



IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

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

MAY 04 2018

In the office of the
Court Clerk MARILYN WILLIAMS

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

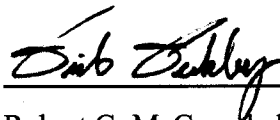
William C. Hetherington
Special Discovery Master

**DEFENDANTS CEPHALON, INC. AND TEVA PHARMACEUTICALS USA, INC.'S
RESPONSE TO PLAINTIFF'S THIRD MOTION TO COMPEL DISCOVERY**

Plaintiff the State of Oklahoma (“Plaintiff”) filed a motion to compel Defendants Cephalon, Inc. (“Cephalon”) and Teva Pharmaceuticals USA, Inc., (“Teva”) (collectively, the “Teva Defendants”) to produce discovery related to their generic opioids, including “unbranded” marketing materials. As an initial matter, the Teva Defendants have already agreed to produce, and are in the process of producing “unbranded” marketing materials in response to Plaintiff’s requests.¹ Plaintiff’s motion on that issue is therefore moot. With regard to discovery related to “generic” opioids, the Teva Defendants agree to produce documents and information in their possession, custody, or control responsive to Plaintiff’s discovery requests that can be located through a reasonable search. By agreeing to produce such documents and information, the Teva Defendants do not waive their objections to Plaintiff’s discovery requests, including that such discovery is not relevant to the claims at issue in this proceeding.

Accordingly, Plaintiff’s motion to compel should be denied in its entirety as moot.

Dated: May 4, 2018



Robert G. McCampbell, OBA No. 10390
Nicholas (“Nick”) V. Merkley, OBA No. 20284
Ashley E. Quinn, OBA No. 33251
GABLEGOTWALS
One Leadership Square, 15th Fl.
211 North Robinson
Oklahoma City, OK 73102-7255
T: +1.405.235.3314
E-mail: RMcCampbell@Gablelaw.com
E-mail: NMerkley@Gablelaw.com
E-mail: AQuinn@Gablelaw.com

¹ To be clear, “unbranded” and “generic” are not synonymous. “Unbranded” in this context refers to materials that do not reference a specific product by name. “Generic,” by contrast, refers to products that the FDA has approved to be sold as substitutes for particular branded products as to which they are bioequivalent. Generic opioids are not promoted.

OF COUNSEL:

Steven A. Reed
Harvey Bartle IV
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103-2921
T: +1.215.963.5000
E-mail: steven.reed@morganlewis.com
E-mail: harvey.bartle@morganlewis.com

Brian M. Ercole
MORGAN, LEWIS & BOCKIUS LLP
200 S. Biscayne Blvd., Suite 5300
Miami, FL 33131
T: +1.305.415.3416
E-mail: brian.ercole@morganlewis.com

*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 this 4th day of May 2018

to:

***Attorneys for
Plaintiff***

Mike Hunter, Attorney General
Abby Dillsaver, General Counsel
Ethan Shaner, Dep. Gen. Counsel
**ATTORNEY GENERAL'S
OFFICE**
313 N.E. 21st Street
Oklahoma City, OK 73105

Michael Burrage
Reggie Whitten
WHITTEN BURRAGE
512 N. Broadway Ave., Suite 300
Oklahoma City, OK 73102

Bradley E. Beckworth
Jeffrey J. Angelovich
Lloyd N. Duck
Lisa Baldwin
NIX, PATTERSON & ROACH
512 N. Broadway Ave., Suite 200
Oklahoma City, OK 73102

Andrew G. Pate
NIX PATTERSON & ROACH
3600 N. Capital of Texas Hwy.
Suite 350
Austin, TX 78746

Glenn Coffee
**GLENN COFFEE &
ASSOCIATES**
915 N. Robinson Ave.
Oklahoma City, OK 73102

*Attorneys for
Purdue Pharma,
LP,
Purdue Pharma,
Inc. and The
Purdue Frederick
Company*

Patrick Joseph Fitzgerald
R. Ryan Stoll
**SKADDEN ARPS SLATE
MEAGHER & FLOM**
155 N. Wacker Drive
Suite 2700
Chicago, IL 60606

Sheila L. Birnbaum
Mark S. Cheffo
Hayden Adam Coleman
**QUINN EMANUEL
URQUHART & SULLIVAN**
51 Madison Avenue, 22nd Floor
New York, NY 10010

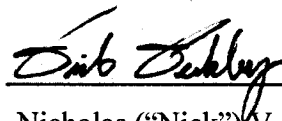
Sandy Coats
Cullen Sweeney
CROWE & DUNLEVY
324 N. Robinson Ave., Suite 100
Oklahoma City, OK 73102

*Attorneys for
Johnson &
Johnson, Janssen
Pharmaceutica,
Inc., N/K/A
Janssen
Pharmaceuticals,
Inc., and Ortho-
McNeil-Janssen
Pharmaceuticals,
Inc. N/K/A Janssen
Pharmaceuticals,
Inc.*

John Sparks
Ben Odom
ODOM SPARKS & JONES
2500 McGee Drive, Suite 140
Norman, OK 73072

Charles C. Lifland
Jennifer D. Cardelus
O'MELVENY & MEYERS
400 S. Hope Street, 18th Floor
Los Angeles, CA 90071

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



Nicholas ("Nick") V. Merkley