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

PLAINTIFF'S SECOND MOTION TO SHOW CAUSE FOR PURDUE'S NON-COMPLIANCE WITH COURT ORDER

The State must again turn to the Court for relief. This time, because of Purdue's failure to produce documents—or testify honestly— regarding its affiliate company, Rhodes Pharma. Rhodes Pharma has played a significant role in the Oklahoma opioid crisis.

To be clear, Rhodes Pharma, which is owned by the same family that owns Purdue—the Sackler family—is one of the largest producers in the market when it comes to generic drugs. In fact, the Sackler family founded Rhodes Pharma just four months after Purdue pled guilty to federal criminal charges for misleading doctors about the addictiveness of its name brand oxycodone opioid drug, OxyContin. But, the multi-state settlement, which included Oklahoma, and the guilty plea had little effect in reforming Purdue's ethics or curbing sales. Instead of changing its ways, a new company was born. A company that sells the same OxyContin under a different name. A company that manufactures other highly addictive opiates. A company that made millions off of opioid drugs. A company called Rhodes Pharma.

Purdue has repeatedly downplayed its role in the Oklahoma opioid crisis by alleging that OxyContin only accounted for a small percentage of sales. Not true. Purdue created the market. But, with the addition of Rhodes Pharma, its market share increased. Purdue knew that with the creation of Rhodes Pharma, it could sell the generic opiate drugs to continue profiting off of its marketing efforts even after the settlement it entered into in 2007. Further, Purdue knew that without disclosing Rhodes Pharma, it could argue that its role in the opioid crisis was limited to OxyContin. Again, not true. Purdue created the market for using opioids, generally to treat long term chronic pain.

But, Purdue also sold much more than OxyContin. Rhodes Pharma sold the generic version of Oxycontin, and it also sold other generic drugs containing opioids—several with similar properties of those sold by J&J, Teva/Cephalon, and other unnamed manufacturers. Moreover, Purdue knows that generics are a critical part of this case. This has been reiterated in several hearings and in at least two letters addressed to the Court in response to Teva's arguments that

generics should not have an impact. Information and documents regarding generic drugs are relevant. Highly relevant.

Yet, despite the high probative value of discovery regarding Rhodes Pharma, Purdue has failed to mention Rhodes Pharma. Not in its briefs. Not in written discovery. Not in depositions. Not in its representations to the Court in the courtroom. Not in the documents it has (and has failed to) produce in response to the Court's orders. Instead, Plaintiff learned about Rhodes Pharma through Purdue's application for a patent on an alleged opioid remedy – Purdue's latest attempt to continue profiting off the bodies it is stacking up in Oklahoma.

Purdue should have disclosed Rhodes Pharma from the beginning. To be sure, on August 3, 2017, the State issued its First Request for Production of Documents and First Set of Interrogatories, which defined Purdue as:

> Purdue Pharma L.P., Purdue Pharma Inc., and the Purdue Frederick Company and any and all predecessors, merged entities, subsidiaries and **affiliates**, whether individuals, corporations, LLC's or partnerships. **The term "affiliate" shall include any entity owned in whole or in part by Purdue** or any entity which owns Purdue in whole or in part. The term "Purdue," where appropriate, shall also include entities and individuals, such as officer, directors, sales representatives, medical liaisons, etc., who are employed by Purdue or who provide services on behalf of Purdue.

Plaintiff's First Requests attached as "Exhibit A" at 4. As an affiliate of Purdue, any information or documents regarding Rhodes Pharma should have been disclosed. But, Purdue did not disclose the existence of Rhodes Pharma in response to any of the State's discovery requests.

Further, the State's Second Interrogatory requested Purdue "[s]tate the amounts of gross revenue and net profits earned by You from the sale of opioids in Oklahoma." *Id.* at 16. Purdue did not provide an adequate response forcing the State to file a Motion to Compel on April 27, 2018. *See* Plaintiff's Fourth Motion to Compel, filed April 27, 2018. On May 23, 2018, the

Discovery Master granted Plaintiff's Motion to Compel specifically compelling Purdue to answer Interrogatory No. 2.

On June 8, 2018, Purdue provided a supplemental Response to Interrogatory No. 2. It made no mention of Rhodes Pharma. Rhodes Pharma generic opioid sales (for State Medicaid spending alone, not including private insurance or cash payments) amounted to at least an additional $ 2.6 million in Oklahoma. Yet, Purdue still has not mentioned the company or anything related to it. This failure to disclose Rhodes Pharma and its revenues directly violates the Court's Order compelling Purdue to answer Interrogatory No. 2.

Purdue is nothing if not consistent. Purdue once again has disobeyed the discovery rules and, even worse, a Court Order. But, it does not stop there.

The State noticed a deposition regarding Purdue's past and present ownership structure, finances, and the distribution of revenue and/or profits to Purdue owners. Purdue filed a motion to quash in which it offered to provide pro forma financial information for the past five years and limit production of ownership structure to the past five years. On May 23, 2018, the Court ordered that the State was entitled to discovery:

> relevant to marketing practices, company structure, and who created the marketing programs, when and how they were funded, financial distributions to shareholders, shareholder and entity identities, profitability of any alleged misconduct, and methods designed to promote and market pharmaceutical products at issue.

Court Order on May 2, 2018. The Court further overruled the motion to quash and ordered Purdue to "produce the financial information requested from and including 1996 forward and the ownership structure for Purdue entities from and including 1996 forward," followed by a witness to testify on the matter. Purdue did *not* produce any financial documents mentioning Rhodes Pharma. Even after being compelled to produce the financial information the State requested and

ownership structure for Purdue entities, which both undoubtedly include Rhodes Pharma, Purdue has still yet to produce anything regarding Rhodes Pharma.

When Purdue finally produced an actual witness, the witness never mentioned Rhodes Pharma. [redacted]

One of three things is true, either: this witness committed perjury; he was instructed not to ever mention Rhodes Pharma; or Purdue intentionally chose not to tell him about Rhodes Pharma in preparation for the deposition. All of them are in violation of the Court's Order. The State did not have critical information regarding Purdue's affiliate Rhodes Pharma. Purdue knew it had not disclosed this information. And, as a result, the State could not question the witness about it.

The harm caused by Purdue's effort to conceal information regarding Rhodes Pharma from the State and the Court also has impacted other depositions. For instance, [redacted]

- [redacted]
- [redacted]
- [redacted]
- [redacted]

[redacted]

Deposition Transcript, Lisa Miller at 443:23-444:20 (attached hereto as Exhibit C). Purdue's representative testified that [redacted]

Table 2. Individual substances involved in unintentional medication overdose deaths: Oklahoma, 1994–2006, *n* (%)

Substance	Overall[a]	1994–1996[b]	2004–2006[c]
Methadone	653 (30.9)	21 (16.0)	377 (36.6)
Hydrocodone	407 (19.3)	9 (6.9)	220 (21.4)
Alprazolam	320 (15.2)	8 (6.1)	219 (21.3)
Oxycodone	311 (14.7)	1 (0.8)	174 (16.9)
Morphine	263 (12.5)	31 (23.7)	101 (9.8)
Alcohol	260 (12.3)	25 (19.1)	115 (11.2)
Propoxyphene	140 (6.6)	14 (10.7)	46 (4.5)
Fentanyl	124 (5.9)	2 (1.5)	78 (7.6)
Carisoprodol	97 (4.6)	8 (6.1)	40 (3.9)
Diazepam	94 (4.5)	8 (6.1)	37 (3.6)
Amitriptyline	87 (4.1)	8 (6.1)	33 (3.2)
Cocaine	85 (4.0)	10 (7.6)	45 (4.4)
Acetaminophen	76 (3.6)	8 (6.1)	33 (3.2)
Cyclobenzaprine	74 (3.5)	0	43 (4.2)
Methamphetamine	72 (3.4)	4 (3.1)	43 (4.2)
Olanzapine	37 (1.8)	0	16 (1.6)
Codeine	34 (1.6)	2 (1.5)	15 (1.5)
Other substance[d]	609 (28.8)	58 (44.3)	229 (22.3)

Deposition of Lisa Miller, Exhibit 25 at 361.

That testimony was false or misleading. Indeed, based upon the limited information the State has available to it, Rhodes Pharma sold generic opioids that contained at least the following: oxycodone, morphine, and hydrocodone. Thus, based on this chart alone, rather than only 16.9% of opioid deaths being caused by products containing oxycodone (which is in OxyContin), the aggregate percentage of deaths caused by products containing oxycodone, morphine, and hydrocodone, which are in Purdue and Rhodes Pharma's products, is 48.1%.

Had the State possessed knowledge that Rhodes Pharma existed and had the opportunity to examine any documents regarding the company, the State could have impeached the witness. Instead, Purdue inappropriately withheld documents relating to an affiliated company that manufactured additional opiates, which violates a Court Order and Oklahoma law. The State is entitled to all relevant, non-privileged evidence, especially when it applies to every aspect of the case spanning from nuisance to punitive damages.

Again, one of three things is true, either: this witness committed perjury; she was instructed not to ever mention Rhodes Pharma; or Purdue intentionally chose not to tell her about Rhodes Pharma in preparation for the deposition. All of them are in violation of the Court's Order.

Time and time again, Purdue has ignored Court Orders regarding discovery. It still hasn't produced critical documents ordered to be produced by this Court. It avoided and delayed depositions for months on end. It attempted to ignore Judge Balkman's August 10th order regarding depositions requiring the Court to hold a show cause hearing mandating that Purdue comply with the Court's prior order. And it has omitted any discovery or mention of Rhodes Pharma.

Purdue has often complained about the State's production. But, make no mistake, these complaints are nothing more than a smoke screen intended to take the focus off of what Purdue is

doing. Purdue is not tiptoeing the line. Purdue has stepped over it by knowingly withholding material discovery and repeatedly defying Court orders. The State requested information regarding Purdue's affiliates over a year ago. The Court first compelled Purdue to provide this information over three months ago. Yet again, Purdue ignored not one, but two Court orders.

Purdue has shown callous disregard for the State of Oklahoma and its citizens. It also has shown utter disregard for the Discovery Master process—a process requested by Purdue. Enough is enough. Purdue should be ordered to show cause as to why it should not be held in contempt and, failing to show cause, be ordered to immediately supplement all discovery responses.

Dated: September 18, 2018

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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.; (6) JOHNSON & JOHNSON; (7) JANSSEN PHARMACEUTICALS, INC.; (8) ORTHO-McNEIL-JANSSEN PHARMACEUTICALS, INC., n/k/a JANSSEN PHARMACEUTICALS, INC.; (9) JANSSEN PHARMACEUTICA, INC., n/k/a JANSSEN PHARMACEUTICALS, INC.; (10) ALLERGAN, PLC, f/k/a ACTAVIS PLC, f/k/a ACTAVIS, INC., f/k/a WATSON PHARMACEUTICALS, INC.; (11) WATSON LABORATORIES, INC.; (12) ACTAVIS LLC; and (13) ACTAVIS PHARMA, INC., f/k/a WATSON PHARMA, INC.,	§	Case No. CJ-2017-816 JURY TRIAL DEMANDED
Defendants.	§	

PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS, AND FIRST SET OF INTERROGATORIES

Plaintiff, the State of Oklahoma, by and through its Attorney General (hereinafter "Oklahoma" or "the State"), pursuant to 12 Okl. St. §§ 3233 and 3234, requests that Defendants Purdue Pharma L.P., Purdue Pharma Inc., and the Purdue Frederick Company (collectively, "Purdue Defendants"), within thirty (30) days of the date of service of these discovery requests: (1) produce and permit Plaintiff to inspect and copy the documents and things requested below at the offices of Whitten Burrage, 512 N. Broadway Avenue, Oklahoma City, Oklahoma 73102 (or at such other place as may be agreed upon by the parties); and (2) answer the below interrogatories fully and under oath.

INSTRUCTIONS AND DEFINITIONS

SPECIFIC DEFINITIONS

For purposes of these discovery requests, the following specific definitions apply:

a. The words "**You**" or "**Your**" or "**Defendants**" or "**Purdue**" (as separately defined below) means the Purdue Defendants in this litigation: Purdue Pharma L.P., Purdue Pharma Inc., and the Purdue Frederick Company.

b. "**CME**" means Continuing Medical Education.

c. "**Front Groups**" means any and all non-profit organizations, trade associations, trade groups, or third-party organizations related to opioid use and/or pain treatment including, without limitation, the: American Pain Foundation ("APF"), American Academy of Pain Medicine ("AAPM"), American Pain Society ("APS"), American Geriatrics Society ("AGS"), Federation of State Medical Boards ("FSMB"), American Chronic Pain Association ("ACPA"), American Society of Pain Education ("ASPE"), National Pain Foundation ("NPF"), Pain & Policy Studies Group ("PPSG"), and Pain Care Forum ("PCF").

d. **"Healthcare Professional"** means any person licensed under federal and/or state laws to prescribe opioids, including but not limited to, doctors, pharmacists, nurses, and other licensed healthcare professionals.

e. **"KOLs"** means doctors or other Healthcare Professionals acting as key opinion leaders, consultants, and/or advisors to You for issues related to opioids and/or pain treatment. KOLs include, without limitation, the following doctors: Russell Portenoy, Lynn Webster, Bradley Galer, Scott Fishman, Bradley Haddox, Perry Fine, Kathleen Foley, and Barry Cole.

f. **"Other Opioid Cases"** means the following cases and any similar cases: *United States of America v. Purdue Frederick Company, Inc., et al.*, Case No. 07-CR-00029, WD of Va.; *Kentucky v. Purdue Pharma LP et al.*, Case No. 07-CI-01303, Pike Circuit Court of the Commonwealth of Kentucky; *Cabell County Commission v. Amerisourcebergen Drug Corp.*, No. 3:17-cv-01665, SD of West Virginia; *City of Everett v. Purdue Pharma et al.*, Case No. 2:17-cv-00209, WD of Washington; *Kanawha County Commission v. Rite Aid of Maryland, Inc.*, No. 2:17-cv-01666, SD of West Virginia; *The City of Huntington v. AmerisourceBergen Drug Corp., et al.*, Case No. 3:17-cv-01362, SD of West Virginia; *The County Commission of McDowell County v. McKesson Corporation et al.*, Case No. 1:17-cv-00946, SD of West Virginia; *The People of the State of California v. Purdue Pharma et al.*, Case No. No. 30-2014-00725287-CU-BT-CXC, Orange County Superior Court; *The People of the State of California v. Purdue Pharma et al.*, Case No 8:14-cv-01080, CD of California; *City of Chicago v. Purdue Pharma L.P., et al.*, Case No. 1:14-cv-4361, ND of Illinois; *People of the State of Illinois and St. Clair County, Illinois v. Purdue Pharma, et al.*, Case No. 17-L-204, Circuit Court of the Twentieth Judicial Circuit, St. Clair County, Illinois; *County of Suffolk v. Purdue Pharma LP*, Case No. 613760/2016, Supreme Court of the State of New York, County of Suffolk; *City of*

Everett v. Purdue Pharma et al., No. 17 2-00469 31, Superior Court of the State of Washington In and For Snohomish County; *The Town of Kermit v. McKesson Corporation, et al.*, No. 17-C-13, Circuit Court of Mingo County, WV; *The City of Huntington v. AmerisourceBergen Drug Corp., et al.*, No. 17-C-38, Cabell County Circuit Court, WV; *County of Broome v. Purdue Pharma, LP*, et al., No. EFCA2017-000252, Supreme Court of the State of New York, County of Broome; *The County Commission of Lincoln County v. West Virginia Board of Pharmacy, et al.*, Case No. 17-C-46; Circuit Court of Lincoln County, West Virginia; *County of Orange v. Purdue Pharma LP, et al.*, No. EF003572-2017, New York State Supreme Court, Orange County; *State of Mississippi v. Purdue Pharma, LP*, et al., Case No. 15-cv-1814 (25CH1:15-cv-001814); 5th Chancery Court, Hinds Chancery Court, Jackson; *State of Ohio, ex rel. Mike DeWine, Ohio Attorney General v. Purdue Pharma L.P., et al.*, Case No. 17-CI-000261, Common Pleas Court of Ross County, Ohio – Civil Division; *City of Dayton v. Purdue Pharma, et al.*, Case No. 2017-cv-02647, Court of Common Pleas, Montgomery County, Ohio; and *Barry Staubus, Tony Clark, Dan Armstrong and Baby Doe v. Purdue Pharma, et al.*, Case No. C-41916, Circuit Court of Sullivan County, Kingsport, TN.

g. "**PBM**" means any pharmacy benefits manager.

h. "**Purdue**" shall mean Purdue Pharma L.P., Purdue Pharma Inc., and the Purdue Frederick Company and any and all predecessors, merged entities, subsidiaries and affiliates, whether individuals, corporations, LLC's or partnerships. The term "affiliate" shall include any entity owned in whole or in part by Purdue or any entity which owns Purdue in whole or in part. The term "**Purdue,**" where appropriate, shall also include entities and individuals, such as officer, directors, sales representatives, medical liaisons, etc., who are employed by Purdue or who provide services on behalf of Purdue.

i. **"Relevant Time Period"** means May 1, 1996 to the present. Unless otherwise indicated, these discovery requests are limited to the Relevant Time Period.

GENERAL DEFINITIONS AND INSTRUCTIONS

For purposes of these discovery requests, the following general definitions apply:

a. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these discovery requests any and all information which might otherwise be construed as outside their scope.

b. "Communication" means the transmittal of any information, by any means, including, but not limited to, any meeting, conversation, discussion, conference, correspondence, message, or other written or oral transmission, exchange, or transfer of information in any form between two or more persons, including in-person or by telephone, facsimile, telegraph, telex, letter, email or other medium.

c. "Concerning" means relating to, referring to, describing, evidencing or constituting.

d. "Correspondence" means any document that constitutes a Communication between two or more entities, persons or things, or that records, memorializes, reflects, or otherwise summarizes the substance of such a communication, whether made directly or otherwise.

e. "Date" means the exact year, month and date, if known, or, if not, Your best approximation thereof.

f. "Document" shall have the broadest possible meaning under the Oklahoma Discovery Code, including, but not limited to, any written, printed, handwritten, graphic matter of any kind, or other medium upon which intelligence or information can be recorded or

retrieved, however created, produced or reproduced, and regardless of where located, including, but not limited to, any Correspondence, inter-office and intra-office communications, emails, circulars, announcements, directories, declarations, affidavits, statements, filings, memoranda, agreements, contracts, legal instruments, reports, studies, work papers, records, research, checklists, opinions, summaries, instructions, specifications, notes, notebooks, scrapbooks, diaries, minutes, minutes of meetings, desk or pocket calendars, schedules, projections, plans, drawings, specifications, designs, sketches, pictures, photographs, photocopies, charts, graphs, curves, descriptions, accounts, journals, ledgers, bills, invoices, checks, receipts, motion pictures, videos, recordings, publications, transcripts, sound recordings, any magnetic or other recording tape, computer data (including information or programs stored in a computer, whether or not ever printed out or displayed), and any other retrievable data (whether encoded, taped, punched or coded, either electrostatically, electromagnetically, on computer or otherwise), in Your possession, custody, or control or known to You wherever located, however produced or reproduced, including any non-identical copy (whether different from the original because of any alterations, notes, comments, initials, underscoring, indication of routing, or other material contained in that document or attached to that document, or otherwise), and whether a draft or a final version. "Document" shall include metadata and/or other identifying information for those documents generated and stored electronically, whether stored on an active hard drive or on archive tapes or disks, including electronic mail. "Document" shall also include the physical and/or electronic file folders in which said documents are maintained and any table of contents or index thereto; and copies of documents of which the originals have been destroyed pursuant to a document destruction policy or otherwise. You are instructed to preserve and restore all archive tapes and disks to determine whether responsive documents are resident in archived files.

g. "Including" means "including, but not limited to."

h. "Person" means, without limiting the generality of its meaning, natural persons, groups of natural persons (such as a committee or board of directors), corporations, partnerships, associations, joint ventures, and any other incorporated or unincorporated business, governmental, public, or social entity.

i. "Relate" and "relating to" mean to be legally, logically, factually, or in any way connected to, in whole or in part, the matter discussed.

j. Documents not otherwise responsive to this discovery request shall be produced if such documents mention, discuss, refer to, or explain the documents that are called for by this discovery request.

k. Documents attached to each other should not be separated.

l. The fact that a document is produced by another party does not relieve You of the obligation to produce Your copy of the same document, even if the two documents are identical.

m. In producing documents and other materials, You are requested to furnish all documents or things in Your possession, custody or control, regardless of whether such documents or materials are possessed directly by You or Your directors, officers, agents, employees, representatives, subsidiaries, managing agents, affiliates, accountants, investigators, or by Your attorneys or their agents, employees, representatives or investigators.

n. When asked to identify a document, please state the location, length, date, authors, signatories, and content of the original and identify the person presently in charge of its custody and maintenance. If there are copies of the document that are not identical to the original, explain how the copies differ from the original with respect to the characteristics enumerated in the previous sentence. If any person received the original or any copy (whether or

not identical to the original), please identify such person. If the document is available in only machine-readable form, please state the form in which the document is available and describe the type of machine required to read the document. If the document was, but no longer is, in Your possession, custody or control, please state or identify the date, manner, and person who authorized the disposition.

o. When asked to identify a natural person, please state his or her name, title and position, and present or last known home and business addresses and telephone numbers. If such person is no longer employed by the person for whom he/she engaged in the activity which is the subject of the interrogatory, please state the date on which he/she left the employ of the person and his/her title or position when he/she engaged in the activity which is the subject of the interrogatory.

p. When asked to identify a non-natural person, please state the entity's full name, its address and telephone number at its principal place of business, and its relationship to the parties to this proceeding. With respect to each person who is or was an officer, director, general partner, limited partner, member or beneficiary of the organization, or who represented the organization with respect to the subject matter stated in the interrogatory, state the name and title of such person.

q. When asked to identify a communication, please state its date, time, place, form (such as memorandum, letter, or conversation) and substance, and state each person who has or is believed to have first-hand knowledge of the communication and each document relating to the communication.

r. Whenever appropriate in these discovery requests, the singular and plural forms of words shall be interpreted interchangeably so as to bring within the scope of these requests any matter which might otherwise be construed to be outside their scope.

s. With respect to each document or communication which Defendant does not produce or divulge based upon any claim of privilege or for any other reason, please state the reason the document or communication was not produced and its date, length, general content, and whether it contained any attachments, exhibits, or appendices. With respect to the document's authors, originators or senders, present custodians, persons who have seen the document or copies or have participated in a relevant communication, and persons to whom the document or copies were directed, addressed, or sent, please also state the names, addresses, and job titles of each such person and the date each such person received the document or copies.

t. If a portion of an otherwise responsive document contains information subject to a claim of privilege, only that portion of the document subject to the claim of privilege shall be deleted or redacted from the document following the instructions in the preceding paragraph and the rest shall be produced.

u. All documents are to be produced, organized and labeled to correspond with the categories in the Requests for Production of Documents. The method of production of each category is to be identified at the time of production.

v. If any documents requested herein have been lost, discarded, or destroyed, including documents not produced based upon a claim of privilege, identify such documents as completely as possible, including the date of and reason for the disposal or loss and the persons who performed, authorized, or have knowledge of the disposal or loss.

w. Unless otherwise indicated, these discovery requests apply to the Relevant Time Period, including all Documents and information which relate in whole or in part to the Relevant Time Period, or to events or circumstances during such period.

x. Except as expressly provided in the definitions above or in a particular discovery request, all of the terms utilized in these discovery requests shall have the meaning given to them in the Oklahoma Discovery Code.

SPECIFICATIONS FOR ELECTRONIC DISCOVERY

For purposes of these discovery requests, the following are specifications for electronic discovery:

a. Unless You are otherwise herein specifically requested to produce documents in a different format, documents available to You in electronic form should be produced in electronic form.

b. If You have documents available to You as PDF, or in other electronic form, You should produce them electronically rather than converting them to hard copies. You should consult with counsel or the requesting party regarding the form that should be utilized for production. If You have available to You responsive documents that have been "OCR'd", they should be produced electronically in that form. When producing documents to the requesting party, the preferred format is PDF, with the exception of Excel, PowerPoint and database files. These should be produced in their original Excel, PowerPoint or database format.

c. E-mails should be produced as PDF images. E-mail attachments shall be handled according to the provisions below applicable to loose electronic documents, and also include fields for begattach and endattach. The following metadata should be produced for each e-mail: starting Bates, ending Bates, confidentiality designation ("Confidential" or no designation), to,

from, cc, bcc, date sent, date received, subject, full text, begattach, endattach, custodian, and source. For any document that is redacted, the producing party shall withhold any metadata that is the subject of the redaction, and provide OCR of the produced image as redacted.

d. If a document does not contain extractable text, the producing party shall provide OCR for that document. Load files shall include the following metadata: starting Bates, ending Bates, confidentiality designation ("Confidential" or no designation), author, custodian, source, date created, last accessed date, last modified date, and original filename. For any document that is redacted, the producing party shall withhold any metadata that is the subject of the redaction, and provide OCR of the produced image as redacted. Excel files and databases shall be produced as native files with a single Bates number as designated below, and shall also include the metadata and the native file link in the load file (with the exception of native files for documents that have been redacted, in which case the parties shall confer in good faith to determine the method by which the native file will be produced). Upon reasonable request of another party, any other documents or sets of documents that cannot be viewed meaningfully as PDF images shall be reproduced in native format. For native files, the producing party will provide a single page placeholder referencing the native file with a Bates stamp for the file only, stating: "This document was produced in native form." Notwithstanding this, the parties understand that producing native files may affect some changes in metadata. Minor metadata changes that result from production to the requesting party, including changes to the creation date, changes to the file name to reflect the designation of "Confidential", and Bates stamping of the file are permissible. Upon reasonable request of another party, any other documents or sets of documents that contain color where the colors are necessary to understanding the substance of

the document shall be reproduced in color. Regardless of the form of production, the producing party shall preserve native files with all metadata intact.

e. The producing party shall produce hard copy documents as PDF images with accompanying document-level full text with Concordance and Opticon load files, which shall include the following metadata: starting Bates, ending Bates, confidentiality designation ("Confidential" or no designation), and custodian. If a document does not contain extractable text, the producing party shall provide OCR for that document. For any document that is redacted, the producing party shall withhold any metadata that is the subject of the redaction, and provide OCR of the produced image as redacted.

f. Computer programs shall be produced in object-code form, along with all installation files, database files, or other files, manuals, all USB or other types of security or licensing devices required to install and operate the programs.

g. If any electronic file or email responsive to a discovery request has been maintained by You (including any person doing any work on Your behalf) within a folder, a 'screen shot' of the contents of the folder shall be provided, along with a 'screen shot' of all levels of folders maintained that include that folder at any level. For example, if an employee using an Outlook (or similar) email system has maintained a system of folders where the employee stores emails by subject, and one or more of those folders contain emails responsive to a discovery request, then the following 'screen shots' shall be produced: (1) a 'screen shot' of the person's entire folder and subfolder index; and (2) a 'screen shot' of the full index of the folder within which responsive emails have been stored. If an employee has maintained on a hard drive or server a system of folders where the employee stores electronic files by subject, and one or more of those folders contains electronic documents responsive to a discovery

request, then the following 'screen shots' shall be produced: (1) a 'screen shot' of the person's entire folder and subfolder index; and (2) a 'screen shot' of the full index of the folder within which responsive electronic documents have been stored.

h. The foregoing provisions apply to documents that are possessed in native or hardcopy form by the producing party. To the extent that You are required to produce documents that were obtained in electronic form from third parties in litigation, You will make reasonable efforts to produce the documents in the formats described above, but the production of such documents may be limited by the format in which they were received from third parties.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: All Documents produced by You, whether as a party or non-party, in other litigation related to the promotion, marketing, distribution, and/or prescription of opioids, including, without limitation, any and all Documents produced by You in the Other Opioid Cases.

REQUEST FOR PRODUCTION NO. 2: All discovery responses, investigative demand responses, deposition transcripts, witness statements, hearing transcripts, expert reports, trial exhibits and trial transcripts from prior litigation related to the promotion, marketing, distribution, and/or prescription of opioids, including, without limitation, the Other Opioid Cases.

REQUEST FOR PRODUCTION NO. 3: All Documents constituting or concerning training and education materials for opioid sales representatives, whether Your employees, contractors or third-party sales representatives, including, without limitation, all scripts, presentations, guidelines, and videos, including drafts of such materials, provided to such opioid sales representatives by You.

REQUEST FOR PRODUCTION NO. 4: All Documents constituting or concerning training and education materials You provided to medical liaisons employed, retained or funded by You concerning the medical liaisons' communication with Healthcare Professionals, KOLs, and/or Front Groups regarding opioids and/or pain treatment, including but not limited to, scripts, presentations, guidelines and videos.

REQUEST FOR PRODUCTION NO. 5: All Communications between medical liasions employed, retained or funded by You and Healthcare Professionals, KOLs and Front Groups regarding opioids and/or pain treatment.

REQUEST FOR PRODUCTION NO. 6: All branded advertisements and/or marketing materials published by You concerning opioids, including, without limitation all videos, pamphlets, brochures, presentations, treatment guidelines, and any drafts of such materials.

REQUEST FOR PRODUCTION NO. 7: All Communications concerning branded advertisements and/or marketing materials published by You concerning opioids, including, without limitation all videos, pamphlets, brochures, presentations, and treatment guidelines.

REQUEST FOR PRODUCTION NO. 8: All un-branded advertisements and/or marketing materials drafted, edited, influenced, funded and/or published, in whole or in part, by You, concerning opioids, including, without limitation, all videos, pamphlets, brochures, presentations, articles, treatment guidelines or other materials, and any drafts of such materials.

REQUEST FOR PRODUCTION NO. 9: All Communications concerning un-branded advertisements and/or marketing materials drafted, in whole or in part, by You concerning opioids, including, without limitation, all videos, pamphlets, brochures, presentations, treatment guidelines and other materials.

REQUEST FOR PRODUCTION NO. 10: All Documents reflecting amounts spent by You on advertising and marketing related to opioids during the Relevant Time Period.

REQUEST FOR PRODUCTION NO. 11: All Documents reflecting amounts spent by You on unbranded opioid advertising during the Relevant Time Period.

REQUEST FOR PRODUCTION NO. 12: All organizational charts identifying Your employees involved in (1) the sale, promotion, marketing and advertising of Your opioids; and (2) the communication with Healthcare Professionals, KOLs and Front Groups regarding opioids, including OxyContin, and pain treatment.

REQUEST FOR PRODUCTION NO. 13: All Communications between You and trade groups, trade associations, non-profit organizations and/or other third-party organizations concerning opioids and/or pain treatment, including but not limited to, the Front Groups.

REQUEST FOR PRODUCTION NO. 14: All Communications between You and other opioid manufacturers concerning opioids and/or pain treatment, including, without limitation, all Communications with the Defendants in this action, Endo Health Solutions Inc, Endo Pharmaceuticals, Inc. and/or Pfizer Inc. concerning opioids and/or pain treatment.

REQUEST FOR PRODUCTION NO. 15: All Communications between You and any opioid distributor, wholesaler, pharmacy, and/or PBM concerning opioids and/or pain treatment, including, without limitation: Cardinal Health Inc., AmerisourceBergen Drug Corporation, McKesson Corporation, CVS, Rite Aid, Wal-Mart, and Walgreens.

REQUEST FOR PRODUCTION NO. 16: All Documents concerning Your compensation plans for sales representatives and/or sales managers, including contractors and third-party sales representatives in Oklahoma responsible for the sale of Your opioids.

REQUEST FOR PRODUCTION NO. 17: All labels and prescription inserts used with or considered for use with Your opioids, including drafts.

REQUEST FOR PRODUCTION NO. 18: All Documents You provided to or received from KOLs concerning opioids and/or pain treatment, including, without limitation, all Communications with KOLs concerning opioids and/or pain treatment.

REQUEST FOR PRODUCTION NO. 19: All Documents concerning Your research of Oklahoma Healthcare Professionals' and/or pharmacies' opioid prescribing habits, history, trends, sales, practices and/or abuse and diversion of opioids.

REQUEST FOR PRODUCTION NO. 20: All Documents drafted, edited, influenced, funded and/or published by You concerning "pseudoaddiction" or "pseudo-addiction."

REQUEST FOR PRODUCTION NO. 21: All Documents concerning CMEs sponsored by You, in whole or in part, related to opioids and/or pain treatment, including, without limitation, all materials made available to CME attendees.

REQUEST FOR PRODUCTION NO. 22: All Documents concerning opioids and/or pain treatment that You provided to any Oklahoma State agency or board, the Oklahoma State Medical Board, and/or Oklahoma medical school.

REQUEST FOR PRODUCTION NO. 23: All Documents concerning research conducted, funded, directed and/or influenced, in whole or in part, by You related to opioid risks and/or efficacy.

REQUEST FOR PRODUCTION NO. 24: All internal Communications and Communications between You and third parties concerning research, studies, journal articles, and/or clinical trials regarding opioids and/or pain treatment, including, without limitations, all drafts of such Communications.

REQUEST FOR PRODUCTION NO. 25: All Documents showing opioids are not addictive, virtually nonaddictive and/or that addiction to opioids, including OxyContin, occurs in less than one percent of patients being treated with opioids.

REQUEST FOR PRODUCTION NO. 26: All Documents showing opioids are addictive, highly addictive and/or that addiction to opioids, including OxyContin, occurs in greater than one percent of patients being treated with opioids.

REQUEST FOR PRODUCTION NO. 27: All Documents regarding any OxyContin abuse and diversion program You established and implemented to identify Healthcare Professionals' and/or pharmacies' potential abuse or diversion of OxyContin.

REQUEST FOR PRODUCTION NO. 28: All Documents concerning Your sales projections and/or research regarding the amount of reimbursement for Your opioids prescriptions that would be paid by Medicare and/or Oklahoma's Medicaid Program.

INTERROGATORIES

INTERROGATORY NO. 1: Identify the name and position of each Person employed by Defendant who had any responsibilities related to:

a. selling, advertising, and/or marketing opioids;

b. communicating with Healthcare Professionals, Front Groups and KOLs regarding opioids;

c. training any employees, contractors or third-party sales representatives responsible for selling, advertising, and/or marketing opioids;

d. training any employees, contractors or third-party sales representatives responsible for communication with Healthcare Professionals, Front Groups and KOLs regarding opioids;

e. testing, researching, and/or studying the risks of opioids; and

f. testing, researching, and/or studying the benefits of opioids.

INTERROGATORY NO. 2: State the amounts of gross revenue and net profits earned by You from the sale of opioids in Oklahoma.

INTERROGATORY NO. 3: Identify all Front Groups, trade groups, trade associations, and/or non-profit organizations related to opioids and/or pain treatment to whom you have provided funding or other benefits, and the respective amounts and/or values of such funding or benefits.

INTERROGATORY NO. 4: Identify all of Your former sales representatives, sales managers and medical liaisons in Oklahoma that were involved in the sale, marketing and/or advertising of Your opioids and/or communicating with Oklahoma Healthcare Professionals concerning Your opioids and/or pain treatment.

INTERROGATORY NO. 5: Identify all educational or research grants You provided to individuals or entities regarding opioids and/or pain treatment.

INTERROGATORY NO. 6: For each year during the Relevant Time Period, state the amount of each and every bonus paid to each and every sales representative, sales manager or other individual responsible for the sale or promotion of Your opioids in Oklahoma, identifying individual to whom each such bonus payment was made.

INTERROGATORY NO. 7: Identify all KOLs utilized by You concerning opioids and/or pain treatment, the amounts paid and/or the value of the benefits provided to each KOL, and a description of all services provided by each KOL to You.

INTERROGATORY NO. 8: Identify all Healthcare Professionals in Oklahoma to whom You sent sales representatives, marketing materials, treatment guidelines and/or educational materials concerning opioids and/or pain treatment.

INTERROGATORY NO. 9: Identify all Healthcare Professionals in Oklahoma to whom You provided, either directly or indirectly, any gift, payment, meal, entertainment and recreation, speaking fee, consulting fee or other remuneration relating to the promotion and marketing of opioids, a description of such remuneration that You provided to each and every Oklahoma Healthcare Professional and the specific amount of such remuneration that You provided to each and every Oklahoma Healthcare Professional.

INTERROGATORY NO. 10: Identify all conferences, conventions, educational events, speeches, and/or CMEs You hosted or sponsored or in which You participated related to opioids and/or pain treatment.

INTERROGATORY NO. 11: Identify all conferences, conventions, speeches, and/or CMEs You hosted or sponsored or in which You participated related to opioids and/or pain treatment and which were attended by Oklahoma Healthcare Professionals.

INTERROGATORY NO. 12: Identify all medical schools in Oklahoma to which You sent sales representatives or presenters concerning opioids, including the dates of all such visits and identification of the employees sent by You.

INTERROGATORY NO. 13: Identify each and every letter, study, research, article, or other written materials relating to opioids which You funded, edited, influenced and/or published for purposes of communicating with Healthcare Professionals regarding opioids and/or pain treatment.

Dated: August 3, 2017.

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on August 3, 2017, a true and correct copy of the above and foregoing document was served by email delivery, as well as Certified Mail, Return Receipt Requested to all counsel of record.

Michael Burrage

EXHIBIT B

Filed Under Seal

EXHIBIT C

Filed Under Seal