

# EXHIBIT E

[REDACTED]

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[REDACTED]

**From:** [REDACTED] firm.com>  
**Date:** March 3, 2021 at 9:14:23 AM CST  
**To:** Brook Jackson <brookjackson04@gmail.com>  
**Cc:** [REDACTED] firm.com>, [REDACTED]

**Subject: RE: Your availability for a call**

There's a key concept in False Claims Act cases called "materiality." Basically that boils down to "if the government knew about the fraud, would it still have paid the claims?" If the answer is "yes," that is fatal to a False Claims Act case. Here, DoD and not FDA was the contracting party paying Pfizer. So whether or not FDA would have approved the vaccine or not, the FDA doesn't have a say on whether this is a valid case. That falls to DoD. Let us know if you have any further questions. I will keep you updated about the date of our call.

[REDACTED]  
Associate Attorney

[REDACTED]

[REDACTED]

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**From:** Brook Jackson <[brookjackson04@gmail.com](mailto:brookjackson04@gmail.com)>

**Sent:** Wednesday, March 3, 2021 12:08 AM

**To:** [REDACTED] firm.com>

**Cc:** [REDACTED] firm.com> [REDACTED]  
[REDACTED]

**Subject:** Re: Your availability for a call

Got it.

Yes, statistically the number may be relatively small and I can certainly appreciate this perspective, but I'm shocked by their admittance to knowing about Ventanvia. It seems negligent on the part of the FDA to admit knowledge of fraud, misconduct, false statements and misbranding of this product.

Are we okay with that?

On Mar 2, 2021, at 5:19 PM, [REDACTED] [firm.com](mailto:[REDACTED]@firm.com)> wrote:

They were aware of it, per the gov't.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
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**From:** Brook Jackson <[brookjackson04@gmail.com](mailto:brookjackson04@gmail.com)>

**Sent:** Tuesday, March 2, 2021 5:17 PM

**To:** [REDACTED] [firm.com](#)>

**Cc:** [REDACTED] [firm.com](#)>; [REDACTED]  
[REDACTED]

**Subject:** Re: Your availability for a call

Hi Rebecca,

I'm available any of those days except the 16-18th.

Am I reading that the FDA was or was not aware of misconduct by Ventanvia?

On Mar 2, 2021, at 3:26 PM, [REDACTED]  
[REDACTED] [firm.com](#)> wrote:

Brook,

The government wishes to have a telephone meeting with all of us in the next few weeks. What's your availability March 11-26?

The government has told us that the FDA was aware of misconduct by Ventavia and would have approved the vaccine even if they had known about it (due to the relatively small [in terms of the entire trial size] # of patients at Ventavia sites). This does not affect the validity of your

case because the Department of Defense (DoD) is the agency who contracted with Pfizer and paid Pfizer. In short, the question is whether DoD would still have paid Pfizer had they known about the issues we identified.

We like to analogize this to government contracting fraud cases. There have been False Claims Act cases where a contractor falsely states that it is a small business or a minority-owned business, etc. in order to secure a government contract. The contractor performs the work in the contract, but lied to the government about what kind of business it was, in other words. The question isn't whether the contractor did a good job, it's whether the contractor falsely certified its status.

If the government is too focused on the FDA issue, we will be able to explain to the government that they are looking at

the wrong question here. So, we do not think that the FDA's response is hurting your case.

Best regards,

[REDACTED]  
Associate Attorney

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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