IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

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

Plaintiff,

v.

(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, INC.;
(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
Honorable Thad Balkman

William C. Hetherington
Special Discovery Master

DEFENDANTS TEVA PHARMACEUTICALS USA, INC., CEPHALON, INC., WATSON LABORATORIES, INC., ACTAVIS LLC, AND ACTAVIS PHARMA, INC., f/k/a WATSON PHARMA, INC.'S RESPONSE IN OPPOSITION TO PLAINTIFF'S SECOND MOTION TO COMPEL DISCOVERY

Plaintiff the State of Oklahoma ("Plaintiff") filed a motion to compel Defendants Teva Pharmaceuticals USA, Inc., Cephalon, Inc., Watson Laboratories, Inc., Actavis LLC, and Actavis Pharma, Inc., f/k/a Watson Pharma, Inc. (collectively, the "Teva Defendants") to force the Teva Defendants to produce a corporate representative to testify about a topic that is so drastically overbroad that compliance would be impossible at this stage of the case. For the reasons described herein, Plaintiff's motion should be denied.

I. INTRODUCTION

As relevant to the parties' current dispute, Plaintiff's Petition alleges that the Teva Defendants have created an opioid epidemic in Oklahoma that constitutes a public nuisance and requests relief requiring the Teva Defendants to abate such nuisance. *See* Petition at ¶¶ 116-120; *see also* Prayer at ¶ K. Plaintiff itself has construed this epidemic as encompassing all nationwide conduct occurring since 1996 and future conduct occurring over the next "50 years."

Discovery is set to close in this matter on January 31, 2019. As of today's date, Plaintiff and the Teva Defendants have exchanged initial disclosures, responded to initial discovery requests, engaged in several meet and confers, and the Teva Defendants have made three rolling document productions totaling approximately 130,000 pages of documents. As the Teva Defendants informed Plaintiff during the parties' most recent meet and confer, the Teva Defendants are currently in the process of collecting, reviewing, and preparing significantly more documents for production. For its part, Plaintiff produced documents for the first time just two days ago, on April 10, 2018, and made another production yesterday (for a total of about 22,000 pages) but it has not provided a timeline for any future anticipated productions. Per the Court's Scheduling Order, Plaintiff and the Teva Defendants' expert witness disclosures are due August 17, 2018 and September 14, 2018, respectively.

Notwithstanding the current status of discovery, late in the day on Monday, April 2, 2018, Plaintiff served a Notice for 3230(C)(5) Videotaped Deposition of Corporate Representative(s) of the Teva Defendants (the "Notice"). The Notice commanded the Teva Defendants to identify and produce corporate representative(s) in ***five*** business days, on April 10, 2018, in Oklahoma City to testify regarding the following topic on behalf of five distinct corporate entities:

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

See Ex. A, Notice at Appendix A (hereinafter, the "Topic"). And, within those five business days, Plaintiff demanded that the corporate designee "review[] all documents, reports, and other matters known or reasonably available to the Teva/Cephalon Defendants, along with all potential witnesses known or reasonably available to the Teva/Cephalon Defendant in order to provide informed binding answers at the deposition(s)." *See* Notice at p. 3.

On its face, the Topic contained in Plaintiff's Notice is so wildly overbroad that it could be reasonably construed to encompass everything in this case, and more. In addition to being overboard, however, the Topic plainly calls for legal opinions and conclusions that are wholly improper subjects for corporate representative testimony. Indeed, during the parties' meet and confer regarding the Notice, Plaintiff admitted its intent for the Topic is to discover Defendants' expert and legal opinions/theories about Plaintiff's abatement remedy. *See* Ex. B, April 4, 2018 Tr. 53:23 – 54: 6 ("You know, this is a case that has abatement as an element of the case . . . And [unless defendants agree not to contest Plaintiff's theories on abatement] . . . we need to know what you think is necessary to address, fight, abate and/or reverse the opioid epidemic."). Courts routinely hold that such topics are patently improper subjects for a corporate representative deposition. The Teva Defendants respectfully request that the Court deny Plaintiff's motion.

II. ARGUMENTS AND AUTHORITIES[1]

A. The Topic is Drastically Overbroad and Compliance is Impossible at this Stage of the Matter.

Plaintiff's motion should be denied because, as noticed, the Topic is vastly overbroad, premature at this point in discovery, and unduly burdensome given its expansive scope.

Under section 3230(C), a party issuing a notice has the obligation of describing the noticed topics with "painstaking specificity." *McBride v. Medicalodges, Inc.*, 250 F.R.D. 581, 584 (D. Kan. 2008) ("To allow Rule 30(b)(6) to effectively function, the requesting party must take care to designate, with painstaking specificity, the particular subject areas that are intended to be questioned, and that are relevant to the issues in dispute."). For the responding party to properly prepare a deponent, it must be able to "identify the outer limits of the areas of inquiry noticed." *Id.* Absent the requisite specificity, it is simply impossible for a corporate deponent to prepare and respond to questions.

Here, there can be no genuine dispute that it would be impossible for the Teva Defendants to determine to any reasonable degree of certainty the outer limits of the sprawling Topic identified in the Notice. The Notice seeks to inquire about "[a]ll actions" that are "available or necessary." These terms are both ambiguous and entirely unlimited in scope. Further, Plaintiff itself has defined the term "opioid epidemic" as encompassing everything in this case. *See e.g.*, Petition ¶¶ 21-50, 118-119. As for remedies, Plaintiff has asserted that it will take 50 years to resolve. *See* Ex. C, Mar. 9, 2018 Hearing Tr. (R. Whitten), 93:6-7 ("It took us 20-something years to get in it. It's probably going to take 50 years to get out of it."). The Teva Defendants cannot realistically

[1] Courts in Oklahoma look to cases construing Fed. R. Civ. P. 30(b)(6) when construing section 3230(C)(5) of the Oklahoma Discovery Code because the language is similar and Oklahoma's Discovery Code was drawn from the Federal Rules of Civil Procedure. *See Crest Infiniti, II, LP v. Swinton*, 2007 OK 77, ¶ 2, 174 P.3d 996, 999.

comply with a limitless Notice for a corporate representative deposition. *See, e.g., McBride*, 250 F.R.D. at 584 ("[a]n overly broad Rule 30(b)(6) notice may subject the noticed party to an impossible task. To avoid liability, the noticed party must designate persons knowledgeable in the areas of inquiry listed in the notice. If the defendant cannot identify the outer limits of the areas of inquiry noticed, compliant designation is not feasible.").

In addition, at this stage of the case, it would be impossible for the Teva Defendants to meet their obligations to identify and prepare corporate representative(s) to testify on behalf of five distinct entities concerning the boundless Topic at issue. Plaintiff has alleged an expansive public nuisance. Yet, Plaintiff produced documents for the first time just two days ago, on April 10, 2018 (*i.e.*, the date of the noticed deposition). It has not indicated when it intends to produce additional documents. As detailed above, although the Teva Defendants have produced approximately 130,000 pages of documents, they are still in the process of identifying, collecting, reviewing, and preparing voluminous materials for production. There have been not been any fact witness depositions in this case. Thus, no corporate representative(s) could comply with the obligations of the Notice to "review[] all documents, reports, and other matters known or reasonably available to the Teva/Cephalon Defendants, along with all potential witnesses known or reasonably available to the Teva/Cephalon Defendant[s] in order to provide informed binding answers at the deposition(s)" when the parties are still in the very early stages of discovery.

Relatedly, the Notice is unduly burdensome. The Topic encompasses Plaintiff's sweeping allegations concerning the alleged role of the Teva Defendants in Oklahoma's "opioid epidemic." Yet, despite the size and complexity of this case, Plaintiff elected to provide merely five business days for the Teva Defendants to identify, prepare corporate representative(s), and travel to Oklahoma for testimony concerning a subject that covers, in Plaintiff's own view, decades to

resolve. Even if the Topic is a proper subject for testimony (which it is not), preparing witness(es) to respond fully and completely for a deposition covering such an expansive Topic in five business days at this stage of the case is unduly burdensome for both witness(es) and counsel. For these reasons, the Teva Defendants should be excused from compliance with the Notice.

B. <u>The Topic Involves Issues That Are Not Proper Subjects for Corporate Witness Testimony.</u>

Plaintiff's motion should also be denied because the noticed Topic improperly calls for legal opinions and conclusions, invades the attorney-client privilege, and improperly seeks an expert opinion from a corporate representative.

In seeking testimony concerning "[a]ll actions available or necessary to address, fight, abate and/or reverse the opioid epidemic," Plaintiff has effectively attempted to require the Teva Defendants to prepare a corporate representative to opine on the facts supporting or refuting Plaintiff's far-fetched theory that the Teva Defendants created the opioid epidemic in Oklahoma – notwithstanding that, as Plaintiff admits, it only reimbursed ***245*** of Cephalon's pharmaceuticals over the past 10 years – as well as the appropriate scope of Plaintiff's requested remedy that the Court should order the Teva Defendants to abate that epidemic. (Petition at ¶¶ 116-120; *see also* Prayer at ¶ K.) Plaintiff admitted during the parties' meet and confer that its intent for the Topic is to discover the Teva Defendants' legal opinions and theories about Plaintiff's abatement remedy. *See* Ex. B, April 4, 2018 Tr. 53:23 – 54: 6 ("You know, this is a case that has abatement as an element of the case . . . And [unless defendants agree not to contest Plaintiff's theories on abatement] . . . we need to know what you think is necessary to address, fight, abate and/or reverse the opioid epidemic."). These topics are inappropriate for a corporate representative deposition.

Courts have repeatedly held that "'depositions, including 30(b)(6) depositions, **are designed to discover facts, not contentions or legal theories**, which, to the extent discoverable

at all prior to trial, must be discovered by other means.'" *Davis v. PMA Cos.*, No. CIV-11-359-C, 2012 WL 3922967, **1,7 (W.D. Okla. Sept. 7, 2012) (quoting *JP Morgan Chase Bank v. Liberty Mut. Ins. Co.*, 209 F.R.D. 361, 362 (S.D.N.Y. 2002)) (emphasis added); *Kremers v. Coca-Cola Co.*, No. 09-333-GPM-CJP, 2009 WL 6499419, *1 (S.D. Ill. Aug. 19, 2009) (Rule 30(b)(6) topics seeking legal opinions are "simply not factual matters, and they are not appropriate for a Rule 30(b)(6) deposition"); *Arkwright Mut. Ins. Co. v. Nat'l Union Fire Ins. Co.*, No. 90 Civ. 7811(KC), 1993 WL 34678, *3 (S.D.N.Y. Feb. 4, 1993) (rejecting 30(b)(6) deposition seeking inquiry into the other party's legal theories of the case). Where a question cannot be addressed "without questioning the mental processes" of a party or its counsel on a legal matter, it is an improper topic of inquiry. *Medical Assur. Co. v. Weinburger*, No. 4:06 CV 117, 2011 WL 2471898, *10 (N.D. Ind. June 20, 2011) ("PCF is proposing to inquire about legal conclusions and mental impressions, rather than facts, taking the proposed deposition topic 35 outside the scope of discoverable information.").

Similarly, a party cannot demand all facts that relate to or support a claim, defense, or theory in a section 3230(C)(5) deposition. "The recipient of a Rule 30(b)(6) request is not required to have its counsel muster all of its factual evidence to prepare a witness to be able to testify regarding a defense or claim." *Smithkline Beecham Corp. v. Apotex Corp.*, No. 98 C 3952, 2000 WL 116082, * 9 (N.D. Ill. 2000); *Trustees of Boston Univ. v. Everlight Elecs. Co.*, No. 12-CV-11935-PBS, 2014 WL 5786492, *4 (D. Mass. Sept. 24, 2014) (holding a corporate representative "deposition is an overbroad, inefficient, and unreasonable means of discovering an opponent's factual and legal basis for its claims."); *In re Ind't Serv. Orgs. Antitrust Litig.*, 168 F.R.D. 651, 654 (D. Kan. 1996) (defendant "is not required to have counsel marshal all of its factual proof and prepare a witness to be able to testify on a given defense or counterclaim"); *U.S. v. Dist. Council*

of NYC, 1992 WL 208284, *15 (S.D.N.Y. Aug. 18, 1992) ("to provide the information defendants seek would in effect require the Government to marshal all of its factual proof and then provide it to [the witness] so that she could respond to what are essentially a form of contention interrogatories. Aside from any issues of privilege, this would be highly inefficient and burdensome, rather than the most direct manner of securing relevant information.").

Furthermore, permitting Plaintiff to probe into the Teva Defendants' contentions and theories concerning Plaintiff's abatement theory, requested remedy, and questions about the "facts" supporting those contentions and theories would improperly invade the attorney-client and work-product privileges. *See, e.g., Davis*, 2012 WL 3922967, *1 ("the mental impressions, conclusions, opinions, or legal theories of a party's attorney receive heightened protection close to absolute immunity.") (citations omitted); *Kindig v. Whole Food Market Group, Inc.*, No. 10-1919(AK), 2012 WL 3000167, *4 (D.D.C. July 20, 2012) ("the second topic inquires into Defendant's legal strategy, which is protected by attorney-client privilege").

The Court and the parties need not speculate regarding Plaintiff's intent to inquire about privileged matters because Plaintiff's motion specifically states that Plaintiff intends to inquire about privileged matters, including "***settlement discussions*** across the country" in which Plaintiff believes that the Teva Defendants "have been called upon . . . to identify, evaluate, and recommend the various measures that must be taken to 'address, fight, abate, and/or reverse the opioid epidemic." *See* Mot. at p. 12 (emphasis added). Plaintiff's stated intent to obtain discovery on the content of settlement discussions between the Teva Defendants and litigants in other cases is patently improper. *See, e.g., McKeen v. U-Haul, Int'l, Inc.*, No. 3:11-cv-980-MHT, 2013 WL 11323899, at *1 (M.D. Ala. Mar. 20, 2013) (explaining that "several courts have held that the same

public policy concerns which support Rule 408 also support protection from discovery into confidential settlement negotiations.") (citations omitted).

Furthermore, on its face, the Topic plainly seeks to solicit expert testimony from a corporate representative witness. The best way to abate the opioid epidemic does not pose factual questions falling within the experiences and qualifications of a corporate representative. Courts routinely preclude depositions when the noticed topic calls for expert testimony. *See, e.g., Everlight Elecs. Co.*, 2014 WL 5786492, *4 (denying motion to compel and stating that "[a] party may properly resist a [corporate representative] deposition on the grounds that the information sought is more appropriately discoverable through . . . expert testimony"). In this case, the Teva Defendants' expert disclosures are not due until September 14, 2018, *after* Plaintiff's disclosure deadline. Plaintiff will discover the Teva Defendants' legal and expert theories when the parties are required to disclose them via expert reports and briefs. Plaintiff's attempt through its Notice to seek an end run around this discovery schedule by obtaining expert testimony from a corporate representative should be rejected.

III. CONCLUSION

For the foregoing reasons, the Teva Defendants respectfully request that this Court deny Plaintiff's Motion to Compel in its entirety.

Dated: April 12, 2018.

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Attorneys for Defendants Cephalon, Inc., Teva Pharmaceuticals USA, Inc., Watson Laboratories, Inc., Actavis LLC, and *Actavis Pharma, Inc. f/k/a Watson Pharma, Inc.*

CERTIFICATE OF MAILING

I certify that a true and correct copy of the foregoing was emailed on this 12th day of April, 2018, to:

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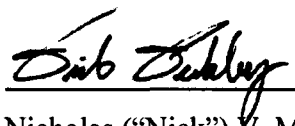

Nicholas ("Nick") V. Merkley

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.	)	**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.,**	)	**Special Master:** **William Hetherington**
Defendants.	)	

NOTICE FOR 3230(C)(5) VIDEOTAPED DEPOSITION OF CORPORATE REPRESENTATIVE(S) OF TEVA/CEPHAPLON DEFENDANTS

TO:

VIA *email*	VIA *email*
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

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, TEVA PHARMACEUTICALS USA, INC.; CEPHALON, INC.; WATSON LABORATORIES, INC.; ACTAVIS LLC; ACTAVIS PHARMA, INC. (collectively, the "Teva/Cephalon Defendants") in accordance with 12 O.S. §3230(C)(5). The Teva/Cephalon Defendants shall designate one or more officers, directors, managing agents, or other persons who consent to testify on the Teva/Cephalon Defendants' behalf regarding the subject matters identified in Appendix A.

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

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

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 Teva/Cephalon 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 Teva/Cephalon Defendants, along with all potential witnesses known or reasonable available to the Teva/Cephalon Defendant in order to provide informed binding answers at the deposition(s).

Dated: April 2, 2018

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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:

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Michael Burrage

Michael Burrage

Appendix A

The matters on which examination is requested are itemized below. The Teva/Cephalon 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,	)	
	)	Case No. CJ-2017-816
Plaintiff,	)	Judge Thad Balkman
	)	
vs.	)	Special Master: William Hetherington
PURDUE PHARMA L.P., et al.,	)	
	)	
Defendants.	)	

DISCOVERY CONFERENCE BETWEEN THE PARTIES
(Via Telecommunications)

DISCOVERY CONFERENCE BETWEEN THE PARTIES, taken in the above-styled and numbered cause on April 4, 2018, from 11:04 a.m. to 12:30 p.m., before WILLIAM M. FREDERICKS, CSR in and for the State of Texas, reported by machine shorthand at the offices of Nix Patterson & Roach, LLP, 3600 North Capital of Texas Highway, Suite B350, Austin, Texas.

Job No. 2861870
Pages 1 - 72

MR. BURRAGE: Well, this is --

MR. BECKWORTH: You know, look, to Judge's point, I think this is how we need to proceed: If you all want to file a motion, file a motion. I think you're required to do that. And then between then and the hearing if we can continue to work some of this out then we can take it off the calendar for the hearing. I think that's the only way it will work.

I think Judge is right. We haven't heard one thing here that suggests cooperation. We're not going to call and have 15 calls over every deposition, but we will continue to work with you. Any time we notice one, if there's a date or travel problem that you guys can articulate that there's a problem and an alternate date, that is something that I will tell you at least when it's coming from me we'll always endeavor to do.

Now, I think we probably need to wrap up. This has been going on with no progress. I do want to answer briefly your question about what we want in this other depo.

You know, this is a case that has abatement as an element of the case, and I don't think you technically classify that as damages. It's

abatement. And so if you guys intend to defend and say that abatement is not -- you don't contest what our abatement issues are, then I guess if you want to stipulate to that we can take that down. Otherwise we need to know what you think is necessary to address, fight, abate and/or reverse the opioid epidemic.

I'll echo that by saying that you may say it's an expert issue, and it certainly may have components that are expert intensive, and you can tell us which ones those are, but my knowledge is that your company is out there trying to negotiate deals with multiple interests where you're talking about what you are and aren't willing to do to address, fight, abate and/or reverse the opioid epidemic.

So one of two things is true. Either Janssen has somebody that's fully knowledgeable and prepared to testify on these issues or they don't. And if the answer is they don't, then what you're telling the public and a judge in other cases and litigants in other cases and non-litigants in other cases is false, and Janssen does not know what's available or necessary to address, fight, abate and/or reverse the opioid epidemic, and I sure would like to know that as well. So that's the topic.

There's a lot of work to be done here.

STATE OF TEXAS)
COUNTY OF TRAVIS)

I, WILLIAM M. FREDERICKS, CSR No. 2392, do hereby certify that there came before me on April 4, 2018, at 11:04 o'clock a.m., in the offices of Nix Patterson & Roach, 3600 North Capital of Texas Highway, Suite 350B, Austin, Texas, the foregoing proceedings, said proceedings transcribed by computer-assisted transcription by me or under my supervision, and that the transcript is a true record of the proceedings had.

I further certify that I am neither attorney nor counsel for, nor related to or employed by, any of the parties to the action in which these proceedings were had and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, or financially interested in the action.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal on this 5th day of April 2018.

William M. Fredericks, CSR No. 2392
Expiration Date: 12/31/2019

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. (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

TRANSCRIPT OF PROCEEDINGS
HAD ON MARCH 9, 2018
AT THE CLEVELAND COUNTY COURTHOUSE
BEFORE THE HONORABLE WILLIAM C. HETHERINGTON, JR.
RETIRED ACTIVE JUDGE and DISCOVERY MASTER

REPORTED BY: ANGELA THAGARD, CSR, RPR

addictive.

They started a fraudulent marketing campaign in '96, and they began to tell doctors that they were not addictive. And the rest is history. We have the graphs that show sales go up, but so do deaths and overdoses. And that's how this epidemic started. It took us 20-something years to get in it. It's probably going to take 50 years to get out of it.

Now, the media's not here today. I'm a little bit surprised. But I predict if they get to hide documents in a blanket protective order, we'll see all kinds of newspapers entering appearances in this case. The public does have a right to go on Pacer. They do have a right to see the very documents they're turning over.

And from the media attention that everybody knows about, we know exactly what they're going to do. They're going to be wanting to watch this lawsuit proceed. This is not a lawsuit by one injured person or one person that died. The State of Oklahoma is totally innocent here. They had to pay for picking up the pieces for the epidemic they caused. The taxpayers, especially in this time of budgetary crisis, they have a right to watch this litigation proceed.

Now, the defense has a right to keep trade secrets protected, but that's exactly what I predict they're going to do. They're trying to hide this from the public, and they should not be allowed to do it. Much of the authority he cites

Potential Receivership Hearing Exhibits

1. Participation Agreements
    a. Eight East
    b. Golden Lane
    c. Paden
    d. Southern Dome
    e. Luther Cleveland
2. April 8, 2014 letter from Michael Ledbetter (NDL landman) to Waveland re notice of default for Foxworthy 1-13H
3. February 29, 2016 email from Fred to Waveland re payment of amounts due to Scissortail
4. October 27, 2016 NDL proposal and AFE for rework of the Buckingham #1-30C
5. November 28, 2016 Waveland election on the Buckingham #1-30C rework proposal
6. October 11, 2017 NDL Motion for Temporary Injunction filed in Tulsa County
7. October 23, 2017 letter from Jayne to Steve re Waveland audit of NDL
8. October 24, 2017 letter from Steve to Jayne re Waveland audit of NDL
9. November 6, 2017 NDL proposal for rod lift conversion on the Luevano #2-31HC
10. November 28, 2017 letter from Jayne to Fred re proposed rod lift conversion on the Buckingham #1-30C
11. December 4, 2017 letter from Fred to Jayne responding to her November 28, 2017 letter
12. December 6, 2017 letter from Jayne to Fred re proposed rod lift conversion on the Luevano #2-31HC
13. January 8, 2018 email from Johnny Nguyen of Waveland re NDL revoking outside access to its PRS system
14. January 17, 2018 Order from Judge Cantrell denying NDL's Motion for Temporary Injunction
15. Monthly reports provided by NDL to Waveland (for January 2018 production)
    a. DCP Midstream Percent of Proceeds Statements (dated March 7, 2018)

b. DCP Export spreadsheet

c. Sunoco Partners run statements (dated 2/13/2018)

d. Scissortail Energy Percent of Proceeds Statements

e. SXL Ticket Detail Monthly Report spreadsheet

f. NDL Statements spreadsheet

g. Southern Dome Percent of Proceeds Statement

16. February 28, 2018 NDL Joint Owner Statement and Invoices

17. March 7, 2018 NDL proposal for rod lift conversion on the Breedlove #1-21H

18. March 7, 2018 NDL proposal for rod lift conversion on the Romberg #1-15H

19. March 7, 2018 NDL proposal for rod lift conversion on the Underwood #1-9H

20. March 7, 2018 NDL proposal for rod lift conversion on the Dyer #1-13H

21. April 2, 2018 Affidavit of Fred Buxton (in support of NDL Motion to Strike and Response to Waveland's Motion for Receiver)

22. April 10, 2018 Waveland Notice of Desire to Sell – Luther Cleveland Project Area

23. April 10, 2018 Waveland Notice of Desire to Sell – Eight East Project Area

24. April 10, 2018 Waveland Notice of Desire to Sell – Golden Lane Project Area

25. April 10, 2018 Waveland Notice of Desire to Sell – Southern Dome Project Area