



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

APR 12 2018

In the office of the  
Court Clerk MARILYN WILLIAMS

Case No. CJ-2017-816

Honorable Thad Balkman

**PURDUE’S JOINDER TO THE JANSSEN  
DEFENDANTS’ MOTION TO QUASH**

Purdue Pharma, L.P., Purdue Pharma, Inc., and The Purdue Frederick Company (collectively “Purdue”) respectfully submit this Joinder to the Motion to Quash Depositions filed by Defendants Johnson & Johnson, Inc., Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (collectively, “Janssen”) on April 9, 2018.

On April 2, 2018, the State served three 3230(C)(5) deposition notices on Purdue, Janssen, and the Teva Defendants that contained the same extremely broad topics: “All actions

available or necessary to address, fight, abate, and/or reverse the opioid epidemic.” On April 9, Janssen filed a Motion to Quash this 3230(C)(5) deposition notice by the State. Janssen’s motion set forth the multiple reasons why a deposition notice on these topics is improper. Because Purdue received an identical deposition notice and agrees with the reasoning set forth by Janssen, Purdue joins Janssen’s Motion to Quash and incorporates by reference the arguments, authorities, and rationale set forth in Janssen’s motion.<sup>1</sup>

In brief, as Janssen explained in its Motion, a topic of “all actions available or necessary to address, fight, abate, and/or reverse the opioid epidemic” is not proper for a corporate deposition. These topics call for legal opinions and conclusions, expert testimony, and privileged information. Purdue’s corporate representatives should not be expected to offer expert opinions on every possible solution to the opioid epidemic. *See* Janssen Mot. to Quash at 4-13. An overbroad corporate deposition topic that “subjects the noticed party to an impossible task” should be quashed. *Reed v. Bennett*, 193 F.R.D. 689, 692 (D. Kan. 2001).

Further, preparing corporate witnesses on these topics is unduly burdensome. The State asserted in its deposition notice that the individual designated to testify on Purdue’s behalf “has an affirmative duty to have first reviewed all documents, reports, and other matters known or reasonably available” and to have interviewed “all potential witnesses” known or available to Defendants “in order to provide informed binding answers at the deposition(s).” The State in its motion to compel proposed only a few weeks for presenting witnesses these topics. The scope of the topics is facially unreasonable, especially at this stage of the litigation. The parties are in the

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<sup>1</sup> The State served three deposition notices on Purdue. This brief addresses the first deposition notice on the topic of “[a]ll actions available or necessary to address, fight, abate, and/or reverse the opioid epidemic.” Purdue has filed concurrently a separate Motion for a Protective Order in response to the State’s Second Motion to Compel, which addresses the other two deposition notices.

very early stages of discovery. Although Purdue has already produced more than 1,850,000 pages of documents to the State, with much more to come, its investigation and document review are still ongoing.

Purdue received notice of the depositions without any advance warning or consultation about potential dates. The parties' attempt to find agreement on the timing and scope of the depositions during the meet-and-confer was frustrated by the fact that Purdue and the other defendants had less than a week to discuss the notice with clients, identify potential witnesses and select travel dates, and negotiate the scope of the deposition. (4/4/2018 Meet and Confer Tr. 7-8; 37-40; 49-52; and 65-66). The artificially compressed timeline prevented the parties from reaching a compromise in the meet-and-confer. The goal of the discovery process should be obtaining information relevant to the claims and defenses in the case, not burdening opponents with unreasonable discovery deadlines.

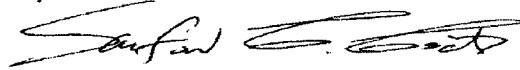
Purdue cannot prepare corporate representatives to provide informed testimony on all possible solutions to the opioid epidemic *and* review all reasonably available documents *and* interview all potential witnesses on the topics in just a few weeks. Preparing an adequate response to this topic is further complicated by the fact that the State only started its document production (consisting of approximately 17,330 pages) on April 10, 2018. The State's documents, including those yet to be produced, will illuminate the contours of the opioid abuse problem in Oklahoma. *See* Janssen Mot. to Quash at 15-18. This topic should be reserved for expert testimony, not corporate testimony.

## CONCLUSION

For these reasons, and the reasons set forth in Janssen's Motion to Quash, Purdue respectfully requests that the Court quash the deposition notice issued to Purdue on the topic of "[a]ll actions available or necessary to address, fight, abate, and/or reverse the opioid epidemic."

Dated: April 12, 2018.

Respectfully submitted,



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## CERTIFICATE OF MAILING

This is to certify on April 12, 2018, a true and correct copy of the above and foregoing has been served via e-mail to the following:

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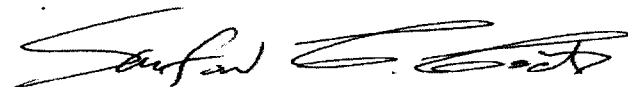
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