



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

OCT 29 2018

In the office of the
Court Clerk MARILYN WILLIAMS

ORDER OF SPECIAL DISCOVERY MASTER

NOW, on this 29TH day of October, 2018, the undersigned having received a request and argument from the State and received Defendant group responses regarding clarification of the Order entered on October 22, 2018, finds as follows:

In paragraph "4. C." of the above-referenced Order the undersigned entered an Order that "State shall be limited to a total of **eighty (80)** hours to be divided up as State chooses." Subsequent to the issuance and filing of that Order, State requested clarification asking two questions: 1. "In part C, you stated a limit of a total of 80 hours. We read that limit to be per defendant family. ... Are we reading that correctly?" and; 2. "We read this order to apply to the 40+ topics that were at issue in our motion. These were noticed prior to the deposition protocol.

And they were the only topics at issue in the motion we filed. For remaining 30b topics, we understand the parties to be bound by the deposition protocol that you set forth in a prior order."

First, we were dealing in this hearing with State's Motion to Compel. As I read the motion and responses, each one referred to previously noticed depositions, noticed prior to the attempted removal of the case to Federal Court. Of those noticed depositions, now having been re-noticed, only a few have been taken. Each of the three Defendant groups were responding to, opposing these notices and moving to quash. The substance of the argument I understood to be focused on the April, 2017 noticed depositions that were the subject of State's motion. The Order entered in Paragraph 4.C. can be interpreted several ways and was poorly written. To interpret as argued by Defendant groups, would be an interpretation, the effect of which would be to unreasonably limit State's inquiry into forty-two (42) topics and as to all Defendants.

Referring to Purdue's Exhibit C to their response to the original motion, Purdue proposed 27 groupings of topics (some are single topic) to be testified to by possibly six different designated witnesses (according to the pleading the total number not finally determined). Under Defendants' interpretation, and should State elect to equally divide 80 hours between the three Defendant groups, that would require State to conduct all Purdue group depositions within 27 hours or 4 hours per witness. That is assuming Purdue group would only designate six witnesses for the 27 groupings and no more. Again, as found earlier, some topic groupings are large and those depositions will understandably take much longer. Further, the reality is the Defendant groups must pair meaningful witnesses to topic or topic groups and yet to be determined, where in the end, my determination was the number of depositions will likely be more than 6 witnesses per Defendant group. We already know there will be a few individual Defendants needing to provide 30b witnesses. This is the analysis I undertook. I determined it likely State would be presented with deposing possibly 10 witnesses per Defendant group (some less and some more), allowing eight hours for each deposition would total 80 hours per Defendant group. I have consistently encouraged less (in number and hours) but recognize the complexities and gravity of this case for all sides.

Therefore, by this Order and having fully explained my process in arriving at my October 22, 2018 findings and Order, that Order is amended to reflect State allowed to divide up a total of 80 hours *per Defendant group* as originally intended by the undersigned.

Regarding State's second question, I am not sure what "remaining 30b" topics are being referred to, or exist. Our deposition protocol is in place, and does provide for a deposition protocol for all remaining depositions regardless of type.

It is so ORDERED this 29th day of October, 2018.


William C. Hetherington, Jr., Special Discovery Master