



STATE OF OKLAHOMA } S.S.
CLEVELAND COUNTY }
FILED In The
Office of the Court Clerk

NOV 27 2018

**IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA**

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

Plaintiff,

v.

PURDUE PHARMA L.P., *et al.*,

Defendants.

Case No. CJ-2017-816

Honorable Thad Balkman

William C. Hetherington
Special Discovery Master

In the office of the
Court Clerk MARILYN WILLIAMS

**TEVA’S OBJECTION TO THE SPECIAL DISCOVERY MASTER’S
ORDER SUMMARILY OVERRULING OBJECTIONS TO THE STATE’S
CORPORATE REPRESENTATIVE DEPOSITION NOTICES**

Defendants Teva Pharmaceuticals USA, Inc., Cephalon, Inc., Watson Laboratories, Inc., Actavis LLC, and Actavis Pharma, Inc. (collectively the “Teva Defendants”) respectfully object to the Discovery Master’s November 17, 2018, order summarily overruling any objections the Teva Defendants have to depositions noticed by the State pursuant to Okla. Stat. tit. 12, § 3230(C)(5) (hereafter “corporate deposition notices”). In a telephonic hearing held Saturday, November 17, 2018, in response to argument on a discovery issue between the State and Purdue Pharma, L.P., the Honorable William C. Hetherington issued a blanket ruling denying Purdue’s and all other Defendants’ objections to any of the State’s corporate deposition notices – sight unseen. Because the ruling is contrary to basic discovery authority, due process and fundamental fairness, the Teva Defendants respectfully object and request the Court adjudicate the Teva Defendants’ objections on the merits.

In support, the Teva Defendants adopt and incorporate the arguments and authorities cited in Purdue’s Objections to the Special Discovery Master’s Order Overruling Purdue’s Objections to the State’s Corporate Representative Topics filed contemporaneously herewith. Additionally, the Teva Defendants show the Court the following:

1. The Teva Defendants properly responded to the State's 41 corporate deposition notices by letter dated September 10, 2018. *See* Ex. A, Bartle Letter to Burrage dated 9/10/18.¹ The letter asserted applicable objections, but offered to produce a witness to testify for 36 topics and provide testimony by written response to properly issued interrogatories for 4 additional topics. The only topic for which the Teva Defendants refused to provide any testimony was the topic requesting revenues and profits earned from Oklahoma doctors' criminal conduct, which is information the Teva Defendants cannot possibly provide.² *See id.*, p. 12, ¶ 36. Additionally, the letter made clear the Teva Defendants are willing to meet and confer about any issue the State has with the responses and objections.

2. The State ignored the Teva Defendants' offer to meet and confer.

3. Subsequently, the Discovery Master ordered the parties to exchange matrices with proposed pairings of witnesses and topics. The State has provided its proposed matrix to the Defendants, and the Defendants will provide their final proposed matrices on the deadline of Tuesday, November 27, 2018.

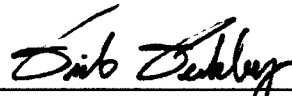
4. In the interim, the Teva Defendants offered to provide the State with a witness for two-and-a-half days (November 7-9) to cover four of the State's 41 noticed topics. *See* Ex. B, Bartle Emails with Pate dated 10/29-31/18. The State accepted only one of those days and chose to cover only two of the four topics. *Id.* Ultimately, the State utilized only three hours for the deposition.

¹ The letter references "42 Notices" in the introductory paragraphs, but specifically responds to 41 separate topics.

² Ironically, while it affirmatively seeks such information from Defendants, the State refuses to produce information it admittedly has about the criminal conduct of Oklahoma doctors, which is the subject of another motion pending before the Court – Defendant Watson Laboratories, Inc.'s Motion to Compel Discovery Regarding Criminal and Administrative Proceedings.

5. As noted above, the Teva Defendants will provide the State a matrix identifying proposed topic pairings and dates for witnesses to testify on the State's remaining topics – where appropriate under applicable law – pursuant to the Discovery Master's orders. The Teva Defendants anticipate those depositions will proceed and the State will obtain the testimony to which it is entitled. However, the Teva Defendants maintain that the topics are improper and objectionable as set forth in Exhibit A including, among other reasons, , relevance (*see, e.g.*, Ex. A., p. 7, ¶¶ 16-17, limiting scope to opioid prescribers), lack of knowledge by the Teva Defendants (*see, e.g.*, Ex. A., p. 12, ¶ 36, noting lack of knowledge) and attorney-client, work-product and trial-preparation privileges (*see, e.g.*, Ex. A., p. 13, ¶ 40, noting privilege issues implicated by request for bases of defenses). The Teva Defendants' objections are warranted and they should not be rejected without due consideration from the Court.

Dated: November 27, 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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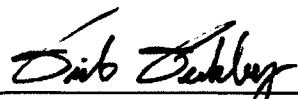
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September 10, 2018

VIA E-MAIL

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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

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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,

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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.

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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.

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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.

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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.

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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,

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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.

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Reggie Whitten
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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.

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Reggie Whitten
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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

Nicholas V. Merkley

From: Drew Pate <dpate@nixlaw.com>
Sent: Wednesday, October 31, 2018 2:32 PM
To: Bartle IV, Harvey
Cc: Brad Beckworth; Trey Duck; Lisa Baldwin; Ross Leonoudakis; Winn Cutler; mburrage@whittenburrage.com; rwhitten@whittenburrage.com; Amanda Thompson; cnorman@whittenburrage.com; Nicholas V. Merkley; Robert McCampbell; Fiore, Mark
Subject: Re: Oklahoma v Purdue Pharma et al - Deposition Topics

Harvey,

We are available on November 7 and will proceed with the deposition on that day, but we will likely only cover Topics 21 and 38. Under the Court's Order, we can choose how to use our 80 hours and so our decision to proceed with the deposition on those days does not mean the witness will not have to return to OKC at a later date for Topics 1 and 2.

Thanks,

Drew

Drew Pate



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From: "Bartle IV, Harvey" <Harvey.bartle@morganlewis.com>
Date: Tuesday, October 30, 2018 at 7:35 PM
To: Drew Pate <dpate@nixlaw.com>
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Subject: RE: Oklahoma v Purdue Pharma et al - Deposition Topics



Thanks Drew. We can have a witness prepared to go forward next week on the following topics: 1, 2, 21, and 38. We're not in a presently in a position to provide the "corporate witness designation matrix pairing witnesses with topic or topic groupings."

Please let me know tomorrow whether you intend to go forward on November 7 and 8.

Thanks

Harvey

Harvey Bartle

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From: Drew Pate <dpate@nixlaw.com>

Sent: Tuesday, October 30, 2018 3:42 PM

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Subject: Re: Oklahoma v Purdue Pharma et al - Deposition Topics

[EXTERNAL EMAIL]

Harvey,

Please hold those dates. In order for us to accept them, we need to know today what topics will be which days. To do that, we need Teva to provide its "corporate witness designation matrix pairing witnesses with topic or topic groupings" as required by the Order.

Please get that to me today and we will let you know asap whether we will use one or both dates.

Best regards,

Drew

Drew Pate



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From: "Bartle IV, Harvey" <harvey.bartle@morganlewis.com>
Date: Monday, October 29, 2018 at 7:28 PM
To: Drew Pate <dpate@nixlaw.com>
Cc: Brad Beckworth <bbeckworth@nixlaw.com>, Trey Duck <tduck@nixlaw.com>, Lisa Baldwin <lbaldwin@nixlaw.com>, Ross Leonoudakis <rossl@nixlaw.com>, Winn Cutler <winncutler@nixlaw.com>, "mburrage@whittenburrage.com" <mburrage@whittenburrage.com>, "rwhitten@whittenburrage.com" <rwhitten@whittenburrage.com>, Amanda Thompson <athompson@nixlaw.com>, "cnorman@whittenburrage.com" <cnorman@whittenburrage.com>, "nmerkley@gablelaw.com" <nmerkley@gablelaw.com>, "rmccampbell@gablelaw.com" <rmccampbell@gablelaw.com>, "Fiore, Mark" <mark.fiore@morganlewis.com>
Subject: RE: Oklahoma v Purdue Pharma et al - Deposition Topics

Thanks Drew. We'll review the topics and get back to you shortly. Are you available on Wednesday morning to discuss? Also, we had previously offered November 7 and 8 for corporate witness depositions. That offer still stands, and we can add through noon on November 9. The depositions will be at GableGotwals in OKC. Can you please let me know if you want to go forward on those dates? There are competing deposition commitments in November and with the Thanksgiving holiday, I can't guarantee I'll be able to get further dates that month.

Thanks

Harvey

Harvey Bartle

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From: Drew Pate <dpate@nixlaw.com>
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To: Bartle IV, Harvey <harvey.bartle@morganlewis.com>
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Subject: Oklahoma v Purdue Pharma et al - Deposition Topics

[EXTERNAL EMAIL]

Harvey,

Pursuant to Judge Hetherington's Order, we are providing this information regarding the corporate representative deposition topics the State has requested from Teva.

Teva has been in possession of the list of the vast majority of deposition topics we have requested since April.

In the interest of efficiency, we have narrowed the deposition topics that we are currently seeking. Specifically, we have removed Topic Nos. 13, 19, 20, and 29 (as previously numbered and as indicated on the attached).

Further, with respect to Topic Nos. 24, 30, 31, 34, and 43 we are open to narrowing those topics by receiving a written response and can discuss further about what the response should include. In the meantime, let's proceed with scheduling the depositions knowing that we may be able to narrow them or not take them depending on the scope of the written response provided.

Finally, in the interest of efficiency, I've re-attached our suggested deposition grouping because we believe it will save the parties time and travel to address the topics that fit together in these ways.

Best regards,

Drew

Drew Pate



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