

**Pam Elliott**

**From:** Heather Predham  
**Sent:** Wednesday, October 03, 2007 1:35 PM  
**To:** Sharon Smith; Marian Crowley; Pat Pilgrim  
**Cc:** Pam Elliott  
**Subject:** RE: Reply to Oncologists

ER/PR

Hi,

I guess I can through in my two cents worth here. A lot of terms were being tossed around in court...false negative, conversions, weak positives, confirmed negatives etc. For clarity, the court asked our lawyers and Ches to agree on what would be the definition of a conversion.

What they agreed to, and what is now the **courts definition of clinically negative** is:

For the years 1997 to 2000 an ER value of less than or equal to 30

For the years 2001 to 2005 an ER value of less than or equal to 10

This is based on our criteria of those we selected for retesting. That in turn was identified by the broadest research and our focus on the ER value rather than in combination of ER and PR. At the time we were trying to be inclusive rather than exclusive.

The class action process requires notification of the action to all participants. The broad class is all patients who underwent ER/PR testing and EH has been arguing that there is much smaller class, those that actually converted. So, the judge ordered that all patients whose ER values changed from clinically negative to clinically positive (based on the above definition) be notified via registered mail. The rest would be notified via the order being published in the newspaper.

The problem, as we know now, is that the letter referenced that and it was very confusing to a lot of patients who were always considered positive by their physician...either from the value of the ER or in combination of the PR. Almost without exception all of the dozens of calls I answered required that explanation. They were informed by their physician that "there's no change for you"...because when you got down to it, there was no change in the treatment...when there was actually a change in the numbers....and they didn't get into the numbers with their physicians.

From the database, and because I wasn't here, it was decided that those paneled would be the most easily identifiable group to send this info to.....what more can I say.....

Our lawyers have apologized for not picking up that word "screening" and like I have said before, Marian would never have identified this as an issue, as she was not involved enough in the situation to pick it up.....

Actually....that's a bit more than 2 cents isn't it!!!

Heather

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**From:** Sharon Smith  
**Sent:** October 3, 2007 12:52 PM  
**To:** Marian Crowley; Pat Pilgrim  
**Cc:** Pam Elliott; Heather Predham  
**Subject:** RE: Reply to Oncologists

Hi Marian,

I can appreciate you've had a difficult time with this, as we all have. I am just not clear about the process of trying to figure out who had converted, were the Oncologists asked to do that? If so, maybe the letter could explain why we couldn't come up with a list, and explain why the one letter went to everyone, whether they converted or not. I think that is one of the key issues....the letter went out to all, converters or not, but I think we

10/5/2007

need to apologize about the reference to breast screening.

Thanks  
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**From:** Marian Crowley  
**Sent:** October 3, 2007 12:37 PM  
**To:** Pat Pilgrim; Sharon Smith  
**Cc:** Pam Elliott; Heather Predham  
**Subject:** Reply to Oncologists

Hi Pat & Sharon

This is the latest draft of a letter to respond to the oncologists' concerns about sending out the court order..  
Just like your thoughts about the reply.

Thanks, Marian

*Marian Crowley  
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