



STATE OF OKLAHOMA } S.S.
 CLEVELAND COUNTY }
FILED
 SEP 10 2018

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.)

In the office of the
 Court Clerk MARILYN WILLIAMS

Case No. CJ-2017-816
 Judge Thad Balkman

Special Master:
 William Hetherington

THE STATE'S MOTION FOR ENTRY OF AMENDED SCHEDULING ORDER

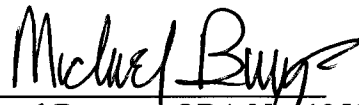
COMES NOW Plaintiff, The State of Oklahoma, and moves for entry of the Amended Scheduling Order attached hereto as Exhibit A. During the August 10, 2018 hearing, the Court reconfirmed that the trial will proceed as originally set beginning on May 28, 2019. The State's proposal adjusts deadlines to account for the delay caused by the removal and remand process while keeping, in accordance with the Court's stated intent, the trial date set in the Court's original Scheduling Order. Further, the State's proposal maintains the same Events addressed in the Court's original Scheduling Order and, as nearly as possible, the same intervals between those Events. *See* Exhibit B (comparison of original and proposed deadlines). As set forth below, good cause exists to amend the Scheduling Order as the State proposes.

The State originally offered this proposed schedule at the Court's August 10 hearing following remand. Defendants refused to respond to the State's proposal at the hearing, arguing that due process required more time for them to consider the proposal. The State then attempted to follow up on its proposal with Defendants on August 14 to solicit their input prior to the Court's August 30 hearing. The State did not receive a response. Following the August 30 hearing, the Court ordered the Parties to cooperate in drafting an Amended Scheduling Order to submit to the Court within 10 days. The State once again provided its proposal to Defendants on September 4. Defendants provided no response or counter-proposal until September 7.

Defendants' proposal (attached hereto as Exhibit C) is not in keeping with the Court's original framework and is unduly prejudicial to the State. For example, Defendants' proposal requires the State to disclose its experts and provide their reports on the same date while providing Defendants a month between disclosure of their experts and provision of expert reports. Further, Defendants' proposal only extends the State's Expert Report Deadline by six days while pushing their own deadline by over three weeks. Finally, Defendants' proposal includes new deadlines

and events not previously contemplated by the Court. In short, Defendants' proposal does not resemble the Court's original Scheduling Order and unnecessarily modifies deadlines and intervals between certain deadlines. Accordingly, the State respectfully requests that the Court enter Exhibit A as the Amended Scheduling Order in this case, which accounts for the delay as a result of Defendants' removal while adhering to the framework of the Court's original Scheduling Order.

Dated: September 10, 2018



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

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

Bradley E. Beckworth, OBA No. 19982
Jeffrey J. Angelovich, OBA No. 19981
Trey Duck, OBA No. 33347
Drew Pate, *pro hac vice*
Lisa Baldwin, OBA No. 32947
NIX, PATTERSON & ROACH, LLP
512 N. Broadway Avenue, Suite 200
Oklahoma City, OK 73102

Telephone: (405) 516-7800
Facsimile: (405) 516-7859
Emails: bbeckworth@nixlaw.com
jangelovich@npraustin.com

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

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing was emailed on September 10, 2018 to:

Sanford C. Coats
Cullen D. Sweeney
Joshua D. Burns
CROWE & DUNLEVY, P.C.
Braniff Building
324 N. Robinson Ave., Ste. 100
Oklahoma City, OK 73102

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

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

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

Benjamin H. Odom, OBA No. 10917
John H. Sparks, OBA No. 15661
ODOM, SPARKS & JONES PLLC
HiPoint Office Building
2500 McGee Drive Ste. 140
Oklahoma City, OK 73072

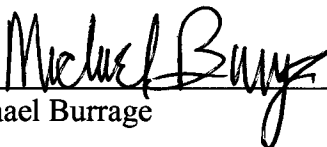
Sheila Birnbaum
Mark S. Cheffo
Hayden A. Coleman
Paul A. LaFata
Dechert LLP
Three Bryant Park
New York, New York 10036

Robert G. McCampbell
Travis J. Jett
Nicholas Merkley
GABLEGOTWALS
One Leadership Square, 15th Floor
211 North Robinson
Oklahoma City, OK 73102-7255

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

Jonathan S. Tam
QUINN EMANUEL URGUHART &
SULLIVAN, LLP
50 California Street
San Francisco, CA 94111

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



Michael Burrage

1. The following deadlines shall apply:

Amended Scheduling Order

Event	Deadline
Motions to amend pleadings:	August 30, 2018
Plaintiff disclose expert witnesses and provide information set forth in 12 O.S. § 3226(B)(4)(a)(l):	October 26, 2018
Defendants disclose expert witnesses and provide information set forth in 12 O.S. § 3226(B)(4)(a)(l):	November 23, 2018
Fact Discovery completed by:	March 15, 2019
Plaintiff disclose information for expert witnesses set forth in 12 O.S. § 3226(B)(4)(a)(3) by:	December 21, 2018
Defendants disclose information for expert witnesses set forth in 12 O.S. § 3226(B)(4)(a)(3) by:	January 21, 2019
Expert Witness Depositions Complete by:	April 6, 2019
<i>Daubert</i> Hearings to be completed by:	April 27, 2018
All dispositive motions to be filed by:	April 27, 2019
Motions in limine shall be filed by:	20 days prior to pretrial conference
Plaintiff to submit to defendant final list of witnesses in chief, together with addresses and brief summary of expected testimony where witness has not already been deposed by:	20 days prior to pretrial conference
Defendant to submit to plaintiff final list of witnesses in chief, together with addresses and brief summary of expected testimony where witness has not already been deposed by:	20 days prior to pretrial conference
Plaintiff to submit to defendant final exhibit list (if exhibit is nondocumentary, a photograph or brief description thereof sufficient to advise defendant of what is intended will suffice) by:	20 days prior to pretrial conference
Defendant to submit to plaintiff final exhibit list (if exhibit is nondocumentary, a photograph or brief description thereof sufficient to advise plaintiff of what is intended will suffice) by:	20 days prior to pretrial conference
Trial briefs to be filed by:	7 days prior to trial
Mediation shall be completed prior to the Status Conference	

All stipulations to be filed by:	May 13, 2019
Status Conference	May 16, 2019 at 9:00 am
Trial Date:	May 28, 2019

IT IS ORDERED this _____ day of _____, 2018.

JUDGE OF THE DISTRICT COURT

APPROVED:

COUNSEL FOR PLAINTIFF

COUNSEL FOR DEFENDANT

Proposed Amended Scheduling Order

Event	Original Deadline	New Proposed Deadline
Ruling on Motion for Protective Order:	Court denied by Summary Order, dated November 14, 2017	N/A
Ruling on Motions to Dismiss:	Granted in part, denied in part by written Order, dated December 6, 2017	N/A
Parties disclose the name and, if known, the address and telephone number of each individual likely to have discoverable information-along with the subjects of that information-that the disclosing party may use to support its claims or defenses.	March 15, 2018	N/A
Motions to join additional parties:	March 30, 2018	N/A
Motions to amend pleadings:	June 29, 2018	N/A
Plaintiff disclose expert witnesses and provide information set forth in 12 O.S. § 3226(B)(4)(a)(1):	August 17, 2018	October 26, 2018
Defendants disclose expert witnesses and provide information set forth in 12 O.S. § 3226(B)(4)(a)(1):	September 14, 2018	November 23, 2018
Fact Discovery completed by:	January 31, 2019	March 15, 2019
Plaintiff disclose information for expert witnesses set forth in 12 O.S. § 3226(B)(4)(a)(3) by:	November 1, 2018	December 21, 2018
Defendants disclose information for expert witnesses set forth in 12 O.S. § 3226(B)(4)(a)(3) by:	November 29, 2018	January 21, 2019
Expert Witness Depositions Complete by:	January 25, 2019	April 6, 2019
<i>Daubert</i> Hearings to be completed by:	March 8, 2019	April 27, 2018
All dispositive motions to be filed by:	March 29, 2019	April 27, 2019
Motions in limine shall be filed by:	20 days prior to pretrial conference	
Plaintiff to submit to defendant final list of witnesses in chief, together with addresses and brief summary of expected testimony where witness has not already been deposed by:	20 days prior to pretrial conference	
Defendant to submit to plaintiff final list of witnesses in chief, together with addresses and brief summary of expected testimony where witness has not already been deposed by:	20 days prior to pretrial conference	
Plaintiff to submit to defendant final exhibit list (if exhibit is nondocumentary, a photograph or brief description thereof sufficient to advise defendant of what is intended will suffice) by:	20 days prior to pretrial conference	
Defendant to submit to plaintiff final exhibit list (if exhibit is nondocumentary, a photograph or brief description thereof sufficient to advise plaintiff of what is intended will suffice) by:	20 days prior to pretrial conference	
Trial briefs to be filed by:	7 days prior to trial	
Mediation shall be completed prior to the Status Conference		
All stipulations to be filed by:	May 13, 2019	
Status Conference	May 16, 2019 at 9:00 am	
Trial Date:	May 28, 2019	

B

Subject: RE: Opioids - Proposed Schedule,
Date: Friday, September 7, 2018 at 9:59:48 AM Central Daylight Time
From: Bartle IV, Harvey
To: Drew Pate, sandy.coats@crowedunlevy.com, Joshua Burns, Suzanne Green, Sheila.Birnbaum@dechert.com, Mark.Cheffo@dechert.com, Hayden.Coleman@dechert.com, Paul.Lafata@dechert.com, Jonathan.Tam@dechert.com, marina.schwarz@dechert.com, 'Robert S. Hoff', rmccampbell@gablelaw.com, tjett@gablelaw.com, Ashley Quinn, nmerkley@gablelaw.com, Reed, Steven A., Hillyer, Rebecca J., Ercole, Brian M., cnorman@whittenburrage.com, Amanda Thompson, pedmonds@gablelaw.com, odomb@odomsparks.com, sparksj@odomsparks.com, David Kinney, Fiore, Mark, Michael Ridgeway, Kimberlee Jones, clifland@omm.com, jcardelus@omm.com, tallan@omm.com, sbrody@omm.com, Roberts, David K. (DC), Franklin, Daniel J., Kimberlee Jones
CC: Brad Beckworth, mburrage@whittenburrage.com, Reggie Whitten, abby.dillsaver@oag.ok.gov, Trey Duck, Lisa Baldwin
Attachments: image002.jpg

Drew,

Thanks for your e-mail. Defendants continue to believe that the May 2019 trial date is unrealistic and maintain their objection to the proposed trial schedule, which prejudices defendants' due process rights and ability to fairly prepare for trial. In accordance with the Court's orders, however, Defendants offer the following proposed pretrial schedule:

	Original Pretrial Dates	Proposed Dates
P's Expert Disclosure/Report	Aug 17, 2018	Nov. 7, 2018
D Expert Disclosure	Sept 14, 2018	Nov 23, 2018
P Expert Report	Nov 1, 2018	See above
D Expert Report	Nov 29, 2018	Dec 21, 2018
Expert Deposition Complete	Jan 25, 2019	Mar 8, 2019
Fact Discovery Completed	Jan 31, 2019	Mar 15, 2019
Daubert Motions Due		Mar 13, 2019
Daubert Oppositions Due		Mar 27, 2019
Daubert Replies Due		April 3, 2019
Daubert Hearing	March 9, 2019	April 10, 2019
Dispositive Motions Filed	March 29, 2019	April 10, 2019
Motions in Limine	20 Days before pretrial conference	20 Days before pretrial conference
Plaintiff witness list		
Defendant witness list		
Plaintiff exhibit list		
Defendant exhibit list		
Trial briefs	7 days before trial	7 days before trial
Stipulations filed by	May 13, 2019	May 13, 2019
Pretrial conference	May 16, 2019	May 16, 2019
Trial	May 28, 2019	May 28, 2019

EXHIBIT
C

Please let us know if Plaintiff agrees to this proposal. If you would like to discuss via telephone, please give me a call.

Thanks

Harvey

Harvey Bartle

Morgan, Lewis & Bockius LLP

1701 Market Street | Philadelphia, PA 19103-2921

Direct: +1.215.963.5521 | Main: +1.215.963.5000 | Fax: +1.215.963.5001

502 Carnegie Center | Princeton, NJ 08540

Direct: +1.609.919.6685 | Main: +1.609.919.6600 | Fax: +1.609.919.6701

harvey.bartle@morganlewis.com | www.morganlewis.com

From: Drew Pate <dpate@nixlaw.com>

Sent: Friday, September 07, 2018 9:13 AM

To: sandy.coats@crowedunlevy.com; Joshua Burns <joshua.burns@crowedunlevy.com>; Suzanne Green <suzanne.green@crowedunlevy.com>; Sheila.Birnbaum@dechert.com; Mark.Cheffo@dechert.com; Hayden.Coleman@dechert.com; Paul.Lafata@dechert.com; Jonathan.Tam@dechert.com; marina.schwarz@dechert.com; 'Robert S. Hoff' <rhoff@wiggin.com>; rmccampbell@gablelaw.com; tjett@gablelaw.com; Ashley Quinn <aquinn@gablelaw.com>; nmerkley@gablelaw.com; Reed, Steven A. <steven.reed@morganlewis.com>; Bartle IV, Harvey <harvey.bartle@morganlewis.com>; Hillyer, Rebecca J. <rebecca.hillyer@morganlewis.com>; Ercole, Brian M. <brian.ercole@morganlewis.com>; cnorman@whittenburrage.com; Amanda Thompson <athompson@nixlaw.com>; pedmonds@gablelaw.com; odomb@odomsparks.com; sparksj@odomsparks.com; David Kinney <kinneyd@odomsparks.com>; Michael Ridgeway <ridgewaym@odomsparks.com>; Kimberlee Jones <jonesk@odomsparks.com>; clifland@omm.com; jcardelus@omm.com; tallan@omm.com; sbrody@omm.com; Roberts, David K. (DC) <droberts2@omm.com>; Franklin, Daniel J. <dfranklin@omm.com>; Kimberlee Jones <jonesk@odomsparks.com>

Cc: Brad Beckworth <bbeckworth@nixlaw.com>; mburrage@whittenburrage.com; Reggie Whitten <reggiwhitten@icloud.com>; abby.dillsaver@oag.ok.gov; Trey Duck <tduck@nixlaw.com>; Lisa Baldwin <lbaldwin@nixlaw.com>

Subject: Re: Opioids - Proposed Schedule,

[EXTERNAL EMAIL]

All,

I'm following up on the scheduling order. The Court's August 30 Order requires us to submit a proposed schedule within 10 days of the Order, which will be Monday, September 10. We provided our proposed

amended schedule on August 10 and haven't had any response from any Defendant. Please let us know if you agree.

Thanks,

Drew

Drew Pate



NIX PATTERSON, LLP

3600 N. Capital of Texas Hwy.
Building B, Suite 350
Austin, TX 78746
512-328-5333
Dpate@nixlaw.com

From: Drew Pate <dpate@nixlaw.com>

Date: Tuesday, September 4, 2018 at 8:01 PM

To: 'Sandy Coats' <sandy.coats@crowedunlevy.com>, Joshua Burns <joshua.burns@crowedunlevy.com>, Suzanne Green <suzanne.green@crowedunlevy.com>, "sheila.birnbaum@dechert.com" <sheila.birnbaum@dechert.com>, "mark.cheffo@dechert.com" <mark.cheffo@dechert.com>, "hayden.coleman@dechert.com" <hayden.coleman@dechert.com>, "paul.lafata@dechert.com" <paul.lafata@dechert.com>, "jonathan.tam@dechert.com" <jonathan.tam@dechert.com>, "marina.schwarz@dechert.com" <marina.schwarz@dechert.com>, "Robert S. Hoff" <rhoff@wiggin.com>, "Robert McCampbell (rmccampbell@gablelaw.com)" <rmccampbell@gablelaw.com>, "tjett@gablelaw.com" <tjett@gablelaw.com>, Ashley Quinn <aquinn@gablelaw.com>, "nmerkley@gablelaw.com" <nmerkley@gablelaw.com>, "steven.reed@morganlewis.com" <steven.reed@morganlewis.com>, "Harvey Bartle (harvey.bartle@morganlewis.com)" <harvey.bartle@morganlewis.com>, "rebecca.hillyer@morganlewis.com" <rebecca.hillyer@morganlewis.com>, "brian.ercole@morganlewis.com" <brian.ercole@morganlewis.com>, "cnorman@whittenburrage.com" <cnorman@whittenburrage.com>, Amanda Thompson <athompson@nixlaw.com>, "pedmonds@gablelaw.com" <pedmonds@gablelaw.com>, Ben Odom <odomb@odomsparks.com>, John Sparks <sparksj@odomsparks.com>, David Kinney <kinneyd@odomsparks.com>, Michael Ridgeway <ridgewaym@odomsparks.com>, Kimberlee Jones <jonesk@odomsparks.com>, 'Charles Lifland' <clifland@omm.com>, "Jennifer Cardelus

(jcardelus@omm.com)" <jcardelus@omm.com>, "tallan@omm.com" <tallan@omm.com>, 'Stephen Brody' <sbrody@omm.com>, "Roberts, David K. (DC)" <droboterts2@omm.com>, "Franklin, Daniel J." <dfranklin@omm.com>, Kimberlee Jones <jonesk@odomsparks.com>

Cc: Brad Beckworth <bbeckworth@nixlaw.com>, "mburrage@whittenburrage.com" <mburrage@whittenburrage.com>, Reggie Whitten <reggiwhitten@icloud.com>, "abby.dillsaver@oag.ok.gov" <abby.dillsaver@oag.ok.gov>, Trey Duck <tduck@nixlaw.com>, Lisa Baldwin <lbaldwin@nixlaw.com>

Subject: Re: Opioids - Proposed Schedule,

All,

We have not received any response regarding the State's proposed amended scheduling order. Pursuant to the Court's order on August 30, the parties must cooperate in drafting a proposed amended scheduling order. Please let us know if you agree to our proposal.

Thanks,

Drew

Andrew G. Pate
Nix Patterson & Roach, LLP
3600 N. Capital of Texas Hwy.
Suite 350
Austin, TX 78746
512-328-5333
Dpate@nixlaw.com

From: Drew Pate <dpate@nixlaw.com>

Date: Tuesday, August 14, 2018 at 3:27 PM

To: "odomb@odomsparks.com" <odomb@odomsparks.com>

Cc: Brad Beckworth <bbeckworth@nixlaw.com>, "mburrage@whittenburrage.com" <mburrage@whittenburrage.com>, Reggie Whitten <reggiwhitten@icloud.com>

Subject: Re: Opioids - Proposed Schedule,

Ben,

As discussed, here is a copy of the proposed amended scheduling order we presented at the hearing.

Thanks,

Drew

Andrew G. Pate
Nix Patterson & Roach, LLP
3600 N. Capital of Texas Hwy.
Suite 350
Austin, TX 78746
512-328-5333
Dpate@nixlaw.com

From: Drew Pate <dpate@nixlaw.com>
Date: Tuesday, August 14, 2018 at 2:25 PM
To: "odomb@odomsparks.com" <odomb@odomsparks.com>
Cc: Brad Beckworth <bbeckworth@nixlaw.com>, "mburrage@whittenburrage.com" <mburrage@whittenburrage.com>, Reggie Whitten <reggiwhitten@icloud.com>
Subject: Opioids - Proposed Schedule,

Ben,

Just tried calling your office. Do you have some time this afternoon to talk about the schedule we proposed at the hearing last week? I'm in the office. You can reach me at 512-328-5333.

Thanks,

Drew

DISCLAIMER

This e-mail message is intended only for the personal use of the recipient(s) named above. This message may be an attorney-client communication and as such privileged and confidential and/or it may include attorney work product. If you are not an intended recipient, you may not review, copy or distribute this message. If you have received this communication in error, please notify us immediately by e-mail and delete the original message.