



IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA, *ex rel.*, MIKE)
HUNTER, ATTORNEY GENERAL OF)
OKLAHOMA,)
)
Plaintiff,)
)
v.)
)
PURDUE PHARMA L.P.; PURDUE PHARMA)
INC.; THE PURDUE FREDERICK COMPANY,)
INC.; TEVA PHARMACEUTICALS USA, INC.;)
CEPHALON, INC.; JOHNSON & JOHNSON;)
JANSSEN PHARMACEUTICALS, INC.;)
ORTHO-McNEIL-JANSSEN)
PHARMACEUTICALS, INC., n/k/a JANSSEN)
PHARMACEUTICALS, INC.; JANSSEN)
PHARMACEUTICA, INC., n/k/a JANSSEN)
PHARMACEUTICALS, INC.;)
ALLERGAN, PLC, f/k/a ACTAVIS PLC, f/k/a)
ACTAVIS, INC., f/k/a WATSON)
PHARMACEUTICALS, INC.; WATSON)
LABORATORIES, INC.; ACTAVIS LLC; and)
ACTAVIS PHARMA, INC., f/k/a WATSON)
PHARMA, INC.,)
)
Defendants.)

STATE OF OKLAHOMA } S.S.
CLEVELAND COUNTY }
FILED In The
Office of the Court Clerk

DEC 06 2017

In the office of the
Court Clerk MARILYN WILLIAMS

Case No. CJ-2017-816

Honorable Thad Balkman

DEFENDANTS' MOTION FOR APPOINTMENT OF DISCOVERY MASTER

Defendants Purdue Pharma L.P., Purdue Pharma, Inc., The Purdue Frederick Company, Teva Pharmaceuticals USA, Inc., Cephalon, Inc., Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen, Pharmaceuticals, Inc., N/K/A Janssen Pharmaceuticals, Inc., Janssen Pharmaceutica, Inc., N/K/A Janssen Pharmaceuticals, Inc., Allergan PLC, f/k/a Actavis PLC, f/k/a Actavis, Inc., f/k/a Watson Pharmaceuticals, Inc., Watson Laboratories, Inc., Actavis LLC, and Actavis Pharma, Inc., f/k/a Watson Pharma, Inc. (collectively, "Defendants"), by and through their attorneys, file this Motion for Appointment of Discovery Master pursuant to 12

O.S. § 3225.1. Defendants seek the appointment of a discovery master in the interests of facilitating effective and timely guidance in pretrial discovery matters arising in this complex litigation that may well involve voluminous discovery.

In support of this Motion for Appointment of Discovery Master, Defendants show the following:

1. This Motion is made on the grounds that a discovery master is required in this action to provide guidance to the parties in what are expected to be complex pretrial discovery proceedings.

2. The appointment and referral are necessary in the administration of justice because of the nature, complexity, and volume of the discovery requests (and discovery materials) involved in this multiparty litigation. The State of Oklahoma, by and through its Attorney General (“the State”), has served broad and expansive discovery requests on Defendants. These requests consist of 28 requests for production and 13 interrogatories that seek over 20 years’ worth of information and that could implicate millions of pages of documents. Given the State’s sweeping allegations and capacious claims for relief, the discovery requests also span a wide range of issues—including recovery for alleged violations of the Medicaid False Claims Act, Medicaid Program Integrity Act, and Consumer Protection Act, as well as public nuisance, fraud, and unjust enrichment. By its Summary Order of November 14, 2017, the Court has directed Defendants to respond to the State’s requests not later than December 13, 2017.

3. For their part, Defendants will also serve discovery requests on the State. Due to the nature of the case, discovery on *both* sides of this litigation will necessarily involve substantial amounts of confidential material requiring, *inter alia*, the entry of an appropriate protective order of confidentiality.

4. The likely benefit of the appointment of a discovery master will significantly outweigh any corresponding burden or expense, considering the unique needs of this case, the sizeable amount in controversy, the parties' resources, and the overarching public importance of the issues at stake. The appointment of a discovery master would also promote judicial economy and conserve the Court's resources by relieving the Court from the burden of needing to provide interim guidance on pretrial discovery issues as they develop.

5. Further, the appointment will not improperly burden the rights of the parties to access the courts. Rather, the experienced and careful guidance of a discovery master—operating under an orderly and streamlined procedure—will protect *all* parties from the expense and delay associated with the piecemeal presentation of multifarious discovery issues to the Court.

6. Enacted by the Legislature in 2015, 12 O.S. § 3225.1 permits the Court to appoint a discovery master “to facilitate effective and timely resolution” of both pretrial and post-trial discovery matters. *Id.* § 3225.1(A)(1)(b). The trial court is vested with wide discretion in interpreting and implementing Oklahoma's discovery statutes. *See Amoco Prod. Co. v. Lindley*, 1980 OK 6, ¶ 10, 609 P.2d 733, 737; *see also Bank of Okla., N.A. v. Briscoe*, 1995 OK CIV APP 156, ¶ 27, 911 P.2d 311, 318 (explaining that the “trial court is accorded broad discretion in deciding discovery matters”). Here, the administration of justice in this matter will be aided—and not impeded—by the Court's appointment of a discovery master pursuant to the authority provided under 12 O.S. § 3225.1.

7. By letter dated November 22, 2017, counsel for Defendants Purdue Pharma L.P., Purdue Pharma, Inc., and the Purdue Frederick Company informed the State of their intention to

file this Motion for Appointment of Discovery Master and requested that the State consent to such appointment. Counsel for the State has indicated they object to this request.

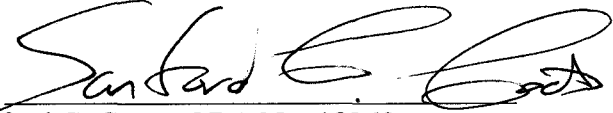
For the foregoing reasons, Defendants respectfully request that the Court enter an Order appointing a discovery master to address the discovery issues in this case.

Dated: December 8, 2017

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Respectfully submitted,

By:



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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing was mailed, postage prepaid, this 8th day of December, 2017 to:

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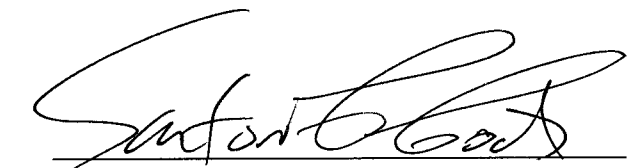
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