



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.,

Defendants.

STATE OF OKLAHOMA } S.S.
CLEVELAND COUNTY }
FILED

OCT 26 2018

In the office of the
Court Clerk MARILYN WILLIAMS

Case No. CJ-2017-816

TEVA'S RESPONSE TO DISCOVERY MASTER REQUEST

On behalf of the Teva Defendants, we respond to your October 24, 2018 request regarding the clarification of your October 22, 2018 Order (the "Order"). Specifically, you asked that we address (1) whether the Order's the 80-hour limit for corporate designee depositions applies to each defendant family or to all defendants collectively; and (2) whether the Order applies to all corporate designee depositions or just those identified in the State's Motion to Compel that was heard on October 18, 2018. In short, the 80-hour limit applies to all corporate designee depositions,

not “per defendant family” and not just to those not just those listed in the State’s motion. A contrary interpretation of the Order would be wholly unworkable in this case.

The Order was clear that the 80-time limit should apply to all corporate designee depositions of defendants. As an initial matter, we disagree with the State that Oklahoma’s rules put no limits on corporate designee depositions. Oklahoma law is clear that a party is generally entitled to one six-hour deposition of a corporation or other entity without leave of court. Okla. Stat. tit. 12, § 3230(A)(3) (limiting depositions to six hours without leave of court); Okla. Stat. tit. 12, § 3230(C)(5) (“A party may in **the notice** . . . name as the deponent a public or private corporation or a partnership or association or governmental agency and describe with reasonable particularity **the matters** on which examination is requested”) (emphasis added). The Teva Defendants appreciate that more time is necessary for this case. The Order’s 80-hour limit – over 13 days of testimony – is more than sufficient. To put that in context, the MDL court has ordered just **14 hours** for 50 corporate designee deposition topics. Under the State’s interpretation it would be entitled to over **40 days** of testimony just for the topics listed in its motion. That is every working day for two straight months for the State’s depositions; it does not account for defendants’ right to take depositions. That is not workable, and the Order clearly was not intended to create that result.

Nor would it be workable to limit the Order’s 80 hours to just the 40 or so topics at issue in the State’s Motion to Compel. Under that interpretation, the State would get an additional, unlimited amount of time to take additional depositions. That is, frankly, absurd. The Order clearly was not intended to be limited solely to the depositions listed in the State’s motion, but to corporate depositions generally. No reading of Oklahoma law allows for unlimited deposition time, which is what the State wants. To read the Order as the State asks would encourage

inefficiency and delay by the State and, more importantly, permit the State to effectively occupy all time in this case available for depositions and prevent the defendants from taking necessary depositions.

In sum, the Order was clear: the 80-hour limit applies to all defendants and applies to all depositions, including those to be noticed in the future. There is no basis to disturb it.

Respectively Submitted,



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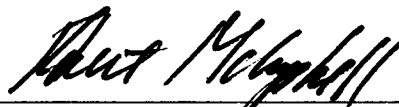
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Cephalon, Inc., Teva Pharmaceuticals USA, Inc., Watson Laboratories, Inc., Actavis LLC, and Actavis Pharma, Inc. f/k/a Watson Pharma, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was emailed this 26th day of October 2018, to the following:

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