Tab 4
DECLARATION OF DUONG PHAN

Duong Phan declares, under penalty of perjury, as follows:

1. I make this declaration in connection with above-captioned case. I have personal knowledge of the matters stated herein.

2. I am currently not employed by Baxter International Inc. ("Baxter"). I am not receiving any financial or other compensation in connection with making this declaration.

3. I was employed by Baxter from September 2000 through October 2002. My title was Quality Specialist in Microbiology, and I was based at the BioScience Division’s Thousand Oaks, California, manufacturing facility ("Thousand Oaks plant"). I worked in a laboratory at the Thousand Oaks plant testing various proteins and performing related tasks.

4. I was surprised to learn for the first time in December 2006 that I am cited as a confidential source in the Amended Complaint in this action. I never offered to
be a witness in this action and no one has ever asked me to serve as a witness. I have never contacted an investigator or attorney regarding the allegations made in the Amended Complaint in this action. Rather, persons describing themselves as investigators or attorneys contacted me at my home by telephone and inquired about Baxter. I do not know how these individuals obtained my telephone number.

5. In paragraph 47(f) of the Amended Complaint, I am identified as a source for the idea that “the division was experiencing severe sterility failures with its manufacturing of the Recombinate product, resulting in the destruction of multiple lots of the powder form of the product and the loss in excess of ten million dollars in product revenue in or about March 2002.” This type of information is confidential and I would not have discussed this with the callers.

6. I am more comfortable speaking Vietnamese than I am speaking English. Baxter’s attorneys retained a Vietnamese translator to communicate with me. Given this language barrier, it would have been difficult to have had discussions about Baxter with any callers on the telephone.

7. I never knew how the laboratory work that I was involved with related to the BioScience Division’s finances or Baxter’s finances. Although I remember that there was a mistake with one of Baxter’s products in March 2002, and some of the product had to be thrown away, I never knew the details regarding that situation. I never possessed any information regarding the BioScience Division’s Finances or the Company’s finances and I never knew whether Baxter’s public financial projections were
misleading. I never spoke with prior callers about whether Baxter was in financial trouble in 2002.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed in Ventura, California, on December 13, 2006.

Duong Phan