IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel., MIKE HUNTER, ATTORNEY GENERAL OF OKLAHOMA, Plaintiff, v. PURDUE PHARMA L.P., *et al.*, Defendants.	 Case No. CJ-2017-816 Judge Thad Balkman

DEFENDANTS' JOINT RESPONSE TO THE STATE'S REQUEST FOR STATUS CONFERENCE

Defendants Purdue Pharma L.P., Purdue Pharma Inc., The Purdue Frederick Company Inc., Teva Pharmaceuticals USA, Inc., Cephalon, Inc., Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., Janssen Pharmaceutica Inc., Watson Laboratories, Inc., Actavis LLC, and Actavis Pharma, Inc. (collectively, "Defendants"[1]), by and through their attorneys, submit this Joint Response to the State of Oklahoma's (the "State") Request for Status Conference pursuant to Oklahoma District Court Rule 5.

I. INTRODUCTION

Defendants have no objection to participating in a status conference in this matter. Indeed, a status conference is justified in order to address the State's dilatory tactics, baseless accusations of misconduct (many of which the State repeats in its request), delay in producing documents, and abusive litigation tactics—all of which have stymied Defendants' best efforts to prepare this case for trial in May 2019. So that the Court is apprised of this context for the status conference, Defendants describe these points in more detail below.

With respect to the ultimate relief the State seeks, it should be denied for at least two reasons. ***First***, the State's request for entry of an order directing that the State's affirmative depositions be held on unilaterally scheduled days, that all such depositions occur at the Cleveland County courthouse, and that depositions occur on Saturdays, violates Oklahoma law and is patently unreasonable. The State asks this court to unilaterally schedule ***ninety-two*** depositions, over a thirteen-week period, without any input from the Defendants or consideration of the witnesses'

[1] For ease of reference, as used herein, Defendants Purdue Pharma L.P., Purdue Pharma Inc., and The Purdue Frederick Company, Inc. are collectively referred to as "Purdue Defendants"; defendants Teva Pharmaceuticals USA, Inc., Cephalon, Inc., Watson Laboratories, Inc., Actavis LLC, and Actavis Pharma, Inc. are collectively referred to as "Teva Defendants"; and defendants Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., Janssen Pharmaceutica Inc. are collectively referred to as "Janssen Defendants".

availability.[2] Judge Hetherington has already addressed the scheduling of yet-to-be scheduled corporate representative depositions and directed that all Defendants submit proposed topic groupings and dates to the State for their respective representatives on Tuesday, November 27. The Defendants are also in the process of providing dates, preparing objections, or otherwise responding to the State's request for depositions of ***forty-seven*** fact witnesses that the State first identified on October 29. There are already orders and procedures in place to address deposition scheduling, developed following briefing requested by the Discovery Master, and nothing in the State's submission warrants a deviation from the processes that are already in place. Indeed, the State has already accepted dates for some of those fact witness depositions. The State's requests are therefore improper and should be rejected.

Second, it is the State, not the Defendants, that is responsible for the discovery inefficiencies that the State now complains about through its use of cherry-picked facts and outright falsehoods. An objective review of the record paints a very different picture than the one the State attempts to portray in its request. The State has sued the Defendants in this lawsuit for what its attorneys deem "the biggest public health crisis in the history of Oklahoma," and claims that the three Defendant families, and them alone, are responsible for that crisis.[3] Despite that, the State argued vigorously for an expedited discovery schedule and trial date in May of 2019, over the objections of Defendants that such a schedule was unworkable given the breadth and scope of the State's case. Of course, at no point during the briefing or argument on its request for such an early trial date did the State reveal to the Court that it intended to seek more than 250 hours of corporate representative testimony on more than 40 topics per Defendant family, depose over 100

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[2] *See* State's Br. at 1-2; Exhibit A.

[3] Transcript of Proceedings Before Hon. William Hetherington, 72:18-19, March 9, 2018, attached as Exhibit A.

fact witnesses, and designate 26 expert witnesses (that need to be countered by at least that many), all while refusing to coordinate any of the State's discovery efforts with other litigation placing parallel demands on the same Defendants and the same witnesses.

Simultaneously, the State has refused to engage in even the most basic discovery, while demanding that the Defendants comply with its own expansive – and expanding – requests. As of the date it filed the instant request, the State had produced a mere 32,000 documents, the majority of which were publicly available or non-responsive. The day after the State filed its request – the Friday before Thanksgiving – the State dumped nearly 290,000 documents on the Defendants[4] (meaning that nearly 92% of the State's document production occurred ***after*** it filed its request claiming that ***Defendants*** have been dilatory), while Defendants have produced over 8.2 million documents to the State.

Despite its claim that Defendants have impeded the State, the record shows that the State recently refused to move forward with six days of corporate depositions, in part because it claimed it was unprepared to take the depositions "early," and it has refused to turn over scores of critical, highly relevant information to the Defendants, such as custodial files, patient and prescriber information related to opioid claims made to Oklahoma Medicaid, and exculpatory information such as the State's criminal and administrative investigative actions (and lack of enforcement or remedial action on information known to the State) against healthcare providers related to illegal opioid prescribing practices.[5] As set forth more fully below, it is the State's recalcitrance – through its refusal to meaningfully participate in discovery, and its overwrought rhetoric and lack of decorum with opposing counsel – that has caused the discovery quagmire that the parties now find

[4] The Defendants' requests for production have been outstanding for more than six months.
[5] The materials related to patient and prescriber information, as well as criminal and investigatory files, are the subject of two pending objections.

themselves in. The Defendants therefore respectfully request that the State be admonished for the ways in which its strategy and its counsels' tactics have impeded progress in this case.

II. ARGUMENT

A. The State's Requests Violate Oklahoma Law and Create an Undue Burden

The State's request to require the parties to attend depositions on Saturdays and for out-of-State, non-parties to be required to attend depositions in Cleveland County, violates the plain language of the Oklahoma Discovery Code. Okla. Stat. tit. 12 § 3230 (A)(3) provides, "a deposition upon oral examination shall not last more than six (6) hours and shall be taken only between the hours of 8:00 a.m. and 5:00 p.m. ***on a day other than Saturday or Sunday*** and on a date other than a holiday designated in Section 82.1 of Title 25 of the Oklahoma Statutes." Further, Okla. Stat. tit. 12 § 3230 (B)(1) provides: "A witness shall be obligated to attend to give a deposition ***only in the county of his or her residence, a county adjoining a county of his or her residence or the county where he or she is located when the subpoena is served.***" The State's requests are therefore in direct contravention to the plain language of the Oklahoma Discovery Code and, with regard to out-of-state, non-party fact witnesses, beyond the power of the Court. The State's request to require out-of-state, non-party witnesses to attend depositions in Cleveland County was also contradicted by the State's attorneys, on the record, ***two days after the State's request was filed***. Arguing against a motion to quash depositions filed by the Janssen Defendants, the State said the following to the Discovery Master, on the record:

> MR. DUCK: Judge, this is Trey Duck. I'd like to add just a couple of practical points. It appears that Mr. Brody's call of argument primarily related to burden. And I'd just like to, very briefly, remind the Court that, ***because these are fact witness depositions, we will be traveling to these witnesses. We're not asking them to be brought to -- to Oklahoma City. We'll go to them. And that's how it always works.***

Transcript of Telephone Hearing Before Hon. William Hetherington, 21:19 – 22:2, November 17, 2018 (emphasis added), attached hereto as Exhibit B.

In addition to being in violation of the law, the State's requests regarding unilateral deposition scheduling for all witnesses in this case creates an undue burden on everyone involved, and fails to account for the availability of the witnesses – most of whom have no interest in this litigation – as well as the attorneys litigating this and many other cases around the country. The State has offered nothing that would justify such extreme measures.

The existing orders adequately address the scheduling concerns that the State raises. On January 29, 2018 the Court entered the Order Appointing Discovery Master. *See* Exhibit C. Among other things, that Order provides the Discovery Master with all authority conferred by discovery masters under the Oklahoma Discovery Code, requires periodic reporting by the Discovery Master to the Court, and provides for a direct, de novo, objection process of Discovery Master rulings to the Court. Pursuant to that order, the Discovery Master has implemented various other orders controlling the process and procedure by which discovery is conducted. The discovery procedures implemented by this Court and the Discovery Master have functioned as well as can be expected given the State's conduct and its insistence on an expedited discovery schedule. As set forth below, the problem lies not with the process, but with the State's conduct.

B. <u>The State Is Responsible For The Discovery Issues It Now Complains Of</u>

The State first complains about the scheduling of corporate representative depositions. *See generally* State's Br. at 3-4. The State claims that its deposition notices have been "pending for over 170 days" and that it has only taken "two depositions per Defendant family." *Id.* at 2; 4. Those are demonstrably untrue. The State omits the fact that, after it initially noticed the corporate depositions in April 2018, the case was removed to Federal Court in June, before ultimately being

remanded to Cleveland County District Court in August. The State then ***re-noticed*** the corporate depositions after remand on August 8, 2018. *See* Exhibit D. The Defendants each provided responses and objections to the State's notices on September 10, 2018, per the protocol entered by the Discovery Master on August 31. *See* Exhibit E. The parties subsequently held a meet and confer, per the protocol established by the Discovery Master, on September 21, 2018, and each of the Defendants offered numerous dates and topic groupings to the State, which the State refused.[6] *See* Exhibit F. Ultimately, because the State refused to accept any time limits on its corporate depositions, and refused to allow the Defendants to group topics based upon witness knowledge and availability, the State filed a motion to compel corporate depositions. On October 28 – approximately one month ago – the Discovery Master clarified a prior order and ruled that the State is entitled to 80 hours of corporate representative testimony from each Defendant family, and that the Defendants are entitled to group the topics based upon witness knowledge and availability. On Tuesday, November 27, the Defendants are submitting topics groupings to the State per the Discovery Master's directive. The State's claim that its notices have been "pending for 170 days" is therefore a knowing misrepresentation.

So, too, is the State's claim that it has only taken "two depositions" per Defendant family. The State has taken ***thirty-three*** depositions – or roughly eleven per Defendant family – including corporate representatives and current and former employees of the Defendants. Further, the State has ***refused*** dates for corporate witness depositions offered by the Defendants because it refused to accept any reasonable limits on the depositions and topic groupings from the Defendants. For example, just last month the State ***declined*** a total of ***six*** days that the Janssen Defendants offered

[6] Importantly, the State did not raise any issues with the Defendants' objections to the scope and breadth of the State's deposition topics. The only issues raised by the State concerned the grouping of topics and amount of time for depositions.

for corporate depositions,[7] instead preemptively filing a motion to compel seeking to guarantee at least 102 hours of corporate depositions. In that motion, the State took the remarkable position that it was not prepared to take depositions on any of the topics offered – saying it was too "early" to take certain depositions, despite having issued those topics in May and then re-noticed them in early August after the case was remanded to this Court. More recently, the State waited more than two weeks before responding to additional dates that Janssen offered for corporate depositions on November 9. Indeed, the State filed this request for a status conference before responding to Janssen's proposed dates.

Consider also the Teva Defendants, who offered the State ***three days*** in early November for corporate witness depositions. *See* Exhibit I. The State decided it only wanted to use ***one day*** and then proceeded to only use about ***three hours*** of the six-hour time limit. *Id.* The State cannot come in and complain to the Court about corporate depositions when it has failed to use the time that has been offered.

When the State has proceeded with corporate depositions, their attorneys have repeatedly posed irrelevant and inflammatory questions having nothing to do with the topics at hand, as both the Purdue and Teva Defendants have described at length.[8] The Discovery Master has specifically admonished the State for doing so, explaining: "even yesterday, I heard some questions that to me are obviously not questions that should be asked, period. That's just a waste of time."[9] Yet the

[7] Exh. G, Janssen Response to State's Motion to Compel Depositions (Oct. 11, 2018) at 1-2.
[8] *See* Exh. H, Purdue Opp. to Mot. to Compel Depos. (Oct. 11, 2018) at 6-7 (chronicling over 140 questions beyond the noticed topics for one deposition, including comparisons between the "physical constitution" of Oklahomans and Texas, terrorism, and American military history, and repeated attempts to invade the attorney-client privilege in another corporate deposition); Exh. J, Teva Opp. to Mot. to Compel Depos. (Oct. 11, 2018) at 7-9 (documenting some 180 questions beyond the scope of the abatement topic addressed and 115 questions duplicative of twelve other topics).
[9] Exh. K, Aug. 31, 2018 Tr. at 25:18-20.

misconduct has continued unabated, as attested by even the State's selective excerpts from the recent Janssen deposition. *See* State's Br. at 8-9 (listing questions regarding internal operations of Pain Care Forum such as whether it has a lawyer, even though State's topic sought only testimony about Janssen's involvement and participation in Pain Care Forum).

Conversely, Defendants have taken ***three*** depositions of the State's representatives, total. One of those representatives, from the Oklahoma Department of Corrections, was so unprepared that Purdue was forced to file a Motion to Compel testimony, which was sustained by Discovery Master Hetherington on October 22. *See* October 22 Order, attached as Exhibit L.[10] The State's cavalier attitude towards even basic discovery obligations that has necessitated another motion to compel testimony from a properly prepared State witness on another critical topic.[11]

The Defendant's inability to take depositions is largely due to the State's refusal to provide any meaningful document discovery or written responses to interrogatories. As set forth above, as of the date of its filing, the State had produced a mere 32,000 documents, the majority of which were publicly available or non-responsive. The day after the State filed its request – the Friday before Thanksgiving – the State dumped approximately 290,000 documents on the Defendants[12] (meaning that nearly 92% of the State's document production occurred ***after*** it filed its request claiming that ***Defendants*** have been dilatory), while Defendants have produced over 8.2 million documents to the State. Defendants have been forced to file 12 motions to compel documents and interrogatory responses, winning 9 of them, with two that were not granted by the Discovery Master pending review of objections by this court. These include motions to compel fundamental

[10] A motion for clarification of this Order is pending and will be heard by Judge Hetherington on November 29, 2018.
[11] Exh. M, Purdue Mot. to Compel Corporate Witness Testimony (Nov. 13, 2018), at 2-3.
[12] The Defendants requests for production have been outstanding for more than six months.

disclosures such as custodial files and interrogatory responses that would enable them to even begin taking depositions. *See* Exh. L. In other words, the State has completely stymied the Defendants' ability to take depositions because its discovery practices have been so one-sided. The State, in essence, is trying to run out the clock so that Defendants have no ability to take meaningful discovery.

And all of this is to say nothing of the forty-seven fact witness depositions that the State noticed on October 29 (*See* Exhibit N), expert witness depositions (including 26 experts identified by the State), or the as-yet-unscheduled corporate and fact depositions that the Defendants are constitutionally entitled to. None of these have been scheduled and all appropriate depositions must be done before the March 15, 2019 discovery end date. The State's discovery demands are simply unworkable in light of the compressed discovery scheduled that it insisted upon.

C. The Other Issues Raised By The State Are Red Herrings

The State also claims that the Defendants have been impeding discovery because one of the Janssen Defendants' witnesses was allegedly underprepared and that the Defendants have not adequately disclosed certain information. Despite devoting eight pages of its fourteen-page brief to these issues, the State does not actually ask for any specific relief because this line of argument is a gratuitous attempt to poison the well with the Court. The issue regarding the Janssen Defendants' witness is pending before and will be addressed by the Discovery Master, and the State's allegations regarding the Defendants' conduct and candor with the Court are belied by the facts.

First, the State spills a great deal of ink over its allegation that the Janssen Defendants produced a corporate representative witness that was underprepared on two topics. *See* State's Br. at 6-10. Those assertions lack merit. As Janssen will explain more fully in its submission to the Discovery Master on the issue, the witness prepared for three full days, not only a few hours,

and testified satisfactorily as to questions that were actually within the scope of the topics for which he was designated. He did so despite the State's improper memory-test style questions, which sought to quiz the witness about the details of meetings over nearly a decade and a half without any prompting (and after specifically refusing the witness's request that the State share with him things like meeting minutes for meetings subject to the State's questions). Moreover, the State admits in its own brief that the Janssen Defendants will produce another witness on one of the two topics on November 27. *Id.* at 10. The State also mischaracterizes the Discovery Master's "rulings" on the witness's preparation; in reality, the Discovery Master's informal remarks were made near the outset of the deposition, and he recognized that the record was far from complete and that many of the State's questions were objectionable. *See* Exhibit O, Ponder Tr. at 120:15-121:2 (Hetherington, J.) (stating that "***if*** he doesn't answer any better than he is now, ***then*** ... the State is going to get another shot at another witness" (emphasis added)).

Notably, the State does not actually ask for any relief on this issue in this submission. That is because its purpose in bringing this issue to the Court's attention is to cast Defendants as obstructionist. It is also seemingly an effort to deflect attention from the fact, conveniently omitted by the State, that on October 22, 2018, the State was ordered to produce a witness on a topic for which the State presented an underprepared individual. *See* Exh. L. As mentioned, Defendants have now been forced to file another motion to compel in the face of the State's persistent refusal to present properly prepared corporate witnesses. *Id.*

Second, the State baselessly accuses Defendants of "coaching" fact witnesses. State's Br. at 10-12. It cites utterly no evidence for this inflammatory accusation. That is because Defendants have not engaged in any misconduct. The State's breathless charges of misconduct are altogether improper.

Third, the State alleges a general "lack of candor" against the Defendants because (1) the Purdue Defendants did not identify Rhodes Pharmaceuticals LP as an affiliate company; (2) the Purdue and Teva Defendants entered into a distribution agreement in 2014; (3) Purdue did not intervene when third-party witness Stephen Ives moved to quash the State's subpoena; and (4) the State found two documents that had not yet been produced as part of rolling document productions. *See* State's Br. at 12-14. Each of these allegations is false.

To begin, the Purdue Defendants did not identify Rhodes Pharmaceuticals LP as an affiliate company because it is not one. Further, that issue already has been the subject of motion practice and an order by Judge Hetherington. *See* Exhibit P.

The State also alleges that a distribution agreement entered into between the Teva Defendants and the Purdue Defendants in 2014 is evidence of some grand conspiracy and was intentionally withheld. *Id.* at 12. This contention is belied by the fact that the document was ***produced*** by the Teva Defendants, as part of its ongoing, rolling production, along with more than one million other documents. There was no effort to conceal the document whatsoever, and the State's arguments about its meaning or evidentiary value are inapposite in a request for scheduling conference.

Next, the State alleges that Purdue's failure to intervene in non-party Stephen Ives' motion to quash the State's subpoena is somehow improper. The Purdue Defendants have no independent duty intervene in motion practice between the State and third-parties, and a failure to intervene in those proceedings is evidence of nothing.

Finally, the State claims that two documents that reference the Janssen Defendants, which the State located independently, are evidence of concealment. They are nothing of the sort. To start, fact discovery does not close until March 2019, and Janssen's rolling productions continue.

In addition, the State fails to consider that these documents were not produced because one (which involves a 2006 Pain Care Forum meeting) lacks any indication that Janssen employees participated in the event at issue and the other (a 2018 request for proposal regarding a $2 million grant to address opioid abuse) was created long after the State's discovery requests were served and long after Janssen began collecting documents to produce in this litigation. Far from hiding that proposal, Janssen posted it on the Internet for the world to see. It remains online and is accessible from the first page of results for a Google search for "Janssen opioids." Moreover, when the State contacted Janssen's counsel about the document, Janssen immediately prioritized an expedited production of related documents (which began on November 12) and promptly answered the questions the State posed about the document.[13]

All that aside, the State's gratuitous arguments regarding the evidentiary value of these documents has no merit and, once again, a request for status conference is not an appropriate vehicle to address whatever concerns the State may have regarding their evidentiary value. These arguments are simply red herrings for which the State seeks no relief, and they should be entirely disregarded by the Court.

III. Conclusion

For the foregoing reasons, although the Defendants do not object to a status conference, this Court should deny the relief requested in the State's motion in its entirety.

Dated: November 27, 2018

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[13] *See, e.g.*, Exhibit Q, Ltr. from S. Baglin to T. Duck (Nov. 19, 2018).

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was emailed this 27th day of November, 2018, to the following:

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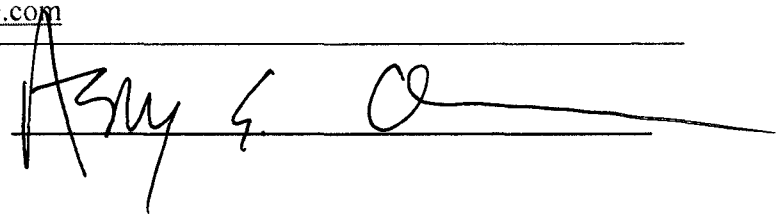


EXHIBIT A

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; (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

TRANSCRIPT OF PROCEEDINGS
HAD ON MARCH 9, 2018
AT THE CLEVELAND COUNTY COURTHOUSE
BEFORE THE HONORABLE WILLIAM C. HETHERINGTON, JR.
RETIRED ACTIVE JUDGE and DISCOVERY MASTER

REPORTED BY: ANGELA THAGARD, CSR, RPR

THE COURT: I hope so.

MR. PATE: So far, we're not batting very well.

THE COURT: We're not doing too good. And I'll say if you don't get it done in five days, get me a proposed order, and each side give me a proposed order, and I'll probably sign one of them or modify it and do my own.

MR. PATE: Understood.

THE COURT: Okay. Thank you.

Anything else before we talk about the general -- what I call general protective order?

MR. DUCK: No, your Honor. I'm ready to talk about the protective order.

THE COURT: Have at it.

MR. MERKLEY: I am too, your Honor.

MR. DUCK: So I think that your Honor's decision on this protective order will largely, not entirely, come down on your view of this case, generally, and what this case is about.

To us, this case is the biggest public health crisis in the history of Oklahoma. And that is key to our view of what the protective order should be in this case.

A secondary consideration is our watchword and efficiency, and those are the two standpoints that we're speaking from today.

With respect to the first point, your Honor, the State of Oklahoma and the citizens that are affected by this case

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.	)	

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

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

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

Dated this 14th day of March, 2018.

_____

ANGELA THAGARD, CSR, RPR

EXHIBIT B

IN THE DISTRICT COURT OF CLEVELAND COUNTY

STATE OF OKLAHOMA

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

Plaintiff,

Case Number
CJ-2017-816

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., f/k/a JANSSEN PHARMACEUTICALS, INC.;
(9) JANSSEN PHARMACEUTICA, INC., f/k/a JANSSEN PHARMACEUTICALS, INC.;
(10) ALLERGAN, PLC, 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.

TELEPHONE HEARING
ON NOVEMBER 17, 2018, BEGINNING AT 10:02 A.M.
IN OKLAHOMA CITY, OKLAHOMA
BEFORE HON. BILL HETHERINGTON

Reported by: Cheryl D. Rylant, CSR, RPR

depose the three people who were substantively involved in -- in running that business. They're going to get that information. And they simply cannot make the case that the burden associated with adding two additional depositions to an already busy schedule that we have here on these tangential issues is a burden that is justified by any need for -- for this discovery. And I think what you heard from Mr. Pate was -- was definitely not an explanation of the need for this discovery. And it -- it precisely leads to the conclusion that has led other Courts in Oklahoma to deny discovery. You know, going through the -- the time and -- and expense associated with preparing for and defending witnesses in depositions is not insignificant, and we would urge the Court not to lose sight of that.

MR. HETHERINGTON: Thank you. Anything else from anyone else on this particular issue?

MR. DUCK: Judge, this is Trey Duck. I'd like to add just a couple of practical points.

It appears that Mr. Brody's call of argument primarily related to burden. And I'd just like to, very briefly, remind the Court that, because these are fact witness depositions, we will be traveling to these witnesses. We're not asking them to be brought

to -- to Oklahoma City. We'll go to them. And that's how it always works.

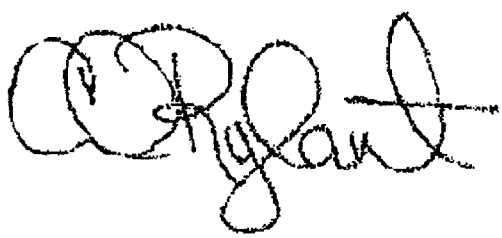
In addition to that, because they are fact witnesses, Judge, they -- they actually shouldn't require a burdensome prep. We simply want to ask them questions about what they already know, what their involvement was with these two companies. And so I don't really understand, other than explaining to a witness who's never sat for a deposition, you know, the deposition 101 type prep, why there would need to be a ton of prep time on these, unless Johnson & Johnson is concerned about what these witnesses would say.

And, lastly, another practical point, Judge. These companies may be sued in the MDL. I don't know how many suits they're involved in. But, Judge, the MDL is going nowhere. And that's great for Johnson & Johnson. They're not taking depositions there like we are in this case. To our knowledge, the State of Oklahoma is -- is the only Plaintiff in these opioid cases that is trying to push to get depositions like this. And so the truth has not come out about this at all, and we think we're entitled to do it. We're going to make every effort to make it easy on the Defendants for us to get that testimony by traveling

CERTIFICATE

I, Cheryl D. Rylant, Certified Shorthand Reporter, certify that the foregoing telephone hearing was taken in shorthand and thereafter transcribed; that it is true and correct; and that it was taken on November 17, 2018, in Oklahoma City, county of Oklahoma, state of Oklahoma, and that I am not an attorney for nor relative of any of said parties or otherwise interested in the event of said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 19th day of November, 2018.



CHERYL D. RYLANT, CSR, RPR

State of Oklahoma, No. 1448

EXHIBIT C

IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA } S.S.
CLEVELAND COUNTY }

FILED

JAN 25 2018

In the office of the
Court Clerk MARILYN WILLIAMS

STATE OF OKLAHOMA, *ex rel.*, MIKE HUNTER, ATTORNEY GENERAL OF OKLAHOMA, Plaintiff, v. PURDUE PHARMA L.P.; PURDUE PHARMA INC.; THE PURDUE FREDERICK COMPANY, INC.; TEVA PHARMACEUTICALS USA, INC.; CEPHALON, INC.; JOHNSON & JOHNSON; JANSSEN PHARMACEUTICALS, INC.; ORTHO-McNEIL-JANSSEN PHARMACEUTICALS, INC., n/k/a JANSSEN PHARMACEUTICALS, INC.; JANSSEN PHARMACEUTICA, INC., n/k/a JANSSEN PHARMACEUTICALS, INC.; ALLERGAN, PLC, f/k/a ACTAVIS PLC, f/k/a ACTAVIS, INC., f/k/a WATSON PHARMACEUTICALS, INC.; WATSON LABORATORIES, INC.; ACTAVIS LLC; and ACTAVIS PHARMA, INC., f/k/a WATSON PHARMA, INC., Defendants.	Case No. CJ-2017-816 Honorable Thad Balkman

ORDER APPOINTING DISCOVERY MASTER

This matter is before the Court on Defendants' Motion for Appointment of Discovery Master. Based on the briefs of counsel and oral argument held in this matter on January 11, 2018, the Court finds as follows, in accordance with the requirements set forth in 12 O.S. § 3225.1:

A. The appointment and referral of a Discovery Master are necessary in the administration of justice due to the nature, complexity, and volume of the discovery materials involved in this multiparty litigation;

B. The likely benefit of the appointment of a Discovery Master outweighs its burden or expense, considering the unique needs of the case, the sizeable amount in controversy, the parties' resources, the overarching public importance of the issues at stake in the action, and the importance of the referred issues in resolving the proceeding in which the appointment is made; and

C. The appointment will not improperly burden the rights of the parties to access the courts.

IT IS THEREFORE ORDERED THAT:

1. The Court hereby APPOINTS Judge William C. Hetherington, Jr. as Discovery Master in this proceeding, in the interests of judicial economy, to address and resolve all pretrial discovery matters arising between Plaintiff and Defendants, and to facilitate the effective and timely resolution thereof.

2. The Discovery Master shall proceed with all reasonable diligence in performing his appointed duties.

3. The Discovery Master shall possess and may exercise all authority conferred upon discovery masters by 12 O.S. § 3225.1 in order to fulfill the duties assigned to the Discovery Master under this Order.

4. The Discovery Master shall comply with Rule 2.9 of the Code of Judicial Conduct with regard to any ex parte communications with the parties or their lawyers.

5. The Discovery Master shall file with the Court all orders, reports, and recommendations issued by the Discovery Master and promptly serve a copy on each party. Unless otherwise stipulated by the parties, the parties shall file with the Court all papers

submitted for consideration to the Discovery Master. The parties shall provide copies to the Discovery Master of all filings in this action that relate to the Discovery Master's duties.

6. The Discovery Master shall report to the Court on all matters relating to the appointment within sixty (60) days of the date that this Order is filed of record in this proceeding, and shall periodically report to the Court on the progress of discovery in this proceeding.

7. If the Discovery Master files an order, report, or recommendation, any party may file objections to it or a motion to adopt or modify it no later than seven (7) days after it was filed. If no objection or motion to adopt or modify is filed, the Court may approve the Discovery Master's order, report, or recommendation without further notice or hearing.

8. Upon the filing of objections to or a motion to adopt or modify, the Discovery Master's order, report, or recommendation within the time permitted, any party may respond within seven (7) days after the objections or motions are filed. If objections and motions are decided by the Court without a hearing, the Court shall notify the parties of its ruling by e-mail. Otherwise, the hearing on any such objection or motion shall occur on the first available reserved setting (as set out in the Court's January 11, 2018, Order or otherwise reserved by the Court in the future) following the date on which the response to such objection or motion is filed. In acting on a Discovery Master's order, report, or recommendation, the Court may receive evidence; and may adopt or affirm, modify, wholly or partly reject or reverse, or resubmit it to the Discovery Master with instructions.

9. The Court will review *de novo* all objections to findings of fact made or recommended by the Discovery Master. The Court will also decide *de novo* all objections to

conclusions of law made or recommended by the Discovery Master. The Court will set aside the Discovery Master's rulings on procedural matters for an abuse of discretion.

10. The Discovery Master shall be paid $315 per hour for work done pursuant to this Order, and shall be reimbursed for all reasonable expenses incurred. The Discovery Master shall bill Defendants on a monthly basis for fees and disbursements, and those bills shall be promptly paid by Defendants, pursuant to the allocation of costs as determined among Defendants. All parties shall copy on and/or receive a copy of all communications by and between any other party and the Discovery Master, including communications containing or discussing the bills, invoices and/or compensation of the Discovery Master.

11. This Order shall become effective immediately upon the later of (i) the filing of this Order, or (ii) the filing of the Discovery Master's oath, and shall remain in effect until further order of the Court.

IT IS SO ORDERED.

S/Thad Balkman

The Honorable Thad Balkman
Judge of the District Court

APPROVED AS TO FORM:

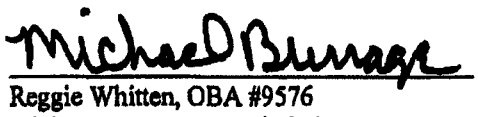


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EXHIBIT D

From: Brittany Kellogg <bkellogg@nixlaw.com>
Sent: Wednesday, August 8, 2018 5:55 PM
To: rmccampbell@gablelaw.com; tjett@gablelaw.com; Reed, Steven A.; Bartle IV, Harvey; Menkowitz, Jeremy A.
Cc: sandy.coats@crowedunlevy.com; cullen.sweeney@crowedunlevy.com; Sheila.Birnbaum@dechert.com; Mark.Cheffo@dechert.com; Hayden.Coleman@dechert.com; Paul.Lafata@dechert.com; patrick.fitzgerald@skadden.com; Ryan.Stoll@skadden.com; odomb@odomsparks.com; Ercole, Brian M.; sparksj@odomsparks.com; clifland@omm.com; jcardelus@omm.com; sbrody@omm.com; mburrage@whittenburragelaw.com; Securities Team; rwhitten@whittenburragelaw.com; Ethan.Shaner@oag.ok.gov; mike.hunter@oag.ok.gov; Abby.Dillsaver@oag.ok.gov; gcoffee@glenncoffee.com; cnorman@whittenburragelaw.com; cindy@glenncoffee.com
Subject: State of OK v. Purdue et al; Case No. CJ-2017-816; 2018-08-08 Notices for 3230(C)(5) Deposition of Corporate Representative(s) of Teva/Cephalon Defendants
Attachments: 2018-08-08 - Teva Notice - 1 (final).pdf; 2018-08-08 - Teva Notice - 2 (final).pdf; 2018-08-08 - Teva Notice - 3 (final).pdf; 2018-08-08 - Teva Notice - 4 (final).pdf; 2018-08-08 - Teva Notice - 5 (final).pdf; 2018-08-08 - Teva Notice - 6 (final).pdf; 2018-08-08 - Teva Notice - 7 (final).pdf; 2018-08-08 - Teva Notice - 8 (final).pdf; 2018-08-08 - Teva Notice - 9 (final).pdf; 2018-08-08 - Teva Notice - 10 (final).pdf; 2018-08-08 - Teva Notice - 11 (final).pdf; 2018-08-08 - Teva Notice - 12 (final).pdf; 2018-08-08 - Teva Notice - 13 (final).pdf; 2018-08-08 - Teva Notice - 14 (final).pdf; 2018-08-08 - Teva Notice - 15 (final).pdf; 2018-08-08 - Teva Notice - 16 (final).pdf; 2018-08-08 - Teva Notice - 17 (final).pdf; 2018-08-08 - Teva Notice - 18 (final).pdf; 2018-08-08 - Teva Notice - 19 (final).pdf; 2018-08-08 - Teva Notice - 20 (final).pdf; 2018-08-08 - Teva Notice - 21 (final).pdf; 2018-08-08 - Teva Notice - 22 (final).pdf; 2018-08-08 - Teva Notice - 23 (final).pdf; 2018-08-08 - Teva Notice - 24 (final).pdf; 2018-08-08 - Teva Notice - 25 (final).pdf; 2018-08-08 - Teva Notice - 26 (final).pdf; 2018-08-08 - Teva Notice - 27 (final).pdf; 2018-08-08 - Teva Notice - 28 (final).pdf; 2018-08-08 - Teva Notice - 29 (final).pdf; 2018-08-08 - Teva Notice - 30 (final).pdf; 2018-08-08 - Teva Notice - 31 (final).pdf; 2018-08-08 - Teva Notice - 32 (final).pdf; 2018-08-08 - Teva Notice - 33 (final).pdf; 2018-08-08 - Teva Notice - 34 (final).pdf; 2018-08-08 - Teva Notice - 35 (final).pdf; 2018-08-08 - Teva Notice - 36 (final).pdf; 2018-08-08 - Teva Notice - 37 (final).pdf; 2018-08-08 - Teva Notice - 38 (final).pdf; 2018-08-08 - Teva Notice - 39 (final).pdf; 2018-08-08 - Teva Notice - 40 (final).pdf; 2018-08-08 - Teva Notice - 41 (final).pdf

[EXTERNAL EMAIL]
Counsel,

Please see attached Notices for 3230(C)(5) Videotaped Deposition of Corporate Representative(s) of Teva/Cephalon Defendants.

Thank you,

Brittany Kellogg
Paralegal

Nix, Patterson & Roach, L.L.P.

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Cc: patrick.fitzgerald@skadden.com; Ryan.Stoll@skadden.com; rmccampbell@gablelaw.com; tjett@gablelaw.com; Reed, Steven A.; Bartle IV, Harvey; Menkowitz, Jeremy A.; Ercole, Brian M.; odomb@odomsparks.com; sparksj@odomsparks.com; clifland@omm.com; jcardelus@omm.com; sbrody@omm.com; Securities Team; mburrage@whittenburragelaw.com; rwhitten@whittenburragelaw.com; mike.hunter@oag.ok.gov; Abby.Dillsaver@oag.ok.gov; Ethan.Shaner@oag.ok.gov; gcoffee@glenncoffee.com; cnorman@whittenburragelaw.com; cindy@glenncoffee.com
Subject: State of OK v. Purdue et al; Case No. CJ-2017-816; 2018-08-06 Notices for 3230(C)(5) Depositions of Corporate Representatives of Purdue Defendants
Attachments: 2018-08-06 - Purdue Notice - Revenue.pdf; 2018-08-06 - Purdue Notice - Topic 1.pdf; 2018-08-06 - Purdue Notice - Topic 2.pdf; 2018-08-06 - Purdue Notice - Topic 3.pdf; 2018-08-06 - Purdue Notice - Topic 4.pdf; 2018-08-06 - Purdue Notice - Topic 5.pdf; 2018-08-06 - Purdue Notice - Topic 6.pdf; 2018-08-06 - Purdue Notice - Topic 7.pdf; 2018-08-06 - Purdue Notice - Topic 8.pdf; 2018-08-06 - Purdue Notice - Topic 9.pdf; 2018-08-06 - Purdue Notice - Topic 10.pdf; 2018-08-06 - Purdue Notice - Topic 11.pdf; 2018-08-06 - Purdue Notice - Topic 12.pdf; 2018-08-06 - Purdue Notice - Topic 13.pdf; 2018-08-06 - Purdue Notice - Topic 14.pdf; 2018-08-06 - Purdue Notice - Topic 15.pdf; 2018-08-06 - Purdue Notice - Topic 16.pdf; 2018-08-06 - Purdue Notice - Topic 17.pdf; 2018-08-06 - Purdue Notice - Topic 18.pdf; 2018-08-06 - Purdue Notice - Topic 19.pdf; 2018-08-06 - Purdue Notice - Topic 20.pdf; 2018-08-06 - Purdue Notice - Topic 21.pdf; 2018-08-06 - Purdue Notice - Topic 22.pdf; 2018-08-06 - Purdue Notice - Topic 23.pdf; 2018-08-06 - Purdue Notice - Topic 24.pdf; 2018-08-06 - Purdue Notice - Topic 25.pdf; 2018-08-06 - Purdue Notice - Topic 26.pdf; 2018-08-06 - Purdue Notice - Topic 27.pdf; 2018-08-06 - Purdue Notice - Topic 28.pdf; 2018-08-06 - Purdue Notice - Topic 29.pdf; 2018-08-06 - Purdue Notice - Topic 30.pdf; 2018-08-06 - Purdue Notice - Topic 31.pdf; 2018-08-06 - Purdue Notice - Topic 32.pdf; 2018-08-06 - Purdue Notice - Topic 33.pdf; 2018-08-06 - Purdue Notice - Topic 34.pdf; 2018-08-06 - Purdue Notice - Topic 35.pdf; 2018-08-06 - Purdue Notice - Topic 36.pdf; 2018-08-06 - Purdue Notice - Topic 37.pdf; 2018-08-06 - Purdue Notice - Topic 38.pdf; 2018-08-06 - Purdue Notice - Topic 39.pdf; 2018-08-06 - Purdue Notice - Topic 40.pdf; 2018-08-06 - Purdue Notice - Topic 41.pdf

[EXTERNAL EMAIL]
Counsel,

Please see attached Amended Notices for 3230(C)(5) Videotaped Deposition of Corporate Representatives of Purdue Defendants.

Thank you,
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Sent: Wednesday, August 8, 2018 5:55 PM
To: odomb@odomsparks.com; sparksj@odomsparks.com; clifland@omm.com; jcardelus@omm.com; sbrody@omm.com
Cc: sandy.coats@crowedunlevy.com; cullen.sweeney@crowedunlevy.com; Sheila.Birnbaum@dechert.com; Mark.Cheffo@dechert.com; Paul.Lafata@dechert.com; Hayden.Coleman@dechert.com; patrick.fitzgerald@skadden.com; Ryan.Stoll@skadden.com; rmccampbell@gablelaw.com; tjett@gablelaw.com; Reed, Steven A.; Bartle IV, Harvey; Menkowitz, Jeremy A.; Abby.Dillsaver@oag.ok.gov; mike.hunter@oag.ok.gov; Ercole, Brian M.; Securities Team; mburrage@whittenburragelaw.com; rwhitten@whittenburragelaw.com; Ethan.Shaner@oag.ok.gov; gcoffee@glenncoffee.com; cnorman@whittenburragelaw.com; cindy@glenncoffee.com
Subject: State of OK v. Purdue et al; Case No. CJ-2017-816; 2018-08-06 Notices for 3230(C)(5) Depositions of Corporate Representative(s) of J&J Defendants
Attachments: 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 1.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 2.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 3.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 4.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 5.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 6.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 7.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 8.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 9.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 10.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 11.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 12.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 13.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 14.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 15.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 16.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 17.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 18.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 19.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 20.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 21.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 22.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 23.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 24.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 25.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 26.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 27.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 28.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 29.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 30.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 31.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 32.pdf; 2018-08-08 - Amended

Attachments: Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 33.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 34.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 35.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 36.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 37.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 38.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 39.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 40.pdf; 2018-08-08 - Amended Notice for 3230(C)(5) Videotaped Deposition of J&J - Topic 41.pdf

[EXTERNAL EMAIL]
Counsel,

Please see attached Notices for 3230(C)(5) Videotaped Deposition of Corporate Representative(s) of J&J Defendants. Please let me know if you have any trouble accessing the attachments.

Thank you,

Amanda Thompson
Paralegal

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EXHIBIT E

IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. MIKE HUNTER, ATTORNEY GENERAL OF OKLAHOMA,	
Plaintiff,	**Case No. CJ-2017-816**
VS.	**Judge Thad Balkman**
PURDUE PHARMA, L.P., ET AL.	**Special Master: William Hetherington**
Defendants.	

DEFENDANTS JOHNSON & JOHNSON, JANSSEN PHARMACEUTICALS, INC., ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC., AND JANSSEN PHARMACEUTICA, INC.'S OMNIBUS OBJECTIONS TO TOPICS IN PLAINTIFF'S NOTICES OF VIDEOTAPED 3230(C)(5) DEPOSITIONS

Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (collectively, "Janssen") provide an omnibus response with the following objections to Plaintiff's amended notices of videotaped 3230(C)(5) depositions to Janssen, noticed for various dates from September 21, 2018 through December 5, 2018 (the "Notices").[1]

OFFER TO MEET AND CONFER

Janssen offers to meet and confer in good faith concerning its objections prior to filing for a protective order to give Plaintiff an opportunity to appropriately limit the scope of the topics in the Notices.

[1] Specifically, the Notices are noticed for the following dates this year: September 21, 24, 25, 27, and 28; October 1, 2, 3, 4, 5, 9, 10, 15, 16, 17, 19, 30, and 31; November 1, 5, 6, 7, 8, 14, 15, 19, 20, 26, 27, 28, and 29; and December 3, 4, and 5.

GENERAL OBJECTIONS

1. To the extent that Janssen designates witnesses to testify and provides testimony in response to the Notices, it does so solely for the purpose of the above-captioned case, unless Janssen cross-notices the deposition for another proceeding. Moreover, by providing such testimony and responding to the Notices, Janssen does not waive any objections that it may have to the admission into evidence of any testimony provided or these responses on any applicable grounds.

2. Janssen objects to the Notices and the topics in the Notices to the extent that the topics fail to identify the requested subject matter with reasonable particularity; are unduly burdensome, oppressive, overly broad, ambiguous, confusing, vague, or duplicative or unreasonably cumulative of other discovery in this proceeding; seek information that is available through other types of discovery that are less burdensome and more appropriate; or call for Janssen to draw a legal conclusion and/or provide expert opinions in order to respond.

3. Janssen objects to the Notices, including but not limited to the instructions regarding the purported "affirmative duty" to prepare on the grounds and to the extent that they purport to impose obligations or burdens on Janssen that go beyond those imposed by Oklahoma Rule of Civil Procedure 12-3230 and the Local Rules of the District Court of Cleveland County. Janssen will comply with the Discovery Rules, but assumes no further obligations in responding to these Notices and rejects any attempt to impose additional obligations and repercussions.

4. Janssen objects to the Notices to the extent that they seek discovery that is not relevant to the parties' claims and defenses or not proportional to the needs of the case,

considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit, and that otherwise goes beyond the scope of permissible discovery at this stage of this proceeding.

5. Janssen objects to the Notices to the extent that that they seek information that is protected from disclosure by the attorney-client privilege, work product doctrine, joint defense privilege, common interest privilege, or any other applicable privilege or protection ("privileged information"). The inadvertent disclosure of privileged information through testimony provided in response to the Notices shall not be deemed a waiver of any privilege as to the privileged information inadvertently disclosed or any other information or documents relating to the subject matter of any inadvertently disclosed privileged information.

6. Janssen objects to the Notices to the extent that any topic or instruction seeks disclosure of information protected by any confidentiality obligation owed to a third party. Janssen will not disclose such information absent notice to and, if required, consent of the third party or entry of a court order compelling production.

7. Janssen objects to the Notices to the extent they call for information being provided or otherwise available to Plaintiff through produced documents or discovery, including data and information provided by Janssen.

8. Janssen objects to the Notices, the instructions used in the Notices, and the topics in the Notices to the extent that they assume facts and events or include characterizations that are assumed to be accurate, and/or contain legal conclusions. By

providing responses to these Notices and testimony on the topics in the Notices, Janssen does not admit or concede that any assumed fact, event, characterization, or legal conclusion is correct or accurate. Janssen expressly reserves the right to contest any and all assumed facts, events, characterizations, and legal conclusions.

9. Janssen objects to each topic or instruction that purports to require that Janssen identify and provide discovery with regard to "each," "all," "any" or similar all-encompassing terms, on the grounds that such topics and instructions are not stated with reasonable particularity, are overly broad and unduly burdensome, and seek discovery that is not relevant to the parties' claims and defenses, not proportional to the needs of the case, and beyond the scope of permissible discovery, particularly at this stage of the proceeding.

10. Janssen objects to each topic to the extent that it seeks premature expert discovery or disclosure of expert opinions and goes beyond the scope of permissible expert discovery under the Discovery Rules. Janssen will provide expert discovery and disclosures on the dates set by the Court in compliance with the discovery rules, but assumes no further obligation in responding to these requests.

11. Unless otherwise indicated in writing by Janssen's counsel, Janssen's witnesses are authorized to testify in a Rule 3230(C)(5) capacity only to the extent that Janssen has designated them to do so in these responses and subject to the objections lodged by Janssen. Janssen reserves the right to supplement or correct any Rule 3230(C)(5) testimony as appropriate.

12. Janssen reserves all other objections and the right to correct or supplement these objections and responses. Janssen's agreement to produce a witness on a given topic shall not imply that responsive information exists within Janssen's possession, custody, or

control, or constitute an admission or acknowledgment as to the relevance, admissibility, or authenticity of any information or as to the truth of any allegation or assumption contained in the Notices.

SPECIFIC RESPONSES AND OBJECTIONS

TOPIC NO. 1:

Your involvement with, and contributions to, non-profit organizations and professional societies, including the Front Groups.

RESPONSE NO. 1:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen further objects to the term "Front Groups" as vague and ambiguous. Janssen further objects to this term on the grounds that it is inappropriately pejorative and inaccurately represents Janssen's relationships with independent third-party organizations. Janssen further objects to the use of the term "Front Groups" because it is overly broad and unduly burdens Janssen to the extent that it includes organizations that did not make any alleged representations regarding the opioid products at issue to Oklahoma patients or prescribers. Subject to and without waiving the foregoing objections, Janssen will designate a witness to testify regarding relevant, nonprivileged information relating to the ten organizations incorporated in Plaintiff's definition of the term Front Groups in Plaintiff's First Set of Interrogatories.

TOPIC NO. 2:

Your involvement with, and contributions to, KOLs regarding opioids and/or pain treatment.

RESPONSE NO. 2:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen further objects to the term "KOLs" on the grounds that it is vague and ambiguous. Janssen further objects to the term because it seeks information irrelevant to the case, is overly broad, and imposes undue burden and expense on Janssen in relation to the needs of the case to the extent that the term includes individuals who did not make any alleged representations regarding the opioid products at issue to Oklahoma patients or prescribers. Subject to and without waiving the foregoing objections, Janssen will designate a witness to testify regarding relevant, nonprivileged information regarding its involvement with or contributions to the eight healthcare providers incorporated in Plaintiff's definition of the term KOL in Plaintiff's First Set of Interrogatories, as related to opioids or pain treatment.

TOPIC NO. 3:

Your use of branded marketing for opioids nationally and in Oklahoma, including the scope, strategy, purpose and goals with respect to such branded marketing.

RESPONSE NO. 3:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects to the extent that the topic seeks information that is unrelated to the claims and defenses in this litigation including to the extent it encompasses matters relating to "marketing for opioids nationally." The topic is overly broad and unduly burdensome. Janssen also objects that "use" and "branded marketing" are vague and ambiguous. Subject to and without waiving these objections, Janssen will designate a witness to testify regarding relevant, nonprivileged information about branded marketing in Oklahoma for the Janssen opioid products mentioned in Plaintiff's Complaint: Nucynta IR, Nucynta ER, and Duragesic (hereinafter, "Janssen's Opioid

Products"). To the extent Janssen utilized national branded marketing for its Opioid Products in Oklahoma, it will be included.

TOPIC NO. 4:

Your use of unbranded marketing for opioids nationally and in Oklahoma, including the scope, strategy, purpose and goals with respect to such unbranded marketing.

RESPONSE NO. 4:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects to the extent that the topic seeks information that is unrelated to the claims and defenses in this litigation including to the extent it encompasses matters relating to "marketing for opioids nationally." The topic is overly broad and unduly burdensome. Janssen also objects that "use" and "unbranded marketing" are vague and ambiguous. Subject to and without waiving these objections, Janssen will designate a witness to testify regarding relevant, nonprivileged information about unbranded marketing for Janssen's Opioid Products in Oklahoma (to the extent national branded marketing was utilized in Oklahoma, it will be included).

TOPIC NO. 5:

Your use of continuing medical education regarding opioids nationally and in Oklahoma, including the scope, strategy, purpose and goals with respect to such continuing medical education.

RESPONSE NO. 5:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects to the extent that the topic seeks information that is unrelated to the claims and defenses in this litigation including to the extent it encompasses matters relating to "medical education regarding opioids nationally." The topic is overly broad and unduly burdensome.

Janssen also objects that "use" and "continuing medical education" are vague and ambiguous. Subject to and without waiving these objections, Janssen will designate a witness to testify generally with regard to relevant, nonprivileged information about the education process regarding Janssen's Opioid Products throughout Oklahoma (to the extent national branded marketing was utilized in Oklahoma, it will be included).

TOPIC NO. 6:

Research conducted, funded, directed and/or influenced by You, in whole or in part, related to opioid risks and/or efficacy.

RESPONSE NO. 6:

Janssen objects to this topic on the grounds set forth in its General Objections. To the extent that Janssen has already provided documentary discovery responses related to Topic 6, Janssen objects. Janssen also objects to the extent that Topic 6 calls for information within the purview of expert testimony. Further, this topic is overly broad and unduly burdensome. As framed, it would require Janssen's witness to speak to all existing opioid studies and scientific research, regardless of whether Janssen sponsored it or received it, or whether it was submitted to the FDA in connection with the IND/NDAs for Janssen's Opioid Products. Janssen also objects that "directed and/or influenced by You" is vague and ambiguous. Subject to and without waiving these objections, Janssen will designate a witness to testify generally with regard to relevant, nonprivileged information about Janssen's studies, scientific research, tests, trials or analysis of the safety and efficacy that Janssen submitted to the FDA in conjunction with the IND/NDAs of Janssen's Opioid Products.

TOPIC NO. 7:

Your scientific support for Your marketing statements and representations regarding the risks and benefits of opioids.

RESPONSE NO. 7:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen objects to the topic to the extent that it seeks information already provided in response to document requests and interrogatories. Further, Janssen objects to the extent that this topic seeks information that is in the purview of expert testimony. The topic is overly broad and unduly burdensome. Subject to and without waiving these objections, Janssen will designate a witness to testify generally with regard to relevant, nonprivileged information submitted to the FDA in conjunction with the IND/NDAs of Janssen's Opioid Products that supports statements Janssen made to the FDA, medical professionals, patients, or the public regarding opioids.

TOPIC NO. 8:

Your research conducted, funded, directed and/or influenced, in whole or in part, related to pseudoaddiction.

RESPONSE NO. 8:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects to the extent that Topic No. 8 seeks information in the purview of expert testimony. Janssen further objects that "directed and/or influenced" are vague and ambiguous. Subject to and without waiving these objections, Janssen will designate a witness to testify generally with regard to relevant, nonprivileged information submitted to the FDA in conjunction with the IND/NDAs of Janssen's Opioid Products that supports statements Janssen made to the FDA, medical professionals, patients, or the public regarding opioids

TOPIC NO. 9:

Your scientific support for Your marketing statements and representations regarding pseudoaddiction.

RESPONSE NO. 9:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects to the extent that Topic No. 9 seeks information in the purview of expert testimony. Janssen further objects that "pseudoaddiction" is vague and ambiguous. Subject to and without waiving these objections, Janssen will designate a witness to testify generally with regard to relevant, nonprivileged information submitted to the FDA in conjunction with the IND/NDAs of Janssen's Opioid Products that supports statements Janssen made to the FDA, medical professionals, patients, or the public regarding opioids.

TOPIC NO. 10:

The scope, strategy, purpose, and goals for Your opioids sales forces, including without limitation: training policies and practices; sales tactics; compensation structures; incentive programs; award programs; sales quotas; methods for assigning sales representatives to particular regions; facilities and/or physicians; and Your use of such sales forces in Oklahoma.

RESPONSE NO. 10:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects that the topic is overly broad, unduly burdensome, and fails to describe with reasonable particularity the matters to be examined. Janssen further objects to this topic on the ground that the terms "sales tactics" and "sales quotas" are vague and ambiguous. Subject to and without waiving these objections, Janssen will designate a witness to testify generally with regard to relevant, nonprivileged information about Janssen's sales force detailing Janssen's Opioid Products in Oklahoma, including training policies and practices; sales strategies; compensation structures;

incentive programs; sales objectives or goals; methods for assigning sales representatives to particular regions; and facilities and/or physicians.

TOPIC NO. 11:

Your practices and processes for identifying and prioritizing physicians to detail.

RESPONSE NO. 11:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects that the topic is overly broad, unduly burdensome, and fails to describe with reasonable particularity the matters to be examined. Janssen further objects that "practices and processes" is vague and ambiguous. Subject to and without waiving these objections, Janssen will designate a witness to testify generally with regard to relevant, nonprivileged information about the process Janssen used to determine which medical professionals or offices sales representatives to contact regarding Janssen's Opioid Products in Oklahoma.

TOPIC NO. 12:

Your research of Oklahoma Healthcare Professionals' and/or pharmacies' opioid prescribing habits, history, trends, sales, practices and/or abuse and diversion of opioids.

RESPONSE NO. 12:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects that the topic is overly broad, unduly burdensome, and fails to describe with reasonable particularity the matters to be examined. Subject to and without waiving these objections, Janssen will designate a witness to testify generally with regard to relevant, nonprivileged information about any Janssen's process for determining Oklahoma Healthcare Professionals' and/or pharmacies' opioid prescribing habits, history, trends, sales, practices and/or abuse and diversion of opioids.

TOPIC NO. 13:

Your use and/or establishment of any opioid abuse and diversion program You established and implemented to identify Healthcare Professionals' and/or pharmacies' potential abuse or diversion of opioids.

RESPONSE NO. 13:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects to the extent that Topic No. 13 seeks information that is unrelated to the claims and defenses in this litigation, material subject to the attorney-client privilege or the work product doctrine, or information that is in the purview of expert testimony. Janssen further objects that "use" and "opioid abuse and diversion program" are vague and ambiguous. Subject to and without waiving these objections, Janssen will designate a witness to testify generally with regard to relevant, nonprivileged information regarding Janssen's processes for identifying potential abuse or diversion of opioids in Oklahoma.

TOPIC NO. 14:

Your use of 'do not call' lists or any similar list of prescribers that your sales representatives do not contact.

RESPONSE NO. 14:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects that the topic is overly broad, unduly burdensome, and fails to describe with reasonable particularity the matters to be examined. Janssen further objects that "'do not call' lists" and "similar list" are vague and ambiguous. Subject to and without waiving these objections, Janssen will designate a witness to testify generally with regard to relevant, nonprivileged information about Janssen's processes for determining which medical

professionals or offices sales representatives would not contact regarding Janssen's Opioid Products in Oklahoma.

TOPIC NO. 15:

Your efforts to identify high-prescribing health care providers in the State of Oklahoma.

RESPONSE NO. 15:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects that the topic is overly broad, unduly burdensome, and fails to describe with reasonable particularity the matters to be examined. Janssen further objects that "high-prescribing health care providers" is vague and ambiguous. Subject to and without waiving these objections, Janssen will designate a witness to testify generally with regard to relevant, nonprivileged information about Janssen's processes for determining which medical professionals or offices sales representatives would contact regarding Janssen's Opioid Products in Oklahoma.

TOPIC NO. 16:

Your efforts to identify low-prescribing health care providers in the State of Oklahoma.

RESPONSE NO. 16:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects that the topic is overly broad, unduly burdensome, and fails to describe with reasonable particularity the matters to be examined. Janssen further objects that "low-prescribing health care providers" is vague and ambiguous. Subject to and without waiving these objections, Janssen will designate a witness to testify generally with regard to relevant, nonprivileged information about Janssen's processes for determining which medical professionals or offices sales representatives would contact regarding Janssen's Opioid Products in Oklahoma.

TOPIC NO. 17:

Amounts spent by You on advertising and marketing related to opioids.

RESPONSE NO. 17:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects that Topic No. 17 is an interrogatory-style topic. Janssen further objects that the topic is overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, Janssen proposes to provide a written response to this topic regarding the amount spent by Janssen on advertising and marketing relating to Janssen's Opioid Products, in lieu of deposition testimony. Janssen will make itself available to meet and confer with regard to this proposal.

TOPIC NO. 18:

Amounts spent by You on research and development for opioids.

RESPONSE NO. 18:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects that Topic No. 18 is an interrogatory-style topic. Janssen further objects that the topic is overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, Janssen proposes to provide a written response to this topic regarding the amount spent by Janssen on research and development relating to Janssen's Opioid Products, in lieu of deposition testimony. Janssen will make itself available to meet and confer with regard to this proposal.

TOPIC NO. 19:

Your educational and/or research grants provided by You to individuals or entities regarding opioids and/or pain treatment.

RESPONSE NO. 19:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects that Topic No. 19 is an interrogatory-style topic. Janssen further objects that the topic is overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, Janssen proposes to provide a written response to this topic regarding the amount spent by Janssen on educational and/or research grants provided to third parties related to opioids and/or pain treatment, in lieu of deposition testimony. Janssen will make itself available to meet and confer with regard to this proposal.

TOPIC NO. 20:

Your actions and/or efforts in response to the FDA's September 10, 2013 response to the PROP Petition from July 25, 2012.

RESPONSE NO. 20:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects that the topic is overly broad, unduly burdensome, and fails to describe with reasonable particularity the matters to be examined. Subject to and without waiving these objections, Janssen will designate a witness to testify generally with regard to relevant, nonprivileged information about any Janssen response to the FDA's September 10, 2013 response to the PROP Petition from July 25, 2012.

TOPIC NO. 21:

Your role, influence, or support for any campaign or movement to declare pain as the "Fifth Vital Sign."

RESPONSE NO. 21:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects that the topic seeks information that is unrelated to the claims and defenses in this litigation,

is overly broad and unduly burdensome, and fails to describe with reasonable particularity the matters for examination. Janssen further objects that "influence," "campaign," or "movement" is vague and ambiguous. Subject to and without waiving these objections, Janssen will designate a witness to testify generally with regard to relevant, nonprivileged information concerning any Janssen efforts related to the "Fifth Vital Sign" in Oklahoma (to the extent any national activities extended to Oklahoma, they will be included).

TOPIC NO. 22:

Your interactions and communications with medical schools in Oklahoma, including without limitation, financial contributions, speeches, presentations, scholarships, event sponsorship, research grants, educational materials, and/or branded promotional materials.

RESPONSE NO. 22:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects that Topic No. 22 is an interrogatory-style topic. Janssen further objects that the topic is overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, Janssen proposes to provide a written response to this topic regarding interactions and communications with medical schools in Oklahoma related to Janssen's Opioid Products, in lieu of deposition testimony. Janssen will make itself available to meet and confer with regard to this proposal.

TOPIC NO. 23:

Your use of public relations firms and communication with journalists regarding opioids and/or pain management marketing, including without limitation, the American Enterprise Institute, Cancer Action Network, Center for Lawful Access & Abuse Deterrence, Pinney Associates, Conrad & Associates LLC, and Sense About Science USA.

RESPONSE NO. 23:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects that Topic No. 23 is an interrogatory-style topic. Janssen further objects that the topic is overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, Janssen proposes to provide a written response to this topic regarding communications with journalists related to Janssen's Opioid Products, in lieu of deposition testimony. Janssen will make itself available to meet and confer with regard to this proposal.

TOPIC NO. 24:

The amount of revenue and profits earned by You attributable to and/or derived from the prescription of opioids by any Oklahoma doctor criminally investigated, charged, indicted, and/or prosecuted for prescribing practices related to opioids. For purposes of this topic, "prosecution" includes any administrative proceeding.

RESPONSE NO. 24:

Janssen objects to this topic on the grounds set forth in its General Objections. The topic is overly broad and unduly burdensome to the extent Janssen does not have this information available and cannot identify every doctor in Oklahoma that has been "criminally investigated, charged, indicated and/or prosecuted," particularly in light of Plaintiff's refusal to produce documents that would allegedly jeopardize criminal investigations. Janssen further objects that this topic fails to describe with reasonable particularity the matters for examination. Janssen also objects that "attributed to," "derived from," and "prescribing practices" are vague and ambiguous.

TOPIC NO. 25:

Your use of medical education communication companies (MECCs) regarding opioids and/or pain management marketing.

RESPONSE NO. 25:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects to the extent that the topic seeks information that is unrelated to the claims and defenses in this litigation. The topic is overly broad and unduly burdensome. Janssen further objects that "use" is vague and ambiguous. Subject to and without waiving these objections, Janssen will designate a witness to testify generally with regard to relevant, nonprivileged information about Janssen's processes to distribute marketing communications regarding Janssen's Opioid Products in Oklahoma.

TOPIC NO. 26:

Your use of speakers' bureaus, advisory boards, or other similar programs regarding opioids and/or pain management marketing.

RESPONSE NO. 26:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects to the extent that the topic seeks information that is unrelated to the claims and defenses in this litigation. The topic is overly broad and unduly burdensome. Janssen further objects that "use" and "similar programs" are vague and ambiguous. Subject to and without waiving these objections, Janssen will designate a witness to testify generally with regard to relevant, nonprivileged information about Janssen's use of speakers' bureaus regarding Janssen's Opioid Products in Oklahoma.

TOPIC NO. 27:

Your use of medical liaisons to communicate with Healthcare Professionals, KOLs, and/or Front Groups regarding opioids and/or pain treatment.

RESPONSE NO. 27:

Janssen objects to this topic on the grounds set forth in its General Objections. The topic is overly broad, unduly burdensome, and fails to describe with reasonable particularity the matters to be examined. Janssen also objects to the term "Front Groups" as vague and ambiguous. Janssen further objects to this term on the grounds that it is inappropriately pejorative and inaccurately represents Janssen's relationships with independent third-party organizations. Janssen further objects to the use of the term "Front Groups" because it is overly broad and unduly burdens Janssen to the extent that it includes organizations that did not make any alleged representations regarding Janssen's Opioid Products to Oklahoma patients or prescribers. Janssen further objects to the term "KOLs" on the grounds that it is vague and ambiguous. This term seeks information irrelevant to the case, is overly broad, and imposes undue burden and expense on Defendants in relation to the needs of the case to the extent that the term includes individuals who did not make any alleged representations regarding Janssen's Opioid Products to Oklahoma patients or prescribers. Janssen also objects that "use" is vague and ambiguous. Subject to and without waiving these objections, Janssen will designate a witness to testify generally with regard to relevant, nonprivileged information about Janssen's use of medical liaisons to communicate with healthcare providers or organizations identified in Plaintiff's Complaint concerning Janssen's Opioid Products and/or pain treatment.

TOPIC NO. 28:

Your use of data provided by IMS, IQVIA or any similar data service for purposes of marketing and/or sales strategies.

RESPONSE NO. 28:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects that this topic is overly broad, unduly burdensome, and fails to describe with reasonable particularity the matters to be examined. Janssen further objects that "use" and "similar data service" are vague and ambiguous. Subject to and without waiving these objections, Janssen will designate a witness to testify generally with regard to relevant, nonprivileged information about data used by Janssen for its marketing and sales activities for Janssen's Opioid Products.

TOPIC NO. 29:

Your use of clinical trial companies regarding opioids and/or pain management.

RESPONSE NO. 29:

Janssen objects to this topic on the grounds set forth in its General Objections. To the extent that Janssen has already provided documentary discovery responses related to Topic 29, Janssen objects. Further, this topic is overly broad and unduly burdensome. Subject to and without waiving these objections, Janssen will designate a witness to testify generally with regard to relevant, nonprivileged information about the clinical trial companies Janssen used for its studies submitted to the FDA in conjunction with the IND/NDAs of Janssen's Opioid Products.

TOPIC NO. 30:

Clinical trials funded, sponsored, and/or conducted by You regarding opioids and/or pain management.

RESPONSE NO. 30:

Janssen objects to this topic on the grounds set forth in its General Objections. To the extent that Janssen has already provided documentary discovery responses related to Topic 29, Janssen objects. Janssen also objects to the extent that Topic 29 calls for information within the purview of expert testimony. Further, this topic is overly broad and unduly burdensome. Subject to and without waiving these objections, Janssen will designate a witness to testify generally with regard to relevant, nonprivileged information about Janssen's studies, scientific research, tests, trials or analysis of the safety and efficacy that Janssen submitted to the FDA in conjunction with the IND/NDAs of Janssen's Opioid Products.

TOPIC NO. 31:

Your sales projections and/or research related to the amount of reimbursement for Your opioids prescriptions that would be paid by Medicare and/or Oklahoma's Medicaid Program.

RESPONSE NO. 31:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects that Topic No. 31 seeks information that is overly broad and unduly burdensome. Subject to and without waiving these objections, Janssen will designate a witness to testify generally with regard to relevant, nonprivileged information concerning Janssen's sales projections or research regarding reimbursements related to Janssen's Opioid Products in Oklahoma.

TOPIC NO. 32:

Your efforts and actions, both internally and in conjunction with third parties, to obtain and/or increase coverage and/or reimbursement of their opioids by public payers, including SoonerCare.

RESPONSE NO. 32:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects that Topic No. 32 seeks information that is unrelated to the claims and defenses in this litigation and is overly broad and unduly burdensome. Janssen further objects that "in conjunction with third parties" is vague and ambiguous. Subject to and without waiving these objections, Janssen will designate a witness to testify generally with regard to relevant, nonprivileged information concerning Janssen's actions related to the coverage and/or reimbursement of Janssen's Opioid Products by public payers in Oklahoma.

TOPIC NO. 33:

Your relationship and business dealings with other opioid manufacturers related to opioids and/or pain management, including without limitations any co-promotion or ownership agreements.

RESPONSE NO. 33:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects that the topic seeks information that is unrelated to the claims and defenses in this litigation, is overly broad and unduly burdensome, and fails to describe with reasonable particularity the matters for examination. Janssen further objects that "relationship" and "business dealings" are vague and ambiguous. Janssen further objects to the extent that the topic seeks information protected by the attorney-client, joint defense, or common interest privilege. Subject to and without waiving these

objections, Janssen will designate a witness to testify generally with regard to relevant, nonprivileged information regarding business dealings, if any, with the other Defendants in this matter.

TOPIC NO. 34:

The source of ingredients, compounds or components, such as Thebaine (CPS-T), utilized by You in the manufacture of any opioids sold by You in the United States, including without limitation the amount of money paid to purchase such opioid compounds or components and U.S. distribution and sale of CPS-T.

RESPONSE NO. 34:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects that Topic No. 34 is an interrogatory-style topic. Janssen further objects that Topic No. 34 seeks information that is unrelated to the claims and defenses in this litigation and is overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, Janssen proposes to provide a written response to this topic in lieu of deposition testimony. Janssen will make itself available to meet and confer with regard to this proposal.

TOPIC NO. 35:

All opioids manufactured, owned, contemplated, developed, and/or in-development by You including the nature of each such opioid, its intended use, and the stage of development of each (e.g. released to market, in development, abandoned).

RESPONSE NO. 35:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects that Topic No. 35 is an interrogatory-style topic. Janssen further objects that "contemplated" and "in-development" are vague and ambiguous. Janssen further objects that information on all opioids "contemplated" or "in-development" by Janssen is confidential, proprietary, and unrelated to the claims and defenses in this litigation, and that providing such

information would be unduly burdensome. Subject to and without waiving the foregoing objections, Janssen proposes to provide a written response to this topic regarding opioids manufactured, owned, and/or developed by Janssen, in lieu of deposition testimony. Janssen will make itself available to meet and confer with regard to this proposal.

TOPIC NO. 36:

All drugs for opioid use disorder manufactured, owned, contemplated, developed, and/or in-development by You including the nature of each such opioid use disorder drug, its intended use, the stage of development of each (e.g. released to market, in development, abandoned), and profits earned by You from the sale of any such drug in Oklahoma.

RESPONSE NO. 36:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects that Topic No. 36 is an interrogatory-style topic. Janssen further objects that "contemplated" and "in-development" are vague and ambiguous. Janssen further objects that information on all drugs for opioid use disorder "contemplated" or "in-development" by Janssen is confidential, proprietary, and unrelated to the claims and defenses in this litigation, and that providing such information would be unduly burdensome. Subject to and without waiving the foregoing objections, Janssen proposes to provide a written response to this topic regarding drugs for opioid use disorder manufactured, owned, and/or developed by Janssen, if any, in lieu of deposition testimony. Janssen will make itself available to meet and confer with regard to this proposal.

TOPIC NO. 37:

All drugs for the treatment of opioid overdose manufactured, owned, contemplated, developed, and/or in-development by You including the nature of each such opioid overdose

drug, its intended use, the stage of development of each (e.g. released to market, in development, abandoned), and profits earned by You from the sale of any such drug in Oklahoma.

RESPONSE NO. 37:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects that Topic No. 37 is an interrogatory-style topic. Janssen further objects that "contemplated" and "in-development" are vague and ambiguous. Janssen further objects that information on all drugs for the treatment of opioid overdose "contemplated" or "in-development" by Janssen is confidential, proprietary, and unrelated to the claims and defenses in this litigation, and that providing such information would be unduly burdensome. Subject to and without waiving the foregoing objections, Janssen proposes to provide a written response to this topic regarding drugs for the treatment of opioid overdose manufactured, owned, and/or developed by Janssen, if any, in lieu of deposition testimony. Janssen will make itself available to meet and confer with regard to this proposal.

TOPIC NO. 38:

Policies, practices, and procedures regarding complaints You received related to addiction or abuse of Your opioids in Oklahoma.

RESPONSE NO. 38:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects to the extent that Topic No. 38 seeks information that is unrelated to the claims and defenses in this litigation or calls for information in the purview of expert testimony. Subject to and without waiving these objections, Janssen will designate a witness to testify generally with regard to relevant, nonprivileged information about Janssen's policies and procedures regarding

reports or complaints of abuse, misuse, dependence, or addiction potential for Janssen's Opioid Products.

TOPIC NO. 39:

Your involvement in the Pain Care Forum.

RESPONSE NO. 39:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects that the topic seeks information that is unrelated to the claims and defenses in this litigation, is overly broad and unduly burdensome, and fails to describe with reasonable particularity the matters for examination. Subject to and without waiving these objections, Janssen will designate a witness to testify generally about any Janssen involvement in the Pain Care Forum.

TOPIC NO. 40:

The factual bases supporting Your defenses to Plaintiff's claims as set forth in Your Answer.

RESPONSE NO. 40:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects that the topic fails to describe with reasonable particularity the matters for examination. Janssen further objects that this topic seeks information that is protected from disclosure by the attorney-client privilege, work product doctrine, joint defense privilege, and common interest privilege. Janssen further objects that this topic is overly broad and unduly burdensome, is therefore improper, and it would be impossible to designate a witness on all facts in this case.

TOPIC NO. 41:

Your efforts or activities in Oklahoma concerning opioids related to: (a) lobbying efforts; (b) campaign contributions; (c) presentations made to the Oklahoma Health Care Authority's Drug Utilization Review Board; (d) scheduling of opioids; (e) opposing the rescheduling hydrocodone combination products from Schedule III to Schedule II; (f) pain management guidelines in Oklahoma statutes; (g) legislative efforts or activities; (h) law enforcement; and (i) prosecution of any individual or entity related to use, misuse, abuse, diversion, supply, and prescription.

RESPONSE NO. 41:

Janssen objects to this topic on the grounds set forth in its General Objections. Janssen also objects that the topic seeks information that is unrelated to the claims and defenses in this litigation, is overly broad and unduly burdensome, and fails to describe with reasonable particularity the matters for examination. Subject to and without waiving these objections, Janssen will designate a witness to testify generally with regard to relevant, nonprivileged information concerning Janssen's lobbying efforts or governmental affairs activities in Oklahoma related to Janssen's Opioid Products.

Dated: September 10, 2018

Respectfully submitted,

By: _____

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CERTIFICATE OF MAILING

Pursuant to Okla. Stat. tit. 12, § 2005(D), this is to certify on September 10th, 2018, a true and correct copy of the above and foregoing has been served via the United States Postal Service, First Class postage prepaid, to the following:

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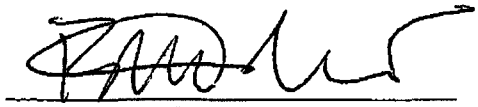

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September 10, 2018

VIA E-MAIL

Michael Burrage
Reggie Whitten
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512 N. Broadway Avenue, Suite 300
Oklahoma City, Oklahoma 73102

Re: State of Oklahoma v. Purdue Pharma L.P., et al, Case No. CJ-2017-816

Dear Counsel:

On behalf of Teva Pharmaceuticals USA, Inc. and Cephalon, Inc. ("Teva") and Watson Laboratories, Inc., Actavis LLC, and Actavis Pharma, Inc. f/k/a Watson Pharma, Inc. (the " Actavis Generic Entities") (collectively, the "Teva Defendants"), we write concerning the 42 Notices for Rule 3230(C)(5) Videotaped Deposition of Corporate Representatives of Teva/Cephalon Defendants that were emailed on August 8, 2018 ("August 8, 2018 Notices" or the "Notices"). The Teva Defendants will make themselves available to meet & confer regarding the below objections and responses.

I. Date and Location

The Teva Defendants note that Plaintiffs served 42 separate Notices, unilaterally scheduled on 42 separate dates, with each Notice containing a single topic. On August 29, 2018, the Teva Defendants produced a corporate representative to testify pursuant to the Notice regarding "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." Under the Oklahoma Rules of Civil Procedure, depositions "shall not last more than six hours." 12 OS § 3230(A)(3). In addition, the Rules provide for a single notice for a corporate deposition on all topics, 12 OS § 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 therefore object on the ground that the State's 42 Notices seek to compel them to provide witnesses to testify beyond 12 OS § 3230(A)(3)'s six hour time limit. The Teva Defendants further note that the State asked questions of the Teva Defendants' August 29, 2018 corporate witness that were demonstrably beyond the scope of the noticed topic, in direct violation of Judge Hetherington's April 25, 2018 Order. Subject to the objections set forth herein, the Teva Defendants will provide dates of availability and groups of topics for which it will produce a corporate representative, in order to avoid the immense burden of appearing for 42 separate

depositions. The Teva Defendants will produce their corporate representatives for deposition at the offices of GableGotwals, One Leadership Square, 15th Floor, 211 N. Robinson, Oklahoma City, Oklahoma 73102.

II. Objections to Time Period

The Teva Defendants object to the absence of any temporal limits in the Notices as overly broad and unduly burdensome because it requires them to provide information and/or documents that are outside the relevant statute(s) of limitations, are not relevant to the claims in the Petition, and are not proportional to the needs of the case. Subject to the objections set forth herein, the Teva Defendants will produce corporate representatives to provide testimony responsive to each Notice only during the relevant time period to the claims and defenses in this case.

III. General Objections

The Teva Defendants object to the immense breadth and scope of the Topics, including with regard to the number of products at issue and the time period. The Topics fail to describe with reasonable particularity the matters for examination. Further, the State's Notices are duplicative of one another and with the August 29, 2018 corporate witness deposition that the State already took. It is therefore unduly burdensome to require the Teva Defendants to produce a corporate witness to testify multiple times on the same subject matter. The Teva Defendants' also object to the Topics to the extent that they seek information that is protected from disclosure by the attorney-client privilege, the work product doctrine, the joint defense privilege, and the common interest privilege. The Teva Defendants also note that the breadth and scope becomes even more burdensome in the context of the compressed fact discovery period. The Teva Defendants are making significant efforts to prepare their designees for testimony and will only do what is reasonable under the circumstances. To the extent the Teva Defendants' agree to produce a witness in response to a Topic, the Teva Defendants will designate a witness to testify only on non-privileged information. All of the Teva Defendants' general objections are incorporated in their below responses to each Topic.

The Teva Defendants may engage in further investigation, discovery, and analysis, which may lead to changes in the Teva Defendants' responses and objections herein. Such investigation and discovery are continuing, and the responses and objections are given without prejudice to the Teva Defendants' right to produce evidence of any subsequently-discovered facts, documents, or interpretations thereof, or to supplement, modify, change, or amend the responses and objections, and to correct for errors, mistakes, or omissions.

IV. Objections to Subject Matters for Testimony

1. **Your interactions and communications with medical schools in Oklahoma, including without limitation, financial contributions, speeches, presentations, scholarships, event sponsorship, research grants, educational materials, and/or branded promotional materials.**

The Teva Defendants object to Topic No. 1 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case,

and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic. The testimony will be limited to "interactions and communications" regarding opioids.

2. **Your use of public relations firms and communication with journalists regarding opioids and/or pain management marketing, including without limitation, the American enterprise Institute, Cancer Action Network, Center for Lawful Access & Abuse Deterrence, Pinney Associates, Conrad & Associates LLC, and Sense About Science USA.**

The Teva Defendants object to Topic No. 2 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic. The Teva Defendants further object to the term "pain management" as vague and/or ambiguous.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic. The testimony will be limited to the Teva Defendants' scope of engagement with public relations firms, and communication with journalists, regarding opioids.

3. **Your use of medical education communication companies (MECCs) regarding opioids and/or pain management marketing.**

The Teva Defendants object to Topic No. 3 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic. The Teva Defendants further object to the term "pain management" as vague and/or ambiguous.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic. The testimony will be limited to the Teva Defendant's use of MECCs regarding opioids.

4. **Your use of speakers' bureaus, advisory boards, or other similar programs regarding opioids and/or pain management marketing.**

The Teva Defendants object to Topic No. 4 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic. The Teva Defendants further object to the terms "other similar programs" and "pain management" as vague and/or ambiguous.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic. The testimony will be limited to the Teva Defendants' use of speakers' bureaus and advisory boards regarding opioids marketing.

5. **Your use of medical liaisons to communicate with Healthcare Professionals, KOLs, and/or Front Groups regarding opioids and/or pain treatment.**

The Teva Defendants object to Topic No. 5 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic. The Teva Defendants further object to the terms "Front Groups" and "pain treatment" as vague and/or ambiguous.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic. The testimony will be limited to the Teva Defendants' use of medical liaisons to communicate with Healthcare Professional and KOLs regarding opioids.

6. **Your use of data provided by IMS, IQVIA or any similar data service for purposes of marketing and/or sales strategies.**

The Teva Defendants object to Topic No. 6 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic. The testimony will be limited to the Teva Defendant's use of data provided by IMS, IQVIA or any similar data services for purposes of marketing and/or sales strategies with respect to opioids in the State of Oklahoma.

7. **Your relationship and business dealings with other opioid manufacturers related to opioids and/or pain management, including without limitations any co-promotion or ownership agreements.**

The Teva Defendants object to Topic No. 7 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic. The Teva Defendants further object to the terms "business dealings," "other opioid manufacturers," "pain management," "co-promotion," and "ownership agreements" as vague and/or ambiguous.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic. The testimony will be limited to the Teva Defendants' "relationship business dealings" regarding opioids.

8. **Your use of continuing medical education regarding opioids nationally and in Oklahoma, including the scope, strategy, purpose and goals with respect to such continuing medical education.**

The Teva Defendants object to Topic No. 8 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic.

9. **Your scientific support for Your marketing statements and representations regarding the risks and benefits of opioids.**

The Teva Defendants object to Topic No. 9 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic.

10. **Your scientific support for Your marketing statements and representations regarding pseudoaddiction.**

The Teva Defendants object to Topic No. 10 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic. The testimony will be limited to the Teva Defendants' "marketing statements and representations" regarding opioids.

11. **The scope, strategy, purpose, and goals for Your opioids sales forces, including without limitation: training policies and practices; sales tactics; compensation structures; incentive programs; award programs; sales quotas; methods for assigning sales representatives to particular regions; facilities and/or physicians; and Your use of such sales forces in Oklahoma.**

The Teva Defendants object to Topic No. 11 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative another Topic. The Teva Defendants further object to the terms "sales forces," "sales tactics," "compensation structures," and "sales quota" as vague and/or ambiguous.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic.

12. **Your practices and processes for identifying and prioritizing physicians to detail.**

The Teva Defendants object to Topic No. 12 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic. The testimony will be limited to the Teva Defendants' practices and processes for identifying and prioritizing physicians to detail with respect to opioids in the State of Oklahoma.

13. Your research of Oklahoma Healthcare Professionals' and/or pharmacies' opioid prescribing habits, history, trends, sales, practices and/or abuse and diversion of opioids.

The Teva Defendants object to Topic No. 13 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic. The Teva Defendants further object to the term "research" as vague and/or ambiguous.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic.

14. Your use and/or establishment of any opioid abuse and diversion program You established and implemented to identify Healthcare professionals' and/or pharmacies' potential abuse or diversion of opioids.

The Teva Defendants object to Topic No. 14 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic. The Teva Defendants further object to the term "research" as vague and/or ambiguous.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic.

15. Your use of 'do not call' lists or any similar list of prescribers that your sales representatives do not contact.

The Teva Defendants object to Topic No. 15 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic. The testimony will be limited to the Teva Defendants' use of 'do not call' lists or any similar list of prescribers that its sales representatives do not contact with respect to opioids in the State of Oklahoma.

16. Your efforts to identify high-prescribing health care providers in the State of Oklahoma.

The Teva Defendants object to Topic No. 16 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic. The testimony will be limited to the Teva Defendants' efforts to identify high-prescribing health care providers in the State of Oklahoma with respect to opioids.

17. Your efforts to identify low-prescribing health care providers in the State of Oklahoma.

The Teva Defendants object to Topic No. 17 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic. The testimony will be limited to the Teva Defendants' efforts to identify low-prescribing health care providers in the State of Oklahoma with respect to opioids.

18. Amounts spent by You on advertising and marketing related to opioids.

The Teva Defendants object to Topic No. 18 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic. The Teva Defendants further object as this Topic seeks a quantifiable amount that is more efficiently and fairly answered through interrogatories.

Accordingly, the Teva Defendants propose to provide a written response to an appropriately propounded z seeking this information.

19. Your educational and/or research grants provided by You to individuals or entities regarding opioids and/or pain treatment.

The Teva Defendants object to Topic No. 19 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic. The Teva Defendants further object to the term "pain treatment" as vague and/or ambiguous.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic. The testimony will be limited to educational and/or research grants provided by the Teva Defendants' to individuals or entities regarding opioids.

20. Your involvement with, and contributions to, non-profit organizations and professional societies, including the Front Groups.

The Teva Defendants object to Topic No. 20 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic. The Teva Defendants further object to the term "Front Groups" as vague and/or ambiguous.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic. The testimony will be limited to the Teva Defendants' involvement with, and contributions to, non-profit organizations and professional societies regarding opioids.

21. Your involvement with, and contributions to KOLs regarding opioids and/pain treatment.

The Teva Defendants object to Topic No. 21 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic. The Teva Defendants further object to the term "pain treatment" as vague and/or ambiguous.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic. The testimony will be limited to the Teva Defendants' involvement with, and contributions to KOLs regarding opioids.

22. Your use of branded marketing for opioids nationally and in Oklahoma including scope, strategy, purpose and goals with respect to such branded marketing.

The Teva Defendants object to Topic No. 22 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic.

23. Your use of unbranded marketing for opioids nationally and in Oklahoma including scope, strategy, purpose and goals with respect to such unbranded marketing.

The Teva Defendants object to Topic No. 23 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic.

24. Your actions and/or efforts in response to the FDA's September 10, 2013 response to the PROP Petition from July 25, 2012.

The Teva Defendants object to Topic No. 24 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic.

25. Your role, influence, or support for any campaign or movement to declare pain as the "Fifth Vital Sign."

The Teva Defendants object to Topic No. 25 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic.

26. Your efforts and actions, both internally and in conjunction with third parties, to obtain and/or increase coverage and/or reimbursement of their opioids by public payers, including SoonerCare.

The Teva Defendants object to Topic No. 26 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic. The testimony will be limited to the Teva Defendants' efforts and actions, both internally and in conjunction with third parties, to obtain and/or increase coverage and/or reimbursement of the Teva Defendants' opioids by public payers, including SoonerCare, in the State of Oklahoma.

27. Your efforts or activities in Oklahoma concerning opioids related to: (a) lobbying efforts; (b) campaign contributions; (c) presentations made to the Oklahoma Health Care Authority's Drug Utilization Review Board; (d) scheduling of opioids; (e) opposing the rescheduling hydrocodone combination products from Schedule III to Schedule II; (f) pain management guidelines in Oklahoma statutes; (g) legislative efforts or activities; (h) law enforcement; and (i) prosecution of any individual or entity related to use, misuse, abuse, diversion, supply, and prescription.

The Teva Defendants object to Topic No. 27 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case,

and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic.

28. All opioids manufactured, owned, contemplated, developed, and/or in-development by You including the nature of each such opioid, its intended use, and the stage of development of each (e.g. released to market, in development, abandoned).

The Teva Defendants object to Topic No. 28 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic.

29. All drugs for opioid use disorder manufactured, owned, contemplated, developed, and/or in-development by You including the nature of each such opioid use disorder drug, its intended use, the stage of development of each (e.g. released to market, in development, abandoned), and profits earned by You from the sale of any such drug in Oklahoma.

The Teva Defendants object to Topic No. 29 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic. The Teva Defendants further object to the term "opioid use disorder" as vague and/or ambiguous.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic.

30. All drugs for the treatment of opioid overdose manufactured, owned, contemplated, developed, and/or in-development by You including the nature of each such opioid overdose drug, its intended use, the stage of development of each (e.g. released to market, in development, abandoned), and profits earned by You from the sale of any such drug in Oklahoma.

The Teva Defendants object to Topic No. 30 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic. The Teva Defendants further object to the term "opioid overdose" as vague and/or ambiguous.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic.

31. Your use of clinical trial companies regarding opioids and/or pain management.

The Teva Defendants object to Topic No. 31 on the grounds that it is irrelevant, overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic. The Teva Defendants further object to the term "pain management" as vague and/or ambiguous.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic. The testimony will be limited to the Teva Defendants' use of clinical trial companies regarding opioids.

32. Clinical trials funded, sponsored, and/or conducted by You regarding opioids and/or pain management.

The Teva Defendants object to Topic No. 32 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic. The Teva Defendants further object to the term "pain management" as vague and/or ambiguous.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic. The testimony will be limited to clinical trials funded, sponsored, and/or conducted by the Teva Defendants' regarding opioids.

33. Your research conducted, funded, directed and/or influenced, in whole or in part, related to pseudoaddiction.

The Teva Defendants object to Topic No. 33 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic. The Teva Defendants further object to the term "research" as vague and/or ambiguous.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic. The testimony will be limited to the Teva Defendants' "research" regarding opioids.

34. Research conducted, funded, directed and/or influenced by You, in whole or in part, related to opioid risks and/or efficacy.

The Teva Defendants object to Topic No. 34 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic.

35. Your involvement and participation in the Pain Care Forum.

The Teva Defendants object to Topic No. 35 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic.

36. The amount of revenue and profits earned by You attributable to and/or derived from the prescription of opioids by any Oklahoma doctor criminally investigated, charged, indicted, and/or prosecuted for prescribing practices related to opioids. For purposes of this topic, "prosecution" includes any administrative proceeding.

The Teva Defendants object to Topic No. 36 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object to this Topic on the grounds that Teva does not possess knowledge or information responsive to this Topic and cannot reasonably prepare a witness to testify to the information sought herein.

Accordingly, the Teva Defendants will not present a witness to testify on this Topic.

37. Your sales projections and/or research related to the amount of reimbursement for Your opioids prescriptions that would be paid by Medicare and/or Oklahoma's Medicaid Program.

The Teva Defendants object to Topic No. 37 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic. The Teva Defendants further object to the terms "sales projections" and "research related to the amount of reimbursement" as vague and/or ambiguous.

Accordingly, the Teva Defendants propose to provide a written response to an appropriately propounded interrogatory seeking this information.

38. Amounts spent by You on research and development for opioids.

The Teva Defendants object to Topic No. 38 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic. The Teva Defendants further object to the terms "research" and "development" as vague and/or ambiguous. The Teva Defendants further object as this Topic seeks a quantifiable amount that is more efficiently and fairly answered through interrogatories.

Accordingly, the Teva Defendants propose to provide a written response to an appropriately propounded interrogatory seeking this information.

39. Policies, practices, and procedures regarding complaints You received related to addiction or abuse of Your opioids in Oklahoma.

The Teva Defendants object to Topic No. 39 on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic. The Teva Defendants further object to the terms "policies", "practices" and "procedures" as vague and/or ambiguous.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic.

40. The factual bases supporting Your defenses to Plaintiff's claims as set forth in Your Answer.

The Teva Defendants object to Topic No. 40 on the grounds that it is overly broad, unduly burdensome, and not proportional to the needs of the case. The Teva Defendants further object to the extent that this Topic seeks legal opinion testimony. The Teva Defendants further object to the extent that this Topic seeks testimony implicating the attorney-client, work product, or any other applicable privilege or protection. An adequate response to this contention Topic requires substantial input and preparation by the Teva Defendants' counsel in assembling and organizing the facts that support each of the legal conclusions identified by this Topic. Responses to these inquiries can clearly be provided more efficiently and fairly through answers to interrogatories prepared by the Teva Defendants' legal counsel. *See TV Interactive Data Corp. v. Sony Corp.*, 2012 U.S. Dist. LEXIS 56861, 2012 WL 1413368, *2 (N.D. Cal. April 23, 2012); *Bank of Am., N.A. v. SFR Invs. Pool 1 LLC*, No. 2:15-cv-01042-APG-GWF, 2016 U.S. Dist. LEXIS 63534, at *11-12 (D. Nev. May 12, 2016) (requiring parties to serve contention interrogatories in lieu of a Rule 30(b)(6) deposition where the topic requires the responding party to provide its legal analysis on complex issues). The Teva Defendants further object that it would be impossible to designate a witness on all of the facts in this case.

Accordingly, the Teva Defendants will not present a witness to testify on this Topic, but will prepare written responses to appropriately propounded contention interrogatories seeking the factual basis for the Teva Defendants' affirmative defenses.

41. The source of ingredients, compounds or components, such as Thebaine (CPS-T), utilized by You in the manufacture of any opioids sold by You in the United States, including without limitation the amount of money paid to purchase such opioid compounds or components and U.S. Distribution and sale of CPS-T.

The Teva Defendants object to Topic No. 41 on the grounds that it is irrelevant, overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic.

Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic.

* * *

Please contact me with any questions.

Sincerely,

s/Harvey Bartle, IV

Harvey Bartle IV

cc: Counsel of Record

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September 10, 2018

BY ELECTRONIC MAIL

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Re: ***State of Oklahoma ex rel. Mike Hunter v. Purdue Pharma, LP*****, CJ -2017-816**

Dear Counsel:

Pursuant to the deposition protocol set forth by Judge Hetherington on August 31, 2018, Purdue Pharma LP, Purdue Pharma Inc. and The Purdue Frederick Company Inc. ("Purdue") hereby respond to the State's 41 Amended Notices for 3230(C)(5) Videotaped Depositions (dated August 6, 2018).

Subject to and without waiving any of Purdue's objections, which are enclosed with this letter, Purdue intends to produce a witness for a deposition on a day during the week of October 29, 2018, on the following topic:

- Topic 34: The source of active ingredients, compounds or components utilized by Purdue in the manufacture of its opioid medications sold in the United States.

Subject to and without waiving any of Purdue's objections, Purdue intends to produce a witness for a deposition on a day during the week of November 5, 2018, on the following topics:

- Topics 3 and 4: Purdue's use of marketing for its FDA-approved opioid medications, nationally and in Oklahoma.
- Topic 10: The organization, training, and compensation structure for, and sales activities of, Purdue sales employees in Oklahoma.
- Topic 11: Purdue's practices and processes for identifying and prioritizing physicians in Oklahoma for sales employees to contact or meet.
- Topic 12: Purdue's research, if any, of Oklahoma health care professionals' and/or pharmacies' opioid prescribing history, sales, or practices and/or abuse and diversion of opioids.
- Topic 14: Purdue's use of "do not call" lists or any similar list of prescribers that sales representatives do not contact.
- Topics 15 and 16: Purdue's efforts, if any, to identify health care providers in the State of Oklahoma who prescribed Purdue's FDA-approved opioid medications and their prescribing rates.
- Topic 28: Purdue's use of data provided by IMS, IQVIA or any similar data service for purposes of marketing and/or sales strategies.

- Topic 32: Purdue's efforts and actions, if any, to obtain and/or increase coverage and/or reimbursement of its opioid medications by public payers in Oklahoma, including SoonerCare.

In addition, Purdue is available to meet and confer with Plaintiff about Topic 31: Purdue's sales projections and/or research related to the amount of reimbursement for prescriptions for its opioid medications that would be paid by Medicare and/or Oklahoma's Medicaid Program.

Subject to and without waiving any of Purdue's objections, Purdue intends to produce a witness for a deposition on a day during the week of November 12, 2018, on the following topics:

- Topic 13: Purdue's use and/or establishment of any opioid abuse and diversion program Purdue established and implemented to identify Healthcare Professionals' and/or pharmacies' potential abuse or diversion of opioids.

- Topic 38: Policies, practices, and procedures regarding complaints Purdue received related to addiction or abuse of its opioid medications in Oklahoma.

Subject to and without waiving any of Purdue's objections, Purdue intends to produce a witness for a deposition on November 15, 2018, on the following topics:

- Topic 1: Purdue's involvement with, and contributions to, non-profit organizations and professional societies regarding opioids and/or pain treatment.

- Topic 2: Purdue's involvement with, and contributions to, KOLs regarding opioids and/or pain treatment.

- Topic 6: Research conducted or funded by Purdue, in whole or in part, related to Purdue's FDA-approved opioid medications' risks and/or efficacy.

- Topic 7: Scientific support for Purdue's marketing statements and representations regarding the risks and benefits of opioids.
- Topic 8: Research, if any, conducted or funded by Purdue, in whole or in part, related to pseudoaddiction.
- Topic 9: Purdue's scientific support for marketing statements and representations, if any, regarding pseudoaddiction.
- Topic 20: Purdue's actions and/or efforts in response to the FDA's September 10, 2013 response to the PROP Petition from July 25, 2012.
- Topic 22: Purdue's communications and relationships, if any, with medical schools in Oklahoma.
- Topic 23: Purdue's use of public relation firms, if any, in connection with media and public communications regarding opioids and/or pain management and any such communications with the American Enterprise Institute, Cancer Action Network, Center for Lawful Access & Abuse Deterrence, Pinney Associates, Conrad & Associates LLC, and Sense About Science USA.
- Topic 25: Purdue's use, if any, of medical education communication companies (MECCs) in which Purdue was involved in content regarding opioids and/or pain management.
- Topic 26: Purdue's use of speakers' bureaus, advisory boards, or other similar programs regarding opioids and/or pain management in Oklahoma.
- Topic 33: Purdue's relationship with other opioid manufacturers who are co-Defendants in this action related to opioids and/or pain management and any co-promotion or ownership agreements relating to Purdue's opioid medications.
- Topic 35: The nature and intended use of opioid medicines manufactured and sold by Purdue.

- Topic 36: The nature and intended use of drugs for opioid use disorder, if any, manufactured and sold by Purdue.

- Topic 37: The nature and intended use of drugs for the treatment of opioid overdose, if any, manufactured and sold by Purdue.

Purdue is willing to respond in writing to the following topics:

- Topic 17: Actual marketing expenses by brand and by year for OxyContin®, Butrans®, and Hysingla ER®.

- Topic 18: Amounts spent by Purdue on research and development for opioids.

- Topic 19: Purdue's educational and/or research grants to individuals or entities regarding opioids and/or pain treatment.

- Topic 29: Purdue's use of clinical trial companies regarding opioid and/or pain management.

- Topic 30: Clinical trials funded, sponsored, and/or conducted by Purdue regarding opioids and/or pain management.

Purdue is continuing to work in good faith to identify witness(es) who can testify about the following topics:

- Topic 5: Continuing medical education, if any, in which Purdue was involved in content regarding Purdue's FDA-approved opioid medications, nationally and in Oklahoma.

- Topic 21: Purdue's role in or support for, if any, any research and published statements in support of the view of pain as the "Fifth Vital Sign."

- Topic 27: Purdue's use of medical liaisons to communicate about opioids and/or pain treatment in Oklahoma.

- Topic 39: Purdue's involvement and participation in the Pain Care Forum.

- Topic 41: Purdue's activities in Oklahoma concerning opioids and legislation, law enforcement, scheduling of opioid medications, and medical guidelines.

We hope to have this information for you in the near future. As always, we are of course willing to meet and confer regarding any of these issues.

Sincerely,

/s/ Mark S. Cheffo

Cc: Counsel of record for Defendants (via email)

Enclosure