

**CONFIDENTIAL ATTORNEY WORK PRODUCT**

Deposition Summary  
of  
**Peter R. Tork**  
Taken on June 6, 2004  
Re ACME INC. CLASS ACTION LAW SUIT  
Civil Action No: 00-111111

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**Summary**

EXAMINATION BY MR. CARTER

**Tork's knowledge of Sky**

5:10 6:24 Peter R. Tork is the CFO (Chief Financial Officer) of ACME Inc. Tork is familiar with the Sky trials that were conducted at ACME. The Sky study began in the year 2002 and was completed in 2003. Tork was named CFO of ACME in January of 1999.

**Purpose of Sky study**

6:25 8:2 Tork states that the Sky study was conducted to demonstrate the efficacy of opterone, to learn more about potential side effects, and to communicate a risk/benefit profile of an efficacious drug. The Sky study was a study of patients taking opterone and afttomal.

**Meetings between ACME and the FDA**

8:3 10:24 Tork was not specifically aware of the fact that ACME was conducting meetings with the FDA prior to the commencement of Sky concerning the protocol for the trial. Tork was advised of some of the meetings that had occurred with the FDA. Tork did not know that minutes were generally prepared by the FDA following their meetings.

**Sky objective with regard to nuerodermatitis**

11:18 13:10 Tork does not recall that the objective of Sky was to show that the rate of nuerodermatitis in patients taking opterone would be the same as patients taking afttomal. Tork believed that the objective of Sky was to assess and confirm the efficacy or to better understand the side effect profile. Tork agrees that there was an interest in nuerodermatitis as a side effect in opterone usage, but that the Sky trial was not set up solely to address this issue.

**FDA approval of WAREON in April of 2003**

13:11 14:6 Tork is sure that he was informed of the FDA approval of WAREON in April of 2003. He admitted that the share price of Acme stock increased 17% on April 13, 2003, when the approval became public knowledge.

14:7 15:21 **FDA's concerns regarding nuerodermititus events**  
Tork had very little understanding of what the FDA's concerns were in December of '98 regarding nuerodermititus in the clinical trials that were conducted by ACME, as he dealt primarily with financial matters.

16:7 18:20 **Executive committee meetings**  
Tork would have seen postings regarding meetings that were held in the year 2002 wherein updates on the Sky trials were provided, but does not recall specifically attending any of these meetings. Tork was a member of the executive committee for ACME in 2002 and 2003. The executive committee meetings included a broad agenda that focused on business issues of all kinds affecting the portfolio of ACME Inc.

19:01 22:20 **Sky protocol and safety parameters**  
Tork has never seen the Sky protocol that was submitted to the FDA by ACME. Tork believes that he received a top-line verbal description from Mr. Flowers regarding the Sky protocol, but states that he does not recall ever being told about the predication of a one to one ratio of nuerodermititus events in opterone versus afttomal. Tork cannot recall anything that was told to him regarding the Sky safety protocol or safety parameters.

22:25 24:12 **Tork's interaction with investors**  
Tork had little interaction with investors until September of 2000, and cannot specifically recall any interaction with Elgin Evans, who was responsible for investor relations.

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