



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 OPPOSITION TO  
THE STATE'S MOTION TO COMPEL 3230(C)(5) DEPOSITIONS**

Purdue Pharma, L.P., Purdue Pharma, Inc., and The Purdue Frederick Company (collectively "Purdue") respectfully submit this opposition to the State's motion to compel depositions of corporate representatives of Purdue pursuant to Section 3230(C)(5) of the Oklahoma Discovery Code and, pursuant to Section 3226(C), move for a protective order.

**PRELIMINARY STATEMENT**

The State's motion to compel the three corporate representative depositions at issue should be denied. For the first deposition, which is noticed to be about "All actions available or

necessary to address, fight, abate, and/or reverse the opioid epidemic,” Purdue has separately joined in the Janssen Defendants’ motion to quash. For the second and third depositions, Purdue is willing to produce corporate representatives for depositions limited to the noticed topics but needs a reasonable amount of time to do so, i.e., four weeks, with a deposition on or around May 10, 2018. The State demanded in its notices that Purdue identify corporate witnesses, prepare the witnesses so that they would be knowledgeable of the enumerated topics, and present the witnesses in Oklahoma City in eight days. The State served the deposition notices without any advance notice or consultation about scope and dates. After Purdue requested that the State withdraw the notices because of the unreasonable timing, the State refused; it then moved to compel the depositions in a few weeks by April 26-27. This timeline does not afford Purdue adequate time to identify and prepare witnesses on the topics noticed by the State, which requires Purdue to produce corporate representatives who have “reviewed all documents, reports, and other matters known or reasonably available” and who have knowledge of “all potential witnesses” on the topics. On their face, the notices fail to afford sufficient time to comply.

Discovery in this case is still in its earliest stages. Purdue has produced over 1,850,000 pages of documents to the State and is still collecting and reviewing extensive documents, interviewing witnesses, and gathering relevant information. Purdue needs adequate time to identify appropriate witnesses that can be properly prepared to testify about the subjects in the notices; Purdue simply needs time to prepare—specifically, four weeks. To present witnesses who have not had an adequate period to review the relevant materials would likely generate more motion practice and subsequent depositions on the topics in the notices. It is far more efficient for the parties and the Court to permit adequate time for Purdue to properly prepare and present the witnesses so that the depositions are completed. Accordingly, Purdue requests a protective

order that would allow the depositions to take place no earlier than May 10, subject to the witnesses' schedules.

### FACTUAL BACKGROUND

On April 3, 2018, the State emailed three corporate representative deposition notices to counsel for Purdue, demanding that Purdue produce a corporate representative in eight days to testify for Purdue on the following topics:

- (1) All actions available or necessary to address, fight, abate, and/or reverse the opioid epidemic. (Deposition Notice attached as Exhibit A);
- (2) The Purdue Defendants' decision to discontinue marketing or promoting opioids to prescribers. (Deposition Notice attached as Exhibit B);
- (3) The open letter published by or on behalf of the Purdue Defendants in the New York Times on Thursday, December 14, 2017, entitled, "*We manufacture prescription opioids. How could we not help fight the prescription and illicit opioid abuse crisis?*" ("Open Letter"), including but not limited to all actions taken by the Purdue Defendants in support of the recommendations and initiatives identified in the Open Letter, and the reasons the Open Letter was written and published. (Deposition Notice attached as Exhibit C).

Each deposition notice states that the individual designated to give testimony "has an affirmative duty to have first reviewed all documents, reports, and other matters known or reasonably available to the Purdue Defendants, along with all potential witnesses known or reasonable [sic] available to the Purdue Defendant in order to provide informed binding answers at the deposition(s)." (Exs. A, B, and C at 3.)

The day after the notices were emailed by the State, Purdue held a meet-and-confer discussion to advise the State that the requested deposition notices (i) did not afford the company enough time for Purdue to present competent and prepared witnesses on the designated deposition date; and (ii) at least some of the deposition topics were not described with the

requisite particularity, and Purdue requested that the State withdraw the notices so that the parties could discuss alternative scope and arrangements for the depositions.

The State refused to withdraw the notices. Nor would the State afford sufficient time for counsel to confer with their clients on the scope of the requested topics. (Apr. 4, 2018 Meet and Confer Tr. at 45-48, 59-61.) On April 5, the State filed its motion to compel, which tacitly conceded that the eight-day window was unreasonable and instead demands that the depositions occur in Oklahoma City on or before April 26 and 27. Purdue responds to the second two notices (Exs. B and C) with this Motion for a Protective Order; regarding the first notice (Ex. A), Purdue has filed a Joinder of the Janssen Defendants' Motion to Quash the deposition.

#### LEGAL STANDARD

Oklahoma trial courts have “broad discretion in deciding discovery matters” so that the proceedings before them may proceed in an orderly and efficient manner. *State ex rel. Protective Health Servs. v. Billings Fairchild Ctr., Inc.*, 2007 OK CIV APP 24, ¶ 8, 158 P.3d 484, 488. Discovery may be properly restricted by a court to protect a party from “annoyance, embarrassment, oppression, or undue burden or expense.” *Quinn v. City of Tulsa*, 777 P.2d 1331, 1342 (Okla. 1989). The Court may enter a protective order specifying “that the discovery may be had only on specified terms and conditions, including a designation of the time” or place of a deposition. 12 O.S. § 3226(C).

Section 3230(C)(5) of the Oklahoma Discovery Code provides for depositions of corporate representatives. This provision parallels Rule 30(b)(6) of the Federal Rules of Civil Procedure, and it is therefore appropriate for this Court to “look to discovery procedures in the federal rules when construing similar language” in the Oklahoma Discovery Code § 3230(C)(5). *Crest Infiniti, II, LP v. Swinton*, 2007 OK 77, ¶ 2, 174 P.3d 996, 999, *as corrected* (2007).

## ARGUMENT

This Court should enter a Protective Order affording adequate time for Purdue to present knowledgeable corporate witnesses for depositions limited to the two noticed topics at issue in this motion: Purdue's discontinuing of certain marketing of opioid medications to prescribers and its Open Letter. A protective order may be entered to limit requested discovery for good cause. *Crest Infiniti, II, LP v. Swinton*, 2007 OK 77, ¶ 16, 174 P.3d 996, 1004, *as corrected* (Oct. 10, 2007).

Ample good cause exists for entering a protective order to give Purdue and its designated representative adequate time to collect and review the information requested by the State. Each deposition notice demands that the proffered corporate witnesses "have first reviewed all documents, reports, and other matters known or reasonably available to the Purdue Defendants, along with all potential witnesses known or reasonable [sic] available to the Purdue Defendant in order to provide informed binding answers[.]" (Exs. A, B, and C at 3.) This cannot be accomplished in the State's timeframe. The deposition notice concerning Purdue's Open Letter seeks testimony not just on the Open Letter itself, but also on all actions Purdue has taken in support of the recommendations and initiatives in the letter and the reasons for writing and publishing the letter. The scope of the preparation goes beyond one document or one witness for the Open Letter. Similarly, the deposition notice concerning a significant company decision to discontinue using sales representative to market its opioid medications requires the proffered representatives to review a range of documents and possibly discuss the decision with other Purdue employees.

Purdue intends to comply with Section 3230(C)(5) of the Discovery Code by presenting prepared witnesses for two of the deposition notices. Purdue simply needs additional time to

adequately prepare witnesses in the manner and to the degree required under Oklahoma law. Purdue is already in the process of collecting and reviewing documents and interviewing Purdue employees who might serve as corporate representatives. Once this internal information-gathering process concludes, Purdue's corporate representatives will need time to review the relevant documents and information.

While the State notes that Section 3230 requires serving a deposition notice with enough time to allow three days to prepare the witness (Mot. at 4), this timeline is a minimum, not a mandate for a large, complex case like this. The Oklahoma Discovery Code specifically contemplates the Court can enlarge this period "for cause": "The court may for cause shown enlarge or shorten the time . . . for notice of taking the deposition." 12 O.S. § 3230(C)(2). Cause exists where, as here, the size and complexity of a case mandate additional time to properly prepare witnesses. *See In re Sulfuric Acid Antitrust Litig.*, 231 F.R.D. 320, 327 (N.D. Ill. 2005) (holding that ten business days' advance notice was unreasonable for a 30(b)(6) deposition in a complex case). The particular circumstances of a case "may shorten or lengthen the amount of notice that is considered reasonable." *Lucas v. Breg, Inc.*, 2015 WL 8328696, at \*2 (S.D. Cal. Dec. 8, 2015). For example, deposition notices issued seven days before the scheduled date were unreasonable in a class action where the "case involve[d] multiple parties with a number of lawyers," who would have difficulty accommodating the depositions on such short notice. *Id.* The court can also consider competing deadlines in the case which limit the amount of time for a party "to prepare and arrange for appearances at the depositions." *Id.*

The discovery rules for corporate depositions place a significant burden on the party noticed for the deposition, requiring "a good faith effort . . . to collect information, review documents, and interview employees with personal knowledge." *Wilson v. Lakner*, 228 F.R.D.

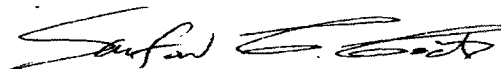
524, 528 (D. Md. 2005). It is unreasonable to afford Purdue only a few days in the notices (or a few weeks in the motion to compel) to locate and prepare witnesses on the three broad topics and their related sub-topics. Discovery requests can be limited or denied “when discoverable material is sought in an excessively burdensome manner.” *Farmers Ins. Co. v. Peterson*, 2003 OK 99, ¶ 3, 81 P.3d 659, 660 (2003). Purdue is currently gathering information relating to the topics in the State’s deposition notices in order to prepare witnesses. However, forcing Purdue to cut short this investigation presents an undue burden, would result in incomplete testimony, and will inevitably lead to more motion practice by the State about whether the witnesses were adequately prepared.

#### CONCLUSION

For these reasons, Purdue respectfully requests that the Court enter a Protective Order rescheduling the second and third 3230(C)(5) deposition notices (Ex. B and C) on or after May 10, 2018. For the first 3230(C)(5) deposition notice (Ex. A), Purdue has joined the Janssen Motion to Quash seeking that the notice be quashed.

Dated: April 12, 2018.

Respectfully submitted,



---

Sanford C. Coats, OBA No. 18268  
Cullen D. Sweeney, OBA No. 30269  
CROWE & DUNLEVY, P.C.  
Braniff Building  
324 N. Robinson Ave., Ste. 100  
Oklahoma City, OK 73102  
Tel: (405) 235-7700  
Fax: (405) 272-5269  
sandy.coats@crowedunlevy.com  
cullen.sweeney@crowedunlevy.com

*Counsel for Purdue Pharma L.P.,  
Purdue Pharma Inc., and The Purdue Frederick  
Company Inc.*

Of Counsel:

Sheila Birnbaum  
Mark S. Cheffo  
Hayden A. Coleman  
QUINN EMANUEL URQUHART &  
SULLIVAN, LLP  
51 Madison Avenue, 22nd Floor  
New York, NY 10010  
Tel: (212) 849-7000  
Fax: (212) 849-7100  
sheilabirnbaum@quinnemanuel.com  
markcheffo@quinnemanuel.com  
haydencoleman@quinnemanuel.com

**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:

Hon. William C. Hetherington  
Hetherington Legal Services, PLLC  
231 S. Peters #A  
Norman, Oklahoma 73072  
Discovery Master

Mike Hunter  
Abby Dillsaver  
Ethan A. Shaner  
Attorney General's Office  
313 NE. 21st Street  
Oklahoma City, OK 73105  
Attorneys for Plaintiff

Michael Burrage  
Reggie Whitten  
Whitten Burrage  
512 North Broadway Avenue, Suite 300  
Oklahoma City, OK 73102  
Attorneys for Plaintiff

Bradley E. Beckworth  
Jeffrey J. Angelovich  
Nix, Patterson & Roach, LLP  
512 North Broadway Avenue, Suite 200  
Oklahoma City, OK 73102  
Attorneys for Plaintiff

Glenn Coffee  
Glenn Coffee & Associates, PLLC  
915 North Robinson Avenue  
Oklahoma City, OK 73102  
Attorneys for Plaintiff

Robert G. McCampbell  
Travis V. Jett  
GableGotwals  
One Leadership Square, 15th Floor  
211 North Robinson  
Oklahoma City, OK 73102  
Attorneys for Defendants Cephalon, Inc.,  
Teva Pharmaceuticals USA, Inc., Watson  
Laboratories, Inc., Actavis LLC, and Actavis  
Pharma, Inc. f/k/a Watson Pharma, Inc



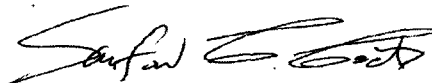
John H. Sparks  
Benjamin H. Odom  
Odom, Sparks & Jones, PLLC  
Suite 140  
HiPoint Office Building  
2500 McGee Drive  
Norman, OK 73072  
Attorneys for Defendants Johnson & Johnson,  
Janssen Pharmaceuticals, Inc., Janssen  
Pharmaceutica, Inc. n/k/a Janssen  
Pharmaceuticals, Inc., and Ortho-McNeil-  
Janssen Pharmaceuticals, Inc. n/k/a Janssen  
Pharmaceuticals, Inc.

Brian M. Ercole  
MORGAN, LEWIS & BOCKIUS LLP  
200 S. Biscayne Blvd., Suite 5300  
Miami, FL 33131  
Telephone: (305) 415-3416  
Attorneys for Defendants Cephalon, Inc.,  
Teva Pharmaceuticals USA, Inc., Watson  
Laboratories, Inc., Actavis LLC, and Actavis  
Pharma, Inc. f/k/a Watson Pharma, Inc

Stephen D. Brody  
O'MELVENY & MYERS LLP  
1625 Eye Street NW  
Washington, DC 20006  
Attorneys for Defendants Johnson & Johnson,  
Janssen Pharmaceuticals, Inc., Janssen  
Pharmaceutica, Inc. n/k/a Janssen  
Pharmaceuticals, Inc., and Ortho-McNeil—  
Janssen Pharmaceuticals, Inc. n/k/a Janssen  
Pharmaceuticals, Inc.

Steven A. Reed  
Harvey Bartle IV  
Jeremy A. Menkowitz  
MORGAN, LEWIS & BOCKIUS LLP  
1701 Market Street  
Philadelphia, PA 19103 -2921  
Attorneys for Defendants Cephalon, Inc.,  
Teva Pharmaceuticals USA, Inc., Watson  
Laboratories, Inc., Actavis LLC, and Actavis  
Pharma, Inc. f/k/a Watson Pharma, Inc

Charles C. Lifland  
Jennifer D. Cardelus  
O'MELVENY & MYERS LLP  
400 S. Hope Street  
Los Angeles, CA 90071  
Attorneys for Defendants Johnson & Johnson,  
Janssen Pharmaceuticals, Inc., Janssen  
Pharmaceutica, Inc. n/k/a Janssen  
Pharmaceuticals, Inc., and Ortho-McNeil-  
Janssen Pharmaceuticals, Inc. n/k/a Janssen  
Pharmaceuticals, Inc.



---

Sanford C. Coats



# **EXHIBIT A**

**IN THE DISTRICT COURT OF CLEVELAND COUNTY  
STATE OF OKLAHOMA**

**STATE OF OKLAHOMA, ex rel., )  
MIKE HUNTER, )  
ATTORNEY GENERAL OF OKLAHOMA, )**

**Plaintiff, )**

**vs. )**

- (1) PURDUE PHARMA L.P.; )**
- (2) PURDUE PHARMA, INC.; )**
- (3) THE PURDUE FREDERICK COMPANY; )**
- (4) TEVA PHARMACEUTICALS USA, INC.; )**
- (5) CEPHALON, INC.; )**
- (6) JOHNSON & JOHNSON; )**
- (7) JANSSEN PHARMACEUTICALS, INC; )**
- (8) ORTHO-MCNEIL-JANSSEN )**
- PHARMACEUTICALS, INC., n/k/a )**
- JANSSEN PHARMACEUTICALS; )**
- (9) JANSSEN PHARMACEUTICA, INC., )**
- n/k/a JANSSEN PHARMACEUTICALS, INC.; )**
- (10) ALLERGAN, PLC, f/k/a ACTAVIS PLC, )**
- f/k/a ACTAVIS, INC., f/k/a WATSON )**
- PHARMACEUTICALS, INC.; )**
- (11) WATSON LABORATORIES, INC.; )**
- (12) ACTAVIS LLC; and )**
- (13) ACTAVIS PHARMA, INC., )**
- f/k/a WATSON PHARMA, INC., )**

**Defendants. )**

**Case No. CJ-2017-816**

**Judge Thad Balkman**

**Special Master:**

**William Hetherington**

**NOTICE FOR 3230(C)(5) VIDEOTAPED DEPOSITION OF CORPORATE  
REPRESENTATIVE(S) OF PURDUE PHARMA, L.P.; PURDUE PHARMA, INC.; AND  
THE PURDUE FREDERICK COMPANY**

**TO:**

**VIA email**

Sanford C. Coats, OBA No. 18268  
Cullen D. Sweeney, OBA No. 30269  
CROWE & DUNLEVY, P.C.  
Braniff Building  
324 N. Robinson Ave., Ste. 100  
Oklahoma City, OK 73102

**VIA email**

Sheila Birnbaum  
Mark S. Cheffo  
Paul LaFata  
Hayden A. Coleman  
QUINN EMANUEL  
51 Madison Avenue, 22nd Floor  
New York, New York 10010

**COUNSEL FOR THE TEVA/CEPHALON DEFENDANTS**

Please take notice that, on the date and at the time indicated below, Plaintiff will take the deposition(s) upon oral examination of the corporate representative(s) of Defendants, Purdue Pharma, L.P., Purdue Pharma, Inc., and the Purdue Frederick Company (collectively, the "Purdue Defendants") in accordance with 12 O.S. §3230(C)(5). The Purdue Defendants shall designate one or more officers, directors, managing agents, or other persons who consent to testify on the Purdue Defendants' behalf regarding the subject matters identified in Appendix A.

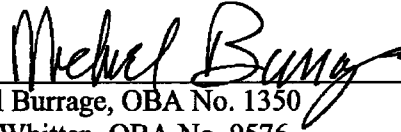
The oral and video deposition(s) will occur as follows:

<b>DATE</b>	<b>TIME</b>	<b>LOCATION</b>
<b>April 10, 2018</b>	<b>9:00 a.m.</b>	<b>512 N. Broadway Ave. Ste. 300 Oklahoma City, OK 73102</b>

Said depositions are to be used as evidence in the trial of the above cause, the same to be taken before a qualified reporter and shall be recorded by videotape. Said depositions when so taken and returned according to law may be used as evidence in the trial of this cause and the taking of the same will be adjourned and continue from day-to-day until completed, at the same place until it is completed.

PLEASE TAKE FURTHER NOTICE that each such officer, agent or other person produced by the Purdue Defendants to so testify under 12 O.S. §3230(C)(5) has an affirmative duty to have first reviewed all documents, reports, and other matters known or reasonably available to the Purdue Defendants, along with all potential witnesses known or reasonable available to the Purdue Defendant in order to provide informed binding answers at the deposition(s).

Dated: April 2, 2018



Michael Burrage, OBA No. 1350  
Reggie Whitten, OBA No. 9576  
WHITTEN BURRAGE  
512 N. Broadway Avenue, Suite 300  
Oklahoma City, OK 73102  
Telephone: (405) 516-7800  
Facsimile: (405) 516-7859  
Emails: mburrage@whittenburrage.com  
rwhitten@whittenburrage.com

Mike Hunter, OBA No. 4503  
ATTORNEY GENERAL FOR  
THE STATE OF OKLAHOMA  
Abby Dillsaver, OBA No. 20675  
GENERAL COUNSEL TO  
THE ATTORNEY GENERAL  
Ethan A. Shaner, OBA No. 30916  
DEPUTY GENERAL COUNSEL  
313 N.E. 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
Telephone: (405) 521-3921  
Facsimile: (405) 521-6246  
Emails: abby.dillsaver@oag.ok.gov  
ethan.shaner@oag.ok.gov

Bradley E. Beckworth, OBA No. 19982  
Jeffrey J. Angelovich, OBA No. 19981  
NIX, PATTERSON & ROACH, LLP  
512 N. Broadway Avenue, Suite 200  
Oklahoma City, OK 73102  
Telephone: (405) 516-7800  
Facsimile: (405) 516-7859  
Emails: bbeckworth@nixlaw.com  
jangelovich@npraustin.com

Glenn Coffee, OBA No. 14563  
GLENN COFFEE & ASSOCIATES, PLLC  
915 N. Robinson Ave.  
Oklahoma City, OK 73102  
Telephone: (405) 601-1616  
Email: gcoffee@glenncoffee.com

**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the above and foregoing was mailed and emailed on April 2, 2018 to:

Sanford C. Coats, OBA No. 18268  
Cullen D. Sweeney, OBA No. 30269  
CROWE & DUNLEVY, P.C.  
Braniff Building  
324 N. Robinson Ave., Ste. 100  
Oklahoma City, OK 73102

Sheila Birnbaum  
Mark S. Cheffo  
Hayden A. Coleman  
QUINN EMANUEL URQUHART & SULLIVAN, LLP  
51 Madison Avenue, 22nd Floor  
New York, New York 10010

Patrick J. Fitzgerald  
R. Ryan Stoll  
SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP  
155 North Wacker Drive, Suite 2700  
Chicago, Illinois 60606

Robert G. McCampbell, OBA No. 10390  
Travis J. Jett, OBA No. 30601  
GABLEGOTWALS  
One Leadership Square, 15th Floor  
211 North Robinson  
Oklahoma City, OK 73102-7255

Steven A. Reed  
Harvey Bartle IV  
Jeremy A. Menkowitz  
MORGAN, LEWIS & BOCKIUS LLP  
1701 Market Street  
Philadelphia, PA 19103-2921

Brian M. Ercole  
MORGAN, LEWIS & BOCKIUS LLP  
200 S. Biscayne Blvd., Suite 5300  
Miami, FL 33131  
Benjamin H. Odom, OBA No. 10917  
John H. Sparks, OBA No. 15661  
ODOM, SPARKS & JONES PLLC



HiPoint Office Building  
2500 McGee Drive Ste. 140  
Oklahoma City, OK 73072

Charles C. Lifland  
Jennifer D. Cardelus  
O'MELVENY & MYERS LLP  
400 S. Hope Street  
Los Angeles, CA 90071

Stephen D. Brody  
O'MELVENY & MYERS LLP  
1625 Eye Street NW  
Washington, DC 20006

  
\_\_\_\_\_  
Michael Burrage

## **Appendix A**

The matters on which examination is requested are itemized below. The Purdue Defendants must designate persons to testify as to each subject of testimony. This designation must be delivered to Plaintiff prior to or at the commencement of the taking of the deposition. *See* 12 O.S. §3230(C)(5).

1. All actions available or necessary to address, fight, abate, and/or reverse the opioid epidemic.



# **EXHIBIT B**

**IN THE DISTRICT COURT OF CLEVELAND COUNTY  
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel., )  
MIKE HUNTER, )  
ATTORNEY GENERAL OF OKLAHOMA, )

Plaintiff, )

vs. )

- (1) PURDUE PHARMA L.P.; )
- (2) PURDUE PHARMA, INC.; )
- (3) THE PURDUE FREDERICK COMPANY; )
- (4) TEVA PHARMACEUTICALS USA, INC.; )
- (5) CEPHALON, INC.; )
- (6) JOHNSON & JOHNSON; )
- (7) JANSSEN PHARMACEUTICALS, INC; )
- (8) ORTHO-MCNEIL-JANSSEN )  
PHARMACEUTICALS, INC., n/k/a )  
JANSSEN PHARMACEUTICALS; )
- (9) JANSSEN PHARMACEUTICA, INC., )  
n/k/a JANSSEN PHARMACEUTICALS, INC.; )
- (10) ALLERGAN, PLC, f/k/a ACTAVIS PLC, )  
f/k/a ACTAVIS, INC., f/k/a WATSON )  
PHARMACEUTICALS, INC.; )
- (11) WATSON LABORATORIES, INC.; )
- (12) ACTAVIS LLC; and )
- (13) ACTAVIS PHARMA, INC., )  
f/k/a WATSON PHARMA, INC., )

Defendants. )

**Case No. CJ-2017-816  
Judge Thad Balkman**

**Special Master:  
William Hetherington**

**NOTICE FOR 3230(C)(5) VIDEOTAPED DEPOSITION OF CORPORATE  
REPRESENTATIVE(S) OF PURDUE PHARMA, L.P.; PURDUE PHARMA, INC.; AND  
THE PURDUE FREDERICK COMPANY**

**TO:**

**VIA email**

Sanford C. Coats, OBA No. 18268  
Cullen D. Sweeney, OBA No. 30269  
CROWE & DUNLEVY, P.C.  
Braniff Building  
324 N. Robinson Ave., Ste. 100  
Oklahoma City, OK 73102

**VIA email**

Sheila Birnbaum  
Mark S. Cheffo  
Paul LaFata  
Hayden A. Coleman  
QUINN EMANUEL  
51 Madison Avenue, 22nd Floor  
New York, New York 10010

**COUNSEL FOR THE PURDUE DEFENDANTS**

Please take notice that, on the date and at the time indicated below, Plaintiff will take the deposition(s) upon oral examination of the corporate representative(s) of Defendants, Purdue Pharma, L.P., Purdue Pharma, Inc., and the Purdue Frederick Company (collectively, the "Purdue Defendants") in accordance with 12 O.S. §3230(C)(5). The Purdue Defendants shall designate one or more officers, directors, managing agents, or other persons who consent to testify on the Purdue Defendants' behalf regarding the subject matters identified in Appendix A.

The oral and video deposition(s) will occur as follows:

<b>DATE</b>	<b>TIME</b>	<b>LOCATION</b>
<b>April 11, 2018</b>	<b>1:00 p.m.</b>	<b>512 N. Broadway Ave. Ste. 300 Oklahoma City, OK 73102</b>

Said depositions are to be used as evidence in the trial of the above cause, the same to be taken before a qualified reporter and shall be recorded by videotape. Said depositions when so taken and returned according to law may be used as evidence in the trial of this cause and the taking of the same will be adjourned and continue from day-to-day until completed, at the same place until it is completed.

PLEASE TAKE FURTHER NOTICE that each such officer, agent or other person produced by the Purdue Defendants to so testify under 12 O.S. §3230(C)(5) has an affirmative duty to have first reviewed all documents, reports, and other matters known or reasonably available to the Purdue Defendants, along with all potential witnesses known or reasonable available to the Purdue Defendant in order to provide informed binding answers at the deposition(s).

Dated: April 2, 2018



Michael Burrage, OBA No. 1350  
Reggie Whitten, OBA No. 9576  
WHITTEN BURRAGE  
512 N. Broadway Avenue, Suite 300  
Oklahoma City, OK 73102  
Telephone: (405) 516-7800  
Facsimile: (405) 516-7859  
Emails: mburrage@whittenburrage.com  
rwhitten@whittenburrage.com

Mike Hunter, OBA No. 4503  
ATTORNEY GENERAL FOR  
THE STATE OF OKLAHOMA  
Abby Dillsaver, OBA No. 20675  
GENERAL COUNSEL TO  
THE ATTORNEY GENERAL  
Ethan A. Shaner, OBA No. 30916  
DEPUTY GENERAL COUNSEL  
313 N.E. 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
Telephone: (405) 521-3921  
Facsimile: (405) 521-6246  
Emails: abby.dillsaver@oag.ok.gov  
ethan.shaner@oag.ok.gov

Bradley E. Beckworth, OBA No. 19982  
Jeffrey J. Angelovich, OBA No. 19981  
NIX, PATTERSON & ROACH, LLP  
512 N. Broadway Avenue, Suite 200  
Oklahoma City, OK 73102  
Telephone: (405) 516-7800  
Facsimile: (405) 516-7859  
Emails: bbeckworth@nixlaw.com  
jangelovich@npraustin.com

Glenn Coffee, OBA No. 14563  
GLENN COFFEE & ASSOCIATES, PLLC  
915 N. Robinson Ave.  
Oklahoma City, OK 73102  
Telephone: (405) 601-1616  
Email: gcoffee@glenncoffee.com

**ATTORNEYS FOR PLAINTIFF**



**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the above and foregoing was mailed and emailed on April 2, 2018 to:

Sanford C. Coats, OBA No. 18268  
Cullen D. Sweeney, OBA No. 30269  
CROWE & DUNLEVY, P.C.  
Braniff Building  
324 N. Robinson Ave., Ste. 100  
Oklahoma City, OK 73102

Sheila Birnbaum  
Mark S. Cheffo  
Hayden A. Coleman  
QUINN EMANUEL URQUHART & SULLIVAN, LLP  
51 Madison Avenue, 22nd Floor  
New York, New York 10010

Patrick J. Fitzgerald  
R. Ryan Stoll  
SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP  
155 North Wacker Drive, Suite 2700  
Chicago, Illinois 60606

Robert G. McCampbell, OBA No. 10390  
Travis J. Jett, OBA No. 30601  
GABLEGOTWALS  
One Leadership Square, 15th Floor  
211 North Robinson  
Oklahoma City, OK 73102-7255

Steven A. Reed  
Harvey Bartle IV  
Jeremy A. Menkowitz  
MORGAN, LEWIS & BOCKIUS LLP  
1701 Market Street  
Philadelphia, PA 19103-2921

Brian M. Ercole  
MORGAN, LEWIS & BOCKIUS LLP  
200 S. Biscayne Blvd., Suite 5300  
Miami, FL 33131  
Benjamin H. Odom, OBA No. 10917  
John H. Sparks, OBA No. 15661  
ODOM, SPARKS & JONES PLLC

HiPoint Office Building  
2500 McGee Drive Ste. 140  
Oklahoma City, OK 73072

Charles C. Lifland  
Jennifer D. Cardelus  
O'MELVENY & MYERS LLP  
400 S. Hope Street  
Los Angeles, CA 90071

Stephen D. Brody  
O'MELVENY & MYERS LLP  
1625 Eye Street NW  
Washington, DC 20006

  
\_\_\_\_\_  
Michael Burrage

## Appendix A

The matters on which examination is requested are itemized below. The Purdue Defendants must designate persons to testify as to each subject of testimony. This designation must be delivered to Plaintiff prior to or at the commencement of the taking of the deposition. See 12 O.S. §3230(C)(5).

1. The Purdue Defendants' decision to discontinue marketing or promoting opioids to prescribers.



# **EXHIBIT C**

**IN THE DISTRICT COURT OF CLEVELAND COUNTY  
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel., )  
MIKE HUNTER, )  
ATTORNEY GENERAL OF OKLAHOMA, )

Plaintiff, )

vs. )

**Case No. CJ-2017-816  
Judge Thad Balkman**

- (1) PURDUE PHARMA L.P.; )
- (2) PURDUE PHARMA, INC.; )
- (3) THE PURDUE FREDERICK COMPANY; )
- (4) TEVA PHARMACEUTICALS USA, INC.; )
- (5) CEPHALON, INC.; )
- (6) JOHNSON & JOHNSON; )
- (7) JANSSEN PHARMACEUTICALS, INC; )
- (8) ORTHO-MCNEIL-JANSSEN )  
PHARMACEUTICALS, INC., n/k/a )  
JANSSEN PHARMACEUTICALS; )
- (9) JANSSEN PHARMACEUTICA, INC., )  
n/k/a JANSSEN PHARMACEUTICALS, INC.; )
- (10) ALLERGAN, PLC, f/k/a ACTAVIS PLC, )  
f/k/a ACTAVIS, INC., f/k/a WATSON )  
PHARMACEUTICALS, INC.; )
- (11) WATSON LABORATORIES, INC.; )
- (12) ACTAVIS LLC; and )
- (13) ACTAVIS PHARMA, INC., )  
f/k/a WATSON PHARMA, INC., )

Defendants. )

**Special Master:  
William Hetherington**

**NOTICE FOR 3230(C)(5) VIDEOTAPED DEPOSITION OF CORPORATE  
REPRESENTATIVE(S) OF PURDUE PHARMA, L.P.; PURDUE PHARMA, INC.; AND  
THE PURDUE FREDERICK COMPANY**

**TO:**

**VIA email**

Sanford C. Coats, OBA No. 18268  
Cullen D. Sweeney, OBA No. 30269  
CROWE & DUNLEVY, P.C.  
Braniff Building  
324 N. Robinson Ave., Ste. 100  
Oklahoma City, OK 73102

**VIA email**

Sheila Birnbaum  
Mark S. Cheffo  
Paul LaFata  
Hayden A. Coleman  
QUINN EMANUEL URQUHART  
51 Madison Avenue, 22nd Floor  
New York, New York 10010

**COUNSEL FOR THE PURDUE DEFENDANTS**

Please take notice that, on the date and at the time indicated below, Plaintiff will take the deposition(s) upon oral examination of the corporate representative(s) of Defendants, Purdue Pharma, L.P., Purdue Pharma, Inc., and the Purdue Frederick Company (collectively, the "Purdue Defendants") in accordance with 12 O.S. §3230(C)(5). The Purdue Defendants shall designate one or more officers, directors, managing agents, or other persons who consent to testify on the Purdue Defendants' behalf regarding the subject matters identified in Appendix A.


The oral and video deposition(s) will occur as follows:

<b>DATE</b>	<b>TIME</b>	<b>LOCATION</b>
<b>April 11, 2018</b>	<b>9:00 a.m.</b>	<b>512 N. Broadway Ave. Ste. 300 Oklahoma City, OK 73102</b>

Said depositions are to be used as evidence in the trial of the above cause, the same to be taken before a qualified reporter and shall be recorded by videotape. Said depositions when so taken and returned according to law may be used as evidence in the trial of this cause and the taking of the same will be adjourned and continue from day-to-day until completed, at the same place until it is completed.

PLEASE TAKE FURTHER NOTICE that each such officer, agent or other person produced by the Purdue Defendants to so testify under 12 O.S. §3230(C)(5) has an affirmative duty to have first reviewed all documents, reports, and other matters known or reasonably available to the Purdue Defendants, along with all potential witnesses known or reasonable available to the Purdue Defendant in order to provide informed binding answers at the deposition(s).

Dated: April 2, 2018

  
Michael Burrage, OBA No. 1350  
Reggie Whitten, OBA No. 5576  
WHITTEN BURRAGE  
512 N. Broadway Avenue, Suite 300  
Oklahoma City, OK 73102  
Telephone: (405) 516-7800  
Facsimile: (405) 516-7859  
Emails: mburrage@whittenburrage.com  
rwhitten@whittenburrage.com

Mike Hunter, OBA No. 4503  
ATTORNEY GENERAL FOR  
THE STATE OF OKLAHOMA  
Abby Dillsaver, OBA No. 20675  
GENERAL COUNSEL TO  
THE ATTORNEY GENERAL  
Ethan A. Shaner, OBA No. 30916  
DEPUTY GENERAL COUNSEL  
313 N.E. 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
Telephone: (405) 521-3921  
Facsimile: (405) 521-6246  
Emails: abby.dillsaver@oag.ok.gov  
ethan.shaner@oag.ok.gov

Bradley E. Beckworth, OBA No. 19982  
Jeffrey J. Angelovich, OBA No. 19981  
NIX, PATTERSON & ROACH, LLP  
512 N. Broadway Avenue, Suite 200  
Oklahoma City, OK 73102  
Telephone: (405) 516-7800  
Facsimile: (405) 516-7859  
Emails: bbeckworth@nixlaw.com  
jangelovich@npraustin.com



Glenn Coffee, OBA No. 14563  
GLENN COFFEE & ASSOCIATES, PLLC  
915 N. Robinson Ave.  
Oklahoma City, OK 73102  
Telephone: (405) 601-1616  
Email: gcoffee@glenncoffee.com

**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the above and foregoing was mailed and emailed on April 2, 2018 to:

Sanford C. Coats, OBA No. 18268  
Cullen D. Sweeney, OBA No. 30269  
CROWE & DUNLEVY, P.C.  
Braniff Building  
324 N. Robinson Ave., Ste. 100  
Oklahoma City, OK 73102

Sheila Birnbaum  
Mark S. Cheffo  
Hayden A. Coleman  
QUINN EMANUEL URQUHART & SULLIVAN, LLP  
51 Madison Avenue, 22nd Floor  
New York, New York 10010

Patrick J. Fitzgerald  
R. Ryan Stoll  
SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP  
155 North Wacker Drive, Suite 2700  
Chicago, Illinois 60606

Robert G. McCampbell, OBA No. 10390  
Travis J. Jett, OBA No. 30601  
GABLEGOTWALS  
One Leadership Square, 15th Floor  
211 North Robinson  
Oklahoma City, OK 73102-7255

Steven A. Reed  
Harvey Bartle IV  
Jeremy A. Menkowitz  
MORGAN, LEWIS & BOCKIUS LLP  
1701 Market Street  
Philadelphia, PA 19103-2921

Brian M. Ercole  
MORGAN, LEWIS & BOCKIUS LLP  
200 S. Biscayne Blvd., Suite 5300  
Miami, FL 33131

Benjamin H. Odom, OBA No. 10917  
John H. Sparks, OBA No. 15661

ODOM, SPARKS & JONES PLLC  
HiPoint Office Building  
2500 McGee Drive Ste. 140  
Oklahoma City, OK 73072

Charles C. Lifland  
Jennifer D. Cardelus  
O'MELVENY & MYERS LLP  
400 S. Hope Street  
Los Angeles, CA 90071

Stephen D. Brody  
O'MELVENY & MYERS LLP  
1625 Eye Street NW  
Washington, DC 20006

  
\_\_\_\_\_  
Michael Burrage

## Appendix A

The matters on which examination is requested are itemized below. The Purdue Defendants must designate persons to testify as to each subject of testimony. This designation must be delivered to Plaintiff prior to or at the commencement of the taking of the deposition. See 12 O.S. §3230(C)(5).

1. The open letter published by or on behalf of the Purdue Defendants in the New York Times on Thursday, December 14, 2017, entitled, "*We manufacture prescription opioids. How could we not help fight the prescription and illicit opioid abuse crisis?*" ("Open Letter"), including but not limited to all actions taken by the Purdue Defendants in support of the recommendations and initiatives identified in the Open Letter, and the reasons the Open Letter was written and published.