

FILED

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JUL 20 2005

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

DENNIS HIGGINBOTHAM,
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

BAXTER INTERNATIONAL, INC.,
HARRY M. JANSEN KRAEMER, JR.,
BRIAN P. ANDERSON, and
JOHN GREISCH,

Defendants.

CIVIL ACTION NO. 04 C 4909

Hon. William T. Hart

AFFIDAVIT OF DONALD S. RICHARDS

COMMONWEALTH OF PENNSYLVANIA :
: **ss**
COUNTY OF PHILADELPHIA :

1. I, Donald S. Richards, am the Director of Investigations for the law firm of Berger & Montague, P.C. I have served in that capacity since January, 2004. I am a former Special Agent of the Federal Bureau of Investigation and have conducted investigative interviews for 33 years.

2. Berger & Montague, P.C. was appointed Co-Lead Counsel in the above-captioned action on November 10, 2004. At the direction of counsel, in November of 2004, I began an investigation to identify former employees of Baxter International who might be in a position to elucidate the specifics of the fraud at Baxter's Brazilian subsidiary. By late November, 2004, I had identified a number of former employees, including persons within the United States of America, as well as persons in Central and South America. Efforts were then made to determine where these

individuals currently were living and working, and to determine how they could be contacted. Those efforts continued until the Consolidated Amended Complaint was filed. In some cases, the contact information was incorrect, and additional efforts were undertaken to update the individuals' current locations. In some cases, I was able to speak directly to the former employee. In other instances, I utilized the services of local investigators who spoke the languages (Spanish and Portuguese) of the former employees. Even when direct contact was made with these former employees, some of them refused to be interviewed at that time. In other instances, no direct contact was effectuated and messages were left.


3. During November and December 2004, I contacted a number of former Baxter employees. Of those who were then willing to speak, only three individuals provided information with respect to the fraud at Baxter's Brazilian subsidiary prior to the consolidated complaint being filed on January 10, 2005. Those individuals were referred to in the complaint as Confidential Witnesses (CW), CW-1, CW-2, and CW-3.

4. Subsequent to January 10, 2005, one witness who had been called, but not interviewed, returned a telephone call to me. An interview was conducted and this individual provided additional detail with respect to the fraud at Baxter's Brazilian subsidiary.

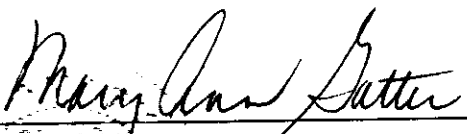
5. In late May, 2005, following dismissal of the initial complaint, I re-initiated my investigation to determine if there were now additional former Baxter employees who could provide more specific information in support of an amended complaint. I again undertook an investigation to locate additional individuals, focusing on persons I was previously prohibited from contacting due to their then employment with Baxter, and I renewed my efforts to contact those former employees previously identified, but who had been unwilling to be interviewed prior to January 10, 2005.

Among the newly identified individuals, several were willing to provide information. One individual was able to provide very relevant information regarding the issues of this case.

6. The individuals identified in the Second Amended Complaint as CW-4 and CW-5 were either not identified or otherwise unable to provide information prior to January 10, 2005.


Donald S. Richards

Sworn to and Subscribed to
before me this 19th day of July 2005.


Notary Public —



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