



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 } S.S.
CLEVELAND COUNTY }
FILED

AUG 20 2018

In the office of the
Court Clerk MARILYN WILLIAMS

**THE STATE'S EMERGENCY MOTION TO SHOW CAUSE FOR PURDUE'S
INTENTIONAL DISREGARD OF TWO COURT ORDERS AND FAILURE TO
PROVIDE WITNESS AS ORDERED BY THE COURT**

Purdue is in blatant violation of multiple Court Orders, including Judge Balkman's August 10, 2018 order requiring Purdue to provide witnesses for all depositions noticed before August 30. On August 10, 2018, Judge Balkman ruled, from the Bench, and ordered that all depositions that were previously noticed, argued and ruled upon by Judge Hetherington must take place as noticed on or before August 30, 2018. Purdue has informed the State, in writing, that it will not comply

with the Court's Order.

Purdue's violation of the Order is not just a violation of Judge Balkman's August 10th Order. Purdue's refusal to provide a witness also is in direct violation of Judge Hetherington's prior discovery order in which he GRANTED the State's Motion to Compel this deposition. And incredulously, less than one month from its failed removal effort, Purdue also claims the State must coordinate these depositions the Court ordered to occur *by August 30th* with the parties in the MDL in September.

Purdue has a specific intent to defy the Court. First, Purdue knows this deposition is highly material and it is devastating. The admissions Purdue made in the *New York Times* ad will go to the heart of this case. If a witness testifies truthfully, she will have to admit that the admissions contained in this ad tie directly to creation of the nuisance, causation, damages, punitive damages and Purdue's responsibility for abating the nuisance. It may not seem like such a short ad carries so much importance. But, because Purdue publicly and openly embraced the Report of the President's Commission on Combating Substance Abuse and the Opioid Crisis and the recommendations of the Center for Disease Control, the probative value of this deposition may be as high as the admissions of criminal misbranding contained in the Guilty Pleas signed by Purdue, its CEO, Chief Medical Officer and its Chief Legal Officer.

Even worse, Purdue is delaying this deposition to attempt to avoid this trial. Purdue first hoped it could avoid a trial here by cramming a cheap and insufficient settlement down the State's throat in the MDL. But that did not work. The MDL settlement process is stuck in glue and the first trial in the MDL has been moved back to at least September 2019—4 months after this case—and it will be moved back again. So Purdue tried to force the State to actually go to the MDL with a fraudulent removal. That did not work. And now, facing a trial, Purdue is trying to buy time so

it can move assets and employees overseas, recreate the Opioid Plague overseas with its company Mundipharma, and either file bankruptcy or leave an empty shell here in the United States for all of the victims of its corporate greed. That is precisely why Purdue hired a new chairman of its Board of Directors, Stephen Miller, who is a specialist in corporate restructuring and restructuring lawyers at David Polk & Wardell.¹

Purdue's pattern is pretty clear. It is a bad company. And it is a company that has shown complete disrespect for this Court. Purdue lost a major motion to compel to produce documents. But it has not produced them. Purdue lost a motion to compel this deposition. But it will not produce a witness. Purdue does not want to be here. It will stop at nothing to avoid being here. And, even if the Court orders Purdue to do something—even when it does so twice—Purdue does not care. Even worse, Purdue, not this Court, is in control of the docket. It does not matter if this Court sets a trial date for May 2019 or May 2029. If the Court does not enforce the rules, its Scheduling Order, and the scheduling of depositions thereunder, then the rules and the Scheduling Order are meaningless. Which is exactly what Purdue wants. Such open and blatant disregard for this Court and the judicial process simply cannot be tolerated. Not in this case. Not in any case.

The State must be permitted to immediately proceed with the depositions as noticed for August 30th. Trial is just 9 months away. As such, the State respectfully requests the Court compel Purdue to sit for these depositions and order that Purdue:

- (1) Appear at the Cleveland County Courthouse on August 30 for the two depositions noticed by the State on that date;
- (2) Show cause as to why it should not be held in contempt for violating two Court orders regarding these same depositions; and

¹ <https://www.cnn.com/2018/08/17/oxycontin-maker-purdue-taps-financial-restructuring-adviser.html>. New Chairman Stephen Miller has a track record cheating Oklahoman citizens out of money that is rightfully theirs—he took Delphi into bankruptcy in the late 2000's leaving the Oklahoma Law Enforcement Retirement System and Oklahoma Teachers Retirement System holding the empty bag. And that is exactly what he will try to do again here.

(3) Failing to show cause, should have its defenses stricken for repeated discovery abuse.

BACKGROUND

The State has tried to depose Purdue regarding two topics for more than four months: (1) the full-page ad Purdue published in the *New York Times* (the “*New York Times Ad*” deposition); and (2) Purdue’s efforts to abate the opioid addiction epidemic (the “*Abatement*” deposition). *See* Exhibits A & B. Purdue has done everything it can to delay and avoid these depositions. Purdue’s efforts to avoid these depositions are detailed below:

- The State first noticed these depositions on April 2, 2018, for the depositions to occur on April 10th and 11th—Purdue refused to appear (*See* Plaintiff’s Second Motion to Compel Discovery, April 5, 2018).
- On April 25, 2018, the Court granted the State’s motion to compel the *New York Times Ad* deposition (*See* Orders of Special Discovery Master on April 19, 2018 Motion Requests at 4).
- Purdue moved to quash the *Abatement* deposition. Judge Hetherington ruled that the deposition could go forward in a narrow capacity than the State originally noticed it, so, on May 4, 2018, the State re-noticed the deposition as ordered by Judge Hetherington for the deposition to occur on May 31st.
- Purdue initially agreed to appear for the *New York Times Ad* deposition on May 10th. Purdue then asked to reschedule the deposition. The State agreed (Exhibit C at 3).
- The State requested the deposition occur on other dates previously offered—Purdue refused, said “schedules have filled up,” and tried to delay further (Exhibit C at 2).
- On May 4, 2018, the State re-noticed the *New York Times Ad* deposition for May 23rd—Purdue refused to provide a witness (Exhibit C at 1; Exhibit D).
- Purdue eventually offered to sit for the *New York Times Ad* deposition and the *Abatement* deposition on June 15th. The State agreed, and spent considerable time preparing for this deposition.
- Purdue then removed the case two days before the depositions (*See* Exhibits E-G).
- On August 6, 2018, immediately after Remand, the State re-noticed both depositions to take place on August 30th (*See* Exhibits A-B).
- Purdue never responded in any way and it did not file a Motion to Quash.

- During the hearing on August 10, 2018, the Court ordered: “Those depositions that were noticed before the removal that went through the process where you all presented arguments and that Judge Hetherington ruled on, I’m going to decide that those are not void, that they should proceed; that *all those before August 30th should go ahead. I’m going to instruct the parties to move forward with those.*” (emphasis added) (Exhibit H at 55:12-20).
- The Court further confirmed: “*Those that were previously noticed and argued and ruled upon by Judge Hetherington and that will take place between now and August 30th, go ahead and do those.*” (*Id.* at 57:21-23) (emphasis added).
- *Purdue did not object, comment or complain in any way about the Court’s Order. To the contrary, Purdue said nothing. Silence is a waiver and, thus, Purdue waived any challenge to the Court’s Order.*
- Under the Court’s standing discovery orders, even if Purdue could still move to quash either deposition again, it had to file such a motion by Friday, August 17, 2018. It did not file a motion. Thus, while any repeated motion to quash would have been dubious, Purdue’s failure to file it constitutes a waiver of any challenge to the date, time or location of these two depositions.
- On August 13, 2018, the State requested confirmation that Purdue would appear for the depositions and offered suggestions for how to work around the new hearing now set for August 30th—Purdue did not respond (Exhibit I).
- The State then contacted Judge Hetherington, and copied Counsel for Purdue, to request the ability to take these depositions at the Cleveland County Courthouse. Judge Hetherington responded and provided the necessary information for these depositions. Purdue did not respond, object or complain (Exhibit L).
- On Saturday, August 18, 2018, the State again contacted Purdue regarding these depositions, proposing a solution to depose the witness at or near the Courthouse in light of the August 30th hearing (Exhibit J at 2).
- Purdue finally responded and claimed (1) the witness would not be available until the third week of September (building in another month of delay), and (2) the State must coordinate with the MDL and all of the other litigants against Purdue (including those in the MDL and those not in the MDL) to cross notice this deposition so that everyone in the country could participate at one time (*Id.* at 1).

Purdue’s express refusal to present a witness for these depositions violated two Court orders—Judge Hetherington’s, April 25, 2018 Order granting Plaintiff’s motion to compel the *New York Times Ad* deposition and the Court’s August 10, 2018 Order from the Bench ordering the

New York Times Ad and Abatement depositions to occur by August 30th. Moreover, despite its failed removal attempt, Purdue continues to try to force the State and the Court into the MDL procedure even though it lost a Motion to Remand and this Court has repeatedly said that it will not tie this case in any way to the MDL process.

ARGUMENT AND AUTHORITIES

A. The Court Should Immediately Compel Purdue to Sit for the Depositions Noticed for August 30th

As detailed above, the depositions at issue were previously noticed, argued and ruled upon by Judge Hetherington. On August 6, 2018, the State re-served notices of these depositions to occur on August 30, 2018, thereby providing Purdue twenty-four days' notice of the depositions.² During the August 10th hearing, the Court ordered these depositions to occur as noticed on or before August 30th:

[A]ll those before August 30th should go ahead. I'm going to instruct the parties to move forward with those... Those that were previously noticed and argued and ruled upon by Judge Hetherington and that will take place between now and August 30th, go ahead and do those[.]

Exhibit H at 55:12-20; 57:21-23. At no time did Purdue object. Moreover, Purdue did not respond to the State's multiple emails regarding these depositions until August 18th. And, Purdue failed to move to quash the deposition notices within the deadline for the upcoming August 30th or 31st hearings.

Yet, in complete disregard of the Court's and Judge Hetherington's orders, Purdue has unilaterally informed the State that it will not present a witness for these depositions until the third week of September. Purdue also unilaterally demanded the State coordinate these depositions with the parties in the MDL. Thus, despite failing in its efforts to have this case transferred to the MDL,

² See 12 O.S. §3230(C)(1) ("The notice shall be served in order to allow the adverse party sufficient time, by the usual route of travel, to attend, and three (3) days for preparation, exclusive of the day of service of the notice.").

and after this Court has repeatedly refused to tie discovery in this case to the MDL, Purdue continues to try to strong arm the Court into the MDL.

Purdue's continued defiance of this Court's orders, and lack of respect for this Court's jurisdiction cannot be tolerated.

As such, the State respectfully requests the Court order Purdue to sit for these two depositions at the Cleveland County Courthouse on August 30th, to be continued on August 31st as needed to work around the Court's hearing schedule.

B. The Court Should Sanction Purdue By Striking Its Defenses

Purdue is playing by its own set of rules—not the Rules of Oklahoma or the Court. Purdue's recidivist abuse of Oklahoma procedure confirms it has no intention of doing so. The Oklahoma Rules, however, provide a remedy—Courts may remove a party's right to assert defenses. 12 O.S. §3237(B). "If a party...fails to obey an order to provide or permit discovery...the court in which the action is pending may make such orders in regard to the failure as are just. Such orders may include...an order refusing to allow the disobedient party to support or oppose designated claims or defenses...[or] an order striking out pleadings or parts thereof[.]" *Id.* at §3237(B)(2)(b-c). Such action is appropriate here.

Purdue's willful disregard of the Court's and Judge Hetherington's orders and repeated improper efforts to force the State's action into an inapplicable MDL process warrant "death penalty" sanctions. The Oklahoma Supreme Court provides five factors on which Courts rely to determine appropriate sanctions for discovery abuse: (1) the quantum of prejudice noncompliance has caused the adversary (or moving) party; (2) the extent of interference with the judicial process; (3) culpability of the litigant; (4) whether the court warned the party in advance that noncompliance could lead to dismissal or default judgment, and (5) the efficacy of lesser sanctions.

Payne v. Dewitt, 1999 OK 93 ¶8, 995 P.2d 1088, 1092-93. Further, the Court held that “fault, willfulness, or bad faith” should be considered in determining an appropriate sanction. *Id.* A certain quantum of proof is not required for each factor “so long as the trial court considers each of the factors and evidence of fault, willfulness, or bad faith is present.” *Hicks v. Cent. Okla. United Methodist Ret. Facility, Inc.*, 2017 OK CIV APP 23, ¶9. In *Payne*, the Oklahoma Supreme Court affirmed a default judgment where the defendant refused to appear at multiple noticed depositions and court-ordered depositions over a five-month period. *Id.* at ¶10; *see also Hicks*, 2017 OK CIV APP 23, ¶9. Notably, here the State is not currently requesting true “death penalty” sanctions, though continued defiance of court orders and discovery abuse may necessitate such relief. Instead, the State requests the Court strike Purdue’s defenses. While striking defenses is a severe sanction, it is not the most severe. And, serious misconduct warrants severe sanctions.

Here, Purdue’s conduct satisfies the *Payne* factors warranting severe sanctions.

First, the State is severely prejudiced by its inability to take even the most basic of depositions. Over four months have passed since the State first noticed these depositions, and they still have not occurred. To avoid these depositions, Purdue has used motions to quash, scheduling protestations, a faulty removal notice and now open disregard for the rulings of the Discovery Master and the Court. Further, 10 Oklahomans die from the opioid addiction epidemic each week. Thus, during the four months Purdue has delayed a single deposition from going forward, as many as 160 Oklahomans may have died from opioid overdose. The State is undoubtedly harmed and prejudiced by Purdue’s misconduct. As such, the first factor is satisfied.

Second, Purdue is heavily interfering with the judicial process. Purdue fraudulently removed this case to federal court without a single legitimate basis for doing so, continues to impose the MDL processes and procedures on the State and the Court, and openly violates the

Court's and the Discovery Master's orders. Purdue has thus interfered with the proper jurisdiction of the Court, the Oklahoma Discovery Code and the Court's and the Discovery Master's authority over this action. The second factor is satisfied.

Third, Purdue is undoubtedly culpable for its conduct. Purdue chose to (1) refuse to present a witness for the *New York Times* Ad deposition until compelled to do so; (2) repeatedly reschedule the depositions; (3) improperly remove the case to avoid testifying on these topics; (4) flagrantly disregard the Court's and Judge Hetherington's orders ordering the depositions to go forward; and (5) claim at the 11th hour that, once again, these depositions should not proceed as noticed and should be coordinated with the MDL. Thus, the third factor is met.

Fourth, the State is not yet requesting true death penalty sanctions. As such, this factor does not weigh against imposing the less severe sanctions that the State requests. Further, as *Hicks* makes clear, the Court need only consider each factor. Evidence of each factor is not required.

Fifth, lesser sanctions are insufficient. Purdue pled guilty to fraudulently misbranding deadly narcotics—a felony. Then, it continued its fraudulent misbranding campaign, creating the worst public health crisis in the country's history. Now, after causing a devastating opioid addiction epidemic in the United States, it is taking its misbranding campaign overseas. See Exhibit K. Purdue's decades long criminal enterprise carried out at the expense of hundreds of thousands of peoples' lives to fill the Sackler family's coffers demonstrates the utter disregard Purdue has for the rule of law. And, Purdue's misconduct in this case demonstrates its complete lack of respect for the Court, the Discovery Master, and their Rules of Procedure. Lesser sanctions will not be effective against a company with Purdue's track record. As such, the fifth factor is satisfied.

Finally, as demonstrated herein, there is no doubt that Purdue's conduct is willful and in

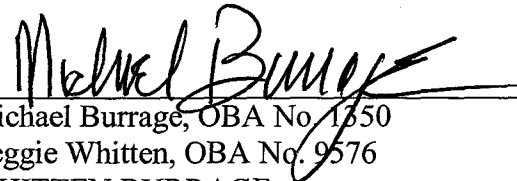
bad faith.

Moreover, even if the Court found Section 3237 did not provide the appropriate sanction, “[a] trial court has inherent authority to impose sanctions...for abusive litigation practices or for abuse of judicial process[.]” *Hicks*, 2017 OK CIV APP 23, ¶22 (quoting *Barnett*, 2008 OK 100, ¶14, 197 P.3d 12). Purdue’s defiance of two court orders, its relentless efforts to force this case into the MDL, and its outright disregard of the discovery process constitute abusive litigation practices. The State respectfully requests the Court strike Purdue’s defenses as a sanction for its conduct.

CONCLUSION

These depositions have been briefed, argued and ruled on by Judge Hetherington and the Court. Both Judge Hetherington and the Court ordered them to go forward. The Court ordered the depositions to be completed by August 30th. Purdue is flouting the authority of the Court and the Discovery Master by refusing to comply with these orders. The Court should compel Purdue to sit for these depositions on August 30th. Moreover, Purdue’s misconduct should not go unpunished. Purdue’s abusive litigation tactics warrant severe sanctions. The State requests the Court strike Purdue’s defenses as a sanction for its misconduct.

Respectfully submitted,



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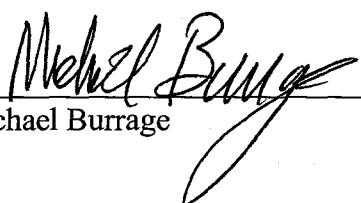
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Michael Burrage

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.;)
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- (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

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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:

DATE	TIME	LOCATION
August 30, 2018	9:00 a.m.	511 Couch Drive Suite 100 Oklahoma City, Oklahoma 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 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: August 6, 2018

/s/ Michael Burrage

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1625 Eye Street NW
Washington, DC 20006

/s/ Michael Burrage

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.

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
Dechert LLP
Three Bryant Park
New York, New York 10036

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:

DATE	TIME	LOCATION
August 30, 2018	9:00 a.m.	511 Couch Drive Suite 100 Oklahoma City, Oklahoma 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 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: August 6, 2018

/s/ Michael Burrage

Michael Burrage, OBA No. 1350

Reggie Whitten, OBA No. 9576

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing was emailed on August 6, 2018 to:

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Washington, DC 20006

/s/ Michael Burrage
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 and efforts previously taken, currently under way, and actions planned and expected to take place in the future which seek to address, fight or abate the opioid crisis.

EXHIBIT C

Subject: Re: Reschedule Depos
Date: Friday, May 4, 2018 at 8:45:15 AM Central Daylight Time
From: Brad Beckworth
To: Sanford C. Coats
CC: Drew Pate, Trey Duck, mburrage@whittenburrage.com, rwhitten@whittenburrage.com
Attachments: image001.png

Sandy, you asked that we move those dates and now you say the month has filled up. We have to get ready for trial. We will send an amended notice the NYT depo and a new one on abatement, each on one of the dates I listed. We will notice those for the later dates listed to try accommodate your comments in the email.

Bradley E. Beckworth
Partner
Nix, Patterson & Roach, L.L.P.
bbeckworth@nixlaw.com (e-mail)

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[Austin, Texas 78746](#)
[512-328-5333](tel:512-328-5333)

Daingerfield Address:

[205 Linda Drive](#)
[Daingerfield, Texas 75638](#)
[903-645-7128](tel:903-645-7128)
[903-645-4415](tel:903-645-4415) (fax)
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On May 4, 2018, at 8:36 AM, Sanford C. Coats <sandy.coats@crowedunlevy.com> wrote:

Brad,

Thank you for the email. As of today, the State has sent four (4) 12 O.S. § 3230(c)(5) deposition notices to Purdue requiring testimony on:

1) "All actions available or necessary to address, fight, abate and/or reverse the opioid epidemic."
[I will refer to this as the "abatement deposition."]

2) "The Purdue Defendants' decision to discontinue marketing or promoting opioids to prescribers."

3) "The open letter published by or on behalf of the Purdue Defendants in the New York Times on Thursday, December 15, 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 Open Letter, and the reasons and the Open Letter was written and Published." [I will refer to this as the "NYT deposition."]

4) "The Purdue Defendants' past and present ownership structure; financial status and financial health, including but not limited to information contained in any *pro forma* financial statements, such as gross revenue, liabilities, profits, and cash flow, for the past five years; distributions of any revenue and/or profits to owners in the past five years; and past and present formal and informal policies and procedures related to the distribution of any revenue and/or profits to owners."

Judge Hetherington sustained a motion to quash as to the abatement deposition (No. 1 above). Your email of today seeks dates for the "abatement related" deposition and for the NYT deposition. I will take the latter first.

Purdue is prepared, pursuant to Judge Hetherington's order, to provide a witness on the discrete topic stated in the NYT deposition notice (No. 3 above). Since my discussion with Mr. Whitten, schedules have filled up. But I will work with my client and co-counsel to provide alternate dates to you, likely in late May or early June.

With regard to the "abatement related" deposition you mention, you state that you "intend to renotice that one." Please email me the amended notice topics, and we will determine whether we will provide a witness or witnesses and, if so, work with their schedule(s) to provide some dates.

Please call me if you have questions or concerns.

Sandy

<image001.png> **Sanford C. Coats**
Attorney at Law

Braniff Building
324 N Robinson Ave, Ste 100
Oklahoma City, OK 73102

direct line: 405.235.7790
direct fax: 405.272.5269
sandy.coats@crowedunlevy.com
[v-card](#) · [bio](#) · [website](#)

This message may be protected by the attorney-client privilege and/or other privileges or protections. If you believe that it has been sent to you in error, do not read it. Please reply to the sender that you have received the message in error and then delete it. Thank you.

From: Brad Beckworth [<mailto:bbeckworth@nixlaw.com>]
Sent: Thursday, May 03, 2018 2:12 PM
To: Sanford C. Coats
Cc: Drew Pate; Trey Duck; mburrage@whittenburrage.com; rwhitten@whittenburrage.com
Subject: Reschedule Depos

Sandy,

Following up on some depo dates.

Y'all had agreed to produce witnesses for a couple depositions on May 10 and asked to move those. We also have a ruling on the abatement related depo and intend to renotice that one.

I wanted to check with you to get some dates on these so we can get them scheduled. If you have a preference, let us know. Otherwise we will notice them on one of these dates. These will be in OKC.

Here is what we have:

Depo regarding the Purdue NYT Ad:

We are available May 15, 16, 17 (could start after the hearing) 21, 22, or 23.

Depo Re Abatement:

May 14, 15, 21, 22, 28 (Memorial Day), 29, 30 and 31.

Bradley E. Beckworth
Partner
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bbeckworth@nixlaw.com (e-mail)

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which is protected by the attorney-client privilege or the attorney-work product privilege. If you have received this message in error, do not copy, review or re-transmit the message. Please reply to the sender (only) by e-mail or otherwise and delete the message. Unauthorized interception of this e-mail is a violation of federal criminal laws.

EXHIBIT D

**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;)
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- (8) ORTHO-MCNEIL-JANSSEN)
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JANSSEN PHARMACEUTICALS;)
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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
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Paul LaFata
Hayden A. Coleman
QUINN EMANUEL URQUHART
51 Madison Avenue, 22nd Floor
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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:

DATE	TIME	LOCATION
May 23, 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 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: May 4, 2018

/s/ Michael Burrage

Michael Burrage, OBA No. 1350

Reggie Whitten, OBA No. 9576

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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 May 4, 2018 to:

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/s/ Michael Burrage
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.

EXHIBIT E

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

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

Plaintiff,)

vs.)

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- (12) ACTAVIS LLC; and)
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f/k/a WATSON PHARMA, INC.,)

Defendants.)

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

**Special Master:
William Hetherington**

**AMENDED 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

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COUNSEL FOR THE PURDUE DEFENDANTS

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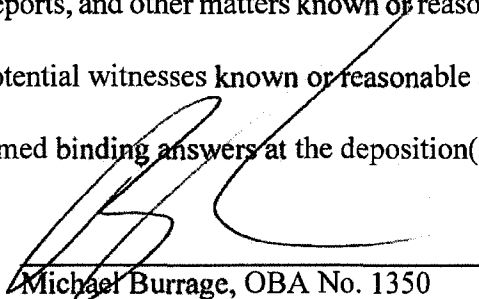
The oral and video deposition(s) will occur as follows:

DATE	TIME	LOCATION
June 15, 2018	8:00 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 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: May 21, 2018



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Bradley E. Beckworth

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.

EXHIBIT F

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
Cullen D. Sweeney
Jashua D. Burns
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:

DATE	TIME	LOCATION
June 15, 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.

Dated: May 29, 2018

/s/ Michael Burrage

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

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing was emailed on May 29, 2018 to:

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Miami, FL 33131

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Oklahoma City, OK 73072

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

/s/ Michael Burrage
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 and efforts previously taken, currently under way, and actions planned and expected to take place in the future which seek to address, fight or abate the opioid crisis.

EXHIBIT G



Sanford C. Coats
Direct Tel: (405) 235-7790
Direct Fax: (405) 272-5269

sandy.coats@crowedunlevy.com

June 13, 2018

VIA E-MAIL TO JAMI.WELBOURNE@OSCN.NET

Honorable Thad Balkman, District Judge
Cleveland County Courthouse
200 S. Peters
Norman, OK 73069

Re: State of Oklahoma, ex rel., Mike Hunter, Attorney General of Oklahoma v. Purdue Pharma, L.P., et al.; District Court of Cleveland County, Oklahoma, Case No. CJ-2017-816

Your Honor:

Today, the referenced matter was removed from the District Court of Cleveland County, Oklahoma to the United States District Court for Western District of Oklahoma pursuant to 28 U.S.C. §§ 1331, 1441 and 1446. The case was removed on federal question grounds and, under our analysis of the federal removal statutes, this action had to be taken within 30 days of receiving the plaintiff's interrogatory responses which were received on or about May 21, 2018. *See* 28 U.S.C. § 1446(b)(3). We, of course, will be filing a notice of removal in Case No. CJ-2017-816 as soon as is practicable, but I wanted to notify Your Honor and the other interested parties of the removal immediately.

Sincerely,

Sanford C. Coats
For the Firm

SCC:sg

A PROFESSIONAL CORPORATION

OKLAHOMA CITY • Braniff Building • 324 N. Robinson Ave., Ste. 100 • Oklahoma City, OK 73102 • T: 405.235.7700 • F: 405.239.6651
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crowedunlevy.com

Honorable Thad Balkman
June 13, 2018
Page 2

cc: Hon. William Hetherington (via email to: hethlaw@cox.net)
Hon. Layn Phillips (via email to: LPhillips@phillipsadr.com)

All Counsel of Record in *State of Oklahoma, ex rel., Mike Hunter, Attorney General of Oklahoma v. Purdue Pharma L.P., et al.*, Cleveland County, Oklahoma Case No. CJ-2017-816 (via email).

EXHIBIT H

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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

- (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.)

TRANSCRIPT OF PROCEEDINGS
HAD ON AUGUST 10, 2018
AT THE CLEVELAND COUNTY COURTHOUSE
BEFORE THE HONORABLE THAD BALKMAN
DISTRICT JUDGE
AND WILLIAM C. HETHERINGTON, JR.
RETIRED ACTIVE JUDGE AND SPECIAL DISCOVERY MASTER

REPORTED BY: ANGELA THAGARD, CSR, RPR

1 **APPEARANCES:**
2 **ON BEHALF OF THE PLAINTIFF:**

3 MR. MICHAEL BURRAGE
4 MR. REGGIE WHITTEN
5 MS. BROOKE HAMILTON
6 ATTORNEYS AT LAW
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8 OKLAHOMA CITY, OK 73102

9 MS. ABBY DILLSAVER
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13 OKLAHOMA CITY, OK 73105

14 MR. BRADLEY BECKWORTH
15 MR. TREY DUCK
16 MR. ANDREW G. PATE
17 MR. ROSS LEONOUKAKIS
18 ATTORNEYS AT LAW
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1 **ON BEHALF OF ORTHO McNEIL JANSSEN PHARMACEUTICALS, INC.;**
2 **JANSSEN PHARMACEUTICA, INC.; JANSSEN PHARMACEUTICALS, INC.; AND**
3 **JOHNSON & JOHNSON:**

3 MR. JOHN SPARKS
4 MR. BENJAMIN H. ODOM
5 ATTORNEYS AT LAW
6 HIPOINT OFFICE BUILDING
7 2500 MCGEE DRIVE, SUITE 140
8 NORMAN, OK 73072

9 MR. STEPHEN D. BRODY (VIA TELEPHONE)
10 ATTORNEY AT LAW
11 1625 EYE STREET, NORTHWEST
12 WASHINGTON, D.C., 20006

13 **ON BEHALF OF PURDUE FREDERICK COMPANY; PURDUE PHARMA, INC.; AND**
14 **PURDUE PHARMA LP:**

15 MR. SANFORD C. COATS
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18 OKLAHOMA CITY, OK 73102

19 MR. JOSHUA D. BURNS
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22 OKLAHOMA CITY, OK 73102

23 MR. JONATHAN S. TAM
24 ATTORNEY AT LAW
25 50 CALIFORNIA STREET
SAN FRANCISCO, CA 94111

26 **ON BEHALF OF TEVA PHARMACEUTICALS USA, INC.; CEPHALON, INC.;**
27 **ACTAVIS LLC; ACTAVIS PHARMA, INC.; AND WATSON LABORATORIES,**
28 **INC.:**

29 MR. HARVEY BARTLE, IV
30 ATTORNEY AT LAW
31 1701 MARKET STREET
32 PHILADELPHIA, PA 19103-2921

1 ON BEHALF OF TEVA PHARMACEUTICALS USA, INC.; CEPHALON, INC.;
2 ACTAVIS LLC; ACTAVIS PHARMA, INC.; AND WATSON LABORATORIES,
INC.:

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4 ATTORNEY AT LAW
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P R O C E E D I N G S1
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THE COURT: Good morning. I understand we have some that will join us by telephone. We're going to conference in those. I have an e-mail that Kim Jones sent from Odom Sparks. Is everybody that wants to be here that's not here going to connect through this number?

MR. SPARKS: It's my understanding.

THE COURT: Okay. We'll use this phone because I think it'll be easier for Angie to hear.

(Brief pause.)

THE COURT: Good morning. This is Judge Thad Balkman in Cleveland County. Is anybody else on the call?

MR. BRODY: Hi. Good morning, Judge Balkman. This is Steve Brody.

THE COURT: Okay. Good morning, Mr. Brody.

MR. SPARKS: That may be it. I'm not sure.

THE COURT: Okay. If others join the call, I'm sure they can announce themselves.

What I thought I would do, instead of just going around the room like we've done in the past and having people enter appearances, if you have something you would like to say, we'll just ask you at that time to state your name and which party you represent.

I want to welcome everybody here. I know some of you traveled great distances, and I appreciate that. And that's

1 plan it internally.

2 THE COURT: I hate to say this, but as long as you
3 need.

4 MR. ODOM: Okay. Thank you, Judge.

5 THE COURT: You don't have to take me up on it,
6 though.

7 We're going to take a break, just give you a chance to go
8 to the bathroom, whatever you need to do. Let's be back here
9 at 12:20.

10 (A recess was taken, after which the following
11 transpired in open court, all parties present:)

12 THE COURT: All right. Here's what I think we will
13 do. Those depositions that were noticed before the removal
14 that went through the process where you all presented arguments
15 and that Judge Hetherington ruled on, I'm going to decide that
16 those are not void, that they should proceed; that all those
17 before August 30th should go ahead. I'm going to instruct the
18 parties to move forward with those. All others that were
19 pending will be void and will have to be taken up again as if
20 new.

21 Previously, I had stated that I wanted you to come back
22 here on August 30th, and I think we said at 1:00 -- or maybe
23 10:00 or 11:00. I'm going to move that to 1:00 p.m. on the
24 30th, because there's obviously a lot of discovery issues that
25 the parties need to sort through and probably will be

1 influenced by my decision on the bifurcation motion.

2 Judge Hetherington will be available Friday, the 31st, in
3 the morning. So I'm trying to make it easy where you're here
4 the afternoon of the 30th and again the morning of the 31st.
5 And so all discovery matters -- well, any pending motions, but
6 particularly the process that was discussed. I think Judge
7 Burrage and the defendants talked about it and Mr. Coats had
8 talked about they had submitted things prior to the removal.
9 You'll have an opportunity to discuss those and argue those
10 with Judge Hetherington at that time.

11 Just for planning purposes, I want to give you some dates
12 that will be available. Again, you don't have to use them all,
13 but just if you want to have these dates on your calendars in
14 case you need to take up matters related to discovery with
15 Judge Hetherington or with me.

16 September 20th and October 18th, I think I've previously
17 given you those dates, but if not, I am now.

18 Also, November 29th, December 20th, January 17th, February
19 14th. That's Valentine's Day. That's not a good day to be
20 here, but maybe we'll have more love for each other that day.
21 March 14th, April 11th, and I believe there's a status
22 conference May 16th.

23 MR. COATS: So these are before your Honor?

24 THE COURT: Yes. These would be before me, or Judge
25 Hetherington will also be available. But I'm making myself

1 available those days for this case. If we need more, you can
2 always ask. Hopefully, you don't need more, you need less.

3 MR. COATS: At 9:00 or 10:00?

4 THE COURT: Yeah, 9:00. That's fine.

5 All right. Any other announcements or questions by
6 counsel?

7 Yes, Mr. Beckworth?

8 MR. BECKWORTH: Your Honor, just for clarification,
9 Mr. Duck and I were trying to figure out what you said when you
10 said void. So for these depositions, do you mean that there'll
11 be motion practice on them or we need to reissue them or --

12 THE COURT: I think you'll need to reissue them. You
13 will have to reissue those.

14 MR. BECKWORTH: And I want to make sure the Court's
15 aware. We reissued those after the remand order.

16 THE COURT: Okay. So if you've already done that,
17 then I'm not suggesting you have to re -- as long as it was
18 done after the remand.

19 MR. BECKWORTH: Yes, sir, they were. But we will not
20 be having a hearing on those like we requested or --

21 THE COURT: Those that were previously noticed and
22 argued and ruled upon by Judge Hetherington and that will take
23 place between now and August 30th, go ahead and do those.

24 MR. BECKWORTH: And then the ones that we reissued,
25 which were most of the ones on the board, will we be having a

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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

- (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;)
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PHARMACEUTICALS, INC.;)
- (11) WATSON LABORATORIES, INC.;)
- (12) ACTAVIS LLC; AND)
- (13) ACTAVIS PHARMA, INC.,)
f/k/a WATSON PHARMA, INC.,)

Defendants.)

CERTIFICATE OF THE COURT REPORTER

I, Angela Thagard, Certified Shorthand Reporter and
Official Court Reporter for Cleveland County, do hereby certify
that the foregoing transcript in the above-styled case is a

1 true, correct, and complete transcript of my shorthand notes of
2 the proceedings in said cause.

3 I further certify that I am neither related to nor
4 attorney for any interested party nor otherwise interested in
5 the event of said action.

6 Dated this 11th day of August, 2018.

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ANGELA THAGARD, CSR, RPR

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EXHIBIT I

Subject: August 30 depo(s)

Date: Monday, August 13, 2018 at 11:17:50 AM Central Daylight Time

From: Brad Beckworth

To: Sandy Coates

CC: mburrage@whittenburrage.com, Trey Duck, rwhitten@whittenburrage.com, Drew Pate

Sandy, we currently have Purdue set for the abatement and NYT depo on the 30th. You previously said it's the same person for both. I believe we can do those in one six hour session.

We can do this one of the following ways—we can do it the 29th all day; half the 29th and half the morning of the 30th; or all day the 30th with a break during the hearing (in which case we would have to extend the 8-5 time periods by agreement.

Please let us know which of these options you prefer.

Brad

Bradley E. Beckworth
Partner
Nix, Patterson & Roach, L.L.P.
bbeckworth@nixlaw.com (e-mail)

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[512-328-5333](tel:512-328-5333)

Daingerfield Address:

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bbeckworth@nixlaw.com (e-mail)

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EXHIBIT J

Subject: RE: Depos
Date: Saturday, August 18, 2018 at 12:37:47 PM Central Daylight Time
From: Sanford C. Coats
To: Brad Beckworth
CC: mburrage@whittenburrage.com, Trey Duck, Drew Pate, rwhitten@whittenburrage.com
Attachments: image001.gif

Brad,

I apologize for not getting back to you late last week. I was tied up on an emergency TRO matter for another client. Purdue remains committed to offering a witness to testify on the New York Times letter and actions taken to address opioid abuse, misuse, and diversion. We have checked with the witness's schedule and the witness is not available for a deposition until around the third week of September. I will provide exact dates as soon as I can.

Also, because there is overlap among those topics and deposition topics requested by Plaintiffs in the federal MDL, to avoid duplicative depositions, we propose producing the witness to cover the topics in one deposition that will be properly cross-noticed in this case, consistent with Defendants' proposed deposition protocol that is pending before Judge Hetherington and will be addressed at the August 31 conference. As you may know, Purdue, along with other defendants and the plaintiffs in the MDL, are currently working out a protocol for efficient state-federal coordination, including with respect to cross-noticing of depositions, subject to guidance from Special Master Cathy Yanni. We welcome your input on that process.

As always, we are available to discuss. I hope you're having a good weekend.

Best,

Sandy



Sanford C. Coats
Attorney at Law
405.235.7790

This message may be protected by the attorney-client privilege and/or other privileges or protections. If you believe that it has been sent to you in error, do not read it. Please reply to the sender that you have received the message in error and then delete it. Thank you.

From: Brad Beckworth [mailto:bbeckworth@nixlaw.com]
Sent: Saturday, August 18, 2018 9:58 AM
To: Sanford C. Coats
Cc: mburrage@whittenburrage.com; Trey Duck; Drew Pate; rwhitten@whittenburrage.com
Subject: Depos

Sandy, since you did not respond, we will conduct the New York Times deposition on the 30th in Norman. We will most likely use the court house or a building near by and start at 8 am. We will advise on that Monday. Either way, doing it in Norman will give the witness and whoever takes / defends this one the ability to take a quick break for lunch and then allow the lawyers to go deal with the hearing then resume the deposition after that. We can take the abatement deposition the next day or y'all can bring he witness back another time.
Have a good weekend.

Bradley E. Beckworth
Partner
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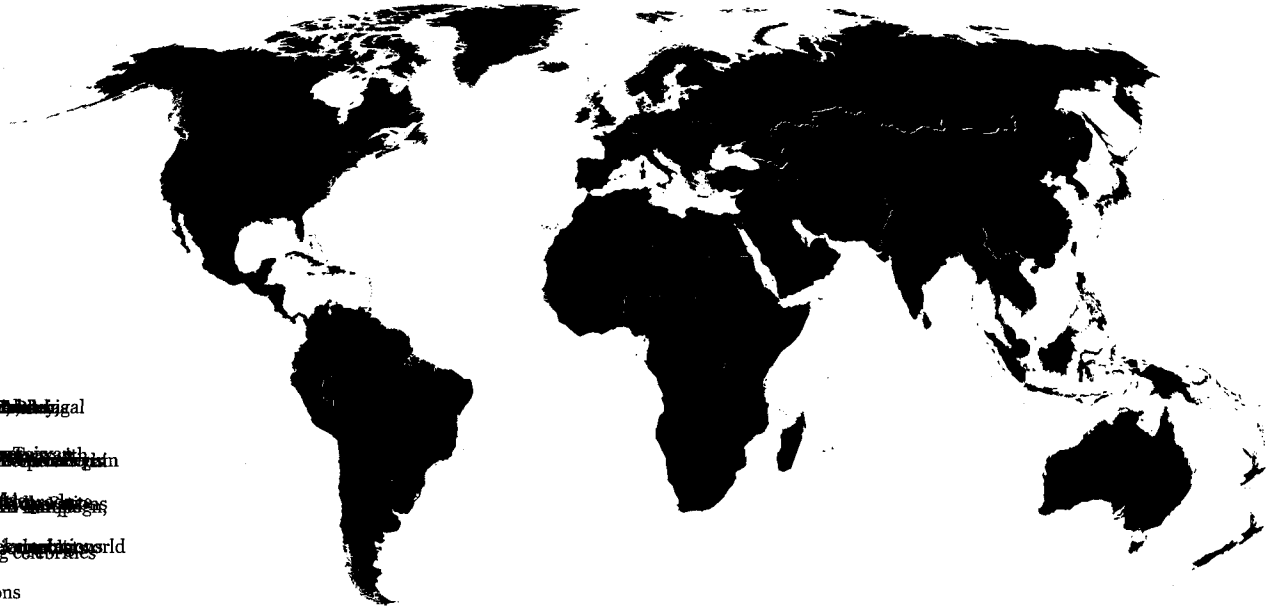
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EXHIBIT K

OxyContin goes global — “We’re only just getting started”

By Harriet Ryan, Lisa Girion and Scott Glover Dec. 18, 2016



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operations

OxyContin is a dying business in America.

With the nation in the grip of an opioid epidemic that has claimed more than 200,000 lives, the U.S. medical establishment is turning away from painkillers. Top health officials are discouraging primary care doctors from prescribing them for chronic pain, saying there is no proof they work long-term and substantial evidence they put patients at risk.

Prescriptions for OxyContin have fallen nearly 40% since 2010, meaning billions in lost revenue for its Connecticut manufacturer, Purdue Pharma.

So the company’s owners, the Sackler family, are pursuing a new strategy: Put the painkiller that set off the U.S. opioid crisis into medicine cabinets around

the world.

A network of international companies owned by the family is moving rapidly into Latin America, Asia, the Middle East, Africa and other regions, and pushing for broad use of painkillers in places ill-prepared to deal with the ravages of opioid abuse and addiction.

Visit the site

Mundipharma China

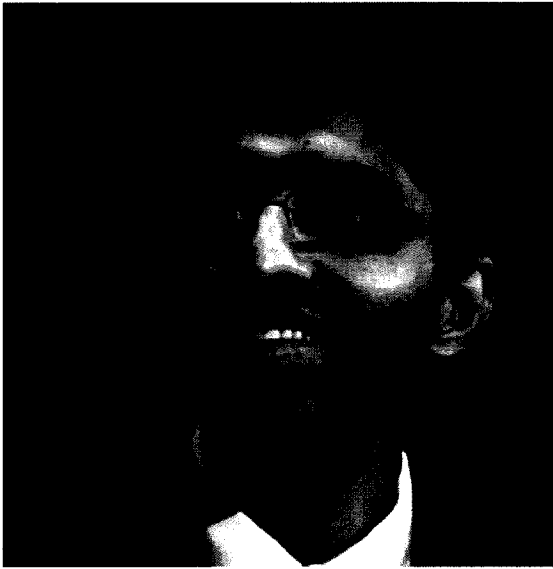
Mundipharma is courting Chinese patients with a campaign encouraging people to take medications as their physicians prescribe.

In this global drive, the companies, known as Mundipharma, are using some of the same controversial marketing practices that made OxyContin a pharmaceutical blockbuster in the U.S.

In Brazil, China and elsewhere, the companies are running training seminars where doctors are urged to overcome “opiophobia” and prescribe painkillers. They are sponsoring public awareness campaigns that encourage people to seek medical treatment for chronic pain. They are even offering patient discounts to make prescription opioids more affordable.

U.S. Surgeon General Vivek H. Murthy said he would advise his peers abroad “to be very careful” with opioid medications and to learn from American “missteps.”

“I would urge them to be very cautious about the marketing of these medications.” — Vivek H. Murthy, U.S. Surgeon General



Surgeon General Vivek H. Murthy has called on U.S. doctors to help end the opioid epidemic. (Charles Dharapak / AP)

“I would urge them to be very cautious about the marketing of these medications,” he said in an interview. “Now, in retrospect, we realize that for many the benefits did not outweigh the risks.”

Former U.S. Food and Drug Administration commissioner David A. Kessler has called the failure to recognize the dangers of painkillers one of the biggest mistakes in modern medicine. Speaking of Mundipharma’s push into foreign markets, he said, “It’s right out of

the playbook of Big Tobacco. As the United States takes steps to limit sales here, the company goes abroad.”

“It’s right out of the playbook of Big Tobacco.” — David A. Kessler, former commissioner of the U.S. Food and Drug Administration



David A. Kessler, a physician, was head of the U.S. Food and Drug Administration from 1990

Some Mundipharma representatives and promotional material have downplayed the risk that patients will become addicted to their opioid medications. Those claims recall the initial marketing of OxyContin in the U.S. in the late 1990s when Purdue deceived doctors about the drug’s addictiveness.

Purdue and three executives pleaded guilty in 2007 to federal charges of misbranding drugs and were ordered to pay \$635

to 1997. (Randi Lynn Beach / Los Angeles Times)

million. The Drug Enforcement Administration said in 2003 that the company’s “aggressive, excessive and inappropriate” marketing “very much exacerbated” abuse and criminal trafficking of OxyContin.

Purdue was a small New York City pharmaceutical firm when brothers Mortimer and Raymond Sackler, both psychiatrists, bought it in 1952. The spectacular success of OxyContin has generated nearly \$35 billion in revenue over the last two decades and made the Sacklers one of the nation’s wealthiest families. Three generations of the family now help oversee Purdue and the Mundipharma associated foreign corporations.

Family members declined to be interviewed for this article, as did executives who run their international companies.

In a statement, Mundipharma International, which is based in Cambridge, England and responsible for European operations, said it was “mindful of the risk of abuse and misuse of opioids” and was “drawing on the experiences and insights of the US in tackling this issue.”

Mundipharma said those efforts include seeking regulatory approval in Europe for a formulation of OxyContin already sold in the U.S. that deters certain forms of abuse and introducing another opioid painkiller, Targin, with similar abuse-deterrent properties.

“Mundipharma is committed to developing prescription medicines for healthcare professionals to treat patients in pain safely and responsibly,” the statement said.

Promotional videos for Mundipharma, which feature smiling people of many ethnicities, suggest the companies regard OxyContin’s U.S. success as merely a beginning.

“We’re only just getting started,” the videos declare.

“Opiophobia” around the globe

Joseph Pergolizzi Jr. is a Florida doctor with an array of business ventures. He runs a pain management clinic and co-founded a drug research company. He invented a non-prescription pain-relieving cream he sells on cable television and he serves as an expert for a mail-order nutritional supplements company. He also talks up opioids to foreign doctors for Mundipharma.

In April, Pergolizzi was in Rio de Janeiro at a cancer pain seminar sponsored by the company. For an hour, Pergolizzi lectured the gathered physicians in English about the use of opioids in cancer patients and those with what he called “the death sentence of chronic pain.”

Brazil had stepped up its use of painkillers in recent years, he said, but “you are still low” compared with the U.S., Canada and Europe.

“I think unfortunately you may not have all the tools you need to properly address pain,” he said, according to a video of the seminar posted online by Mundipharma.

Consultants like Pergolizzi are key to helping Mundipharma overcome one of its greatest obstacles to selling painkillers abroad: Doctors’ aversion to prescribing narcotics.

Consultants like Pergolizzi are key to helping Mundipharma overcome one of its greatest obstacles to selling painkillers abroad: Doctors’ aversion to prescribing narcotics. For generations, physicians have been taught that

opioid painkillers are highly addictive and should be used sparingly and primarily in patients near death.

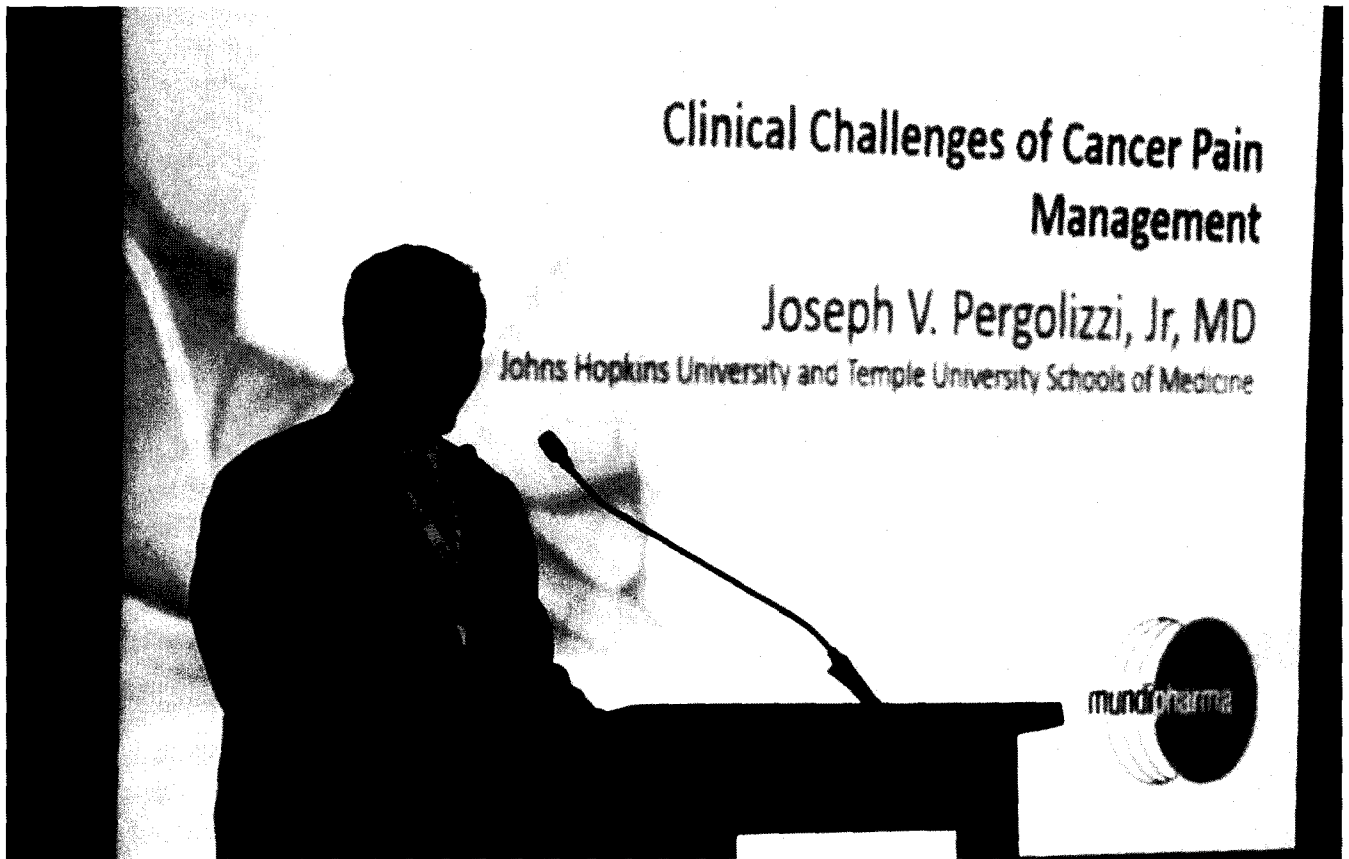
Mundipharma executives and consultants call this “opiophobia” and top company officials have said publicly that success in new markets depends on defeating this mind-set. Speeches like Pergolizzi’s portray painkillers as a modern approach endorsed by leading experts in the U.S.

Mundipharma presented Pergolizzi to the Brazilian group as a professor at the Johns Hopkins and Temple University medical schools. Medical journal articles published in 2015 and 2016 with funding from Mundipharma or in collaboration with its scientists have identified him variously as a faculty member at Johns Hopkins, Temple and Georgetown University medical schools.

In fact, he is an adjunct professor at Johns Hopkins and he has not been affiliated with Georgetown since 2010 or Temple since 2014, according to school officials.

Asked to explain, Pergolizzi said by email that he was having “paperwork issues” at Temple “which I am rectifying with their full cooperation” and was “in discussions” with Georgetown about an adjunct position.

“I have never intentionally misrepresented ... my university affiliations,” he wrote in another email.



Joseph Pergolizzi addresses an April cancer pain seminar in Brazil sponsored by Mundipharma. (Mundipharma)

A Temple spokesman said the university had “no reason to believe he will have any future relationship” with the school, and a Georgetown spokeswoman said, “We are not in discussions with that gentleman.”

Government records indicate that Purdue and other U.S. pharmaceutical firms have paid Pergolizzi more than \$1 million since 2013 for consulting work, speaking engagements and other services as well as travel reimbursements. The records do not include any payments he may have received from foreign pharmaceutical firms such as Mundipharma. In his Rio presentation, he clicked quickly past a slide listing 16 drug companies for which he had done work.

After Purdue launched OxyContin in the U.S. in 1996, the company ran similar training seminars for specialists — known in pharmaceutical

marketing as “key opinion leaders” — in the pain field. Doctors were invited to all-expenses paid weekends in resort locations like Boca Raton, Fla., and Scottsdale, Ariz. The company found that doctors who attended seminars in 1996 wrote more than twice as many prescriptions as those who didn’t, according to a company analysis.

Several thousand of these specialists signed on to the Purdue “speakers bureau,” which paid them to make speeches about opioids at medical conferences and at hospitals.

Dr. Barry Cole, a Reno psychiatrist and pain management specialist, started giving speeches about OxyContin for Purdue the year the drug hit the market. In recent years, he moved to the company’s international operation in a consulting role he described in an online resume as a “pain ambassador,” teaching the use of opioids to doctors in Colombia, Brazil, South Korea, the Philippines, China and Singapore.

“Any side effect is reversible when treatment is discontinued, and there is no permanent damage to the body,” Cole told a 2014 conference of pain specialists in Veracruz, Mexico, according to an account of the presentation published on Mexican health websites.

In an interview with The Times, Cole said he made the foreign presentations despite having developed deep misgivings about the use of OxyContin and similar drugs in the U.S. Witnessing the opioid epidemic unfold, seeing the effect of opioids on his patients and reading scientific literature about the drugs, he said, led him to conclude by about 2010 that painkillers were too dangerous for most chronic pain patients.

“We thought we could just get away with putting everybody on opioids, and it would be hunky-dory,” Cole said. “And it didn’t work and it had darker consequences than any of us were predicting.”

He defended his work promoting opioids to foreign doctors, saying terminally ill patients were dying in pain in many places he visited. He said he never shied away from questions about abuse and had no way of knowing whether his talks led doctors to prescribe more opioids.

"You show up, do a presentation and then you get back on the plane and are gone," he said. He said he stopped making appearances for Mundipharma last year.

One "key opinion leader" who attended Cole's seminars was Ricardo Plancarte Sanchez, a Mexico City pain doctor who holds a position at Mexico's national cancer institute.

Plancarte now speaks at Mundipharma seminars in Mexico. In an interview, he said his aim was to help "demystify the use of opioids in chronic pain" and that he was not paid for his appearances.

"We need to work more to educate so that people use analgesics more," Plancarte said.

He said he was not concerned Mexico would see large-scale abuse and addiction.

"If we educate our doctors as well as our patients, there will be better use of the drugs than in the United States," he said.

'Talking about big money'

Untreated pain is a global scourge. Each year millions with terminal cancer and end-stage AIDS die in needless agony, according to the United Nations. The problem is most acute in the poorest countries.

Stefano Berterame, an officer of the U.N.-affiliated International Narcotics

Control Board in Vienna, works to increase access to opioids in countries with shortages. He said most of the global problem could be solved with “very cheap morphine” but that selling it held little allure for multinational drug companies

“It’s not very profitable,” he said. “Companies prefer to market expensive preparations.”

Purdue charges hundreds of dollars a bottle for a month’s supply of OxyContin in the U.S. Generic morphine, which provides similar pain relief, can cost as little as 15 cents a day.

Mundipharma is not alone in seeking new markets for opioids outside American borders. In the last year, two other manufacturers, Teva and Grunenthal, each bought drug companies in Mexico.

Mundipharma sells drugs for a range of conditions, including asthma, cancer, and arthritis, but the core of its product line is opioid painkillers. In its global expansion, Mundipharma is looking to countries with wealth, health benefits or large emerging middle classes. And it is pursuing patients healthy enough to be customers for a long time.

“If your market is only cases of terminal cancer, then your market is relatively limited...,” Berterame said. “If you enlarge the market to also chronic pain, then you are talking about big money.”

‘Rebel against the pain’

Seeking new patients in Spain, Mundipharma chose ambassadors guaranteed to attract attention: Naked celebrities.

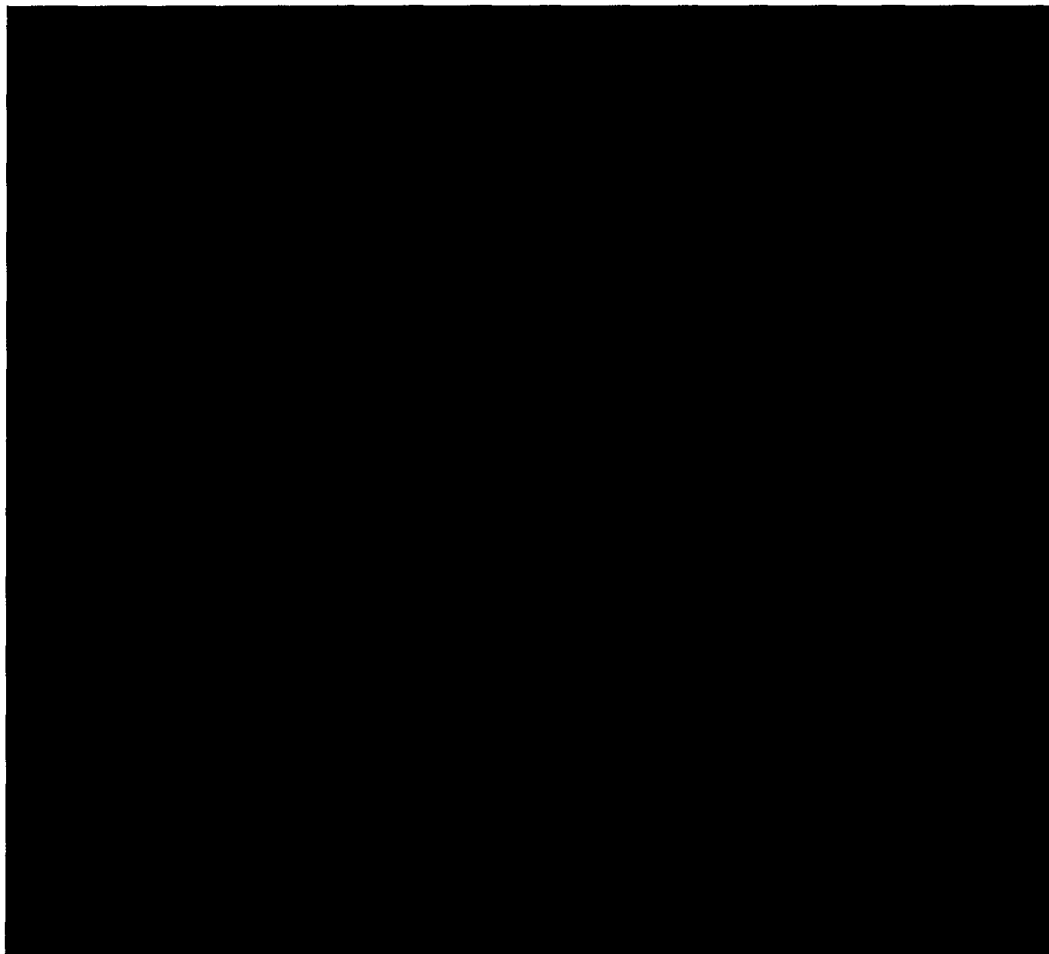
A string of topless actors, musicians and models looked into the camera and told fellow Spaniards to stop dismissing aches and pains as a normal part of

life.

“Don’t resign yourself,” Maria Reyes, a model and former Miss Spain, said in the 2014 television spot.

“Chronic pain is an illness in and of itself,” the pop singer Conchita added.

The one-minute ad was part of a nationwide campaign developed and financed by Mundipharma to raise awareness of chronic pain — *Rebélate contra el dolor* (Rebel against the pain).



The ads do not recommend a specific treatment or medication, but do urge sufferers to see a healthcare professional — thousands of whom have been trained by the company in the use of opioids.

The campaign is part of a strategy to redefine back pain, joint aches and other common conditions as a distinct malady — chronic pain — that doctors and patients should take seriously.

Chronic pain patients, who fill prescriptions month after month and often year upon year, have been the driver of billion-dollar sales for Purdue in the U.S. University of North Carolina researchers analyzed the medical records of patients taking OxyContin at strengths of 30 milligrams or more— common doses for the drug — and found that more than 85% were diagnosed with chronic pain of one type or another.

In Spain, painkiller use is on the rise. Company sales were up seven-fold since 2007, a Mundipharma executive said in a 2014 interview with an industry blog.

Spanish pain specialist Cesar Margarit, a consultant for Mundipharma, said the celebrity ads performed a public service by propelling patients who were “shy in recognizing they suffer from pain” to seek treatment.

“You have celebrities saying, ‘I have chronic pain.’ [Patients] say, ‘OK, if they can say that, I can too,’” Margarit said. “The impact in Spain was a very big one.”



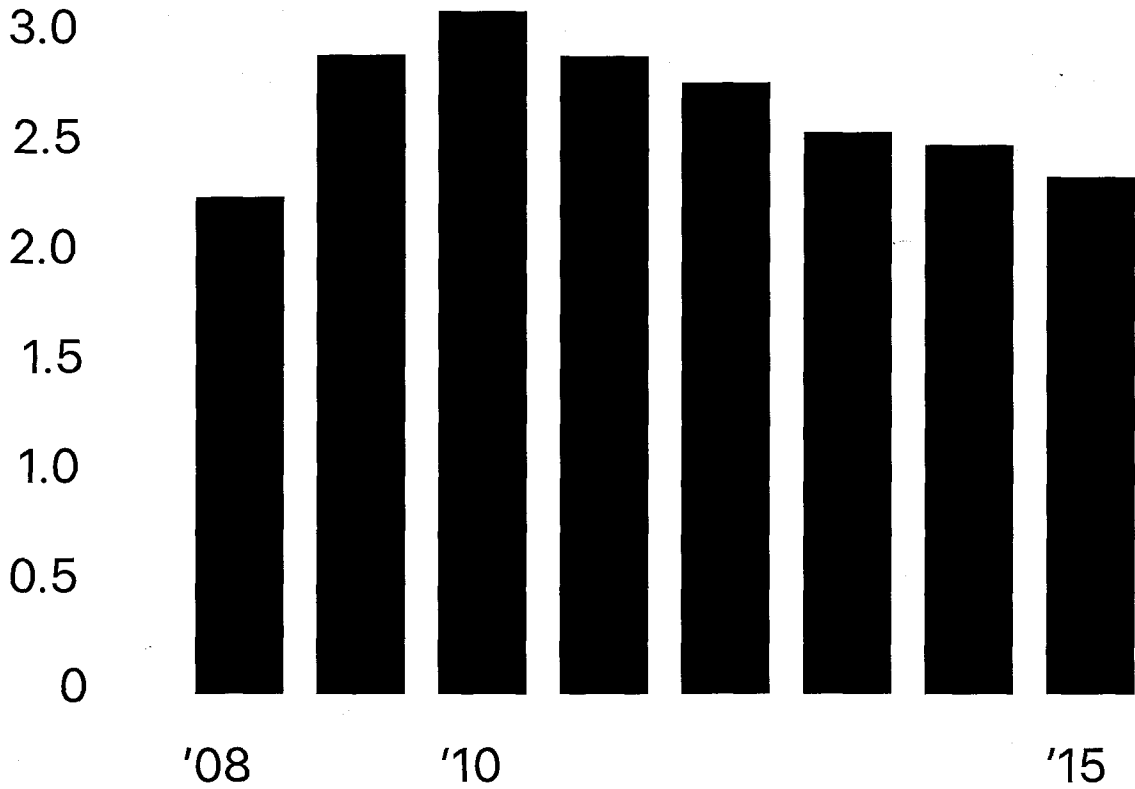
A Spanish-language promotional video titled “Dolor Cronico Camapana 2014” shows people discussing pain and where it might afflict them with graphic illustrations. (Instituto Mundipharma)

The company removed the “Rebel against the pain” spots from its YouTube channel this fall — after The Times submitted questions to the company about the chronic pain campaign. A spokeswoman said the videos were taken down because the program was inactive.

Around the world, Mundipharma companies cite statistics suggesting there is a great unmet need for their products. Opening an office in Mexico in 2014, Mundipharma officials declared that 28 million citizens were suffering from chronic pain. In Brazil, the company cited a figure of 80 million. In Colombia last year, a company news release said 47% of the population — about 22 million people — were afflicted by “this silent epidemic.”



\$3.5 billion



A 2011 survey in the Philippines designed and paid for by the company concluded that the “government should recognize chronic pain as a specific health problem” and should improve access to pain medications.

Health authorities in the U.S. say opioids are not the solution to chronic pain. The Centers for Disease Control and Prevention said this year there is

“insufficient evidence” that the drugs relieve pain in patients who take them for more than three months.

Up to 24% of people on the drugs long-term become addicted, the CDC said.

Up to 24% of patients who take the drugs long-term develop addiction problems, the CDC said.

Some Mundipharma representatives abroad have suggested publicly that painkiller risk is overblown. As public health officials in the U.S. were issuing their latest warning about painkiller abuse last year, a Mundipharma executive was quoted in a Seoul newspaper saying that Korean doctors “worry too much” about addiction.

“But many studies have shown that it’s almost impossible for those with chronic or severe pain to become addicted to narcotics, as long as the drug is used for pain relief,” Lee Jong-ho told the Korea Herald. Lee could not be reached for comment.

Willem Scholten, a retired World Health Organization official Mundipharma has paid to speak at medical conferences, said President Obama, public health officials and the media have “exaggerated” the U.S. prescription opioid crisis. The surge in addiction and death was largely due to recreational abuse, he said.

“The problem is a lot of crime,” Scholten, a Dutch pharmacist, said in an interview. “If [other countries] make good regulations, they won’t have similar problems.”

He said that “there is hardly any evidence” that pain patients abuse

medications.

Sharon Walsh, a University of Kentucky addiction expert who advises the FDA on risks from pain drugs, called the assertions “completely untrue.”

“That is exactly the same thing they were teaching U.S. physicians when they launched OxyContin in this country,” said Walsh, who runs the university’s Center on Drug and Alcohol Research.

‘The Google of the pharma industry’

Mundipharma’s operations in the developing world are run out of a sleek Singapore office with a Silicon Valley feel. There are bean bag chairs, a “chill-out zone” and a tea bar, and employees are encouraged to think of the company as a nimble, creative start-up — “the Google of the pharma industry,” in the words of one executive.

After introducing OxyContin in the U.S., Purdue’s Canadian affiliate and Mundipharma’s Australian company began promoting the painkiller in those countries. In the last decade and a half, both have seen U.S.-style problems, including criminal trafficking, addiction and death.

Mundipharma turned its focus to the developing world in 2011, as U.S. sales began their drop. Rapidly modernizing countries are expected to spend more than \$20 billion on pain medicines by 2020, according to QuintilesIMS Institute for Healthcare Informatics.

Mundipharma expanded first in Asia, then Latin America and then the Middle East and Africa, ultimately having a presence in 122 developing markets.

The high cost of brand-name medications remains a barrier in many developing countries, but Mundipharma has sought ways to adjust. In Brazil,

the company started a program this year that offers patients discounts on the cost of pills. Purdue used coupons in the U.S. that offered patients a free initial prescription for OxyContin. About 34,000 coupons were redeemed before the company terminated the program as concerns about abuse grew, according to a Congressional report.

Revenues for Mundipharma Emerging Markets, the Singapore-based company that oversees developing world operations, have risen 800% over the last five years to about \$600 million annually. A Mundipharma spokeswoman said that growth included revenue from deals the companies have made with other manufacturers to sell non-opioid products.

Raman Singh, head of Mundipharma Emerging Markets, has said publicly that pain treatment in Asia is 1/50th of what it should be. Half the company's worldwide sales in the developing world, which include products other than painkillers, already come from China, according to Mundipharma, and China is central to the Mundipharma's global strategy.

As the head of Mundipharma Emerging Markets, Raman Singh, right, has overseen 800% sales growth in the developing world. Tennis star Caroline Wozniacki, left, is a Mundipharma brand ambassador for the antiseptic Betadine. (Suhaimi Abdullah / Getty Images)

The Chinese government has pledged that all 1.4 billion citizens will have health insurance by the close of the decade, and the company is working quickly to establish itself as the market leader in pain medications. Since 2011, Mundipharma has hired more than a thousand employees, most of them sales representatives, and now has a presence in 300 cities.

Thousands of Chinese doctors have attended training seminars about Mundipharma's drugs, and it claims a 60% share of the cancer pain market. Mundipharma has sponsored clinical trials of OxyContin and Targin at hospitals across the country.

There remains, however, a deep-seated fear of opioids stemming from Chinese defeats in the 19th century Opium Wars that left millions addicted. Under strict government regulations, patients can purchase OxyContin only from a hospital or other medical institution, and can receive no more than a 15-day supply. Relatively few Chinese use Mundipharma’s painkillers for chronic pain because of their high price.



Mundipharma's operation in China, headquartered in a Beijing skyscraper, has expanded rapidly since 2011. (Jonathan Kaiman/Los Angeles Times)

Mundipharma is courting Chinese patients with a campaign encouraging people to take medications as their physicians prescribe. In one animated video on the company’s website, an elderly cancer patient who expresses fear about becoming addicted to painkillers is corrected by his nurse.

“You will not be addicted if you follow the doctor’s instructions,” she tells

him. The video was removed from the site this fall at around the time The Times asked company officials about it. Asked why, a company spokeswoman said “programs and campaigns change frequently and content is updated often.”

In China, where there are nearly 3 million registered drug abusers, the government has forced addicts into boot-camp style treatment that human rights advocates have described as prisons. Treatment is rudimentary or unavailable in many parts of the developing world.

UNC researcher Nabarun Dasgupta, who has advised federal health authorities and the WHO on prescription opioid abuse, said the wide use of painkillers in those countries “sounds like a recipe for disaster” because “a certain percent [of users] will go on to need addiction treatment.”

“A certain percent [of users] will go on to need addiction treatment.” — Nabarun Dasgupta, University of North Carolina researcher

Mundipharma Emerging Markets said in a statement, “We attach great importance on promoting our pain medicines in a balanced and responsible manner so that the correct physicians are prescribing the correct medicines to the correct patients.”

‘A big deal’

Public health officials in Europe worry far less about painkiller addiction than their American counterparts. Government health systems in many countries track prescriptions, making it more difficult than in the U.S. to obtain large amounts of opioid medication for abuse or criminal trafficking.

But when a team of international researchers recently conducted the first large-scale survey of drug abuse in Europe, they found what the lead investigator described as a significant problem with prescription opioid abuse.

Painkiller abuse rates are similar to the U.S. in the early 2000s “before the epidemic really got going,” Scott Novak, a scientist at the nonprofit RTI International in North Carolina, said in an interview.

In Spain, 18% of those surveyed acknowledged abusing painkillers in the course of their life, according to the study published in August. Across Europe, people with prescriptions were eight times as likely to abuse the drugs.

“They are potentially at the precipice of a major public health problem if prescribing increases,” Novak said.

Mundipharma International took issue with that conclusion. The company said in a statement that painkiller abuse is less of a problem in Europe than in the U.S., in part because of stricter pharmacy regulation and government health systems. Mundipharma said that it was conducting a study of abuse in Britain and Germany and that initial results “suggest that in these countries abuse of prescription opioids is less than 1%.”

In one European country — Cyprus — OxyContin abuse is an acknowledged problem. Mundipharma began marketing the painkiller in 2008 on the Mediterranean island of 1 million. Government health coverage made the medication cheaper than heroin and addicts began crushing and snorting the pills.

Officers responding to overdoses knew little of the U.S. experience with painkillers. Stelios Sergides, a superintendent with the Cyprus National

Police, said that the first time he heard the word OxyContin, he had to look it up online.

Since 2013, authorities have linked six deaths to the drug.

“It’s a big deal, a big deal,” Sergides said.

Police superintendent Stelios Sergides has investigated OxyContin dealing on the small Mediterranean island of Cyprus. (Lisa Girion / Los Angeles Times)

Mundipharma said it was “deeply disturbed” by the deaths in Cyprus and suggested the blame rested with a rehab center which used OxyContin to treat heroin addiction, a practice the company does not recommend.

Police in Cyprus are investigating doctors suspected of overprescribing and working with public health officials to get addicts into rehab. Last year, 59 people requested treatment.

“We are worried, of course, because of the numbers, especially the treatment demand,” Sergides said.

In the Mundipharma’s Cyprus office, managing director, Menicos M. Petrou, called OxyContin “an excellent product” and said he had been honored to meet members of the Sackler family during visits to a factory on the island.

“If people misuse drugs, most of the time there is little a pharmaceutical company can do,” he said.

Times staff writers Hector Becerra, Marisa Gerber and Brittney Mejia in Los Angeles and special correspondent Jessica Meyers and news assistants Nicole Liu and Yingzhi Yang in The Times’ Beijing bureau contributed to this report.

Additional credits: Lily Mihalik and Evan Wagstaff.

EXHIBIT L

Subject: RE: Deposition on August 30
Date: Thursday, August 16, 2018 at 9:35:06 AM Central Daylight Time
From: Bill Hetherington
To: Brad Beckworth
CC: 'Sandy Coates', rwhitten@whittenburrage.com, mburraga@whittenburrage.com, Trey Duck, Drew Pate

I just talked to Judge Balkman on this and the 30th is during the jury term so there is no guarantee the 2nd floor jury room would be available. We do have a nice conference room here in our building that seats 6-8 easily and that could sure work if you all want. Also, let's clarify the your hearing on the 30th at 1pm is with Judge Balkman for oral argument on the bifurcation issue and his further consideration of an amended scheduling order. Discovery matters are then before me 9am to no later than 1pm on the 31st. (I have another hearing at 2pm on the 31st). Let me know to reserve our conference room if that will work.

William C. (Bill) Hetherington, Jr.
Hetherington Legal Services, PLLC
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Norman, Oklahoma 73069
405-413-2250(C)
405-329-6600(O)
405-329-6634(F)
918-382-0300(Dispute Resolution Consultants)

From: Brad Beckworth <bbeckworth@nixlaw.com>
Sent: Thursday, August 16, 2018 8:41 AM
To: Bill Hetherington <hethlaw@cox.net>
Cc: Sandy Coates <sandy.coats@crowedunlevy.com>; rwhitten@whittenburrage.com; mburraga@whittenburrage.com; Trey Duck <tduck@nixlaw.com>; Drew Pate <dpate@nixlaw.com>
Subject: Deposition on August 30

Judge Hetherington,
As we discussed at the hearing last Friday, we re-noticed the depositions you ordered regarding the New York Times ad and Purdue's abatement efforts for August 30th. It is currently noticed to take place in OKC We have a hearing set with you that day at 1pm.

I wanted to check and see if the courthouse might be available for us to use to take this deposition. That would allow us to go from 8-12:30 or so, then resume right after our hearing is over with you. Alternatively, you mentioned you were getting a bigger office in town. I thought I would ask about that as an option also.

Just trying to cut down on travel time from OKC to Norman to allow us to move this forward.

Please let me know if either or both of these are options?

Thank you,
Brad Beckworth

Bradley E. Beckworth
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