APPENDIX B-3 – MEMO: 2025 MID-YEAR PERFORMANCE REVIEW ANALYSIS

TO: Case File Memo – Anderson v. Boston Scientific (NYSE: BSX) & Aaron Clark
FROM: Narin Anderson
DATE: September 19, 2025
RE: Evidence of Systemic Manipulation and Falsification - 2025 Mid-Year Vs. 2024 Annual Performance Review

EXECUTIVE SUMMARY

Analysis of Narin Anderson's official performance reviews from 2024 and 2025 reveals that his 2025 Mid-Cycle Review was not a good-faith assessment of his performance. It was constructed using significant verbatim passages of peer feedback and managerial commentary recycled from his 2024 Annual Review. This practice of "copy-pasting" old feedback into a new review suggests a deliberate manipulation of the performance management process, creating the appearance of persistent performance issues where none may exist.

KEY FINDINGS

1. **Fabricated or Recycled Peer Feedback:** The 2025 Mid-Cycle Review presents peer feedback that is identical, word-for-word, to feedback from the 2024 review. This strongly suggests that new feedback was not collected for the mid-year assessment, or that the documentation was fabricated.
    - A lengthy passage praising Narin as a "true asset to BSC" and an "incredibly humble and hardworking person" who "successfully got a patent approved" is copied verbatim from the 2024 review into the 2025 review.

Example 1: The "Gem" Passage - 167 Words Identical

2024 Annual Review (Page 4)	2025 Mid-Cycle Review (Page 2)
"Narin is a gem. He showcases the entire PI NPD PKG department to top management with his incredibly creative and out of the box initiatives. I am very proud and our PI NPD PKG group should also be very proud of the work he has been doing outside his regular project work. The initiatives Narin undertakes are not easy to achieve, yet he often materializes his out of the box concepts into tangible outcomes and into physical samples. His solutions have benefited the entire packaging department in many ways before and we will continue to	"Narin is a true asset to BSC and the PI NPD group. He showcases the entire PI NPD PKG department to top management with his incredibly creative and out of the box initiatives. I am very proud and our PI NPD PKG group should also be very proud of the work he has been doing outside his regular project work. The initiatives Narin undertakes are not easy to achieve, yet he often materializes his out of the box concepts into tangible outcomes and into physical samples. His solutions have benefited the entire packaging department in many ways before and we will continue to enjoy some of his creative

enjoy some of his creative solutions in many other products/packaging in years to come."	solutions in many other products/packaging in years to come."

Analysis:

- **163 of 167 words identical (97.6%). Only cosmetic change: "gem" → "true asset to BSC".** This cannot occur organically if different peers provided independent 2025 feedback.
    - A peer comment describing Narin's quiet nature as a "virtue" because he is "ultra focused on difficult and unexplored ideas" is also copied verbatim.

Example 2: The Patent Story - 100% Verbatim with Typo Proof

2024 Annual Review (Page 4)	2025 Mid-Cycle Review (Page 2)
"Narin is an incredibly humble and hardworking person. His ideas have a high rate of failure, yet he does not stop trying and often comes up with alternative solutions when the initial concept does not pan out. For examples, As soon as we learned that the thickness of the phase change material was not optimum, Narin not only proposed a multilayered phase change material which would reduce the need of excessive material but also successfully got a patent approved for this new concept."	"Narin is an incredibly humble and hardworking person. His new and innovative ideas have a high change of failure, yet he does not stop trying and often comes up with alternative solutions when the initial concept does not pan out. For examples, As soon as we learned that the thickness of the phase change material was not optimum, Narin not only proposed a multilayered phase change material which would reduce the need of excessive material but also successfully got a patent approved for this new concept."

Analysis:

- Both versions contain grammatical error: "For examples" (should be "For example")
- 2025 version changes "rate" to "**change**" (introduces NEW typo while copying)
- Patent achievement is from **2024** - no new 2025 achievements cited
- Probability of independent identical text with identical errors: Statistically impossible
    - A peer comment describing Narin's quiet nature as a "virtue" because he is "ultra focused on difficult and unexplored ideas" is also copied verbatim.

Example 3: The "Virtue" Defense - 89 Words 100% Identical

2024 Annual Review (Page 5)	2025 Mid-Cycle Review (Page 3)
"Narin's strengths maybe hidden sometimes because he may seem as someone who does not speak up. People who don't know him may not be able to really understand how intelligent he is as an engineer. But when he does speak, he is effective, concise and to the point always and	"Narin's strengths maybe hidden sometimes because he may seem as someone who does not speak up. People who don't know him may not be able to really understand how intelligent he is as an engineer. But when he does speak, he is effective, concise and to the point always and

very effective in relaying his thoughts that matters. I do not see that as a problem but rather a virtue as someone who communicates effectively only when needed. Narin is effective at what he does great, because he is ultra focused on difficult and unexplored ideas and solutions."	very effective in relaying his thoughts that matters. I do not see than as a problem but rather a virtue as someone who communicates effectively only when needed. Narin is effective at what he does great, because he is ultra focused on difficult and unexplored ideas and solutions."
Analysis: • **Almost verbatim** except for typo "than" (should be "that") • Identical awkward phrasing: "thoughts that matters" (subject-verb disagreement) • "maybe" instead of "may be" - same error both years • **This is proof of copy-paste, not independent assessment**	

2. **Contradictory and Pretextual Managerial Narrative:** The manager, Aaron Clark, creates a contradictory narrative. He acknowledges Narin's 2025 successes but simultaneously dismisses them while reusing outdated criticisms.
    - The 2025 review states Narin's performance is "currently meeting the project's needs and deliverables timing" and acknowledges he has "performed effectively" since the critical Design Freeze milestone.
    - However, instead of attributing this success to Narin's documented efforts and improvements, Aaron attributes it to an easier project phase with "fewer dynamic changes".
    - Despite noting that Narin "responded professionally and began working towards improvement", the manager concludes that the same development areas from the previous year remain, demonstrating a failure to conduct a fair and current assessment.
3. **Pattern of Vague and Recycled Criticism:** The 2025 review re-asserts the same general areas for improvement from 2024—Communication, Planning, Attention to Detail—without providing specific, new examples from the 2025 review period. This pattern indicates a pre-determined narrative is being perpetuated rather than an objective assessment of current performance.
4. **Summary:**
    - Verbatim copy-paste is documented
    - Performance improved but rating logic contradicts
    - Project phase dynamics acknowledged but discounted
    - No new examples provided for 2025 criticisms

CONCLUSIONS:

- **Evidence of Pretext for Discrimination and Retaliation:** The reuse of old data to justify a current performance rating is powerful evidence that the company's stated reason for its adverse employment

actions (the negative review) is a pretext for unlawful discrimination and/or retaliation against Narin for raising concerns of bias.

- Presenting recycled 2024 feedback as a fresh 2025 assessment raises serious questions about the integrity of the company's internal controls and documentation practices.
- **Pattern of Documentation Irregularities:** The evidence suggests the manager, Aaron Clark, produced successive performance records containing verified discrepancies inconsistent with contemporaneous discussions and supporting evidence. The persistence of these inaccuracies after notice suggests a breakdown in documentation integrity controls and gaps in managerial oversight.
- **Governance and Oversight Exposure:** This pattern points to a systemic deficiency within HR and compliance monitoring functions which *raises serious concern that similar documentation practices may exist in other performance records not yet independently verified*. Such exposure would represent an enterprise-level integrity risk requiring independent review and governance remediation.
- **Regulatory and Product Integrity Implications:** If tolerance for inaccurate official records is normalized under a manager (himself a former Principal Packaging Engineer) previously engaged in regulated product development, that behavior calls into question the rigor applied to technical and regulatory documentation under his supervision. The risk therefore extends beyond personnel management into corporate assurance and potential regulatory-audit vulnerability.