EXHIBIT "D"

Joseph K. Koury

From: Brennen, Robert S [RBRENNEN@MilesStockbridge.com]
Sent: Wednesday, November 08, 2006 2:53 PM
To: Joseph K. Koury
Subject: Fw: Depositions of Dr. Barry C. Ross in London and of Drs. Pascal Grondin and Alain Daugan in Paris

----- Original Message -----
From: Mary W. Bourke <MBourke@cblh.com>
To: Brennen, Robert S.
Sent: Tue Nov 07 08:33:28 2006
Subject: RE: Depositions of Dr. Barry C. Ross in London and of Drs. Pascal Grondin and Alain Daugan in Paris

I will call you to discuss.

From: Brennen, Robert S. [mailto:RBRENNEN@MilesStockbridge.com]
Sent: Tue 11/7/2006 6:48 AM
To: Mary W. Bourke
Cc: jkk@bgbde.com; Rommel, Kurt C.; English, Donald E.
Subject: Re: Depositions of Dr. Barry C. Ross in London and of Drs. Pascal Grondin and Alain Daugan in Paris

Mary,

It seems as though there was more than a disconnect. As I told you, we have already spoken with Dr. Ross and he has told us that he decided, after speaking with Glaxo's lawyers (including, I believe, your client Mr. Rachlin), that he would not appear voluntarily. It is apparent that when you called me on Friday that you had not spoken to any of the witnesses and had no basis upon which to offer to make them availabe to Vanderbilt for deposition.

ICOS lawyers have advised that they will not consent to an extension of the fact discovery deadline for the purpose of conducting the Ross, Grondin or Daugan depositions. Therefore, if Glaxo can confirm in writing that they will be available, we will issue notices today to take the Grondin and Daugan depositions in France next week.
In the meantime, ICOS has left us with no choice but to proceed with Mr. Rachlin's deposition as scheduled.

Regards,

Bob Brennen

----- Original Message -----
From: Mary W. Bourke <MBourke@cblh.com>
To: Brennen, Robert S.
Sent: Mon Nov 06 18:57:29 2006
Subject: RE: Depositions of Dr. Barry C. Ross in London and of Drs. Pascal Grondin and Alain Daugan in Paris