

Medical Need for Formula:

- Swanson:
 - “Q. Do you still use preterm formula in your practice today? A. Yes.” [Swanson Dep. Page 245: lines 23-25]
 - “Formula is a requirement to have a NICU, yes.” [Swanson Dep. Page 246: line 7-8]
 - “There are times when we need to use preterm formula.” [Swanson Dep. Page 246: lines 11-12]
 - “Q. Okay. Is there anything you have learned from your work in this litigation that has changed how you use preterm formula? . . . A. I don’t believe so.” [Swanson Dep. Page 249: lines 12-17]
 - “Q. Should preterm formula be eliminated from NICUs? A. No. Q. Would that be a major public health concern, if that happened? A. It would be a significant concern for our premature population.” [Swanson Dep. Page 274: lines 19-25]
 - Agreeing that “in the real world as it exists today, . . . cow’s milk-based products fortify -- and formula are currently a necessary tool in the toolbox for NICU professionals to try to keep premature infants growing and surviving” [3/4 AM Watson Trial Tr. (Swanson) at 2932:4-14]
 - “[t]here’s absolutely times when [preterm] formula is required,” [3/4 PM Watson Trial Tr. (Swanson) at 2970:3-8]
- Sims:
 - “Q. And when it's appropriate, you still prescribe cow's milk-based formula products; correct? A. Yes.” [Sims Dep. Page 21: Lines 1-4]
 - “Q. You have not abandoned that practice as a result of anything that you've reviewed or done in connection with your paid litigation work; correct? A. No.” [Sims Dep. Page 21: Lines 5-9]
 - “[W]hen appropriate, it is very necessary.” [Sims Dep. Page 194: Lines 10-11]
 - “Q. Wouldn’t it present a significant public health problem if cow’s milk based fortifier products and formulas were completely removed from the neonatal ICU? A. Yes.” [Sims Dep. Page 208: Lines 17-21]

Medical Knowledge About NEC

- Swanson:
 - “Q. Do you agree with me that every other neonatologist is aware that there is some risk of NEC associated with formula?
A. I would agree with that.” [Watson Trial Tr. (Swanson) REPORT OF PROCEEDINGS JURY TRIAL - P.M. SESSION at Page 3004: Lines 5-9]
 - “Q. Do you train your neonatologists on the AAP guidelines that are relevant to preterm infants?
A. I do my best.” [Swanson Tr. Page 80: Lines 7-9]
- Sims:
 - “[N]eonatologists...have a healthy fear of necrotizing enterocolitis. And anything that we can do to help decrease those numbers, we’re very proactive. We’re trying to decrease that particular condition.” [Sims Deposition. Page 193: Lines 9-16]