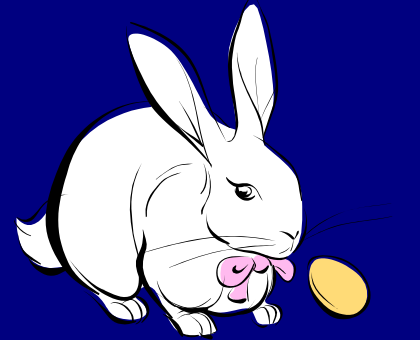
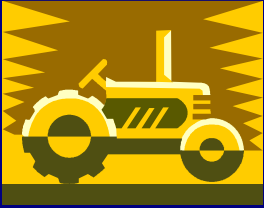
- Hurricane Katrina off east coast of Florida
- Projected Landfall: South of Miami
- New Orleans Not Included in any Hurricane Watch

Timeline - Friday, August 26, 2005

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29 KATRINA	30	31	1	2	3

Maintaining Interest With Graphics

Resist Using Clip Art!



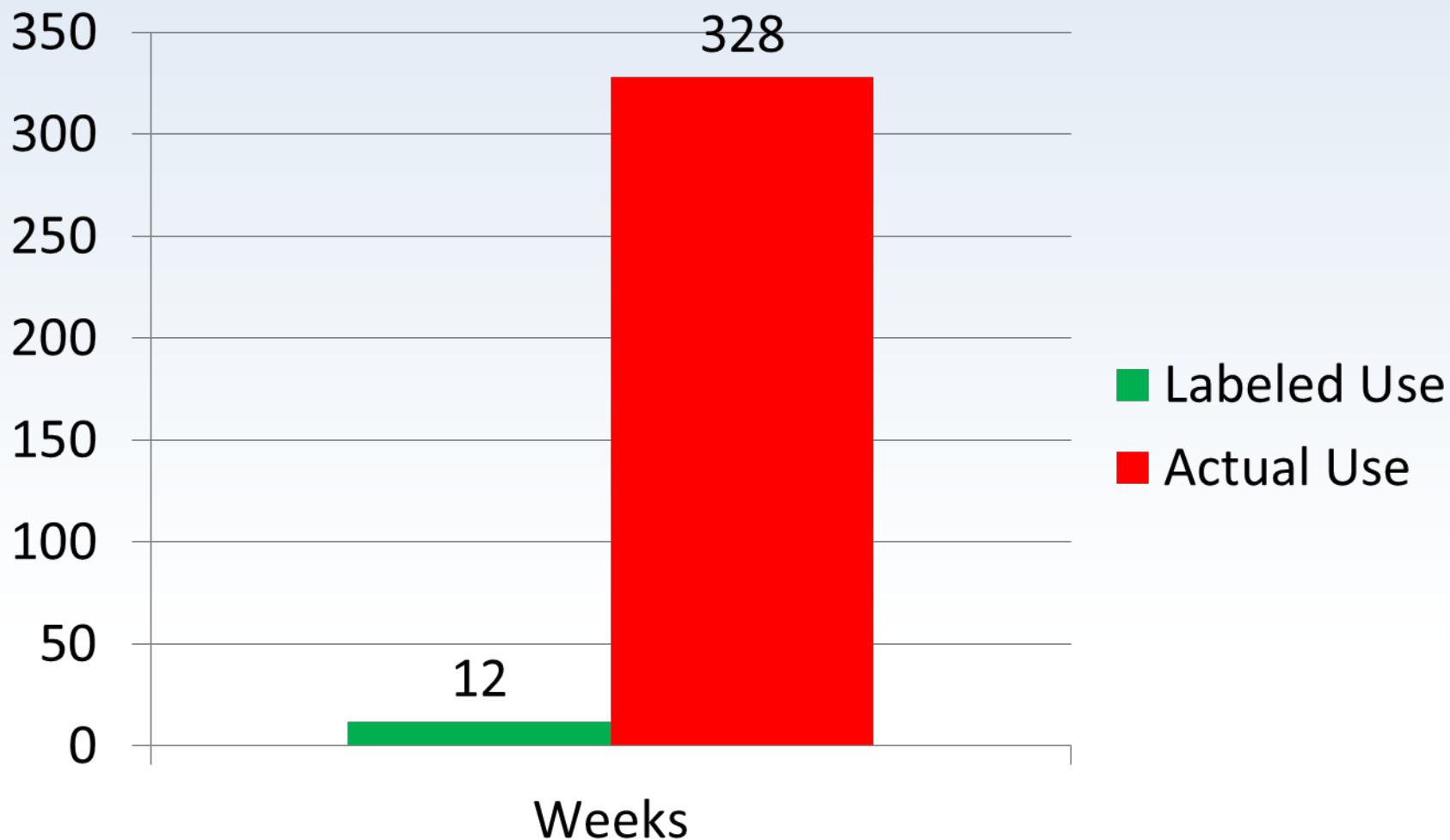
Simple Tables Can Organize Data

You	Can	Put	In	Any	Data	You	Want

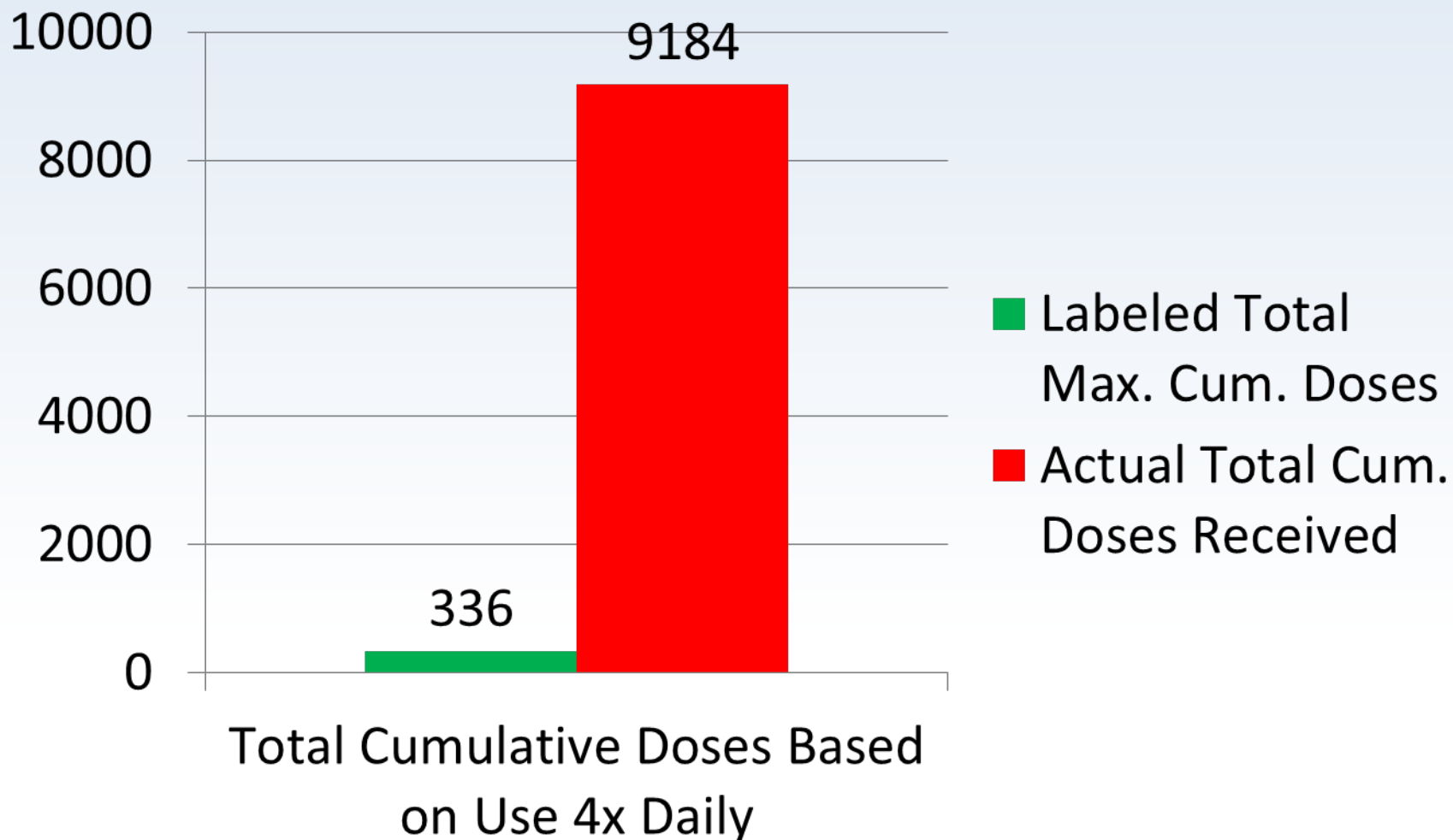
FDA Scientists Who Reviewed the Naritin NDA

FDA SCIENTIST	REQUESTED ADDITIONAL TESTING?
Dr. Victor Chen Director, Division of Animal Toxicology	NO
Dr. Edward Jensen Pharmacologist	NO
Dr. John Semmes Division Director	NO
Dr. Nancy Hanrahan Medical Review Officer	NO
Dr. Anne Gornick Supervising Scientist	NO

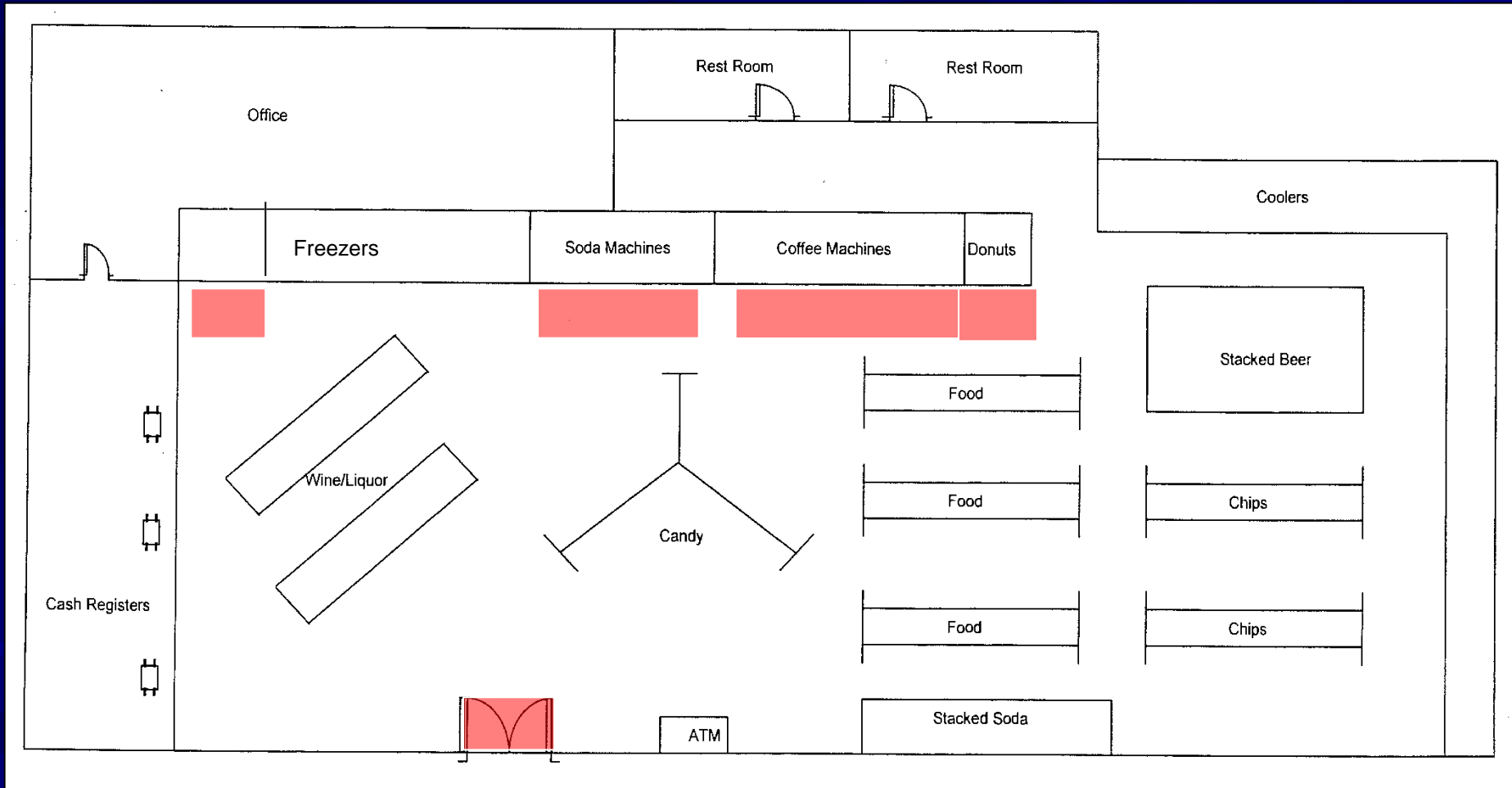
Ms. West's Actual Length of Use



Ms. West's Total Cumulative Dose



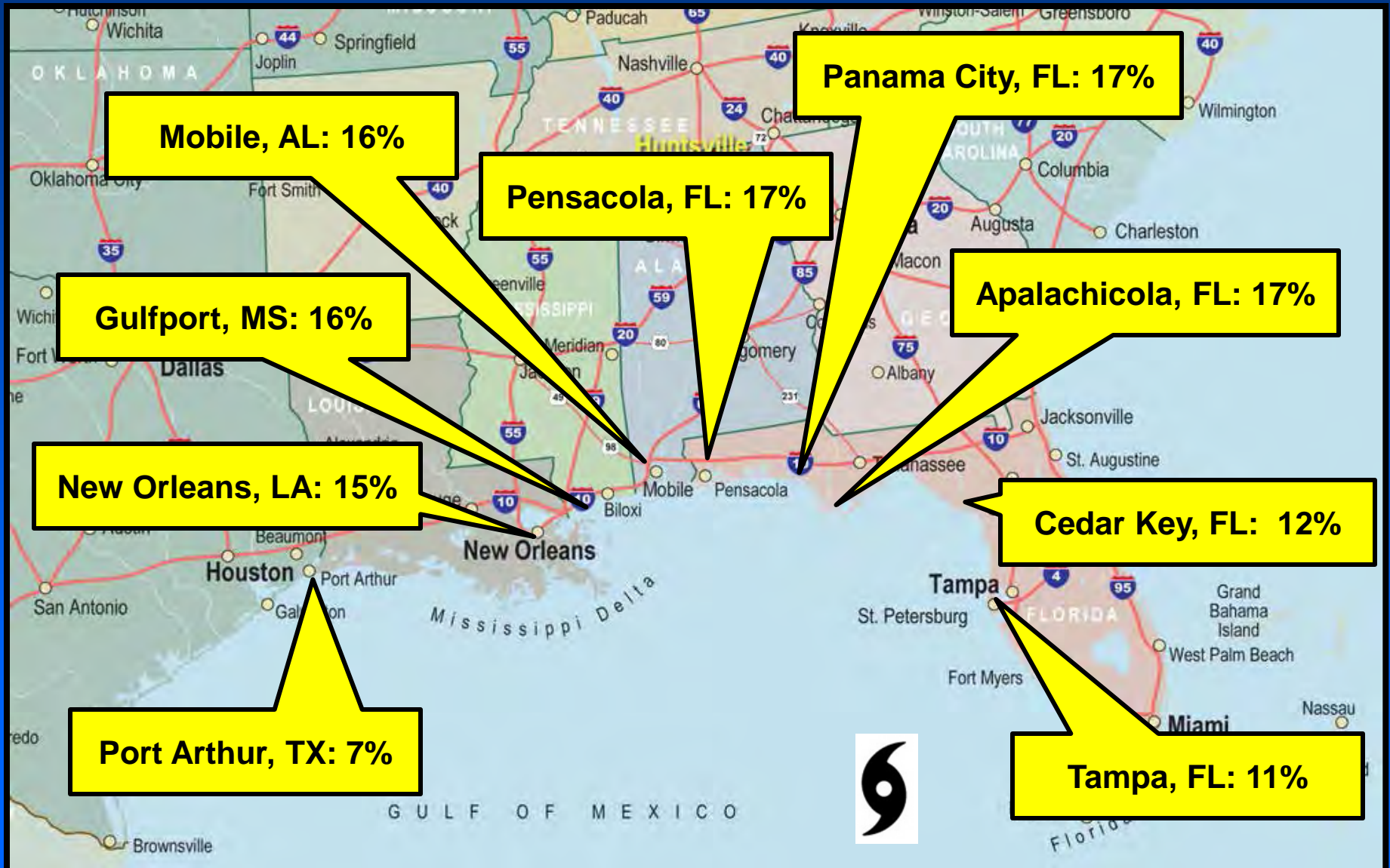
Layout of RaceTrac Store – Gause Blvd.



Hurricane Protection System



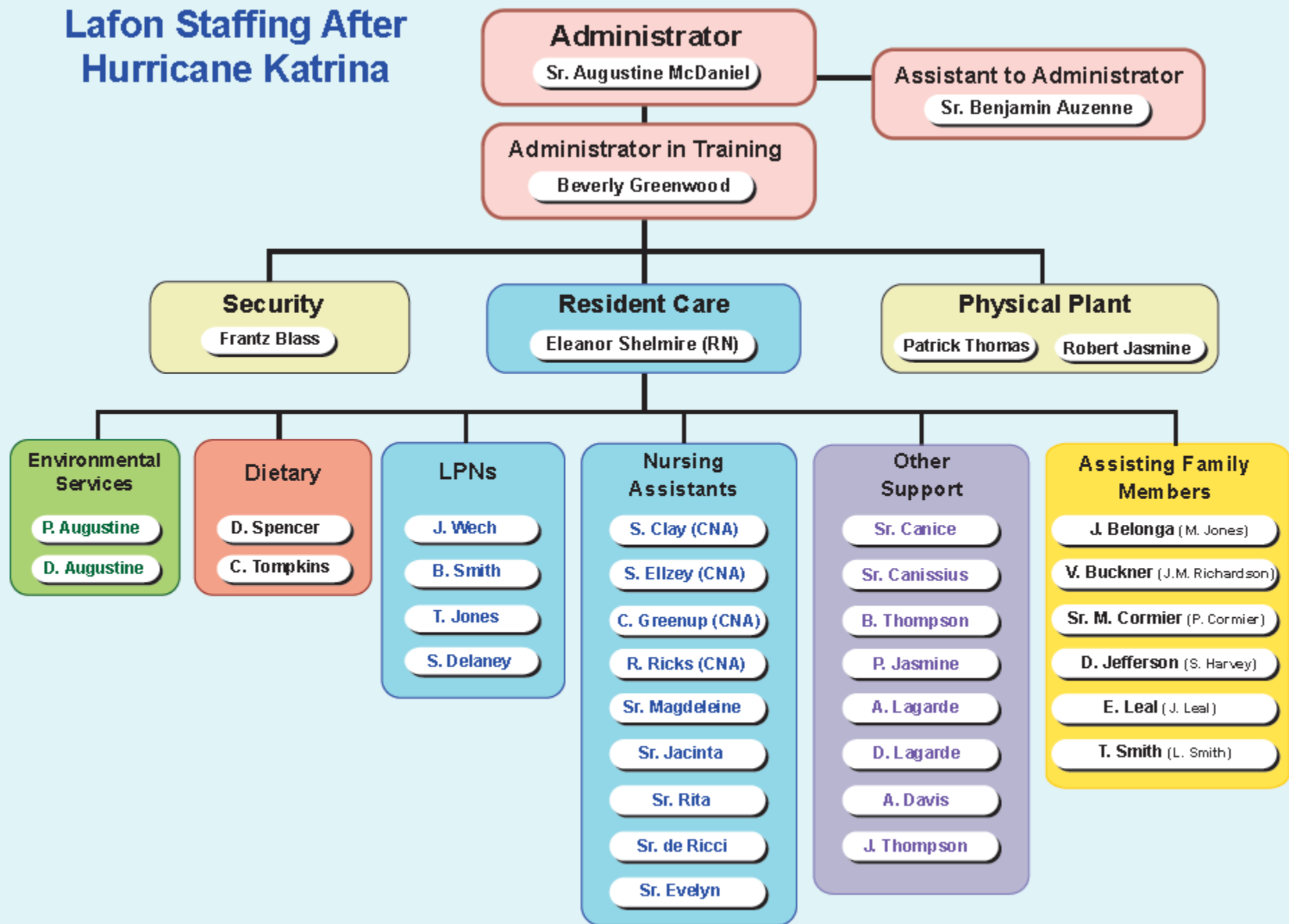
NWS Forecast - Friday, August 27, 5:00 p.m.



Who Was to Evacuate?

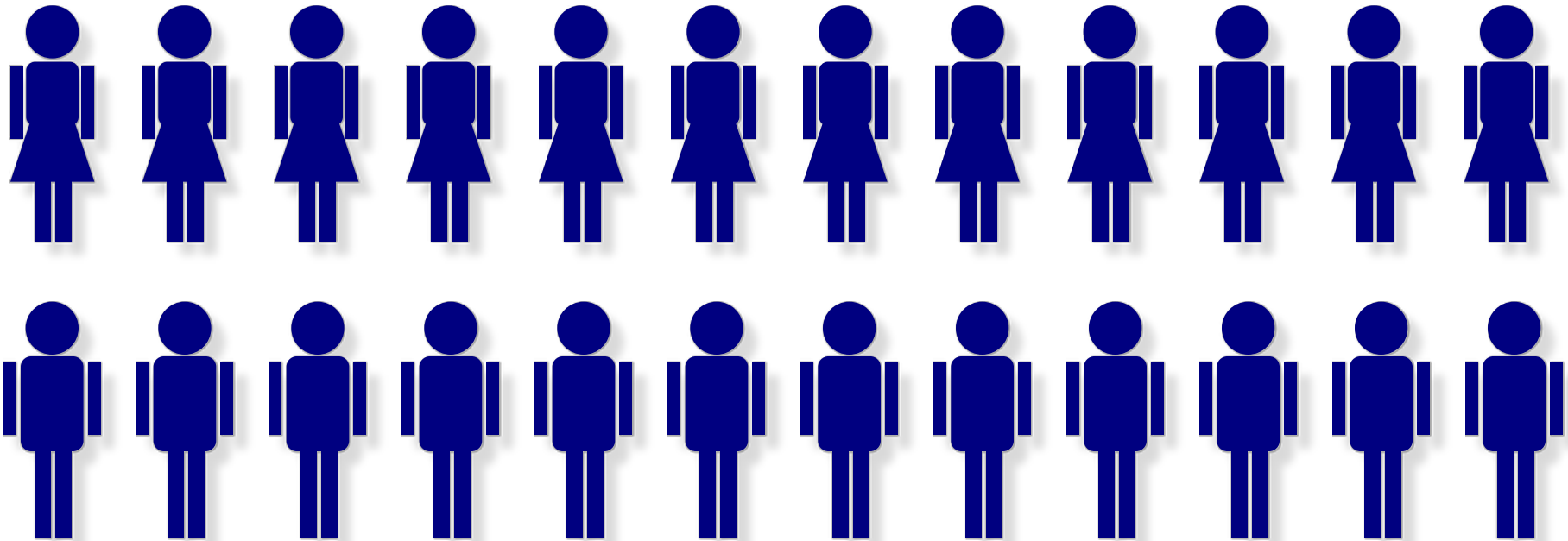


Lafon Staffing After Hurricane Katrina



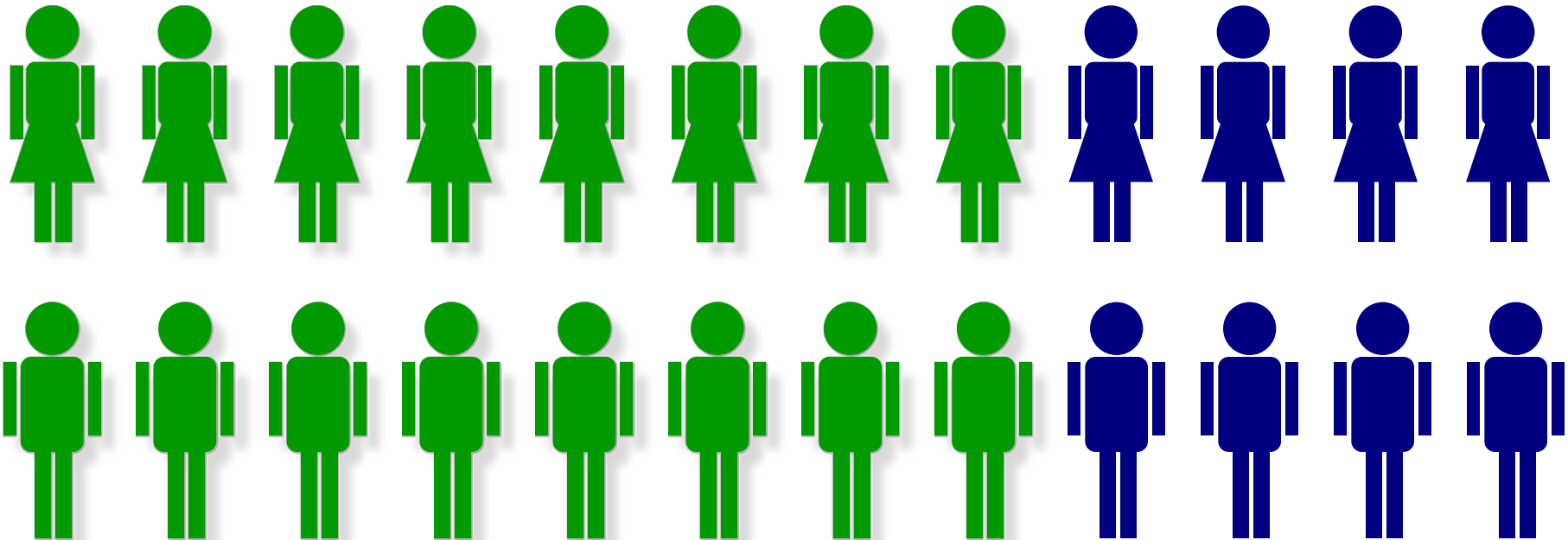
Risk Versus Benefit

The FDA's mandate in evaluating a new drug is to balance benefit and risk to the population.



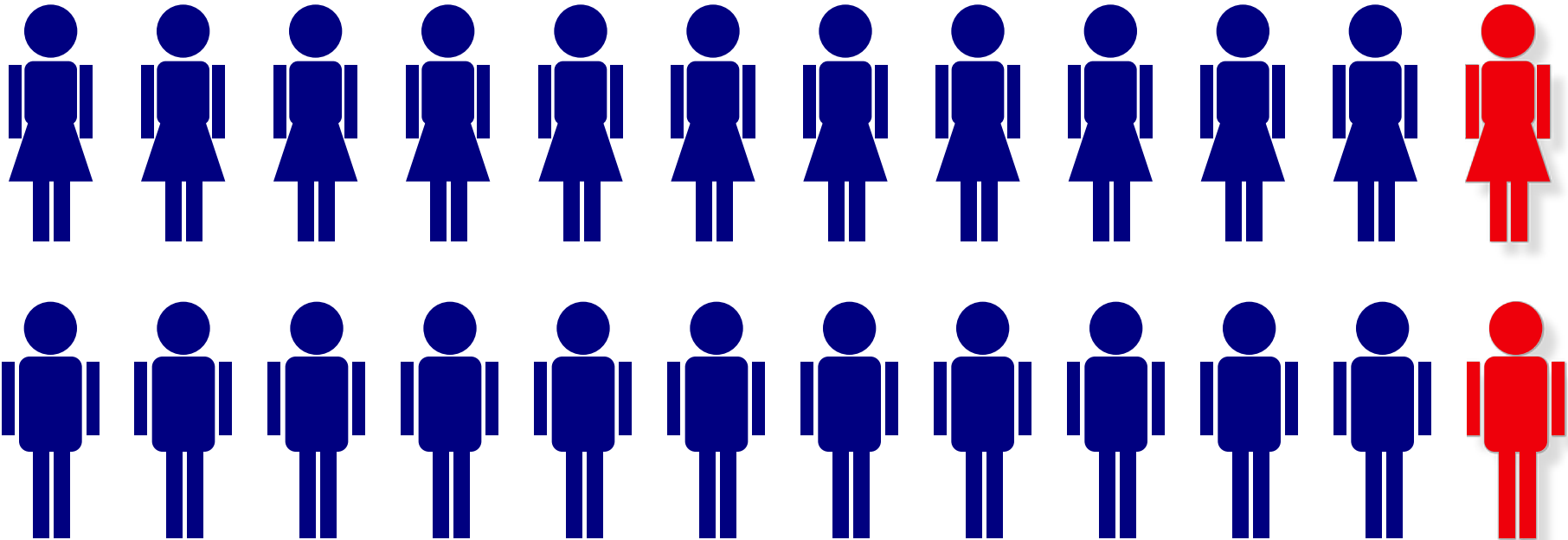
Risk Versus Benefit

How many people will **benefit**
by the new drug?



Risk Versus Benefit

How many people will be **at risk**
from the new drug?

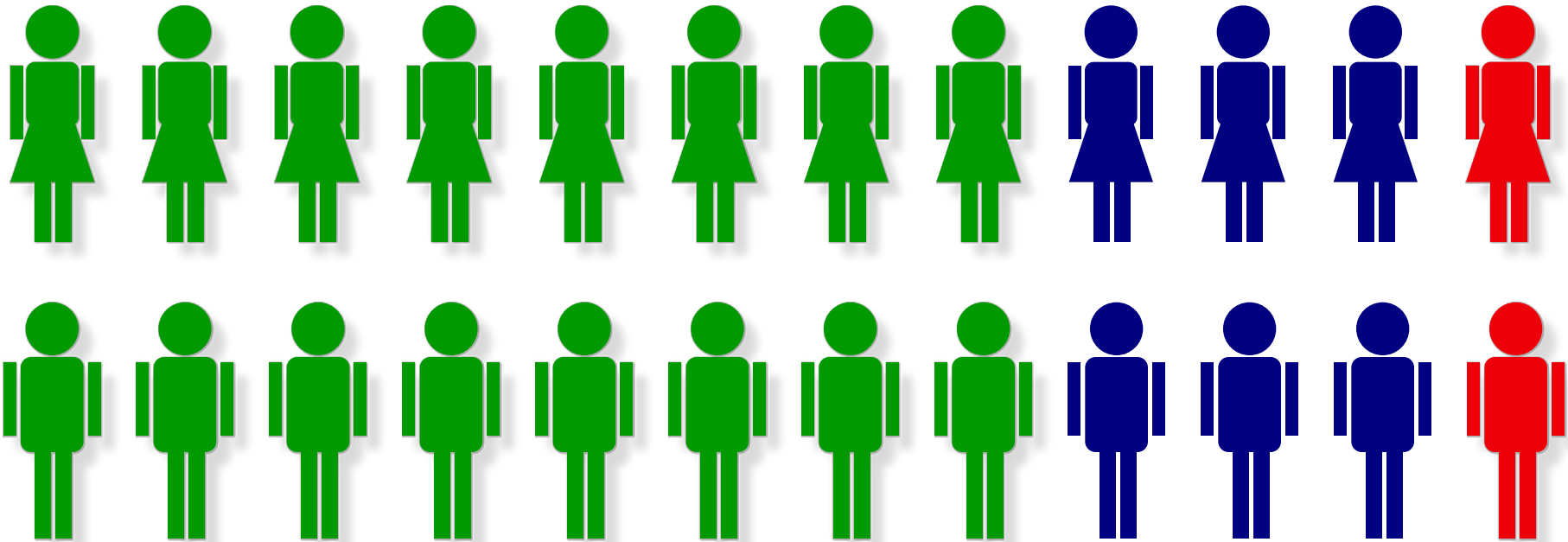


Risk Versus Benefit

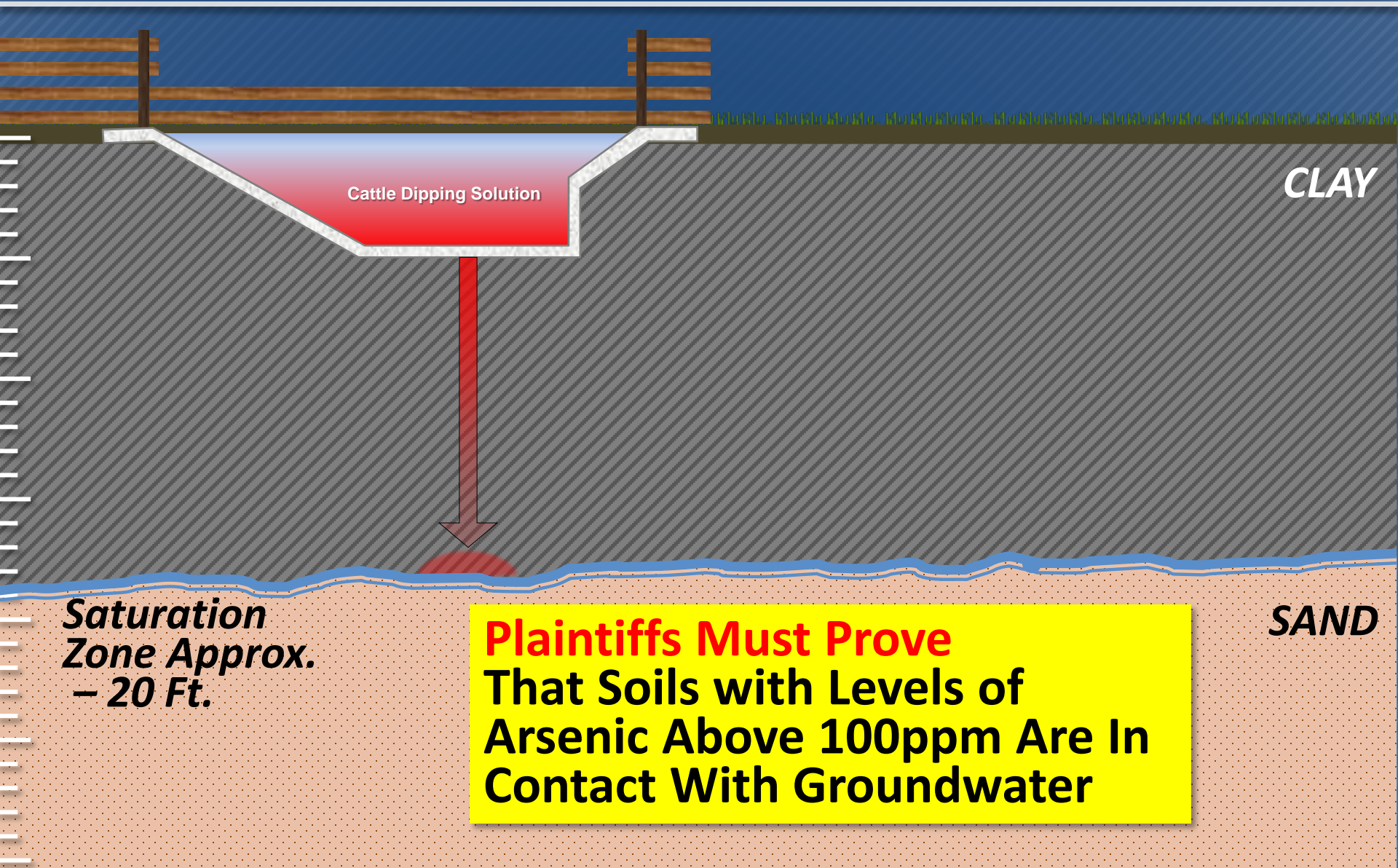
It's the FDA's mandate to continually balance benefit and risk.

Benefit

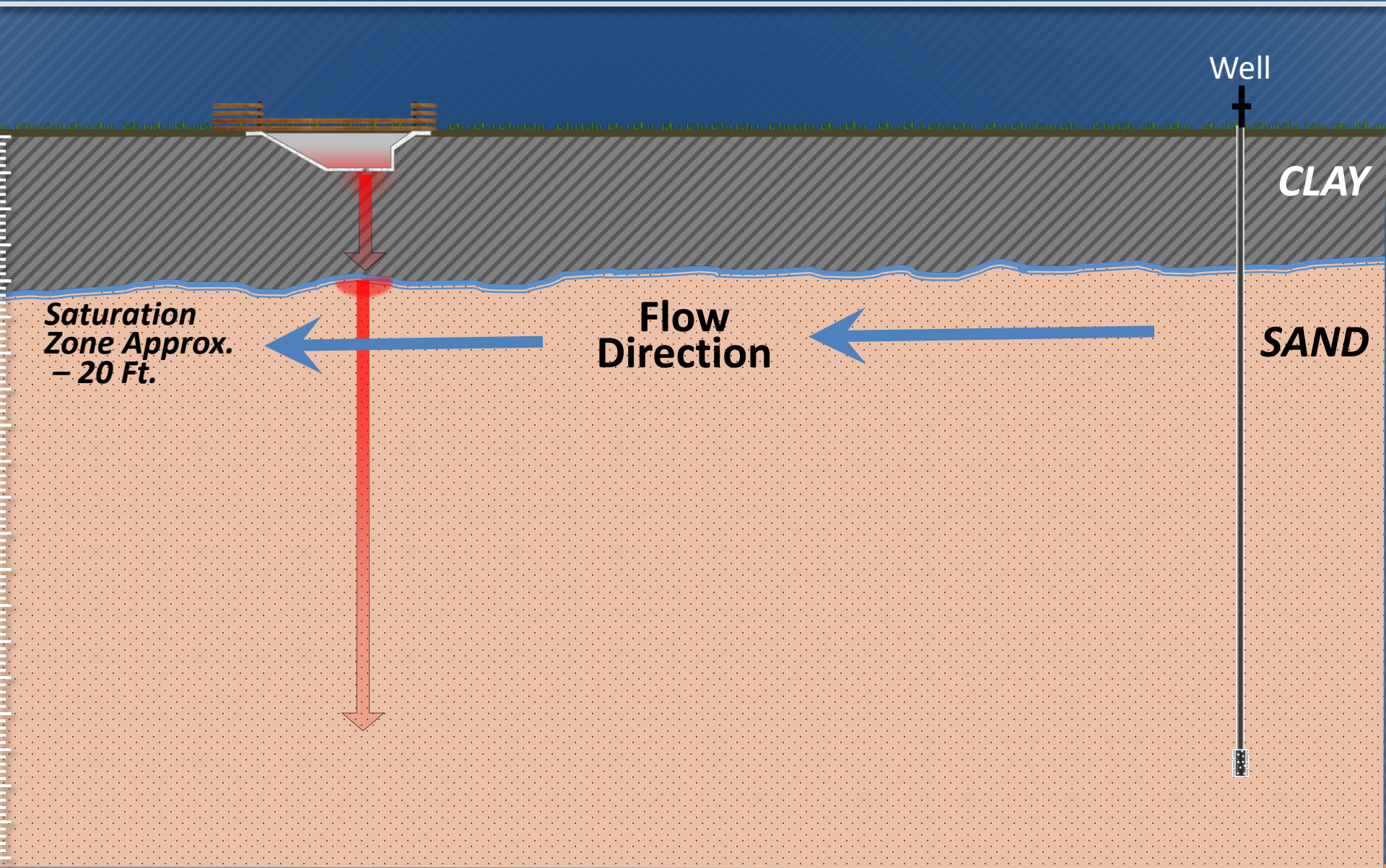
Risk



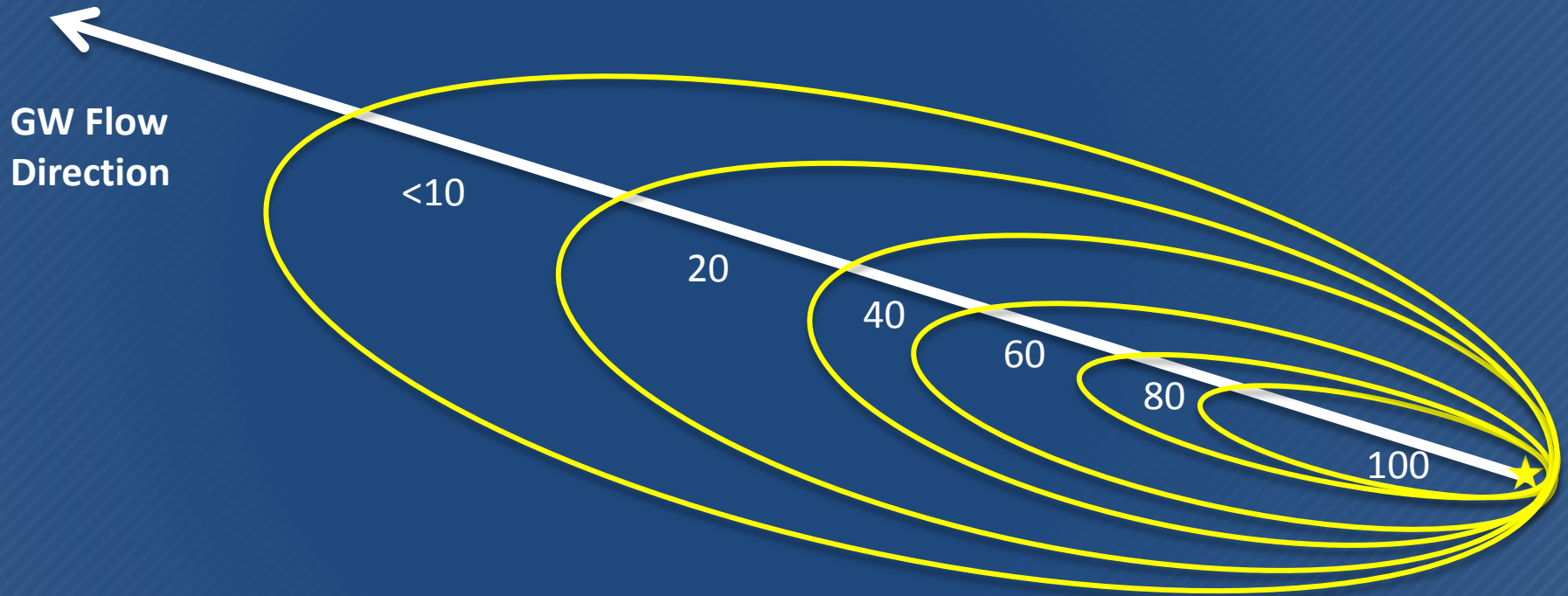
Is There a Connection? - Step 1

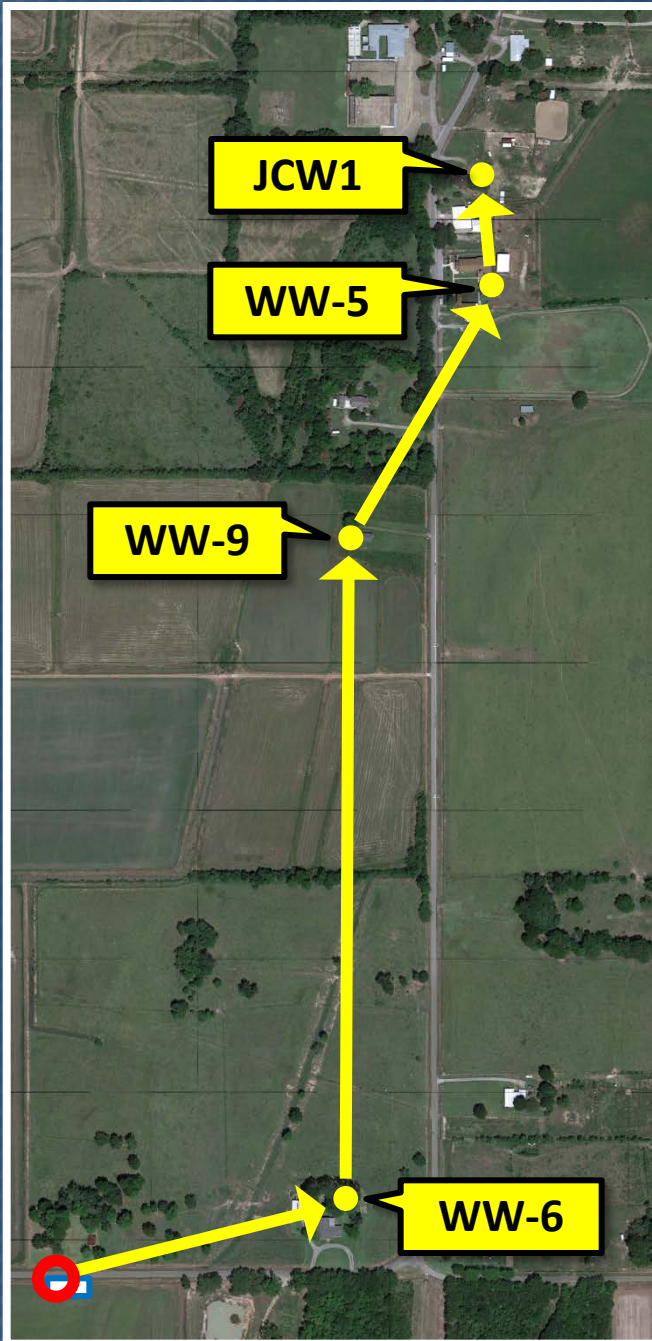








Establishing a Pathway? – Step 2



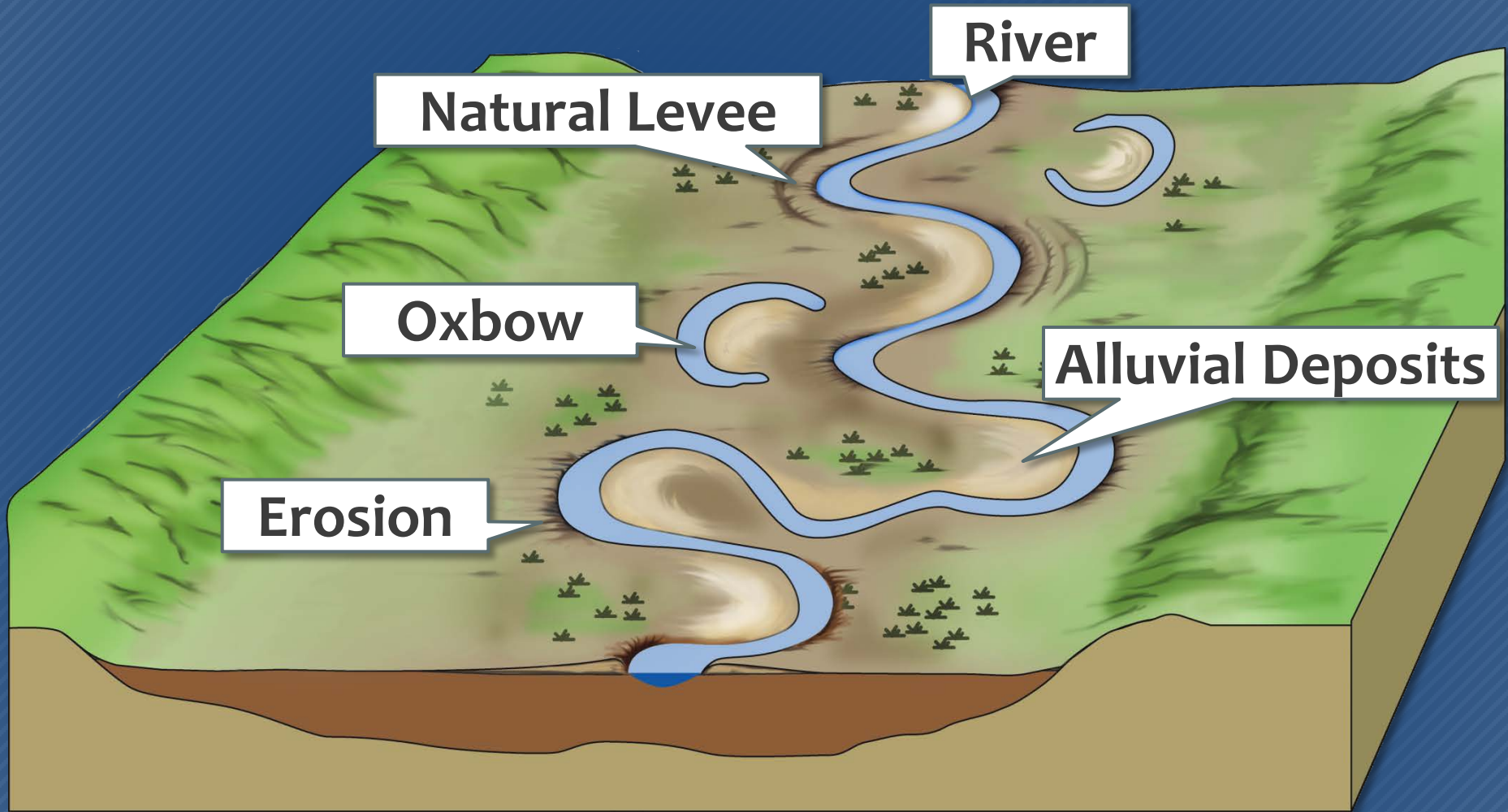
Fundamental Principle





	Reading (ppb)	Expected Change	Actual
JCW1	62		
WW-5	55		
WW-9	26.3		
WW-6	9.8		
GB-2	< 10	--	--

Effects of Meander Belts



Using Graphics

- Limited Only by Your Imagination
- Use Sparingly to Avoid Overload
- Always Get 2nd and 3rd Opinions
- Share With Other Counsel In Advance

Compelling an Outcome

Mary Williams
v.
Racetrac Petroleum, Inc.

Closing Argument of
Racetrac Petroleum, Inc.

Perception v. Reality

Answering The Three Questions:

1. Plaintiff **Believes** there was Something about the Rug that presented a Danger.
2. Plaintiff **Believes** Racetrac Should have Done Something to Prevent her from Falling.
3. Plaintiff **Believes** that Her Present Shoulder Problems were Caused by this Accident?

The Reality:

***Plaintiff's Beliefs Do Not
Determine the Outcome of
this Case***

Your Duty – Judges of Facts

THE LAW

DUTY OF THE JURY

As the jury in this case, you and only you are the judges of the facts. You must decide what happened. I play no part in judging the facts. My role is to be the judge of the law, that is to say, my duty now is to explain the legal principles that must guide you in your decisions on the facts. And now that you have heard all of the evidence and heard all of the arguments of counsel, it becomes my duty to give you the instructions of the Court as to the law applicable to this case. It is your duty as jurors to follow the law as I state it to you in these instructions and to apply the rules of law to the facts as you find them from the evidence in the case.

ALL PERSONS STAND EQUAL BEFORE THE LAW, INCLUDING CORPORATIONS

The fact that the plaintiff is an individual and the defendant is a corporation must not enter into or affect your verdict. This case should be considered and decided by you as an action between persons of equal standing in the community, of equal worth, and holding the same or similar standings in life. A corporation is to be treated the same as a private individual. All persons, including corporations, stand equal before the law and are to be dealt with as equals in a court of justice.

Any verdict which you render must be based solely and entirely upon the evidence presented and the law which is applicable. You cannot return a verdict for either party because of sympathy for or prejudice against either party. In the eyes of the law, the plaintiff and the defendant are equals, each having rights and responsibilities which you must resolve fairly, justly and impartially based upon reason and not emotion.

VERDICT FORM

West v. Wyeth

JURY VERDICT FORM

1. Do you find by a preponderance of the evidence that the defendant failed to provide an adequate warning for Reglan®?

____ Yes ____ No

IF your answer to Question 1 is "no," then proceed to Question 3. IF your answer to Question 1 is "yes," then please proceed to Question 2.

2. Do you find by a preponderance of the evidence that the failure to provide an adequate warning for Reglan® was a factual cause of an injury to the Plaintiff?

____ Yes ____ No

3. Do you find by a preponderance of the evidence that the defendant misrepresented a material fact about Reglan®?

____ Yes ____ No

IF your answer to Question 3 is "no," then proceed to the top of page 2. IF your answer to Question 3 is "yes," then please proceed to Question 4.

4. Do you find by a preponderance of the evidence that the plaintiff's prescribing physician relied upon a misrepresentation of a material fact when deciding to prescribe Reglan® to the plaintiff?

____ Yes ____ No

IF your answer to Question 4 is "no," then proceed to the top of page 2. IF your answer to Question 4 is "yes," then please proceed to Question 5.

5. Do you find by a preponderance of the evidence that the misrepresentation was a factual cause of an injury to the plaintiff?

____ Yes ____ No

Key Instruction – Fact of Injury

- **The fact that an injury occurred is not, in itself, evidence of any wrongdoing on the part of anyone.**

The Fact That Someone Has Filed a Lawsuit Does Not Mean That They Are Entitled to Any Recovery

Jury Interrogatory No. 1

1. Do you find by a preponderance of the evidence that the defendant failed to provide an adequate warning for Naritan?

_____ Yes

_____ No

Key Instruction – Adequacy of Warning

- A manufacturer must give the user or consumer any warnings and instructions of the possible risks of using the product that may be required, or that are created by the inherent limitations in the safety of such use.

**Bring Together Key Slides To
Make Your Case**

Jury Interrogatory No. 1

1. Do you find by a preponderance of the evidence that the defendant failed to provide an adequate warning for Naritan?

_____ Yes X No

Where Do You Go From Here?

West v. Wyeth
JURY VERDICT FORM

1. Do you find by a preponderance of the evidence that the defendant failed to provide an adequate warning for Reglan®?

_____ Yes _____ No

If your answer to Question 1 is "no," then proceed to Question 3. If your answer to Question 1 is "yes," then please proceed to Question 2.

2. Do you find by a preponderance of the evidence that the failure to provide an adequate warning for Reglan® was a factual cause of an injury to the Plaintiff?

_____ Yes _____ No

3. Do you find by a preponderance of the evidence that the defendant misrepresented a material fact about Reglan®?

_____ Yes _____ No

If your answer to Question 3 is "no," then proceed to the top of page 2. If your answer to Question 3 is "yes," then please proceed to Question 4.

4. Do you find by a preponderance of the evidence that the plaintiff's prescribing physician relied upon a misrepresentation of a material fact when deciding to prescribe Reglan® to the plaintiff?

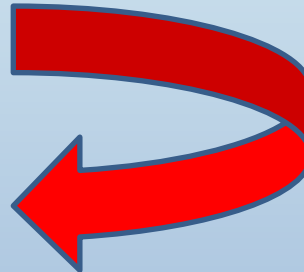
_____ Yes _____ No

If your answer to Question 4 is "no," then proceed to the top of page 2. If your answer to Question 4 is "yes," then please proceed to Question 5.

5. Do you find by a preponderance of the evidence that the misrepresentation was a factual cause of an injury to the plaintiff?

_____ Yes _____ No

If your Answer to Question 1 is "no," then proceed to Question 3



Working With Your Trial Technologist

PREPARATION OF HIS REPORT

24. Confirm that Dr. Beatty prepared a report dated June 16, 2008. (Identify the exhibit number of that report for reference). [SHOW COVER ON SCREEN]
25. Confirm that his initial report is 10 pages long.
26. Confirm that before he issued this report, he had the opportunity to review reports from other experts.
27. Confirm the primarily he reviewed reports from Patrick Gobb.
28. Specifically, have him confirm that he had reviewed reports from Patrick Gobb dated in July 2005, January in 2008, in June of 2008. (Show him those reports if needed).
29. So he had these reports available at the time that he drafted his report, is that correct?
30. In fact, you copied large sections of your report almost directly from Mr. Gobb's prior reports, is that correct?
31. Refer him to page 2 of his report. [SHOW ON SLIDE] Specifically, the section entitled "Introduction".
32. Would he agree that the entire paragraph on page 2 of his report was copied almost verbatim from Mr. Gobb's report dated in July 2005? (This is the same as on page 2 of Mr. Gobb's report. He acknowledges this at page 36 of the deposition). [HIGHLIGHT THIS PARAGRAPH ON SLIDE]
33. Have him turn to page 3 of his report. [SHOW ON SLIDE].
34. Would he agree that page 3 of his report was copied almost verbatim from Mr. Gobb's report dated in July 2005? (This is the same as on page 2 of Mr. Gobb's report. He acknowledges this at pages 45, 51, and 53 of his deposition). [HIGHLIGHT THESE PARAGRAPHS ON SLIDE]
35. Have him turn to page 4 of his report. [SHOW ON SLIDE].
36. Would he agree that the top paragraph on page 4 of his report was again copied almost verbatim from Mr. Gobb's report dated July 2005? (This is the same as on page 3 of Mr. Gobb's report.) [HIGHLIGHT THIS PARAGRAPH ON SLIDE].
37. Refer him now to the site description section on page 4 of his report. Confirm that after generally describing the surface and subsurface soils. He makes a statement. "Each of

"SHOW COVER ON SCREEN"

"SHOW ON SLIDE"

**"HIGHLIGHT THIS PARAGRAPH
ON SLIDE"**

"SHOW ON SLIDE"

**"HIGHLIGHT THESE
PARAGRAPHS ON SLIDE"**

**"HIGHLIGHT THIS PARAGRAPH
ON SLIDE"**

Final Comments and Questions

FAIL BIG!