



March 18, 2016

**VIA E-MAIL** ([Jay\\_Lim@judiciary-rep.senate.gov](mailto:Jay_Lim@judiciary-rep.senate.gov))

Mr. Jay Lim, Esq.  
Investigative Counsel  
Chairman Charles E. Grassley  
United States Senate Committee on the Judiciary  
Washington, DC 20510-6275

Re: Bayer Corporation Response to Senate Judiciary Committee's Request for  
Information on Annie McCann Criminal Investigation

Dear Mr. Lim:

Bart Whitley  
Senior Counsel

Following its receipt of the United States Senate Judiciary Committee's (the "Committee") letter dated March 2, 2016, Bayer Corporation ("Bayer") has been diligently reviewing its files for information relevant to the above-referenced request for information from the Committee in order to meet the March 18, 2016 response date contained in the letter.

Bayer Corporation  
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Whippany, NJ 07981  
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As we discussed by phone on March 17, Bayer's investigation into this matter is still ongoing and has involved the collection of millions of documents from Bayer's computer files that need to be culled and then reviewed to ensure that we are providing the Committee with records responsive to its requests. In an effort to ensure that the Committee and Senator Grassley have the benefit of our investigation to date, by this letter, Bayer is providing the following preliminary response and document production, which will be supplemented and finalized once we have had an opportunity to finish our investigation.

As requested, Bayer's responses to the questions set forth in the Committee's letter are provided in numerical order to correspond with the Committee's questions:

1. Would the amount of lidocaine in a single 5-ounce bottle of Bactine be expected to produce death?

Response: The lethal oral dose of lidocaine has not clearly been established and individual factors and medical management can affect outcome. Incidences of intentional oral ingestion of approximately 3 times the dose of lidocaine in a bottle of Bactine have been survived. Consistent with the information previously provided to the Baltimore Police Department and the McCann family, and based on the available



information, Bayer does not expect that the amount of lidocaine in a single 5-ounce bottle of Bactine would cause death.

2. Did the FBI ever communicate with Bayer Corporation concerning the Annie McCann case? If so, please provide all records related to any such communications.

Response: We are still in the process of reviewing Bayer's files for evidence of FBI communications with Bayer concerning this matter and will supplement this response as soon as our review is complete. As of the date of this letter, and in the files we have reviewed thus far, we have not found evidence of any FBI communications with Bayer relating to the Annie McCann case.

3. Please provide all records related to communications between BPD and Bayer Corporation concerning the Annie McCann case.

Response: See attached documents labeled and numbered BAYER-0000001 – 0000147. Please note that we are still in the process of reviewing Bayer's files for further evidence of communications between BPD and Bayer concerning this matter and will supplement this production if and when additional responsive records are located.

4. If Bayer Corporation has any other records related to the Annie McCann case, please make a representative available to discuss with Committee staff the nature and extent of any such records.

Response: See attached documents labeled and numbered BAYER-0000001 – 0000147, which, in addition to containing records relating to communications with the BPD, contain records reflecting communications Bayer had with the McCann family. Please note that we are still in the process of reviewing Bayer's files for any other records relating to the Annie McCann case and will supplement this response once we have finished our investigation. If such other records are located, Bayer will produce those documents or make a representative available as requested by the Committee.



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We appreciate your and the Committee's patience while we work to ensure that Bayer provides a thorough response to the Committee's requests. Bayer has great sympathy for the McCann family and hopes that our cooperation has provided, and will continue to provide, assistance to the investigation into the facts and circumstances surrounding this tragic matter.

Sincerely,

A handwritten signature in blue ink, reading "Bart A. Whitley".

Bart A. Whitley  
Senior Counsel, Bayer Corporation

Attachments (via email)