IN THE SUPERIOR COURT

STATE OF CALIFORNIA, COUNTY OF SAN MATEO

HOFFMANN-LA ROCHE LARIAM CASES,
COORDINATION PROCEEDINGS — JUDICIAL COUNCIL
SPECIAL TITLE (CR 3.550) — COORDINATION PROCEEDING NO. 5053

THIS DOCUMENT RELATES TO:
MATTHEW COON, PLAINTIFF, V.
F. HOFFMANN-LA ROCHE LTD., ET AL.,
DEFENDANTS, SAN MATEO COUNTY SUPERIOR
COURT CASE NO. 19CIV02658

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

BEFORE: HON. NANCY L. FINEMAN, JUDGE

DEPARTMENT 4, COURTROOM 4C

SEPTEMBER 29, 2026

A P P E A R A N C E S:

FOR THE PLAINTIFF: PETER KAUFMAN
ATTORNEY AT LAW

FOR THE DEFENDANT: MICHAEL HEALY
ATTORNEY AT LAW

SHANE KOLDING
ATTORNEY AT LAW

REPORTED BY: WENDY LOU CONDE, CSR #11668

P R O C E E D I N G S

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REDWOOD CITY, CALIFORNIA SEPTEMBER 29, 2026

THE COURT: ALL RIGHT. SO LET'S GO TO THE HOFFMANN-LA ROCHE MATTER. LET ME GET MY TENTATIVE RULING.

AND THIS IS THE JCCP 5053, THE HOFFMANN-LA ROCHE LARIAM CASES, BUT THIS IS FILED IN THIS BUT THIS IS ABOUT MATTHEW COONS, C-O-O-N-S, AND THAT'S SAN MATEO CASE NUMBER 19CIV2658. THOUGH EVERYTHING IS FILED IN THE JCCP.

SO IF I COULD HAVE APPEARANCES PLEASE.

MR. KAUFMAN: GOOD AFTERNOON, YOUR HONOR. PETE KAUFMAN FOR THE PLAINTIFF.

THE COURT: HELLO, MR. KAUFMAN. AND HELLO TO EVERYBODY AT YOUR FIRM THAT I KNOW.

MR. HEALY: MICHAEL HEALY. GOOD AFTERNOON, YOUR HONOR.

THE COURT: WAIT. HE'S NOT GOING TO HEAR YOU, MR. KAUFMAN. SO SPEAK INTO THE MICROPHONE. HAVE A SEAT. AND THEN YOU ARE WITH --

MR. HEALY: SHOOK, HARDY, AND BACON. MICHAEL HEALY FOR DEFENDANT HOFFMANN-LA ROCHE, INC.

THE COURT: AND THEN YOU HAVE --

MR. HEALY: WITH MY COLLEAGUE SHANE KOLDING, SAME FIRM.

THE COURT: AND PROBABLY THE BRAINS OF THE OPERATION I WOULD IMAGINE. BECAUSE THE ONES THAT SAY THE LEAST ARE THE ONES THAT DO ALL THE WORK IN MY EXPERIENCE. AND I'M TALKING ABOUT ME TALKING A LOT AND OTHER PEOPLE DOING MOST OF THE

WORK.

ALL RIGHT. SO THIS IS A MOTION FOR SUMMARY JUDGMENT WHICH I GRANTED. AND IT'S ON THE DELAYED DISCOVERY RULE. AND IT WAS A NICE JOURNEY BACK INTO JOLLY, AND FOX VERSUS ETHICON, AND THAT WHOLE, WHOLE DEAL.

SO, MR. KAUFMAN, TELL ME IF YOU DISLIKE EVERYTHING OR YOU ARE JUST GOING TO FOCUS IN ON ONE PART OF IT.

AND WHOEVER MADE THIS WONDERFUL BINDER, IT COULDN'T HAVE BEEN MORE PERFECT. IT MADE IT SO MUCH EASIER FOR ME TO LOOK AT THINGS. I WAS TALKING TO AN ARBITRATOR LAST WEEK AT AN EVENT, AND HE SAID HE DOES EVERYTHING ELECTRONICALLY. AND I'M LIKE I CAN'T DO THAT. I CAN'T FIND IT. OUR COURT FILE ISN'T MARKED LIKE THAT, AND I DON'T HAVE ANYONE TO ORGANIZE IT FOR ME. SO THE BINDER IS --

MR. HEALY: THAT'S WHY IT'S EASY TO GIVE YOU A BINDER SINCE IT'S THE WAY I PROCEED.

THE COURT: ALL RIGHT. SO, MR. KAUFMAN, WHERE DO YOU WANT TO TELL ME THAT I'M WRONG FIRST?

MR. KAUFMAN: THANK YOU, YOUR HONOR. I HAVE -- I HAVE REVIEWED THE COURT'S TENTATIVE. AND I THINK I WANT TO BE FOCUSED -- YOU KNOW, I THINK THE ISSUE HERE IS NOT EVIDENCE OF CAUSATION, NOT MR. COON'S SUSPICIONS THAT MEFLOQUINE MAY HAVE CAUSED INJURY, BUT EVIDENCE OF WRONGDOING AS IS REQUIRED BY JOLLY AND THE FOX CASE AS WELL. AND I THINK --

THE COURT: SO CAN I JUST STOP YOU FOR ONE MOMENT?

(WHEREUPON THE COURT SPOKE WITH PARTIES IN A DIFFERENT

MATTER.)

THE COURT: I APOLOGIZE. LET'S GO BACK TO THE HOFFMANN-LA ROCHE LARIAM.

SO I THINK YOU HAVE GOTTEN -- I KNOW YOU ARE KIND OF LIKE SUSAN ILLSTON, I-L-L-S-T-O-N. YOU HAVE GONE TO MAYBE WHERE I WAS FEELING IS WHERE THE DEFENDANT IS THE MOST VULNERABLE. AND I THINK HOW I WOULD PUT IT IS WHETHER THERE'S SUFFICIENT EVIDENCE TO HAVE WHAT A REASONABLE INVESTIGATION WOULD HAVE SHOWN. IS THAT REALLY WHAT YOU ARE ARGUING?

MR. KAUFMAN: YES, YOUR HONOR. THAT'S WHAT WE ARE ARGUING. AND THAT LEADS US BACK TO THE FACTS IN THE CASE. THE FACTS THAT ROCHE HAS PUT BEFORE THE COURT --

THE COURT: LET ME ASK YOU -- LET ME ASK YOU A FUNDAMENTAL QUESTION THAT, YOU KNOW, THIS -- THIS WAS THURSDAY NIGHT BECAUSE FRIDAY WAS A HOLIDAY. AND I GET RESEARCH MEMOS. AND THEN I'M -- I JUST ALWAYS HAVE A LOT OF QUESTIONS. SO I DO MY OWN RESEARCH TOO.

SO DEFENDANT, I CAN'T REMEMBER WHICH EXACT DEFENDANT HAS BROUGHT THE MOTION SO I JUST SAY DEFENDANT.

MR. HEALY: HOFFMANN-LA ROCHE'S.

THE COURT: THEY SAY -- AND I THINK IT'S RIGHT -- THAT THE LAW DOESN'T REQUIRE THAT YOU HAVE YOUR EXPERT THAT SAYS IT.

IT REALLY SEEMS TO ME TO BE HOW REAL LIFE AND THE LAW AREN'T IN THE SAME PLACE. WHERE YOU GO TO A DOCTOR AND THE DOCTOR SAYS I DON'T KNOW WHAT CAUSED IT. AND THEN THERE'S ALL THIS LITERATURE THAT SAYS IF YOU HAVE THESE SYMPTOMS AND YOU

TAKE LARIAM THAT IT -- IT'S NEW AGENT ORANGE, RIGHT? I DON'T THINK -- AND TELL ME IF I'M WRONG AND DEFENDANTS ARE WRONG -- IF THERE'S A CASE THAT SAYS YOU HAVE TO GET A SPECIFIC DIAGNOSIS FOR YOURSELF OF THAT CAUSATION. I MEAN, IT MAKES NO SENSE TO A CERTAIN POINT THAT YOU WOULD BE ALLOWED TO FILE A CASE WHEN YOUR DOCTOR IS SAYING I DON'T KNOW WHAT CAUSED THIS, RIGHT? I MEAN, BECAUSE YOU ARE GOING TO THEN GET A, QUOTE, HACK, CLOSED QUOTE, TO MAKE THAT CAUSATION ANALYSIS. AND THE DEFENDANT IS GOING TO POINT TO THE PLAINTIFF'S OWN DOCTOR AND SAY, NO, THEY DON'T. THEY CAN'T SHOW THE CAUSATION BECAUSE THE TREATING DOCTOR DOESN'T HAVE IT.

BUT THE LAW SEEMS TO SAY THAT'S WHAT YOU HAVE TO DO IF YOU SEE ENOUGH IN THE LITERATURE OR IN YOUR INVESTIGATION, YOU HAD THE BLACK BOX WARNINGS HERE, YOU HAD THE ARTICLE THAT HE ATTACHED TO HIS CLAIM THAT DRAWS THAT LINK.

SO WHAT IS THE CASE THAT SUPPORTS THE PLAINTIFF'S VIEW THAT THAT'S NOT ENOUGH THAT THE INVESTIGATION SHOWS THAT THE CLOCK STARTS TICKING?

MR. KAUFMAN: WELL, I THINK, YOUR HONOR, THAT THE ISSUE IS NOT CERTAINTY ABOUT CAUSATION. I DON'T THINK THE LAW REQUIRES THAT. AND CERTAINLY MR. COON DIDN'T HAVE CERTAINTY. HE HAD SUSPICIONS. BUT I THINK THE LAW UNDER JOLLY AND FOX REQUIRES THAT -- IT REQUIRES AN INJURY, IT REQUIRES SUSPICION OF PHYSICAL CAUSE, SO CAUSATION. BUT IT ALSO REQUIRES INFORMATION OR EVIDENCE, SO REASONABLE NOTICE, THAT THE INJURY WAS CAUSED BY A PARTY'S WRONGDOING.

SO IF YOU GO BACK TO 2014 AND 2015, AND IN PARTICULAR TO 2014 WHERE I THINK ROCHE PROBABLY THINKS ITS ARGUMENT IS THE STRONGEST, MR. COON MAKES A V.A. CLAIM. HE TESTIFIED IN HIS DEPOSITION THAT HE WAS THROWING DARTS AT A DART BOARD JUST TRYING TO FIGURE OUT WHAT HAD CAUSED HIS THEN EXISTING NEUROPSYCHIATRIC INJURIES.

ONE SUSPICION HE HAD WAS MEFLOQUINE. THAT CERTAINLY IS ENOUGH I THINK REASONABLE EVIDENCE OF A SUSPICION OF CAUSATION FOR ONE PART OF WHAT'S REQUIRED BY JOLLY AND FOX, BUT THERE ISN'T ANY EVIDENCE BEFORE THE COURT THAT MR. COON SUSPECTED WRONGDOING ON THE PART OF ROCHE. THE ARTICLE THAT WAS ATTACHED, WHICH HE TESTIFIED HE DID NOT ATTACH BUT RATHER WAS ATTACHED BY THE V.A. EMPLOYEE, THE ARTICLE DOESN'T SAY THAT ROCHE HAD DOING ANYTHING WRONG. THE ARTICLE DOESN'T PUT ANYONE ON NOTICE OF A FAILURE TO WARN CLAIM AGAINST ROCHE.

THE ARTICLE DISCUSSES THAT MEFLOQUINE WAS DEVELOPED BY THE U.S. MILITARY; THAT THE U.S. MILITARY HAD DENIED THAT THERE WAS ANY CAUSAL CONNECTION BETWEEN, IN THIS CASE, SUICIDE AND MEFLOQUINE; THAT THE MILITARY WAS ENCOURAGED TO CONDUCT FOLLOW STUDIES AND NEVER DID.

SO THERE SIMPLY, YOUR HONOR, ISN'T -- WITH RESPECT TO THAT -- THAT FINAL REQUIREMENT UNDER JOLLY AND FOX THAT THERE BE SUSPICION OF -- THAT THE INJURY WAS CAUSED BY THE WRONGDOING OF THE PARTY, THERE ISN'T ANY EVIDENCE THAT MR. COON SUSPECTED ROCHE HAD DONE ANYTHING WRONG PRIOR TO SEPTEMBER OF 2017.

THE COURT: BUT --

MR. KAUFMAN: THAT ISSUE --

THE COURT: -- WHY 2017? I THOUGHT JUST THE DOCTOR DREW THE LINK, RIGHT? AND THE BLACK BOX WARNING. I MEAN, I FEEL KIND OF FUNNY WITH, YOU KNOW, KNOWING YOUR FIRM, HAVING CASES WITH BRIAN PANISH AND OTHERS, AND THEN WORKING WITH MR. HEALY AT THE START OF MY CAREER, AND WHAT MY CAREER WAS, ARGUING THE DEFENSE SIDE. BUT THAT'S MY ROLE AS A JUDGE TO LOOK AT IT.

IF YOU -- I MEAN, IT -- FIRST OF ALL, YOU ARE CHARGED WITH WHAT YOU READ. I WAS -- I DON'T THINK ANYBODY CITED THOSE CASES, AND I WAS TOO LAZY TO LOOK THEM UP. BUT IT DOESN'T MATTER BECAUSE IT'S WHAT A REASONABLE INVESTIGATION WOULD HAVE DONE. AND IF HE WOULD HAVE JUST READ THE BACK OF HIS CLAIM FORM, HE WOULD HAVE SEEN THIS. BUT IT TALKS ABOUT THE BLACK BOX WARNING.

I MEAN, THE BLACK BOX WARNING, WHEN YOU DO YOUR INVESTIGATION, THAT SHOWS YOU THAT IT IS CAUSED BY THAT DRUG. I MEAN, YOU -- FROM MY EXPERIENCE REPRESENTING A SWISS PHARMACEUTICAL COMPANY, BLACK BOX WARNING IS THE DEATH MILL REALLY FOR A DRUG'S POPULARITY BECAUSE IT ISN'T GIVEN UNLESS IT'S REALLY BAD. AND THEN IT ISN'T A QUESTION OF WHICH, YOU KNOW, D.E.S. DRUG DID I TAKE? NO. IT IDENTIFIES HOFFMANN-LA ROCHE. AND THEN IT TALKS ABOUT THE SAME THINGS THAT HE HAS.

SO I DON'T THINK THAT THE LAW REQUIRES ANY MORE. IT ISN'T AS IF HE DIDN'T KNOW THAT HE HAD TAKEN THIS DRUG. IT WASN'T

THAT HE DIDN'T KNOW THAT OTHERS WERE SAYING THAT THIS DRUG WAS CAUSING THINGS. AND WHETHER THE GOVERNMENT ALSO PERHAPS HAD LIABILITY, THAT COULD HAVE BEEN SOMETHING TOO. BUT HE DIDN'T TAKE ANY ACTION. I MEAN, HE COULD HAVE -- I GUESS IT'S HARD TO FILE SUIT -- MAYBE IMMUNITIES AGAINST THE UNITED STATES. BUT THERE CERTAINLY COULD HAVE BEEN A SUIT WITH A DOE AND THEN WHEN YOU FOUND OUT MORE ABOUT HOFFMANN-LA ROCHE. BUT IT'S LIKE HERE IN -- AND IT IS EXHIBIT 6, THE CLAIMS FORM AND THEN THAT ARTICLE.

SO THAT -- THAT'S WHERE -- I MEAN, I REALLY -- I THOUGHT -- BECAUSE AT FIRST, THE RESEARCH ATTORNEY HAD SAID GRANT. AND SO I'M LIKE, OKAY, AND I WENT THROUGH. AND THE FIRST ONE, IT SEEMS CLEAR THAT HE HAD THE INJURY. YOU ALL AGREED ON THE STATUTE OF LIMITATIONS. AND THE FIRST ONE ABOUT THE REASONABLE SUSPICION, I THOUGHT THAT WAS PRETTY CLEAR.

AND THEN FOR A WHILE, I HAD IN MY TENTATIVE TO DENY BASED UPON THE SECOND PRONG. SO THAT'S WHERE I SPENT MY TIME LOOKING. AND I READ THE CASES. AND OF COURSE I DON'T REMEMBER THEM NOW, TUESDAY AFTER THURSDAY NIGHT, BUT I DID. AND I JUST -- IF THERE'S LANGUAGE, I HAVE MY WEST LAW UP. GIVE ME KIND OF THE CITE THAT YOU THINK IS THE -- ENOUGH TO GET YOU AROUND THAT THIS IS WHAT A REASONABLE INSPECTION WOULD SHOW.

MR. KAUFMAN: WELL, I THINK, YOUR HONOR, THE BEST CASE IS FOX V. ETHICON WHERE THE PLAINTIFF --

THE COURT: GIVE ME THAT CITE SO I CAN PULL IT UP.

MR. KAUFMAN: 35 CAL.4TH 797.

THE COURT: I USUALLY PULL THE BOOKS, AND I DIDN'T DO THAT THIS TIME. I REMEMBER THIS CASE BECAUSE WE THOUGHT ABOUT BRINGING SOME CLAIMS AGAINST ETHICON. IT'S 2005. WOW, IT WAS A LONG TIME AGO.

ALL RIGHT. SO WHAT LANGUAGE ARE YOU LOOKING AT? I WILL DO A WORD SEARCH. SO GIVE ME A -- THE WORDS THAT YOU ARE READING FROM.

MR. KAUFMAN: OKAY, YOUR HONOR. THE -- LET ME GIVE YOU THE THUMBNAIL, AND I THINK THAT WILL GIVE YOU THE NECESSARY -- THE MOST IMPORTANT WORD IS PROBABLY STAPLER.

SO IN THE FOX CASE, A PLAINTIFF FIRST SUSPECTED MEDICAL NEGLIGENCE, AND BROUGHT A CLAIM AGAINST THE SURGEON, AND THEN LATER DISCOVERED THAT THE STAPLER WAS OR THAT A POTENTIAL CAUSE WAS A STAPLER MALFUNCTION, AND SUBSEQUENTLY SUED ETHICON. AND THE COURT NOTES THAT ACCRUAL DEPENDS ON -- AND THIS IS MY SUMMARY OF THE CASE, YOUR HONOR. I'M NOT SUGGESTING THAT I'M QUOTING FROM IT. BUT ACCRUAL DEPENDS UPON FACTS GIVING REASON TO SUSPECT A PARTICULAR TYPE OF WRONGDOING.

SO MR. COON SUSPECTING THAT MEFLOQUINE MAY HAVE CAUSED HIM INJURY BECAUSE HE WAS TOLD TO TAKE IT BY THE MARINE CORP IS I THINK DIFFERENT THAN MR. COON REASONABLY SUSPECTING THAT ROCHE'S FAILURE TO WARN CAUSED OR CONTRIBUTED TO HIS INJURY. AND THERE ISN'T ANY EVIDENCE THAT HE WAS ON REASONABLE INQUIRY ABOUT THE LATTER UNTIL 2017.

THE COURT: SO LET ME SUGGEST THAT A BETTER CASE ON THIS IS THE LEAF V. CITY OF SAN MATEO CASE THAT COMES OUT OF THIS COURT. AND THEN THE COURT OF APPEAL WAS SORT OF THE SAME IDEA.

AND THE DIFFERENCE ON THE FOX VERSUS ETHICON IS THERE ARE A LOT OF THINGS THAT COULD HAVE GONE WRONG WITH THE STAPLER, RIGHT? I MEAN, IT TOOK A WHILE TO FIGURE OUT THAT IT WAS THE STAPLER RATHER THAN HOW THE SURGEON DID THE SURGERY, OR THE GAUZE, OR THE THIS OR THE THAT.

AND, HERE, IT IS THE DRUG. THERE'S NOTHING THAT IS ALLEGED TO BE IN COMBINATION WITH THE DRUG. SO IT -- THAT'S WHERE I SEE THE DISTINCTION. BECAUSE BEFORE FOX VERSUS ETHICON CAME OUT, WE WOULD ALWAYS CITE THE LEAF VERSUS CITY OF SAN MATEO CASE WHICH IS THE SAME IDEA. YOU KNOW, SOMETHING WRONG HAS HAPPENED. I THINK THAT WAS ACTUALLY AN ATTORNEY RON LEAF WHO SUED BECAUSE OF SOME -- SOME PROPERTY DISPUTE. BUT HE KNEW SOMETHING WAS WRONG, HE JUST DIDN'T KNOW WHAT THE CAUSE WAS. SOMEWHAT LIKE THIS IN THE SURGERY.

HERE, HE HAD ENOUGH INFORMATION TO KNOW THAT BY THE TIME IN 2014 -- BECAUSE I AGREE, 2013, I DON'T FIND THAT THERE WAS ENOUGH. BUT WE ARE NOT IN THERE, IT DOESN'T MATTER. 2014, THERE WAS ENOUGH IN THE LITERATURE THAT DREW THAT CONNECTION.

I MEAN, AS I SAID AT THE BEGINNING, THE PART WHERE I HAD THE HARD TIME IS HIS DOCTOR WASN'T DRAWING THAT LINK FOR HIM TILL LATER. AND THAT'S WHERE I THINK THE LAW AND MEDICAL ARE DIFFERENT.

BUT I JUST -- DO YOU HAVE A CASE WHERE IT'S SORT OF A STAND-ALONE BAD ACT?

MR. KAUFMAN: I THINK FOX IS THE CLOSEST ANALOGY WHERE THERE'S SUSPICION OF ONE CAUSE AND THEN ANOTHER, WHICH TO MY MIND MIRRORS HIS -- HIS EXPERIENCE WITH, FIRST, WITH THE MARINE CORP AND THEN LATER LEARNING THAT IT WAS ROCHE'S OR POSSIBLY ROCHE'S WRONGDOING THAT CAUSED OR CONTRIBUTED TO HIS INJURY.

I WOULD NOTE, AND I THINK THIS IS CLEAR FROM OUR OPPOSITION, MR. COON DIDN'T JUST SIT ON HIS HANDS. HE CERTAINLY INVESTIGATED MEFLOQUINE WITH HIS PHYSICIANS AND RECEIVED EQUIVOCATION AFTER EQUIVOCATION THROUGHOUT 2014, 2015, INTO 2016, EVEN 2017, WHEN HE WENT TO THE WAR-RELATED INJURY INSTITUTE AND WAS GIVEN AN EQUIVOCAL -- AN EQUIVOCAL DIAGNOSIS IF YOU WILL OR EVALUATION WITH RESPECT TO THE CAUSATION OF MEFLOQUINE. SO THIS ISN'T A PLAINTIFF WHO WAITED FOR MEDICAL CERTAINTY WHICH I'M NOT SUGGESTING IS REQUIRED UNDER THE LAW.

BUT THOSE ARE THE ISSUES THAT I HAD WITH THE TENTATIVE AND THE -- AND THE ISSUES THAT I WANTED TO EXPLORE WITH YOUR HONOR.

THE COURT: NO, I APPRECIATE IT. AND MAYBE, YOU KNOW, I HATE TO GET REVERSED. BUT IT MIGHT BE SOMETHING THAT WHERE THIS EXTRA FACT WOULD BE A CHANGE TO FOX VERSUS ETHICON.

BUT I'M LOOKING AT, YOU KNOW, HEADNOTE 11 ABOUT AFTER BECOMING AWARE OF AN INJURY ARE CHARGED WITH KNOWLEDGE OF THE

INFORMATION THAT WOULD HAVE BEEN REVEALED. AND I JUST, YOU KNOW, AS I HAVE SAID, DOESN'T, YOU KNOW, NEED REPEATING. THE ARTICLE ATTACHED GIVES HIM THAT KNOWLEDGE THAT THERE IS A BLACK BOX PUT ON AFTER HE TOOK IT AND THEN THE AGENT ORANGE ANALOGY.

SO, MR. HEALY OR YOUR COLLEAGUE, WANT TO ADD ANYTHING?

MR. HEALY: JUST BRIEFLY, YOUR HONOR. I THINK YOU HIT THE NAIL ON THE HEAD. THIS CASE IS DISTINGUISHABLE FROM THOSE IN THAT PLAINTIFF SUBMITTED A CLAIM SAYING THE CAUSE OF HIS INJURY WAS THE DRUG. IT WASN'T ANY AMBIGUITY ABOUT A DOCTOR, IT WAS DUE TO THE DRUG. AND THE INFORMATION OBVIOUSLY AVAILABLE TO HIM AND HE SIGNED THE DOCUMENT DISCUSSES THE EVILS -- ALLEGED EVILS OF THE DRUG AND THAT A NEW WARNING BLACK BOX WARNING WAS ON.

THAT'S ALL YOU NEED FOR THE STATUTE TO START TO RUN.

THE COURT: BUT --

MR. HEALY: IN WRONGDOING, HE'S DOING IT -- AND HIS PAPERS SAID THE SAME THING. IT'S WRONGDOING IN A LAY SENSE. SOMETHING IS WRONG. I TOOK A DRUG, AND IT GAVE ME A PSYCHIATRIC ILLNESS. YOU HAVE AN OBLIGATION TO DO SOMETHING. AND HE DID. HE FILED A CLAIM.

THE COURT: BUT DOESN'T THAT SEEM WRONG TO YOU? BECAUSE THE FIRST THING YOU ARE GOING TO DO WHEN YOU, THE GREAT DEFENSE ATTORNEYS THAT YOU ARE, GET A COMPLAINT FROM A GREAT PLAINTIFF'S ATTORNEY LIKE MR. KAUFMAN IS SUBPOENA THE RECORDS OF THE TREATING PHYSICIAN WHO HASN'T YET SAID THAT LINK. AND

THEN YOU ARE GOING TO BRING A MOTION FOR SUMMARY JUDGMENT LIKE YOU ARE. BUT RATHER THAN SAYING, YOU KNOW, STATUTE OF LIMITATION, YOU ARE GOING TO SAY HE'S NOT ABLE TO PROVE THE CAUSATION BECAUSE HIS OWN TREATING DOCTOR. THAT'S WHERE -- I MEAN --

MR. HEALY: YEAH, BUT --

THE COURT: THAT'S WHERE I'M STRUGGLING.

MR. HEALY: -- THAT'S NOT THE LAW THOUGH. THE LAW IS IF A REASONABLE SUSPICION YOU HAVE TO BRING YOUR CASE. NOT LIKE THIS ONE, 20 SOMETHING YEARS AFTER. YOU KNOW, IT'S A GREAT, UNFAIR DISADVANTAGE TO US TO DEFEND OURSELVES. BUT HE KNEW IT WAS RELATED TO -- IN HIS MIND, HE SUSPECTED. THAT'S ALL HE HAS TO DO IS SUSPECT.

THE COURT: YET, YOU DON'T HAVE --

MR. HEALY: OKAY.

THE COURT: I COME TO THAT CONCLUSION.

MR. HEALY: ALL RIGHT.

THE COURT: I JUST THINK IF THE COURT OF APPEAL LOOKS AT IT -- AND THERE'S A LOT OF GREAT MINDS JUST BEING APPOINTED AND ALREADY ON IN THE FIRST DISTRICT -- IT SEEMS LIKE THIS IS A LITTLE NUANCED ONE WHERE I AGREE, I MEAN, THE CLAIM THAT HE HAS. BUT THE INFORMATION THAT WAS DOING IS WE ARE TRYING TO DO EVERYTHING THAT WE COULD. AND WHEN HE DID GO TO INVESTIGATE, TALK TO THE PEOPLE WHO ARE REALLY LOOKING AT HIM AND WHAT THE CAUSATION WAS, IT WASN'T THERE.

I JUST -- THAT'S WHY I SPENT TIME IN PREPARING THE

TENTATIVE OF REALLY LOOKING AT THE CASES TO SEE WHAT THEY SAY. AND I COME OUT ON THE DEFENSE SIDE. I JUST THINK IT'S AN ANOMALY WHERE -- AND I GET -- I MEAN, I DON'T REALLY FEEL SYMPATHY FOR ROCHE, BUT I UNDERSTAND THAT YOU HAVE TO HAVE SOMETHING -- YOU KNOW, YOU HAVE TO HAVE CERTAINTY. AND STATUTE OF LIMITATIONS ARE FOR A REASON. BUT IT'S JUST A PRETTY TOUGH SPOT FOR AN INJURED PARTY TO GO TO A PLAINTIFF'S FIRM AND SAY, WELL, I'M READING ALL OF THIS BUT MY DOCTOR SAYS NO. WHAT'S A PLAINTIFF'S ATTORNEY TO DO KNOWING ABOUT JOLLY AND FOX?

SO JUST IF IT GOES UP ON APPEAL, THAT'S WHAT I WOULD EXPECT THE ARGUMENT TO BE. AND THE COURT OF APPEAL MAY JUST SAY, NO, JUDGE FINEMAN IS THE SMARTEST JUDGE EVER, AND OF COURSE SHE GOT IT RIGHT AND, NO, THERE'S NOT. IT'S JUST THAT'S THE PART THAT -- THAT JUST SEEMED ODD TO ME. IT JUST SEEMED THAT THE TENSION -- BUT I GUESS STATUTE OF LIMITATIONS IS ALWAYS FULL OF TENSION, RIGHT?

MR. HEALY: RIGHT. YOU DON'T HAVE TO WAIT UNTIL THE MEDICAL COMMUNITY AS A WHOLE SAYS, JUDGE, YOUR INJURY WAS CAUSED BY THIS IS DRUG. THAT'S NOT THE LAW NOR SHOULD IT BE THE LAW. IT SAYS DO YOU SUSPECT IT MIGHT BE RELATED. YOU HAVE TO GO INVESTIGATE AND SEE IF THERE IS INFORMATION. HE INVESTIGATED. HE FOUND INFORMATION. IT'S NOT A THEORETICAL. HIS IS AN OBJECTIVE AND SUBJECTIVE SUSPECTING THAT IT WAS THE DRUG.

THE COURT: SO I HAVE NO OPINION OF WHAT THE LAW SHOULD

BE. THAT'S THE GOOD THING ABOUT BEING A JUDGE.

MR. HEALY: I HAVE TO TELL YOU A FUNNY STORY. I WAS ARGUING THE -- IN THE COURT OF APPEALS THE NORGART CASE. AND THE -- AND I FORGET THE NAME OF THE JUSTICE WHO ASKED ME ABOUT THE LEAF CASE. AND OF COURSE I HAD NEVER HEARD OF THE LEAF CASE BECAUSE IT HAD NEVER BEEN CITED IN A PERSONAL INJURY CASE. AND THE JUDGE, AND I DON'T KNOW, HE QUESTIONED ME A LITTLE BIT THAT HE FOUND THAT HARD TO BELIEVE. I FOUND IT HARD TO BELIEVE HE WAS CITING LEAF.

ANYWAY, IT WENT UP OBVIOUSLY -- WE WENT UP AND THE SUPREME COURT RULED IN OUR WAY. AND THAT IS THE LAW. WHETHER SOMEONE THINKS IT'S UNFAIR OR NOT, THAT'S THE LAW.

THE COURT: I JUST -- ON THESE FACTS, IT SEEMED THAT IT DESERVED MORE. AND THAT'S WHAT, YOU KNOW, I THOUGHT.

SO, MR. KAUFMAN, LAST WORDS?

MR. KAUFMAN: I DON'T, YOUR HONOR, THINK THAT I HAVE ANYTHING TO ADD FURTHER THAN WHAT I HAVE ALREADY SAID. SO I'M NOT GOING TO -- I DON'T THINK THERE'S MUCH POINT IN PLOUGHING OLD GROUND.

I APPRECIATE THE HEARING THAT YOUR HONOR HAS GIVEN US AND THE TIME YOU TOOK ON THE TENTATIVE. AND IT MAY BE THAT THIS DOES REQUIRE AN APPELLATE COURT IF YOUR HONOR IS INCLINED TO ADOPT THE TENTATIVE.

THE COURT: I WILL ADOPT THE TENTATIVE.

I THOUGHT YOU WERE GOING TO ASK -- AND I CAN'T REMEMBER THE NUMBER, BUT IT'S 1292 IN FEDERAL COURT, YOU KNOW, WHERE

YOU CERTIFY. I WILL SAY I DON'T THINK THAT THAT IS THIS. AND THE ONE TIME I THOUGHT IT WAS, THE COURT OF APPEAL SAID, NO, NO, NO. SO I EXPECT THINGS LIKE THIS TO GET APPEALED.

SO IF YOU DON'T MIND, WE GO OFF THE RECORD. BUT THEN I WILL JUST SAY HELLO TO BOTH OF YOU AND OFF THE RECORD SEE HOW EVERYBODY THAT I KNOW IS.

I MEAN, I DON'T EVER SEE ANYBODY. I DON'T HAVE --

MR. HEALY: WELL, I WILL SAY, YOUR HONOR, JUST TO START --

THE COURT: WELL, CAN WE GO OFF THE RECORD --

MR. HEALY: YES.

THE COURT: -- SO WENDY DOESN'T HAVE TO DO?

MR. KAUFMAN, YOU OKAY OFF THE RECORD? WE ARE ADOPTING THE TENTATIVE.

MR. KAUFMAN: YES, YOUR HONOR.

(END OF PROCEEDINGS.)

IN THE SUPERIOR COURTS

STATE OF CALIFORNIA, COUNTY OF SAN MATEO

DEPARTMENT NO. 4 HON. NANCY L. FINEMAN, JUDGE

HOFFMANN-LA ROCHE LARIAM CASES,

COORDINATION PROCEEDINGS JUDICIAL COUNCIL

SPECIAL TITLE (CR 3.550) COORDINATION PROCEEDING NO. 5053

THIS DOCUMENT RELATES TO:

MATTHEW COON, PLAINTIFF, V.

F. HOFFMANN-LA ROCHE LTD., ET AL.,

DEFENDANTS, SAN MATEO COUNTY SUPERIOR

COURT CASE NO. 19CIV02658

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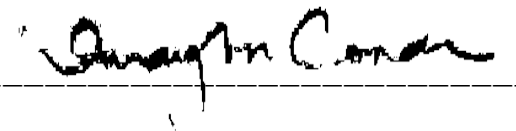
STATE OF CALIFORNIA)
) SS
COUNTY OF SAN MATEO)

I, WENDY LOU CONDE, OFFICIAL COURT REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF SAN MATEO, DO HEREBY CERTIFY THAT THE FOREGOING PAGES 1 THROUGH 17, INCLUSIVE, COMPRISE A FULL, TRUE, AND CORRECT TRANSCRIPT OF THE PROCEEDINGS TAKEN IN THE MATTER OF THE ABOVE-ENTITLED CAUSE.

DATED: OCTOBER 27, 2026



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WENDY LOU CONDE, CSR #11668
OFFICIAL COURT REPORTER