

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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In Re: CELEXA AND MDL No. 2067  
LEXAPRO MARKETING AND Master Docket No.  
SALES PRACTICES 09-MD-2067 (NMG)  
LITIGATION Case No. 13 CV 13113  
PAINTERS AND ALLIED TRADES  
DISTRICT COUNCIL 82 HEALTH  
CARE FUND, A THIRD-PARTY  
HEALTHCARE PAYOR FUND  
v. Plaintiffs  
FOREST PHARMACEUTICALS, INC. and  
FOREST LABORATORIES, INC.  
Defendants.

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In Re: CELEXA AND MDL No. 2067  
LEXAPRO MARKETING AND Master Docket No.  
SALES PRACTICES 09-MD-2067 (NMG)  
LITIGATION Case No. 14 CV 13848  
DELANA S. KIOSSOVISKI and  
RENEE RAMIREZ, on behalf  
of themselves and all others  
similarly situated,  
Plaintiffs,  
v.  
FOREST PHARMACEUTICALS, INC. and  
FOREST LABORATORIES, INC.  
Defendants.

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VIDEOTAPED DEPOSITION OF  
GERARD J. AZZARI  
New York, New York  
July 21, 2016

Reported by:  
MARY F. BOWMAN, RPR, CRR

1 A. Yes.

2 Q. And in field sales management,  
3 you were still within the sales department  
4 of Forest, correct?

5 A. Yes.

6 Q. What was your role as a field  
7 sales management person within Forest?

8 A. I was responsible for supervising  
9 sales representatives.

10 Q. What was your responsibility in  
11 supervising them?

12 A. To ensure that their knowledge  
13 and skills were up to par, to ensure that  
14 their communication to healthcare  
15 physicians was accurate in an effort to get  
16 those physicians to best understand the  
17 products we were promoting.

18 Q. In 1997, you entered the role of  
19 senior vice president of sales, correct?

20 A. That was my title up until 2010.  
21 When I first started in 1997, I was a  
22 national director of sales.

23 Q. I'm sorry, you said, "when I  
24 first started in 1997" --

1           A.    When I first started leading the  
2           sales force, following the position of  
3           sales management, in parens you see on the  
4           resume, it says "division manager,  
5           specialty manager and regional director."  
6           That was a six-year period.

7                    Following that, I was promoted in  
8           December of 1997 to national director of  
9           sales.

10          Q.    So your title in December of 1997  
11          became national director of sales, correct?

12          A.    Yes.

13          Q.    When did your title change to  
14          senior vice president of sales?

15          A.    In 2005.

16          Q.    What was your -- strike that.

17                    What were your responsibilities  
18          as the national director of sales for  
19          Forest?

20          A.    The responsibilities were to  
21          supervise regional directors who -- their  
22          responsibilities were to lead division  
23          managers and representatives.

24          Q.    And when you were in this role,

1 were you responsible for supervising sales  
2 personnel who were promoting Celexa and  
3 Lexapro?

4 A. Yes.

5 Q. And that was true when you became  
6 the senior vice president of sales as well,  
7 correct?

8 A. Yes.

9 Q. Although when you became the  
10 senior vice president of sales, that was  
11 2005, right?

12 A. Correct.

13 Q. Therefore, you were only  
14 promoting Lexapro, not Celexa, correct?

15 A. Yes.

16 Q. How did your role change, if at  
17 all, when you moved from national director  
18 of sales to senior vice president of sales?

19 A. There was a structural change in  
20 2002 where we went from supervising  
21 regional directors to area directors. So I  
22 was supervising area directors in 2005.

23 Q. Were you -- you talk about  
24 regional directors and area directors. Are

1           these positions just different levels of  
2           supervision within the sales force?

3           A.     Yes.

4           Q.     And is it accurate to say that  
5           you were at the top of all salespeople  
6           within the Forest sales department when you  
7           became the national director of sales?

8           A.     At the time I became national  
9           director of sales, I was one of three  
10          national directors.

11          Q.     OK.   And who were the other two?

12          A.     Mark Devlin and Cary Renner.

13          Q.     That was in 1997, correct?

14          A.     Yes.

15          Q.     Did Jerry Lynch become a national  
16          director of sales at any time?

17          A.     Jerry Lynch became national  
18          director of sales in 2001.

19          Q.     And did he take Cary Renner's  
20          place?

21          A.     In 2001, there was an appointment  
22          of -- Mark Devlin moved into the managed  
23          care environment, and Jerry Lynch and I  
24          shared responsibility for leading the sales

1 force.

2 Q. How were the responsibilities of  
3 the national sales directors divided?

4 A. Purely by geography and  
5 supervisory roles.

6 Q. Mark Devlin, Cary Renner and  
7 Jerome -- no, Jerry Lynch, excuse me, the  
8 three of them, did they supervise sales  
9 personnel related to the promotion of  
10 Celexa and Lexapro as well?

11 A. Yes.

12 Q. It was all based -- the division  
13 of labor was all based on geography?

14 A. Yes.

15 Q. When you became the senior vice  
16 president of sales in 2005, how did your  
17 role change, if at all?

18 A. It didn't change. It was more --  
19 still just supervisory role and monitoring  
20 and evaluating performance for promoted  
21 products.

22 Q. When you were in the role of  
23 national sales -- excuse me, national  
24 director of sales and senior vice

1 president, were you evaluating sales  
2 representatives who were actually out in  
3 the field?

4 A. No.

5 Q. Who were you evaluating?

6 A. The area directors and regional  
7 directors.

8 Q. What's the difference between an  
9 area director and a regional director?

10 A. An area director is a supervisory  
11 role that oversees and is responsible for  
12 promoted products in their geography and  
13 the scope of approximately 500  
14 representatives and perhaps 50 managers,  
15 and probably six regional directors.

16 Q. That was an area director you  
17 just described?

18 A. Yes.

19 Q. And then a regional director  
20 would oversee approximately 50 managers and  
21 500 sales reps?

22 A. No. They would oversee  
23 approximately 10 managers and approximately  
24 100 sales representatives.

1 Q. That makes sense. Thank you.

2 You stayed in the role of senior

3 vice president of sales until 2010,

4 correct?

5 A. Yes.

6 Q. And then in March of 2010, you

7 became the senior vice president of

8 institutional sales at Forest, correct?

9 A. Yes.

10 Q. How did your role change, if at

11 all, when you became the senior vice

12 president of institutional sales?

13 A. My role changed in -- we expanded

14 our institutional role, hospital, meaning

15 hospital representatives, in preparation

16 for the launch of a product called Teflaro,

17 which is an antibiotic.

18 Q. Then in 2013, you became the

19 senior vice president of sales excellence

20 and global integration, correct?

21 A. Yes. I maintained supervisory

22 responsibility for regional directors, as

23 well as some international responsibilities

24 in Canada and Europe.



1 MS. KIEHN: He is asking for your  
2 personal knowledge.

3 A. I am aware that there was a  
4 settlement with Forest and the Department  
5 of Justice based on sales and marketing  
6 practices.

7 Q. Based on your knowledge and  
8 experience, do you believe that between  
9 1998 and 2002, Forest sales representatives  
10 engaged in off-label promotion for Celexa  
11 for use in pediatric patients?

12 MS. KIEHN: Objection.

13 A. Yes.

14 Q. Between 2002 and 2009, based on  
15 your knowledge and experience, did Forest  
16 sales representatives engage in off-label  
17 promotion of Lexapro for use in pediatric  
18 patients?

19 MS. KIEHN: Objection.

20 A. Not to my knowledge.

21 Q. You are aware that Forest  
22 included pediatric specialists on call  
23 panels for Lexapro, right?

24 A. Yes.

1 Q. So I am going to ask you again,  
2 based on your knowledge and experience  
3 between 2002 and 2009, did Forest sales  
4 representatives engage in off-label  
5 promotion of Lexapro for use in pediatric  
6 patients?

7 MS. KIEHN: Objection.

8 A. Could I talk to counsel about  
9 this question?

10 Q. Not while it's pending. I'm  
11 asking you for your answer based on your  
12 knowledge and experience.

13 MS. KIEHN: Right. If the only  
14 basis for your knowledge is  
15 communications with counsel, then you  
16 shouldn't respond. But he is asking  
17 based on your personal knowledge, do  
18 you know whether.

19 Q. Let me state it again, because I  
20 want you to understand what I am asking  
21 you.

22 A. OK, yes, yes, yes.

23 Q. Based on your knowledge and  
24 experience and your years at Forest,

1           between 2002 and 2009, did Forest sales  
2           representatives engage in off-label  
3           promotion of Lexapro for use in pediatric  
4           patients?

5           A.     I have knowledge that  
6           representatives may have presented Celexa  
7           or Lexapro inappropriately.

8           Q.     Between 2002 and 2009?

9           A.     Yes.

10          Q.     And you know that, you have  
11          knowledge of that related to Lexapro,  
12          correct?

13          MS. KIEHN:  Objection.

14          A.     Yes.

15          Q.     And that's based on your  
16          knowledge that child specialists were on  
17          Lexapro call panels between 2002 and 2009,  
18          correct?

19          MS. KIEHN:  Objection.

20          A.     No.  My commentary was that  
21          individuals may have inappropriately  
22          presented Celexa or Lexapro to physicians.

23          Q.     Well, you know that there were  
24          child specialists included on Lexapro call