

**SANOFI LEGAL DEPARTMENT
PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION**

CUSTODIAN LEGAL HOLD NOTICE

MULTIPLE SCLEROSIS (“MS”),

501(c)(3) & PATIENT ASSISTANCE PROGRAM (“PAP”)

DOJ SUBPOENA – LEGAL HOLD NOTICE

From: Daniel Dovdavany, Esq.
Matter: MS, 501(c)(3) & PAP DOJ Subpoena

INSTRUCTIONS

1. Please read the entire Legal Hold Notice.
2. At the end of this message, **confirm** that you have read, understood, and will comply with the hold notice by selecting Yes and clicking the confirm button.
3. If you have any questions, please contact the Legal Department members listed below.

PLEASE NOTE

1. Do NOT reply to this address. Responses will not be read.
2. Do NOT forward. Legal Department contacts are listed at the end of the notice.
3. CONFIRM this and each periodic reminder of your ongoing compliance.
4. To access your complete list of **your** active holds, [click here](#)

THIS MATTER

Sanofi is implementing a mandatory legal hold in the above named matter, MS, 501(c)(3) & PAP DOJ Subpoena. You are required to preserve relevant documents and Electronically Stored Information (ESI). Failure to comply with this Legal Hold Notice may result in severe

consequences for Sanofi and disciplinary action for you, up to and including termination of employment.

On January 31, 2018, the United States Attorney's Office for the District of Massachusetts issued a subpoena that requests documents and information relating to Sanofi's relationship with certain 501(c)(3) organizations, information about Sanofi PAPs, and information about certain promotional activities and programs with health care professionals related to Aubagio and Lemtrada.

THE SCOPE

You must preserve all documents and ESI in any on-site or off-site location that might be relevant to this matter. Specifically, we are asking you to preserve all documents, including electronically-stored documents and data in your possession, whether created, prepared, or maintained by you or others, or sent or received by you, from **January 1, 2012** through **the present** which fall into the following categories:

1. Documents reflecting all payments made to any 501(c)(3) organization that provides financial assistance to Medicare patients ("501(c)(3) Organization") and all documents concerning the consideration of whether and how much to pay any 501(c)(3) Organization.
2. All documents concerning policies on the provision of free drug to Medicare patients or their physicians, physicians' practices, hospitals, clinics, or outpatient treatment facilities ("HCPs"), including all policies and training materials concerning 501(c)(3) Organizations.
3. Documents describing any Sanofi Medicare PAP.
4. All documents concerning any complaint or allegation regarding the propriety of Sanofi's relationship with any 501(c)(3) Organization and all documents concerning any action taken in response to such complaint or allegation.
5. All documents concerning assessment of fair market value or commercial reasonableness of payments to HCPs.
6. All documents concerning the accounting and tax treatment of payments to any 501(c)(3) organization that provide financial assistance to Medicare patients taking Aubagio or Lemtrada ("501(c)(3) Organization/Aubagio or Lemtrada") and documents concerning tax deductions taken in connection with the provision of free Aubagio and Lemtrada.
7. All documents concerning financial assistance for Medicare patients taking Aubagio or Lemtrada including documents concerning the relationship between specialty pharmacies, hubs or case management programs, and 501(c)(3) Organizations/Aubagio or Lemtrada.
8. All documents concerning guidance provided to sales employees or reimbursement managers and all written materials provided to sales employees or reimbursement managers concerning financial assistance for Medicare patients taking Aubagio or Lemtrada.
9. All agreements with the Lash Group concerning Aubagio or Lemtrada and all Lash Group Site Coordinator spreadsheets, nursing reports or other documents regarding co-payments for Medicare patients taking Aubagio or Lemtrada.

10. All documents regarding remuneration, including gifts, travel expenses, meals, fees, salaries, payments, credits, discounts or debt forgiveness and all documents concerning consulting agreements, marketing agreements or other service agreements to the following health care providers (“Listed Health Care Providers”):
11. All text messages from business and personal (if also used for business) cellular phones to and from or about the Listed Health Care Providers. **All employees to whom this category applies are required to ensure that their cellular phone text messaging deletion settings are properly set to avoid the deletion of any text messages for the relevant time period.**
12. All documents concerning sponsored events for which the Listed Health Care Providers received remuneration—including where sponsored events were canceled—including all documents provided or presented at such events.
13. All documents and data concerning canceled Aubagio or Lemtrada speaking events, including Aubagio and Lemtrada Canceled Program Detail spreadsheets.
14. All Qlik View or Performance Analyzer datasheets or other prescriber-level data regarding HCPs treating patients with MS.
15. All documents regarding actual or potential Key Opinion Leaders (“KOLs”) for Aubagio or Lemtrada, including KOL Plan Developments, KOL Profile and Engagement Plans, and HCP and HCF Detail reports.
16. All Thought Leader Liaison (“TLL”) monthly accomplishment or summary reports or other reports generated by TLLs that relate to Aubagio or Lemtrada.
17. All Executive Encounter worksheets or similar documents, emails, text messages and call notes concerning communications between TLL’s responsible for Aubagio and/or Lemtrada and HCPs.
18. All documents concerning the Retroactive PAP or any other program or instance involving reducing, forgiving or otherwise agreeing not to collect any portion of a debt incurred by a HCP who purchased Lemtrada.
19. All documents concerning the “See Activity, Say Lemtrada” or the “Lemtrada ASAP” program including training materials, “Situation Analysis” documents, third party vendor documents, speaker slide decks and speaker training materials, promotional aids, and leave behinds.
20. All documents concerning payor reimbursement for Lemtrada prescriptions for patients without documented inadequate response or intolerance to multiple alternative therapies (in different classes), including: an interferon beta product; glatiramer acetate, natalizumab; fingolimod; teriflunomide; or dimethyl fumarate.
21. All documents relating to the cost of goods sold of Aubagio and Lemtrada during the relevant time period.

Documents and information must be preserved even if preserving them is burdensome or if their contents are potentially damaging to you or to Sanofi.

If you know of anyone else who may have documents and information that may relate to this Matter, please telephone the Legal Department contacts listed at the end of this Legal Hold Notice.

YOU MUST PRESERVE BOTH DOCUMENTS AND ELECTRONICALLY STORED INFORMATION

You must retain paper documents and ESI regardless of location or media format. For example, you must retain relevant ESI on computers and external storage devices such as cell phones, smartphones, iPads, tablets, and removable media such as USB drives.

Examples of documents: Handwritten or typewritten materials, whether in draft or final form.

Examples of ESI: Microsoft Office files, PDFs, text files, databases, text messages, voicemail messages, voice recordings, or Sanofi ESI on any personal devices.

If you have questions about whether the documents and information in your possession should be retained, preserve them and seek clarification from the Legal Department contacts below.

DO NOT DELETE RELEVANT INFORMATION

Do not delete e-mail or ESI that relates to this matter. While you are on this legal hold, IS Security will preserve any potentially relevant e-mail that automatically expires from your Inbox. If you are aware of any other documents or information that may relate to this Matter that are stored in any other format or location where they are likely to be modified or deleted (either due to automatic or manual processes), you must take affirmative actions to preserve these documents and information.

WHY ARE YOU RECEIVING THIS LEGAL HOLD NOTICE?

You are receiving this Legal Hold Notice because you may have documents and electronic information that relate to the Matter described above. Sanofi has certain legal obligations to retain documents and electronic information that relate to the Matter and can only meet these obligations through the actions of its personnel. Your assistance and compliance with this Legal Hold Notice is mandatory.

WHY DOES SANOFI NEED TO PRESERVE INFORMATION AND DOCUMENTS?

The preservation, identification, and, in some cases, collection of relevant documents is part of the normal litigation or investigation process in certain jurisdictions, and occurs primarily during the "discovery" phase of a lawsuit. In this phase the parties may request from their opponent that documents and information, with a few narrow exceptions, be made available and produced to the opponent's counsel, while providing that confidential information be kept confidential and personal data be protected according to the applicable law(s).

Thus, it is important to preserve all relevant documents and information during the entire duration of the investigation, dispute, or lawsuit including any appeal. The destruction of such documents or information after initiation of an investigation or lawsuit may give rise to negative inferences and can result in severe consequences, including sanctions by the Court or investigative authority against the party that improperly destroys relevant documents, and in some circumstances, criminal liability for the individual who improperly destroys relevant information.

THIS LEGAL HOLD SUPERSEDES SANOFI'S RECORDS MANAGEMENT POLICY

Until further notice, the documents and information in your possession that relate to this Matter are now on 'Legal Hold' in accordance with and pursuant to the Sanofi Group Records Management Policy (or the particular Records Management Policy that applies to your business location). A copy of the Records Management Policy for US locations may be found on the Intranet at [RDSOP-000027 Management of US Records](#)

THIS MATTER IS CONFIDENTIAL

Please remember that this Matter is confidential. Any discussions or correspondence regarding this Matter should only be with (or in the presence of) Sanofi legal counsel. If asked by customers, the press, or others about this Matter, please do not comment and refer any questions to the Legal Department contact persons listed below.

FUTURE CONTACT

At a later stage of the Matter, you may be contacted again by a member of the Legal Department for the purpose of planning and implementing the next steps, if any, including collecting, filtering, screening and possibly transferring and producing the documents and information that you have preserved in accordance with this Legal Hold Notice.

QUESTIONS

Please contact the following Legal Department persons if you have any questions:

- Jill Korcusko-Ramirez, Pro Unlimited Contract Paralegal -908-981-4208
- Daniel Dovdavany, Esq., Associate General Counsel - 908-981-6173
- Jennifer L. Holden, Esq., Senior Corporate Counsel - 617-768-9352