

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

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IN RE: INVESTIGATION

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Federal Grand Jury 04-01  
Federal Courthouse  
299 East Broward Boulevard  
Fort Lauderdale, Florida  
Tuesday, January 25, 2005

APPEARANCES:

ROBIN ROSENBAUM  
Assistant United States Attorney

TESTIMONY  
OF  
MARYAN MIKHAEL

FDA 03945

**A220**

**COPY**

1 were similar.

2 Q. Did Farzana ever work for Powderz or TRI or any  
3 of the other companies from the time you started there  
4 until the time you left?

5 A. No. I believe she wasn't in the country.

6 Q. Now, let me ask you. Did you also at some point  
7 in time start to receive telephone calls about TRI's  
8 Botulinum Toxin Type A product?

9 A. Yes.

10 Q. And were you instructed by Zahra Karim and/or  
11 Chad Livdahl with respect to what you should do with  
12 those calls?

13 A. Yes.

14 Q. Who told you and what did they say?

15 A. It was mostly Chad Livdahl who dealt with the TRI  
16 anything. Zahra had some input, but not as much as  
17 Chad. Basically when I took over, most of the calls  
18 were return clients, so with the return clients, I was  
19 told to ask for the number of vials they wanted, and  
20 double-check the shipping address with them.

21 For new clients, basically they would call  
22 because they got a flier, and they would say: What is  
23 this? I would say: This is Botulinum Toxin Type A. If  
24 they say: What does that mean, for research purposes  
25 only, not for human use? I was told it was for research

**A221**

1 purposes only, not for human use, and that we write that  
2 down for legal purposes.

3 Q. I'm sorry. You were told to tell them what?

4 A. That it is for research purposes only, not for  
5 human use, and if they ask what does that mean, I was  
6 told to tell them that we write it down for legal  
7 purposes.

8 Q. You write it down for legal purposes?

9 A. Yeah, we have that down for legal purposes.

10 Q. Who told you to say that?

11 A. Chad Livdahl.

12 Q. Did he tell you what that meant at all when he  
13 said we have that for legal purposes?

14 A. I don't believe he told me right away, but later  
15 on, it was obvious that it was not FDA approved, and I  
16 believe he told me not to mention the fact that it was  
17 not FDA approved, and just say that we had to write that  
18 down for legal purposes.

19 Q. Did there come a point in time where Dr. Livdahl  
20 told you to remind people that this was for  
21 investigational use or research use only, and not for  
22 human use?

23 A. Basically he just told me to make sure that it's  
24 on every single page of the web site, on the order  
25 forms, on everything we write. When people call, he

**A222**

1 Q. Now, at some point in time, did you have  
2 something to do with mailing lists?

3 A. When I first started working there, Chad had a  
4 mailing List of some 20-some-thousand people. I am not  
5 sure how he got the list. I'm not sure. The list was  
6 divided up into the Excel and Word files of acronyms.  
7 I'm assuming those acronyms stand for doctors, medical  
8 associations or something.

9 Basically what I did is I printed all the labels  
10 on little label forms, and then the girls in the back,  
11 the warehouse girls would stick the labels on the  
12 brochures, and then Chad and Zahra would take them to  
13 the post office to mail them out.

14 Q. Okay. And did there come a point in time when  
15 you were asked to assist in some way or to find someone  
16 to help assist in putting in contact or mailing lists?

17 A. Yes. There came a point when Chad asked me if I  
18 could find somebody that's looking for some extra money  
19 to get some more names of doctors and put them in an  
20 Excel sheet sort of data entry type stuff, and my  
21 sister's boyfriend was looking for some money, so he  
22 decided to do it.

23 Basically what Chad did was e-mail me some web  
24 sites that he wanted my sister's boyfriend to work from  
25 and gather names from.

**A223**