



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'.)

STATE OF OKLAHOMA }
CLEVELAND COUNTY } S.C.

FILED

APR 04 2018

In the office of the
Court Clerk MARILYN WILLIAMS

**ORDER OF SPECIAL DISCOVERY MASTER ON STATE'S FIRST
MOTION TO COMPEL**

NOW on this 4th day of April, 2018, the above and entitled matter comes on for determination on State's first motion to compel. Having reviewed State's motion to compel, various Defendants' objections thereto, and hearing with argument having been held on March 29, 2018, the following **Orders** are entered:

1. Purdue's motion to strike is overruled.
2. It is the undersigned's understanding and belief that the scope of this motion to compel is limited to the State's requests for production (RFP)

and any objected-to interrogatory to which an Order responsive to a specific RFP would determine;

3. The likely relevant time period for discovery in this case is found to be from May 1, 1996 to present, with Teva/Cephalon marketing time period beginning in 1999. Purdue's and Teva Defendants (to include the Acquired Actavis Entities) specific objections to Relevant Time Periods is overruled. The State has stipulated and agreed it will acknowledge and recognize as the Relevant Time Period any other Defendants' known start marketing date that may be later than May 1, 1996.
4. Various Defendants' argument attempting to limit the scope of discovery based upon statutes of limitation is overruled.
5. Purdue's objection/attempt to limit production relevant only to OxyContin or as to any Defendants' attempt to limit production to documents responsive only to FDA requests is overruled.
6. Following the date of this Order, all parties shall specifically identify any production item by its best descriptive title in Order to preserve an objection to production. Failure to do so, may result in summary denial of an objection.
7. The undersigned recognizes the discovery burden unique to this case and encourages the parties to further develop the "rolling basis" for production process by "meet and confer" in Order to lessen the burden and still employ an efficient discovery process that complies with discovery deadlines.

Requests For Production

RFP No. 1 – State's motion to compel is sustained to the extent production shall include any information about public, nonpublic or confidential governmental investigations or regulatory actions pertaining to any Defendants that have been produced previously in any other case;

RFP No. 2 – State's motion to compel is sustained with objections thereto overruled;

RFP No. 3 – State's motion to compel is sustained with objections thereto overruled;

RFP No. 4 – State's motion to compel is sustained with objections thereto overruled;

RFP No. 5 – State's motion to compel is sustained with objections thereto overruled;

RFP No. 6 – State’s motion to compel is sustained with objections thereto overruled, except such production need not include any preliminary drafts of written materials;

RFP No. 7 – State’s motion to compel is sustained with objections thereto overruled;

RFP No. 8 – State’s motion to compel is sustained with all Defendants Ordered to produce any documentation evidence known to them supporting, promoting or seeking to “influence” the marketing of unbranded advertisements. Such production need not include any preliminary drafts;

RFP No. 9 – State’s motion to compel is sustained with objections thereto overruled;

RFP No. 10 – State’s motion to compel is sustained with objections thereto overruled;

RFP No. 11 – State’s motion to compel is sustained with objections thereto overruled;

RFP No. 12 – State’s motion to compel is sustained with objections thereto overruled;

RFP No. 13 – State’s motion to compel is sustained with objections thereto overruled;

RFP No. 14 – State’s motion to compel is sustained with objections thereto overruled;

RFP No. 15 – State’s motion to compel is sustained with objections thereto overruled;

RFP No. 16 – State’s motion to compel is sustained to the extent that all Defendants are Ordered to provide any documentation related to compensation or incentive plans for any sales representatives and/or sales managers, contractors or third-party sales representatives in Oklahoma responsible for the sale of opioids. The scope of this Order does not include any other personal, sensitive and confidential information that is not related to or relevant to incentive sales plans;

RFP No. 17 – State’s motion to compel is sustained with objections thereto overruled;

RFP No. 18 – State’s motion to compel is sustained with objections thereto overruled;

RFP No. 19 – State’s motion to compel is sustained to the extent that Defendants are Ordered to produce call notes, field contact reports, medical services correspondence, if any, with Oklahoma health care professionals and pharmacies, all other communications with Oklahoma health care professionals and pharmacies involving medical liaisons and managed-care account executives. Purdue shall produce a report of Oklahoma prescribers

who are identified as part of Purdue's "Abuse and Diversion Detection Program" (ADD) with notations as to those placed on the "no call" or "region zero" list. Purdue is Ordered to produce documents from the "ADD program" files of Oklahoma prescribers on the "ADD list" and documents from the Order Monitoring System Program, MedWatch reports, Clinical Supply Product Complaint reports and any product complaint reports related to Purdue marketed opioids.

RFP No. 20 – State's motion to compel is sustained with objections thereto overruled;

RFP No. 21 – State's motion to compel is sustained to the extent that all Defendants are Ordered to produce all documents concerning "CME's" sponsored by any Defendant in whole or in part related to opioids and/or pain treatment held in Oklahoma. Production shall include a list of promotional speaker programs, product theaters, and other promotional programs related to any marketed opioids or disease awareness to include all attendee and presenter lists, dates and locations for events, final training and presentation materials for any such CMEs put on, sponsored or promoted by any Defendant herein;

RFP No. 22 – State's motion to compel is sustained with objections thereto overruled;

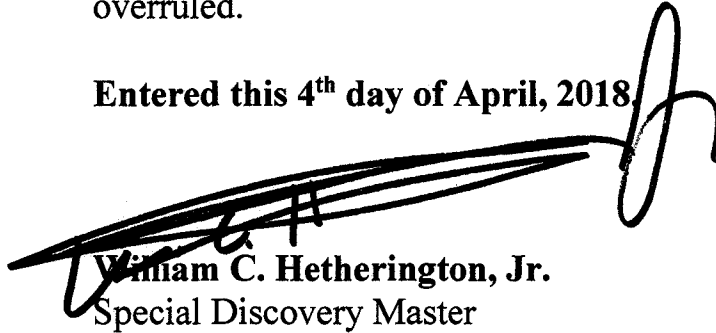
RFP No. 23 – State's motion to compel is sustained to the extent that all Defendants are Ordered to produce all documents (not limited to a bibliography), if any, concerning all opioid research conducted, commissioned, sponsored, funded or promoted by any Defendant. Purdue shall also and in addition to, produce the "New Drug Application" files regarding the original formulation of OxyContin and the abuse-deterrent reformulation of OxyContin which contain documents that analyze or discuss risks and benefits associated with those particular medications. This Order also encompasses an Order to produce all documents purporting to show any opioids to be addictive, highly addictive or addiction occurs in greater than 1% of patients being treated with opioids; nonaddictive, virtually nonaddictive or addiction occurs in less than 1% of patients being treated with opioids;

RFP No. 24 – State's motion to compel is sustained to the extent that all Defendants shall produce all internal communications and communications between them and any third parties concerning research, studies, Journal articles, and/or clinical trials regarding opioids and/or pain treatment. Such production need not include preliminary drafts of such communications;

RFP No. 25 – State's motion to compel is overruled with a finding that this RFP is covered within the scope of the Order in RFP No. 23;

RFP No. 26 – State’s motion to compel is overruled with the finding that this RFP is covered within the scope of the Order in RFP No.23;
RFP No. 27 – State’s motion to compel is sustained to the extent that this RFP is not covered in RFP No. 19 as it relates to Purdue and OxyContin abuse and diversion programs;
RFP No. 28 - State’s motion to compel is sustained with objections thereto overruled.

Entered this 4th day of April, 2018.



William C. Hetherington, Jr.
Special Discovery Master