

STATE C
CLEVEL
FILE
Office o



PART B

IN THE DISTRICT COURT OF CLEVELAND COUNTY NOV 27 2018
STATE OF OKLAHOMA

<p>STATE OF OKLAHOMA, ex rel., MIKE HUNTER, ATTORNEY GENERAL OF OKLAHOMA, Plaintiff, v. PURDUE PHARMA L.P., <i>et al.</i>, Defendants.</p>	<p>In the office of the Court Clerk MARILYN WILLIAMS Case No. CJ-2017-816 Judge Thad Balkman</p>
--	--

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

EXHIBIT F

1 IN THE DISTRICT COURT OF CLEVELAND COUNTY

2 STATE OF OKLAHOMA

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

5 Plaintiff,

6 vs.

No. CJ-2017-816

7 (1) PURDUE PHARMA, L.P.,
8 (2) PURDUE PHARMA, INC.,
9 (3) THE PURDUE FREDERICK COMPANY;
10 (4) TEVA PHARMACEUTICALS USA, INC.;
11 (5) CEPHALON, INC.;
12 (6) JOHNSON & JOHNSON;
13 (7) JANSSEN PHARMACEUTICALS, INC.;
14 (8) ORTHO-McNEIL-JANSSEN
PHARMACEUTICALS, INC., n/k/a
15 JANSSEN PHARMACEUTICALS, INC.;
16 (9) JANSSEN PHARMACEUTICA, INC.;
17 n/k/a JANSSEN PHARMACEUTICALS, INC.;
18 (10) ALLERGAN, PLC, f/k/a ACTAVIS PLC,
19 f/k/a ACTAVIS, INC., f/k/a WATSON
20 PHARMACEUTICALS, INC.;
21 (11) WATSON LABORATORIES, INC.;
22 (12) ACTAVIS LLC; and
23 (13) ACTAVIS PHARMA, INC.;
24 f/k/a WATSON PHARMA, INC.;

25 Defendants.

* * * * *

TRANSCRIPT OF PROCEEDINGS

TELEPHONIC MEET AND CONFER

ON SEPTEMBER 21, 2018

BEGINNING AT 2:05 P.M.

* * * * *

REPORTED BY: Jane McConnell, CSR RPR CMR CRR

Page 6

1 MR. BARTLE: Before you get to that, let
2 me just state what I said earlier.
3 We did include the objection because we
4 believe that's the rule under Oklahoma law.
5 We are willing to discuss with the
6 plaintiffs additional time for 30(b)(6) topics, but
7 we don't believe that you get six hours per topic.
8 So if you want to discuss a reasonable
9 amount of time to conduct all these depositions,
10 we're certainly willing to do that, and we're not
11 going to stand on that objection.
12 So that's Teva's position. I wanted to
13 include the objection so I didn't waive it. But
14 Teva's position is not -- one of the reasons that
15 we're on this call is so we can meet and confer and
16 discuss resolving the issue with regard to the
17 deposition notices and the amount of time the
18 plaintiffs are entitled to have to take them.
19 MR. BECKWORTH: I heard you and I
20 appreciate it.
21 So let me go to Purdue and J&J. Do you
22 believe that it's a one deposition six hour limit?
23 Purdue, let's ask you first.
24 MR. LAFATA: Brad, this is Paul.
25 Again, if we've got -- it's kind of like

Page 7

1 where we did the deposition of Lisa Moore. If we
2 had a couple topics the State believes it can
3 reasonably depose a witness in the amount of time
4 provided, then that makes sense.
5 I think if the State believes that it
6 needs, because of a number of topics or whatever,
7 additional time, then we're willing to talk about
8 that and agree with Harvey that we're willing to
9 discuss that as the State needs.
10 Just like we were doing with your
11 witnesses, we expect, based on how you group the
12 topics or other factors, that we think that more
13 than -- if more than six hours may be necessary,
14 we'll do our best to be efficient in asking
15 questions, but we'll let you know and see if we
16 can come to an agreement on it.
17 I think we had a -- I think we actually
18 did that with the witness for that next week.
19 MR. BECKWORTH: I appreciate that and I
20 agree that's what happened to date, but maybe I'm
21 not making myself clear.
22 What you're talking about is if we take
23 someone like, for example, the New York Times and
24 abatement person, we agreed we would -- we thought
25 those were close enough that we could group two, and

Page 8

1 we would endeavor to do a six hour depo and cover
2 two topics in six as opposed to two in 12. That's
3 what I heard you just refer to.
4 My question is something different.
5 Harvey, I understand what you just said, but the
6 position that Teva states was that under the rules
7 the starting place is a single six hour corporate
8 rep deposition for all topics.
9 My question, and I need to know this, does
10 Purdue agree with that position or not?
11 MR. LAFATA: I don't know. I don't know
12 what the position is. I've just stated my position
13 as far as the time goes for witnesses. That's my
14 position on it.
15 MR. BECKWORTH: Your position is you don't
16 know.
17 MR. LAFATA: I stated my position.
18 MR. BECKWORTH: How about Johnson &
19 Johnson?
20 MR. BRODY: I don't know what -- this is
21 Steve Brody.
22 I'm not sure I understand the relevance
23 of the question for purposes of this discussion.
24 MR. BECKWORTH: The relevance of the
25 question is that --

Page 9

1 MR. BRODY: Brad, I'm sorry, I wasn't
2 finished.
3 MR. BECKWORTH: I'm sorry, you talk so
4 low, it's hard to know when you're finished. I
5 wasn't trying to be rude. I wasn't trying to talk
6 over you.
7 MR. BRODY: I think it's clear from the
8 responses that we have provided to date to the
9 plaintiff's requests for depositions on different
10 topics that we're willing to reach an agreement on a
11 reasonable amount of time for the corporate designee
12 depositions to occur in this case.
13 We've already provided witnesses for two
14 full days of testimony, and as you know from the
15 letter I sent you last week, we offered an
16 additional six days between four different witnesses
17 for the remaining topics that have been requested.
18 That would be a total of eight days.
19 So whether or not -- if you were to ask
20 me, well, do you think the rules in Oklahoma
21 contemplate six hours per party I think is
22 irrelevant.
23 What we're trying to do here is we're
24 trying to work out something reasonable, and I think
25 that's where we land on.

Page 14

1 starting line is. Am I on the goal line? Am I on
2 the 50? I think that's fair to know.
3 If you all want to take Steve's position,
4 then we can start from that place, and I think
5 that's one way to do it.
6 It sounds like Purdue is kind of where
7 Steve is.
8 MR. BARTLE: Brad, this is Harvey.
9 Is it your position you're entitled to six
10 hours per topic? Because that's my understanding of
11 what your position is, and that's what Reggie has
12 said at the hearings, and that is unreasonable to
13 me.
14 So you're on one end. If you're starting
15 at 241 hours of deposition topics, then that's your
16 goal line, that's your one yard line, and that's
17 obviously not appropriate.
18 So the goal is to try to find something
19 where everyone is reasonable, everyone gets the
20 opportunity to take the depositions of the people
21 that want to take and the topics they want to take
22 but without being unduly burdensome and harassing.
23 We think 241 hours is inappropriate, and that's the
24 position the State has taken.
25 So we may be at one end and you may be at

Page 15

1 the other. But as I said before, we've made the
2 objection. We're willing and want to be on this
3 call because we're willing to discuss and want to
4 discuss because we do believe ultimately that we
5 may need more than -- everyone needs more than six
6 hours, but we don't think everyone needs 241 hours.
7 We don't think that's appropriate. That's Teva's
8 decision.
9 So we're happy to be on this call and
10 discuss with you a reasonable accommodation, and
11 maybe it turns out ultimately with regard to J&J we
12 take the same position that J&J does.
13 But I'm not going to sit here and tell
14 you that we're going to give up an objection which
15 we believe has merit when the State is taking the
16 position that it's entitled to six hours per topic.
17 MR. BECKWORTH: Right. I understand all
18 that. I understand all that, and I'll tell you
19 exactly what our position is.
20 Our position is that we are entitled to
21 the time allowed under the rules for each topic that
22 we noticed subject to deposition objections, whether
23 something is burdensome, relevant or whatever, just
24 like you guys are.
25 So Ross' deposition of Purdue financials

Page 16

1 that he took the other day is a good example. That
2 didn't take a full six hours.
3 I took two topics that I probably could
4 have spent six apiece on, and by agreement because
5 of the way those two merged together was willing to
6 do it in six, and Mark was courteous enough to let
7 us have an extra, I don't know, 20 or something
8 minutes so we could knock it off. We worked till
9 8:00 to do that.
10 So that's my position. So to go back to
11 all of it, it sounds like you're amenable to that in
12 looking at it.
13 When we look at -- we can start with
14 Steve's letter. Drew, if you want, can go through
15 these piece by piece.
16 This is how I would want to approach it,
17 and I think you're going to want to approach it,
18 too, is you can use a witness to cover more than one
19 topic. We all can do that.
20 Now, whether that witness is going to try
21 to cover multiple topics in a single six hour
22 session I think has to be done by the lawyers with
23 an understanding that, look, here's three topics.
24 Certainly this witness can handle all three of them.
25 We think they mesh together nicely because of the

Page 17

1 topic area, and all the questions are going to
2 overlap, and let's all endeavor to knock this out
3 in six hours.
4 Look, I don't mean this in a bad way at
5 all. We don't get paid by the hour. Right? So
6 efficiency is our friend. So if we can knock a depo
7 out in three hours or four hours, we're always going
8 to try to do that.
9 But I also think you have to understand
10 when we get into some of these topics, if the
11 questions are not just being forced, but we're
12 taking deposition questions, we're still going
13 through documents, we're dealing with the issues
14 and we end up needing more than six hours, we're not
15 going to give up the right to take the witness the
16 second day or third day as needed if you put
17 multiple topics on that witness.
18 Most of the time good lawyers, and you
19 guys know what you're doing, will all try to put
20 together a witness with multiple topics that we
21 think fairly can be covered in a single session.
22 And I think when we get to the end of a
23 day, you guys have to do what we have to do. You
24 have to assess your witness and say, look, is she
25 tired? Can we string this out another hour tonight

Page 30

1 Harvey, I apologize. I haven't paid as
2 close of attention to y'all's position because of
3 the other stuff on the six hours.
4 Drew, you probably need to -- I don't
5 know. Do we have a specific dispute with you guys?
6 MR. PATE: This is Drew.
7 Harvey's letter didn't propose any
8 particular grouping or dates.
9 MR. BECKWORTH: Right. I'm not sure what
10 we're supposed to do. Sorry to speak over you.
11 MR. LAFATA: Well, my plan is to confirm
12 some dates. My plan is to get you dates and groups
13 on Monday. So obviously we think that we'll give
14 you the dates and there will be multiple days,
15 multiple topics on multiple days, but they'll be the
16 same witness.
17 To the extent that we can try to resolve
18 it the way -- the same way that Purdue and J&J are
19 being proposed, we'll consider that, too.
20 I was just trying to organize witnesses
21 and get dates, and I'll get those to you on Monday.
22 MR. BECKWORTH: Okay. Does that help,
23 Drew? Is that what you needed?
24 MR. PATE: Yes.
25 MR. BRODY: This is Steve.

Page 31

1 One other issue. As you know from the
2 letter I sent you last week and from our objections,
3 we had identified certain of the topics where we
4 thought that they lent themselves to a written
5 response, and you guys did not respond to that.
6 MR. PATE: This is Drew.
7 I think that -- I mean, the issue there is
8 we still are going to want to have a witness to ask
9 questions about the topics.
10 So if you all want to provide a written
11 response on those, Steve, that will narrow some of
12 the questions that need to be asked, that's fine.
13 If your written response narrows it to where there's
14 almost no questions, that would certainly streamline
15 the process.
16 But without seeing what that written
17 response is right now, I can't tell you one way or
18 another whether it's going to answer all the
19 questions we would have or whether we would still
20 need to take the deposition.
21 MR. BRODY: All right. Let me think about
22 procedurally then the best way to go on that.
23 These are -- if you were to list them and
24 catalog them, these are things where it was along
25 the lines of how "much did you spend on X" sort of

Page 32

1 things or "who did you provide money to and how
2 much" kind of thing, where it seemed to be more of
3 an interrogatory style topic than a testimony topic.
4 But given your position that you're going
5 to be seeking testimony on those topics anyway, I
6 think that I'll need to reassess that if that's your
7 firm position.
8 We need to -- we can't consider it in a
9 vacuum and need to be able to assess whether you'd
10 have follow-up questions in addition to the written
11 material. Let me take that back to the client and
12 see where we land on those.
13 MR. BECKWORTH: Okay.
14 MR. BRODY: Then in terms of timing, Brad,
15 the markup that you said you planned to do, when do
16 you think you can get that to us?
17 MR. BECKWORTH: I don't know. I'll talk
18 to Drew. I'm about to go watch my daughter cheer
19 at a football game. So we'll get on it. It's
20 important. We'll do it as fast as we can.
21 MR. BRODY: Yeah. I'm not asking you to
22 send it before Friday night football in Texas.
23 MR. BECKWORTH: You won't get it, but
24 we'll get on it as soon as we can, and it will be
25 done.

Page 33

1 MR. BRODY: The 19th hole.
2 MR. BECKWORTH: We'll get on it. We'll do
3 our best to get it to you ASAP.
4 MR. BRODY: All right.
5 MR. BECKWORTH: All right. Does that
6 cover us on everything?
7 MR. BRODY: I think it does. I posed a
8 question to you today about your willingness to take
9 depositions in Austin rather than Oklahoma City on
10 one of these, but you can just shoot me an email
11 back on that.
12 MR. BECKWORTH: I think we're okay with
13 that. Guys, didn't we discuss that already?
14 MR. PATE: Yes. As far as just Austin
15 versus Oklahoma City, that's fine. We'll have to
16 get back to you about the dates, and obviously it
17 all kind of relates to the conversation we just had
18 about topics and hours and all that, but, yes, the
19 location is fine.
20 MR. BECKWORTH: Let's hold those dates.
21 I think we've got somebody who can cover it, one of
22 us.
23 MR. BRODY: Great. That one was only two
24 topics grouped together.
25 MR. BECKWORTH: Yeah. We'll confirm that

1 figured all of that out yet. We can do it --
2 MR. BARTLE: I will be there on the 26th.
3 MR. PATE: If we're going to be together
4 for two days, somewhere between the 26th and the
5 27th I'm sure we can find a time to talk about this.
6 MR. BARTLE: Okay. Okay. That's fine.
7 Excellent.
8 MR. DUCK: This is Trey. Anything else?
9 All right. Thanks everyone for your time.
10 (PROCEEDINGS CONCLUDED AT 2:54 P.M.)
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 CERTIFICATE
2
3 I, Jane McConnell, Certified Shorthand
4 Reporter, do hereby certify that the proceedings were
5 by me taken in shorthand and thereafter transcribed; and
6 that I am not an attorney for nor relative of any of said
7 parties or otherwise interested in the event of said
8 action.
9 IN WITNESS WHEREOF, I have hereunto set my
10 hand and official seal this 24th day of September,
11 2018.
12
13
14
15
16
17
18
19
20 *Jane M. McConnell*
21
22 Jane McConnell, CSR RPR RMR CRR
23
24
25
26



EXHIBIT G



STATE OF OKLAHOMA } S.S.
CLEVELAND COUNTY }

FILED

OCT 11 2018

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.

In the office of the
Court Clerk MARILYN WILLIAMS

Case No. CJ-2017-816

Judge Thad Balkman

William C. Hetherington
Special Discovery Master

JANSSEN'S RESPONSE TO THE STATE'S MOTION TO COMPEL DEPOSITIONS

The State filed what it captions as a Motion to Compel Depositions ("Mot.") when it has actually refused to proceed with depositions that it originally noticed in May and re-noticed on August 8.

Janssen had a designee ready to testify on October 10 and 11, and if necessary, October 15 and 16, with another witness to follow on October 23 and 24, yet another on November 9, and a final witness, most likely during the week of November 12. Rather than proceed and determine whether those eight days will prove sufficient to obtain testimony on the overlapping topics it has identified, the State moves for an advance ruling that it should have 102 hours over 17 days for these depositions, plus any number of additional deposition days that it might notice in the future.¹ The State's request disregards discovery rules and common sense, both of which imply reasonable

¹ See Mot. at 3 (referencing the State's chart, attached to its Motion as Exhibit B, which identifies 15 categories for the State's 41 requested topics, two of which—categories 3 and 8—the State claims necessitate two full days of testimony, for a total of 17 days of testimony).

limits on deposition hours for 3230(C)(5) depositions. Moreover, the State's conduct in prior depositions reveals why this motion should be denied. The State's deposition questioning to date demonstrates that it seeks more than 100 hours of testimony not to pursue relevant questioning, but instead to harass Janssen's witnesses while fishing for sound bites. This likely explains why the State is asking the Court to give it excessive time based on nothing more than its conclusory assertion that it wants more.

The Court should deny the State's motion, require the State to meaningfully cooperate with Janssen in scheduling depositions, and permit a maximum of ten total days (60 hours) of 3230(C)(5) testimony from Janssen, including the two days (12 hours) of testimony the State has already taken. This reasonable limit will force the State to be efficient and avoid undue burden and harassment.

BACKGROUND

On May 24, 2018, the State noticed 41 overlapping corporate representative deposition topics. On August 8, 2018, the State re-noticed the same 41 topics. The State had already taken one full day of testimony from Janssen prior to remand, on June 1, 2018. And the State took an additional day of testimony from Janssen on August 28, 2018. On September 10, Janssen offered six days of testimony between four witnesses for 31 of the remaining topics that had been requested. *See* Mot. Ex. A.² This proposal would have totaled eight days (48 hours) of testimony, including the two days of testimony the State has already taken from Janssen. On September 25,

² Janssen objected to providing a witness for two topics and proposed written responses to eight topics. *See* Ex. A, Janssen's Omnibus Objections to Topics in Plaintiff's Notices of Videotaped 3230(C)(5) Depositions (served Sep. 10, 2018). The State's motion does not seek to compel Janssen to designate a witness for these topics and addresses only "the number of hours requested." Mot. at 3. Accordingly, Janssen has limited its arguments to the number of deposition hours reasonably required under 3230(C)(5). Whether Janssen should provide a witness, or whether written responses are appropriate for specific topics to which Janssen has objected, are not issues before this Court.

the State countered with its own grouping, which would have required Janssen to provide 102 hours of testimony over 17 days for the 41 noticed topics, on top of the 12 hours already provided. See Mot. Ex. B. Following the October 3 discovery conference, Janssen offered the State an even more generous compromise: Janssen would set aside an additional two days of testimony for the witness it designated to testify to 18 of the noticed topics.³ This would give the State a litigation-total of ten days (60 hours) of testimony from Janssen. And as Janssen noted in its proposal, the parties could always come to Court if, after the depositions were taken, the State still felt it needed additional time.⁴ They would do so on a full record of testimony, which would allow the Court to assess whether additional testimony were warranted. The State never responded to Janssen's proposal. Instead, on October 4, the State filed this motion, seeking "at a minimum, the number of hours requested . . . in the State's chart." Mot. at 3.

Moreover, while Janssen was attempting to schedule the topics the State had already noticed, the State served three additional deposition notices—two on October 1 and one on October 8—without conferring with Janssen.⁵ As further evidence of the State's excessive demands for depositions, the deposition noticed on October 8 is nearly identical to an interrogatory the State served on Janssen that same day.⁶

³ See Ex. B, Email from S. Brody to D. Pate (Oct. 4, 2018) (documenting the parties' conversation).

⁴ See *id.*

⁵ See Ex. C, Transcript of Proceedings, *State ex rel. Hunter v. Purdue Pharma L.P. et al.*, No. CJ-2017-816 (Aug. 31, 2018) ("Aug. 31 Tr."), at 24:4-5 (Hetherington, J.) ("One, I think *before noticing a deposition*, I think you should confer.") (emphasis added).

⁶ Compare Ex. D, Plaintiff's Second Request for Production of Documents and Second Set of Interrogatories (Oct. 8, 2018) (requesting "the annual revenues and profits earned by Noramco from the sale of any opioid APIs for each year during the Relevant Time Period, including the annual revenues and profits earned from transactions with any Defendants"), to Ex. E, Notice for 3230(C)(5) Videotaped Deposition of Corporate Representative(s) of J&J Defendants (served on Oct. 8, 2018), at App'x A (requesting examination on the "[r]evenues and profits earned by Noramco from the sale of any opioid APIs during the Relevant Time Period, including revenues and profits earned from transactions with any

As it stands, between the depositions the State has already taken from Janssen, the State's motion to compel, and the depositions noticed on October 1 and October 8, the State is seeking "at a minimum" 132 hours of testimony from Janssen over 22 days. This unreasonable proposal is contrary to the discovery rules and the efficient progression of this litigation toward a May 2019 trial date.

ARGUMENT

A. Rule 3230(C)(5) Deposition Hours Are Limited.

Citing no authority, the State's motion takes as a given that it is entitled to as many days and hours of testimony as it would like from Janssen. Indeed, the State cites no law at all in support of its motion. The Manual for Complex Litigation instructs judges to "limit the number and length of those [depositions] that are taken" because "[d]epositions are often overused and conducted inefficiently, and thus tend to be the most costly and time-consuming activity in complex litigation." Manual for Complex Litig. § 11.451 (4th ed. 2004). "[E]ach new deposition requires the deponent to spend time preparing for the deposition, traveling to the deposition, and providing testimony." *State Farm Mut. Auto. Ins. Co. v. New Horizont, Inc.*, 254 F.R.D. 227, 235 (E.D. Penn. 2008). For this reason, "serial depositions of a single corporation may be as costly and burdensome, if not more so, as serial depositions of an individual." *Id.*

Although neither Oklahoma nor the federal rules impose a specific numeric limit to corporate representative topics or deposition hours, the Committee Notes to Rule 30(b)(6) provide that "the deposition of each person designated under Rule 30(b)(6) should be considered a separate deposition" for which there is "a presumptive durational limitation of one day of seven hours for

Defendants, and any contract(s) between any Defendant(s) and Noramco during the Relevant Time Period for the delivery of goods or the performance of services").

any deposition.” Fed. R. Civ. P. 30 advisory comm. note to 2000 amendment. Federal courts have thus established a baseline of only one day of testimony for each designated corporate representative,⁷ although some courts have been even more restrictive.⁸

Oklahoma courts “look to discovery procedures in the federal rules when construing similar language in the Oklahoma Discovery Code.” *Crest Infiniti, II, LP v. Swinton*, 2007 OK 77, ¶ 2, 174 P.3d 996, 999, *as corrected* (Oct. 10, 2007). And the Oklahoma Supreme Court has found that certain language in the Oklahoma Discovery Code “is similar to the federal rules,” including “Fed. R. Civ. P. 30(b)(1) and its counterpart in 12 O.S. Supp. 2005 § 3230(C)(1), and Fed. R. Civ. P. 30(b)(6) and its counterpart in 12 O.S. Supp. 2005 § 3230(C)(5).” *Id.* Accordingly, it would have been entirely reasonable and legally appropriate for Janssen to have taken the position that the State was limited to only one day of testimony per 3230(C)(5) representative. *See* Aug. 31 Tr. at 25:14–17 (Hetherington, J.) (“And by the way, I think six hours is not unreasonable . . . and I would think for most of these witnesses, you don’t need six hours.”).

Indeed, in *Heartland Surgical Specialty Hosp., LLC v. Midwest Div., Inc.*, a massive, complex antitrust litigation, the court allowed defendants only “11 deposition hours over 2 days for topics 1 through 17 and 24 hours over 4 days for topics 18 through 55.” 2007 WL 1054279, at *1 (D. Kan. Apr. 9, 2007) (citations omitted). If 24 hours was sufficient for 37 topics in *Heartland*, then Janssen’s proposal of 12-24 hours for 18 topics is infinitely reasonable.

⁷ *See Am. Home Assur. Co. v. Greater Omaha Packing Co.*, 2013 WL 4875997, at *1 (D. Neb. Sept. 11, 2013) (setting a “baseline” of “seven hours per 30(b)(6) representative”); *see also Patterson v. N. Cent. Tel. Co-op. Corp.*, 2013 WL 5236645, at *4 (M.D. Tenn. Sept. 17, 2013) (reiterating the durational limit of one day of seven hours per deposition of each person designated under Rule 30(b)(6)).

⁸ *See In Re Rembrandt Tech.*, 2009 WL 1258761, at *14 (D. Colo. May 4, 2009) (limiting Rule 30(b)(6) testimony to “a total of ten (10) hours,” regardless of the number of representatives).

B. The State's Intransigence Is Hampering the Progress of this Litigation.

Although it would have been justified in doing so, *see supra* § A, Janssen never took the position that the State is limited to one day of testimony per designee. Instead, Janssen negotiated with the State in good faith and proposed an ample number of hours and days for the State to depose Janssen. And Janssen made a still more generous offer in response to the State's concerns, which the State rejected without further discussion when it filed this motion.

The State has long claimed to recognize the need to combine corporate representative topics that can be covered by a single representative and professed that it would adjust dates to accommodate witnesses.⁹ Yet when Janssen sought to do just that—combine related topics in the interest of efficiency and out of respect for representatives' schedules—the State filed this motion to compel, arguing that Janssen is being “unreasonable.” *See* Mot. at 2. To the contrary, Janssen's opening offer to the State allowed for twice as many days as required under the federal rules. *See supra* § A. When the State asserted that Janssen's original offer of 12 hours of testimony for 18 topics would not be enough, Janssen offered an additional 12 hours of testimony, for a total of 24 hours over four days for a single witness—four times as many days of testimony as Rule 3230's federal counterpart would require. *See id.* The State rejected that offer when it filed this motion with no further effort to reach a compromise.

⁹ *See* Ex. F, Transcript of Proceedings, *State ex rel. Hunter v. Purdue Pharma L.P. et al.*, No. CJ-2017-816 (Aug. 10, 2018), at 29:8-12 (Beckworth, B.) (“Now, we will work with the defendants to move dates around to accommodate schedules, which we've always maintained that we would do. We broke these corporate rep depositions into topic areas, discreet topic areas, but it may very well be that one witness could cover ten of them.”); *id.* at 29:14-16 (Beckworth, B.) (“If they have witnesses that can testify on multiple topics, of course we will relieve them from those notices and do those all at a single date that we can all work out.”); Ex. G, Ltr. from M. Burrage to J. Hetherington, at 3 (May 29, 2018) (“We also explained that we will work with Defendants to combine deposition topics into one deposition where appropriate if Defendants intend to designate the same witness for multiple topics.”).

C. The State Cannot Show It Needs a Month of Testimony from Janssen.

The State claims that the topic order in which it deposes Janssen is of such significance that it justified refusing to take *any* testimony from Janssen on October 10 or 11 (or October 15 or 16), purportedly on the ground that some topics Janssen proposed to address on that date were noticed for a later date. *See* Mot. at 3. This argument holds no water. Seven of the topics to which Janssen's witness would have testified on October 10 were noticed for that date or sooner. And the State fails to articulate what it is missing that would keep it from proceeding with depositions in a timely fashion. But more importantly, the State has strayed so far from the scope of its noticed topics in the two depositions it has already taken from Janssen that it is inconceivable that the deposition topic has any bearing on the State's actual questioning.

Discovery Master Hetherington has already admonished the State for flouting the topics it has noticed for prior depositions. *See* Aug. 31 Tr. at 25:18–20 (Hetherington, J.) (“[E]ven yesterday, I heard some questions that to me are obviously not questions that should be asked, period. That’s just a waste of time.”). Because Janssen expends significant resources to prepare each designee to testify to the noticed topic, it is put at a disadvantage (and precious deposition time is wasted) when the State strays so far off-topic during 3230(C)(5) depositions.

CONCLUSION

For all the reasons listed above, Janssen requests that this Court deny the State's motion, require the State to meaningfully cooperate with Janssen in scheduling depositions, and permit no more than ten days (60 hours) of Rule 3230(C)(5) testimony from Janssen, including the two depositions already taken from Janssen, and the three depositions noticed in violation of this Court's deposition protocol.

Respectfully submitted,

By: 

Benjamin H. Odom, OBA No. 10917
John H. Sparks, OBA No. 15661
Michael W. Ridgeway, OBA No. 15657
David L. Kinney, OBA No. 10875
ODOM, SPARKS & JONES, PLLC
Suite 140
HiPoint Office Building
2500 McGee Drive
Norman, OK 73072
Telephone: (405) 701-1863
Facsimile: (405) 310-5394
Email: odomb@odomsparks.com
Email: sparksj@odomsparks.com
Email: ridgewaym@odomsparks.com
Email: kinneyd@odomsparks.com

Of Counsel:

Charles C. Lifland
Jennifer D. Cardelús
Wallace Moore Allan
Sabrina H. Strong
Houman Eshan
Esteban Rodriguez
O'MELVENY & MYERS, LLP
400 S. Hope Street
Los Angeles, CA 90071
Telephone: (213) 430-6000
Facsimile: (213) 430-6407
Email: clifland@omm.com
Email: jcardelus@omm.com
Email: tallan@omm.com
Email: sstrong@omm.com
Email: heshan@omm.com
Email: erodriguez2@omm.com

Amy R. Lucas
Lauren S. Rakow
O'MELVENY & MYERS, LLP
8th Floor
1999 Avenue of the Stars

Los Angeles, CA 90067
Telephone: (310) 553-6700
Facsimile: (310) 246-6779
Email: alucas@omm.com
Email: lrakow@omm.com

Stephen D. Brody
David Roberts
O'MELVENY & MYERS, LLP
1625 Eye Street NW
Washington, DC 20006
Telephone: (202) 383-5300
Facsimile: (202) 383-5414
Email: sbrody@omm.com
Email: droberts2@omm.com

Daniel J. Franklin
Ross B. Galin
O'MELVENY & MYERS, LLP
7 Times Square
New York, NY 10036
Telephone: (212) 326-2000
Facsimile: (212) 326-2061
Email: dfranklin@omm.com
Email: rgalin@omm.com

**ATTORNEYS FOR DEFENDANTS
JANSSEN PHARMACEUTICALS, INC.,
JOHNSON & JOHNSON, JANSSEN
PHARMACEUTICA, INC. N/K/A
JANSSEN PHARMACEUTICALS, INC.,
AND ORTHO-MCNEIL-JANSSEN
PHARMACEUTICALS, INC. N/K/A/
JANSSEN PHARMACEUTICALS, INC.**

CERTIFICATE OF MAILING

Pursuant to Okla. Stat. tit. 12, § 2005(D), this is to certify on October 11th, 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:

Mike Hunter
ATTORNEY GENERAL FOR
THE STATE OF OKLAHOMA
Abby Dillsaver
Ethan Shaner
GENERAL COUNSEL TO
THE ATTORNEY GENERAL
313 NE 21st
Oklahoma City, OK 73105
Telephone: (405)521-3921
Facsimile: (405) 521-6246
Email: mike.hunter@oag.ok.gov
Email: abby.dillsaver@oag.ok.gov
Email: ethan.shaner@oag.ok.gov

Michael Burrage
Reggie Whitten
J. Revell Parrish
WHITTEN BURRAGE
Suite 300
512 North Broadway Avenue
Oklahoma City, OK 73102
Telephone: (405) 516-7800
Facsimile: (405) 516-7859
Email: mburrage@whittenburragelaw.com
Email: rwhitten@whittenburragelaw.com
Email: rparrish@whittenburragelaw.com

Bradley Beckworth
Jeffrey Angelovich
Lloyd Nolan Duck, III
Andrew Pate
Lisa Baldwin
NIX, PATTERSON & ROACH, LLP
Suite 200
512 North Broadway Avenue
Oklahoma City, OK 73102
Telephone: (405) 516-7800
Facsimile: (405) 516-7859
Email: bbeckworth@nixlaw.com

Email: jangelovich@nixlaw.com

Email: tduck@nixlaw.com

Email: dpate@nixlaw.com

Email: lbaldwin@nixlaw.com

Glenn Coffee

GLENN COFFEE & ASSOCIATES, PLLC

915 North Robinson Avenue

Oklahoma City, OK 73102

Telephone: (405) 601-1616

Email: gcoffee@glenncoffee.com

ATTORNEYS FOR PLAINTIFF

Sanford C. Coats
Joshua D. Burns
CROWE & DUNLEVY, PC
Suite 100
Braniff Building
324 North Robinson Avenue
Oklahoma City, OK 73102
Telephone: (405) 235-7700
Facsimile: (405) 272-5269
Email: sandy.coats@crowedunlevy.com
Email: joshua.burns@crowedunlevy.com

Of Counsel:

Sheila Birnbaum
Mark S. Cheffo
Hayden A. Coleman
Paul A. LaFata
Jonathan S. Tam
Lindsay N. Zanello
Bert L. Wolff
DECHERT, LLP
Three Bryant Park
1095 Avenue of Americas
New York, NY 10036-6797
Telephone: (212) 698-3500
Facsimile: (212) 698-3599
Email: sheila.birnbaum@dechert.com
Email: mark.cheffo@dechert.com
Email: hayden.coleman@dechert.com
Email: paul.lafata@dechert.com
Email: jonathan.tam@dechert.com
Email: lindsay.zanello@dechert.com
Email: bert.wolff@dechert.com

Erik W. Snapp
DECHERT, LLP
Suite 3400
35 West Wacker Drive
Chicago, IL 60601
Telephone: (212)849-7000
Facsimile: (212) 849-7100
Email: erik.snapp@dechert.com

Robert S. Hoff
WIGGIN & DANA, LLP

265 Church Street
New Haven, CT 06510
Telephone: (203) 498-4400
Facsimile: (203) 363-7676
Email: rhoff@wiggin.com

**ATTORNEYS FOR DEFENDANTS PURDUE PHARMA, LP,
PURDUE PHARMA, INC., AND THE PURDUE FREDERICK
COMPANY, INC.**

Robert G. McCampbell
Travis V. Jett
Ashley E. Quinn
Nicholas V. Merkley
GABLEGOTWALS
15th Floor
One Leadership Square
211 North Robinson
Oklahoma City, OK 73102-7255
Telephone: (405) 235-5567
Email: rmccampbell@gablelaw.com
Email: tjett@gablelaw.com
Email: aquinn@gablelaw.com
Email: nmerkley@gablelaw.com

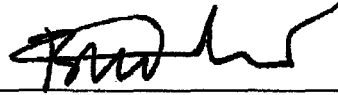
Of Counsel:

Steven A. Reed
Rebecca J. Hillyer
MORGAN, LEWIS & BOCKIUS, LLP
1701 Market Street
Philadelphia, PA 19103-2321
Telephone: (215) 963-5000
Email: steven.reed@morganlewis.com
Email: rebecca.hillyer@morganlewis.com

Harvey Bartle, IV
Mark A. Fiore
MORGAN, LEWIS & BOCKIUS, LLP
502 Carnegie Center
Princeton, NJ 08540-6241
Telephone: (609) 919-6600
Email: harvey.bartle@morganlewis.com
Email: mark.fiore@morganlewis.com

Brian M. Ercole
MORGAN, LEWIS & BOCKIUS, LLP
Suite 5300
200 South Biscayne Boulevard
Miami, FL 33131
Email: brian.ercole@morganlewis.com

**ATTORNEYS FOR DEFENDANTS CEPHALON, INC., TECA
PHARMACEUTICALS USA, INC., WATSON LABORATORIES, INC.,
ACTAVIS, LLC, AND ACTAVIS PHARMA, INC. F/K/A WATSON
PHARMA, INC.**



Benjamin H. Odom

**ATTORNEY FOR DEFENDANTS
JANSSEN PHARMACEUTICALS, INC.,
JOHNSON & JOHNSON, JANSSEN
PHARMACEUTICA, INC. N/K/A
JANSSEN PHARMACEUTICALS, INC.,
AND ORTHO-MCNEIL-JANSSEN
PHARMACEUTICALS, INC. N/K/A/
JANSSEN PHARMACEUTICALS, INC.**

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.

PURDUE PHARMA, L.P., ET AL.

Defendants.

Case No. CJ-2017-816

Judge Thad Balkman

Special Master: William
Hetherington

**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: 

Benjamin H. Odom, OBA No. 10917
John H. Sparks, OBA No. 15661
Michael W. Ridgeway, OBA No. 15657
David L. Kinney, OBA No. 10875
ODOM, SPARKS & JONES, PLLC
HiPoint Office Building
2500 McGee Drive Ste. 140
Oklahoma City, OK 73072

Telephone: (405) 701-1863
Facsimile: (405) 310-5394
Email: odomb@odomsparks.com
Email: sparksj@odomsparks.com
Email: ridgewaym@odomsparks.com
Email: kinneyd@odomsparks.com

Of Counsel:

Charles C. Lifland
Jennifer D. Cardelus
Wallace Moore Allan
Sabrina H. Strong
O'MELVENY & MYERS, LLP
400 S. Hope Street
Los Angeles, CA 90071
Telephone: (213) 430-6000
Facsimile: (213) 430-6407
Email: clifland@omm.com
Email: jcardelus@omm.com
Email: tallan@omm.com
Email: sstrong@omm.com

Stephen D. Brody
David Roberts
O'MELVENY & MYERS, LLP
1625 Eye Street NW
Washington, DC 20006
Telephone: (202) 383-5300
Facsimile: (202) 383-5414
Email: sbrody@omm.com
Email: droberts2@omm.com

Daniel J. Franklin
O'MELVENY & MYERS, LLP
7 Times Square
New York, NY 10036
Telephone: (212) 326-2000
Facsimile: (212) 326-2061
Email: dfranklin@omm.com

**COUNSEL FOR DEFENDANTS
JANSSEN PHARMACEUTICALS, INC.,
JOHNSON & JOHNSON, JANSSEN
PHARMACEUTICA, INC. N/K/A
JANSSEN PHARMACEUTICALS, INC.,**

**AND ORTHO-MCNEIL-JANSSEN
PHARMACEUTICALS, INC. N/K/A/
JANSSEN PHARMACEUTICALS, INC.**

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:

Mike Hunter
ATTORNEY GENERAL FOR
THE STATE OF OKLAHOMA
Abby Dillsaver
Ethan Shaner
GENERAL COUNSEL TO
THE ATTORNEY GENERAL
313 NE 21st
Oklahoma City, OK 73105
Telephone: (405)521-3921
Facsimile: (405) 521-6246
Email: abby.dillsaver@oag.ok.gov
Email: ehtan.shaner@oag.ok.gov

Michael Burrage
Reggie Whitten
WHITTEN BURRAGE
Suite 300
512 North Broadway Avenue
Oklahoma City, OK 73102
Telephone: (405) 516-7800
Facsimile: (405) 516-7859
Email: mburrage@whittenburrage.com
Email: rwhitten@whittenburrage.com

Bradley Beckworth
Jeffrey Angelovich
Lloyd Nolan Duck, III
Andrew Pate
Lisa Baldwin
NIX, PATTERSON & ROACH, LLP
Suite 200
512 North Broadway Avenue
Oklahoma City, OK 73102
Telephone: (405) 516-7800
Facsimile: (405) 516-7859
Email: bbeckworth@nixlaw.com
Email: jangelovich@nixlaw.com
Email: tduck@nixlaw.com
Email: dpate@nixlaw.com

Email: lbaldwin@nixlaw.com

Glenn Coffee
GLENN COFFEE & ASSOCIATES, PLLC
915 North Robinson Avenue
Oklahoma City, OK 73102
Telephone: (405) 601-1616
Email: gcoffee@glenncoffe.com

ATTORNEYS FOR PLAINTIFF

Sanford C. Coats
Joshua D. Burns
CROWE & DUNLEVY, PC
Suite 100
Braniff Building
324 North Robinson Avenue
Oklahoma City, OK 73102
Telephone: (405) 235-7700
Facsimile: (405) 272-5269
Email:sandy.coats@crowedunlevy.com
Email:joshua.burns@crowedunlevy.com

Of Counsel:

Sheila Birnbaum
Mark S. Cheffo
Hayden A. Coleman
Paul A. LaFata
Jonathan S. Tam
DECHERT, LLP
Three Bryant Park
1095 Avenue of Americas
New York, NY 10036-6797
Telephone: (212) 698-3500
Facsimile: (212) 698-3599
Email:sheila.birnbaum@dechert.com
Email:mark.cheffo@dechert.com
Email:hayden.colemand@dechert.com
Email:paul.lafata@dechert.com
Email:jonathan.tam@dechert.com

Robert S. Hoff
WIGGIN & DANA, LLP
265 Church Street
New Haven, CT 06510
Telephone: (203) 498-4400
Facsimile: (203) 363-7676
Email: rhoff@wiggin.com

**ATTORNEYS FOR DEFENDANTS PURDUE PHARMA, LP,
PURDUE PHARMA, INC., AND THE PURDUE FREDERICK
COMPANY, INC.**

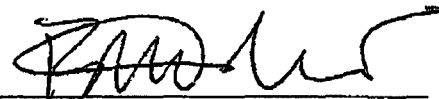
Robert G. McCampbell
Travis V. Jett
Ashley E. Quinn
Nicholas V. Merkley
GABLEGOTWALS
15th Floor
One Leadership Square
211 North Robinson
Oklahoma City, OK 73102-7255
Telephone: (405) 235-5567
Email: rmccampbell@gablelaw.com
Email: tjett@gablelaw.com
Email: aquinn@gablelaw.com
Email: nmerkley@gablelaw.com

Of Counsel:

Steven A. Reed
Harvey Bartle, IV
Rebecca J. Hillyer
Lindsey T. Mills
MORGAN, LEWIS & BOCKIUS, LLP
1701 Market Street
Philadelphia, PA 19103-2321
Telephone: (215) 963-5000
Email: steven.reed@morganlewis.com
Email: harvey.bartle@morganlewis.com
Email: rebecca.hillyer@morganlewis.com
Email: lindsey.mills@morganlewis.com

Brian M. Ercole
MORGAN, LEWIS & BOCKIUS, LLP
Suite 5300
200 South Biscayne Boulevard
Miami, FL 33131
Email: brian.ercole@morganlewis.com

**ATTORNEYS FOR DEFENDANTS CEPHALON, INC., TECA
PHARMACEUTICALS USA, INC., WATSON LABORATORIES, INC.,
ACTAVIS, LLC, AND ACTAVIS PHARMA, INC. F/K/A WATSON
PHARMA, INC.**

A handwritten signature in black ink, appearing to read "B. H. Odom", written over a horizontal line.

Benjamin H. Odom

Exhibit B

From: Brody, Steve
Sent: Thursday, October 4, 2018 8:50 PM
To: 'Drew Pate' <dpate@nixlaw.com>; Paul LaFata <paul.lafata@dechert.com>; Bartle IV, Harvey <harvey.bartle@morganlewis.com>; Jonathan Tam <jonathan.tam@dechert.com>; Nicholas V. Merkley <nmerkley@gablelaw.com>
Cc: Brad Beckworth <bbeckworth@nixlaw.com>; Trey Duck <tduck@nixlaw.com>; sparks@odomsparks.com; odomb@odomsparks.com; rwhitten@whittenburrage.com; mburraga@whittenburrage.com; mark.chaffo@dechert.com; Lifand, Charles <clifand@omm.com>; Allan, Tad <tallan@omm.com>
Subject: RE: Deposition Topics

Drew:

As you know, we spoke yesterday after the conclusion of the discovery hearing about the schedule for corporate designee deposition testimony on the 41 topics noticed by Plaintiff in early August. I confirmed what we conveyed by letter of September 10—that who was best situated to address 18 of the 41 noticed topics. We offered to make that witness available on October 10 and 11. Plaintiff objected and took the position that more than two days would be required to complete testimony on those topics.

We recognize Plaintiff's position. For that reason, I told you yesterday that we had set aside an additional two days beyond October 10 and 11 for testimony on the 18 topics, advising that our witness and counsel would be in Oklahoma City on October 15 and 16 if warranted for completion of the deposition. Plaintiff could address the 18 topics, I explained, in whatever order it wanted. I also advised that if the deposition continued for four days, we would consider Plaintiff's requests for a specific amount of additional time. Should we be unable to agree on the need for or length of additional testimony at that juncture, we could then take the issue to Judge Hetherington for resolution.

I also told you that we were eager to move forward with the beginning of the deposition next week on October 10 and planned to have our witness in Oklahoma City then. Indeed, the case schedule demands it if we are to accomplish all that is required before the May 2019 trial date.

You told me that you would discuss the proposal with counsel for Plaintiff and get back to me. I did not hear from you. If, by way of a phone call or email, Plaintiff filed its motion to compel deposition testimony. We assume this means that Plaintiff is refusing to go forward with any part of the deposition on October 10, 11, 15 or 16. Please confirm that is the case so that we can attempt to cancel travel arrangements. However, that rescheduling will not be easy.

Steve Brody
sbrody@omm.com
O: +1-202-383-5167
M: +1-202-306-8016

From: Drew Pate <dpate@nixlaw.com>
Sent: Tuesday, October 2, 2018 9:46 AM
To: Brody, Steve <sbrody@omm.com>; Paul LaFata <paul.lafata@dechert.com>; Bartle IV, Harvey <harvey.bartle@morganlewis.com>; Jonathan Tam <jonathan.tam@dechert.com>; Nicholas V. Merkley <nmerkley@gablelaw.com>
Cc: Brad Beckworth <bbeckworth@nixlaw.com>; Trey Duck <tduck@nixlaw.com>
Subject: Re: Deposition Topics

Steve,

We can try to call you this afternoon. Do all Defendants agree to the grouping we laid out?

Thanks,

Drew

From: "Brody, Steve" <sbrody@omm.com>
Date: Monday, October 1, 2018 at 12:49 PM
To: Drew Pate <dpate@nixlaw.com>, Paul LaFata <paul.lafata@dechert.com>, "Bartle IV, Harvey" <harvey.bartle@morganlewis.com>, Jonathan Tam <jonathan.tam@dechert.com>, "Nicholas V. Merkley" <nmerkley@gablelaw.com>
Cc: Brad Beckworth <bbeckworth@nixlaw.com>, Trey Duck <tduck@nixlaw.com>
Subject: RE: Deposition Topics

Drew: Just following up on the email below from Friday, thanks.

Steve Brody
sbrody@omm.com
O: +1-202-383-5167
M: +1-202-306-8016

From: Brody, Steve
Sent: Friday, September 28, 2018 3:36 PM
To: 'Drew Pate' <dpate@nixlaw.com>; Paul LaFata <paul.lafata@dechert.com>; Bartle IV, Harvey <harvey.bartle@morganlewis.com>; Jonathan Tam <jonathan.tam@dechert.com>; Nicholas V. Merkley <nmerkley@gablelaw.com>
Cc: Brad Beckworth <bbeckworth@nixlaw.com>; Trey Duck <tduck@nixlaw.com>
Subject: RE: Deposition Topics

Drew: Do you have a few minutes to discuss the deposition groupings this afternoon? Thanks.

Steve Brody
sbrody@omm.com
O: +1-202-383-5167

M: +1-202-306-8016

From: Drew Pate <dpate@nixlaw.com>

Sent: Tuesday, September 25, 2018 7:33 PM

To: Brody, Steve <sbrody@ormm.com>; Paul LaFata <paul.lafata@dechert.com>; Bartle IV, Harvey <harvey.bartle@morganlewis.com>; Jonathan Tam <jonathan.tam@dechert.com>; Nicholas V. Merkle <nmerkle@gablelaw.com>

Cc: Brad Beckworth <bbeckworth@nixlaw.com>; Trey Duck <tduck@nixlaw.com>

Subject: Deposition Topics

Steve and Paul,

I've attached a table reflecting the State's currently noticed deposition topics grouped as we suggested last Friday. Please let us know if you agree.

Best regards,

Drew

Drew Pate



NIX PATTERSON, LLP

3600 N. Capital of Texas Hwy.

Building B, Suite 350

Austin, TX 78746

512-328-5333

[Dpate@nixlaw.com](mailto:dpate@nixlaw.com)

Exhibit C

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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.)

**TRANSCRIPT OF PROCEEDINGS
HAD ON AUGUST 31, 2018
AT THE CLEVELAND COUNTY COURTHOUSE
BEFORE THE HONORABLE WILLIAM C. HETHERINGTON, JR.,
RETIRED ACTIVE JUDGE AND SPECIAL DISCOVERY MASTER**

REPORTED BY: ANGELA THAGARD, CSR, RPR

1 person and will also testify in 30(b)(6) topics. But there
2 will also be discreet 30(b)(6) topics where we just want to
3 have time to educate someone, prepare them on those topics.
4 Some of them go back 10, 15 years. And that should be the
5 focus unless the party designates.

6 And what I'm suggesting is bilateral. I'm not trying to
7 say this should only apply to the defendants, your Honor.

8 MR. BURRAGE: Well, but what he just said, Judge, is
9 that they decide what they want the witness to testify to
10 outside the 30(b)(6) designation. If something comes up in
11 that deposition, the law says we're allowed to ask about it,
12 and they don't get to be the arbiter or the ruler of what
13 they're going to let them testify about on facts outside the
14 30(b)(6) notice. It's not right.

15 THE COURT: Okay.

16 MR. BURRAGE: So you know, I'm for a process, Judge.
17 We've issued these notices. We haven't heard anything. And
18 we're willing to talk to them about them and discuss them,
19 discuss time limits, and discuss all those things. I'm not
20 saying that we just issue notices.

21 THE COURT: I'm going to sort of shortcut it here a
22 little bit, and I'm going to -- I started out to enter an
23 order. But I think what I'm going to do is tell you what I
24 would like to do and ask you to take notes here. And then I'm
25 going to take a break and ask you all to visit about this a

1 little bit. Take about a ten-minute break, maybe 15 minutes at
2 the most, and ask you to sort of get together to visit about
3 this.

4 One, I think before noticing a deposition, I think you
5 should confer and each other -- you know, and try to pick dates
6 if you can for the depositions and topic, scope, 30(b)(6),
7 fact, testimony getting discussed.

8 And if you cannot arrive at a conclusion and an agreement,
9 what I'm going to do, what I would like to do is ask that the
10 notice is limited to five business days, you know, which
11 expands it from our 3-day notice provision, objection within 3
12 days, business days, of the notice, and a response, if
13 required, within two days of an objection.

14 Then I want to put in place a way to where you can contact
15 me day or night by cell phone, 405-413-2250, if there's an
16 objection or we need discussion or rulings on topics and
17 expanding things, and then I'll rule or ask for oral argument
18 if I think I need it. Then the deposition is to be held within
19 ten working days after a ruling.

20 Now, that doesn't -- you know, we've got to have document
21 production and proper preparation before that for witnesses to
22 be prepared, and I know that's an issue. But that gets a
23 process structure started that I think is fair, speeds up
24 things, helps things along a little.

25 And I want to sort of take a break and let you all talk

1 about that a minute. All right? Let's take a break and see if
2 that would be helpful. Let's get back in here by a quarter
3 till.

4 MR. BURRAGE: Thank you, your Honor.

5 MR. BECKWORTH: The ten days, is that business days
6 also?

7 THE COURT: Yes. Ten business days.

8 (A recess was taken, after which the following
9 transpired in open court, all parties present:)

10 THE COURT: All right. We're back on the record and
11 I guess what we're trying to do is limit this to where stuff
12 that comes to me can get to me quickly, but pretty much
13 limited, I would hope, to topic and scope. And by the way, I
14 think six hours is not unreasonable, and I don't mind saying
15 six-hour limit. I'll go ahead and say that now. That's a long
16 time, and I would think for most of these witnesses, you don't
17 need six hours.

18 And even yesterday, I heard some questions that to me are
19 obviously not questions that should be asked, period. That's
20 just a waste of time. I can't stop that. I mean, it's going
21 to happen during depositions, I guess. But I don't think
22 that's unreasonable.

23 All right. Judge, you want to start with you and see what
24 you think?

25 MR. BURRAGE: I think we've got some basic concepts

Exhibit D

service of these discovery requests: (1) produce and permit Plaintiff to inspect and copy the documents and things requested below at the offices of Whitten Burrage, 512 N. Broadway Avenue, Oklahoma City, Oklahoma 73102 (or at such other place as may be agreed upon by the parties); and (2) answer the below interrogatories fully and under oath.

INSTRUCTIONS AND DEFINITIONS

SPECIFIC DEFINITIONS

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

a. The words “You” or “Your” or “Defendants” or “Janssen” (as separately defined below) means the Janssen Defendants in this litigation.

b. “Janssen” shall mean Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., n/k/a Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc., n/k/a Janssen Pharmaceuticals, Inc. and any and all predecessors, merged entities, subsidiaries and affiliates, whether individuals, corporations, LLC’s or partnerships. The term “affiliate” shall include any entity owned in whole or in part by Janssen or any entity which owns Janssen in whole or in part. The term “Janssen,” where appropriate, shall also include entities and individuals, such as officer, directors, sales representatives, medical liaisons, etc., who are employed by Janssen or who provide services on behalf of Janssen.

GENERAL DEFINITIONS AND INSTRUCTIONS

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

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

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

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

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

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

f. "Document" shall have the broadest possible meaning under the Oklahoma Discovery Code, including, but not limited to, any written, printed, handwritten, graphic matter of any kind, or other medium upon which intelligence or information can be recorded or retrieved, however created, produced or reproduced, and regardless of where located, including, but not limited to, any Correspondence, inter-office and intra-office communications, emails, circulars, announcements, directories, declarations, affidavits, statements, filings, memoranda, agreements, contracts, legal instruments, reports, studies, work papers, records, research, checklists, opinions, summaries, instructions, specifications, notes, notebooks, scrapbooks, diaries, minutes, minutes of meetings, desk or pocket calendars, schedules, projections, plans, drawings, specifications, designs, sketches, pictures, photographs, photocopies, charts, graphs,

curves, descriptions, accounts, journals, ledgers, bills, invoices, checks, receipts, motion pictures, videos, recordings, publications, transcripts, sound recordings, any magnetic or other recording tape, computer data (including information or programs stored in a computer, whether or not ever printed out or displayed), and any other retrievable data (whether encoded, taped, punched or coded, either electrostatically, electromagnetically, on computer or otherwise), in Your possession, custody, or control or known to You wherever located, however produced or reproduced, including any non-identical copy (whether different from the original because of any alterations, notes, comments, initials, underscoring, indication of routing, or other material contained in that document or attached to that document, or otherwise), and whether a draft or a final version. "Document" shall include metadata and/or other identifying information for those documents generated and stored electronically, whether stored on an active hard drive or on archive tapes or disks, including electronic mail. "Document" shall also include the physical and/or electronic file folders in which said documents are maintained and any table of contents or index thereto; and copies of documents of which the originals have been destroyed pursuant to a document destruction policy or otherwise. You are instructed to preserve and restore all archive tapes and disks to determine whether responsive documents are resident in archived files.

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

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

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

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

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

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

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

n. When asked to identify a document, please state the location, length, date, authors, signatories, and content of the original and identify the person presently in charge of its custody and maintenance. If there are copies of the document that are not identical to the original, explain how the copies differ from the original with respect to the characteristics enumerated in the previous sentence. If any person received the original or any copy (whether or not identical to the original), please identify such person. If the document is available in only machine-readable form, please state the form in which the document is available and describe the type of machine required to read the document. If the document was, but no longer is, in Your possession, custody or control, please state or identify the date, manner, and person who authorized the disposition.

o. When asked to identify a natural person, please state his or her name, title and position, and present or last known home and business addresses and telephone numbers. If such

person is no longer employed by the person for whom he/she engaged in the activity which is the subject of the interrogatory, please state the date on which he/she left the employ of the person and his/her title or position when he/she engaged in the activity which is the subject of the interrogatory.

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

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

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

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

document or copies were directed, addressed, or sent, please also state the names, addresses, and job titles of each such person and the date each such person received the document or copies.

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

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

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

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

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

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 29: All Documents concerning Tasmanian Alkaloids' Articles of Incorporation, Corporate Charter, Articles of Association, or Certificate of Incorporation.

REQUEST FOR PRODUCTION NO. 30: The "management presentation" concerning Noramco and Tasmanian Alkaloids, as described by Barry Fitzsimons (page 78:18-79:05), and any similar documents related to the promotion, divestment, and sale of Noramco, including drafts of such materials.

INTERROGATORIES

INTERROGATORY NO. 14: State the annual revenues and profits earned by Noramco from the sale of any opioid APIs for each year during the Relevant Time Period, including the annual revenues and profits earned from transactions with any Defendants.

Dated: October 8, 2018.

/s/ Michael Burrage

Michael Burrage, OBA No. 1350

Reggie Whitten, OBA No. 9576

J. Revell Parish, OBA No. 30205

WHITTEN BURRAGE

512 N. Broadway Avenue, Suite 300

Oklahoma City, OK 73102

Telephone: (405) 516-7800

Facsimile: (405) 516-7859

Emails: mburrage@whittenburrage.com
rwhitten@whittenburrage.com

Mike Hunter, OBA No. 4503

ATTORNEY GENERAL FOR
THE STATE OF OKLAHOMA

Abby Dillsaver, OBA No. 20675

GENERAL COUNSEL TO

THE ATTORNEY GENERAL

Ethan A. Shaner, OBA No. 30916

DEPUTY GENERAL COUNSEL

313 N.E. 21st Street

Oklahoma City, OK 73105

Telephone: (405) 521-3921

Facsimile: (405) 521-6246

Emails: abby.dillsaver@oag.ok.gov
ethan.shaner@oag.ok.gov

Bradley E. Beckworth, OBA No. 19982
Jeffrey J. Angelovich, OBA No. 19981
Trey Duck, OBA No. 33347
Drew Pate, *pro hac vice*
Lisa Baldwin, OBA No. 32947
NIX PATTERSON, LLP
512 N. Broadway Avenue, Suite 200
Oklahoma City, OK 73102
Telephone: (405) 516-7800
Facsimile: (405) 516-7859
Emails: bbeckworth@nixlaw.com
jangelovich@nixlaw.com
tduck@nixlaw.com
dpate@nixlaw.com
lbaldwin@nixlaw.com

Glenn Coffee, OBA No. 14563
GLENN COFFEE & ASSOCIATES, PLLC
915 N. Robinson Ave.
Oklahoma City, OK 73102
Telephone: (405) 601-1616
Email: gcoffee@glenncoffee.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on October 8, 2018, a true and correct copy of the above and foregoing document was served by email delivery, to all counsel of record.

/s/ Michael Burrage
Michael Burrage

Exhibit E

IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

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

Plaintiff,)

vs.)

- (1) PURDUE PHARMA L.P.;)
- (2) PURDUE PHARMA, INC.;)
- (3) THE PURDUE FREDERICK COMPANY;)
- (4) TEVA PHARMACEUTICALS USA, INC.;)
- (5) CEPHALON, INC.;)
- (6) JOHNSON & JOHNSON;)
- (7) JANSSEN PHARMACEUTICALS, INC;)
- (8) ORTHO-MCNEIL-JANSSEN)
PHARMACEUTICALS, INC., n/k/a)
JANSSEN PHARMACEUTICALS;)
- (9) JANSSEN PHARMACEUTICA, INC.,)
n/k/a JANSSEN PHARMACEUTICALS, INC.;)
- (10) ALLERGAN, PLC, f/k/a ACTAVIS PLC,)
f/k/a ACTAVIS, INC., f/k/a WATSON)
PHARMACEUTICALS, INC.;)
- (11) WATSON LABORATORIES, INC.;)
- (12) ACTAVIS LLC; and)
- (13) ACTAVIS PHARMA, INC.,)
f/k/a WATSON PHARMA, INC.,)

Defendants.)

Case No. CJ-2017-816
Judge Thad Balkman

Special Master:
William Hetherington

**NOTICE FOR 3230(C)(5) VIDEOTAPED DEPOSITION OF CORPORATE
REPRESENTATIVE(S) OF J&J DEFENDANTS**

TO:

VIA email

Benjamin H. Odom, OBA No. 10917
John H. Sparks, OBA No. 15661
ODOM, SPARKS & JONES PLLC
HiPoint Office Building
2500 McGee Drive Ste. 140
Oklahoma City, OK 73072

VIA email

Charles C. Lifland
Jennifer D. Cardelus
O'MELVENY & MYERS LLP
400 S. Hope Street
Los Angeles, CA 90071

Stephen D. Brody
O'MELVENY & MYERS LLP
1625 Eye Street NW
Washington, DC 20006

COUNSEL FOR THE J&J DEFENDANTS

Please take notice that, on the date and at the time indicated below, Plaintiff will take the deposition(s) upon oral examination of the corporate representative(s) of Defendant, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (collectively, the "J&J Defendants") in accordance with 12 O.S. §3230(C)(5). The J&J Defendants shall designate one or more officers, directors, managing agents, or other persons who consent to testify on the J&J Defendants' behalf regarding the subject matters identified in Appendix A.

The oral and video deposition(s) will occur as follows:

DATE	TIME	LOCATION
_____, 2018	9:00 a.m.	511 Couch Drive Suite 100 Oklahoma City, Oklahoma 73102

Said depositions are to be used as evidence in the trial of the above cause, the same to be taken before a qualified reporter and shall be recorded by videotape. Said depositions when so taken and returned according to law may be used as evidence in the trial of this cause and the

taking of the same will be adjourned and continue from day-to-day until completed, at the same place until it is completed.

PLEASE TAKE FURTHER NOTICE that each such officer, agent or other person produced by the J&J Defendants to so testify under 12 O.S. §3230(C)(5) has an affirmative duty to have first reviewed all documents, reports, and other matters known or reasonably available to the J&J Defendants, along with all potential witnesses known or reasonable available to the J&J Defendant in order to provide informed binding answers at the deposition(s).

Dated: _____, 2018

Michael Burrage, OBA No. 1350
Reggie Whitten, OBA No. 9576
WHITTEN BURRAGE
512 N. Broadway Avenue, Suite 300
Oklahoma City, OK 73102
Telephone: (405) 516-7800
Facsimile: (405) 516-7859
Emails: mburrage@whittenburrage.com
rwhitten@whittenburrage.com

Mike Hunter, OBA No. 4503
ATTORNEY GENERAL FOR
THE STATE OF OKLAHOMA
Abby Dillsaver, OBA No. 20675
GENERAL COUNSEL TO
THE ATTORNEY GENERAL
Ethan A. Shaner, OBA No. 30916
DEPUTY GENERAL COUNSEL
313 N.E. 21st Street
Oklahoma City, OK 73105
Telephone: (405) 521-3921
Facsimile: (405) 521-6246
Emails: mike.hunter@oag.ok.gov
abby.dillsaver@oag.ok.gov
ethan.shaner@oag.ok.gov

Bradley E. Beckworth, OBA No. 19982
Jeffrey J. Angelovich, OBA No. 19981
NIX, PATTERSON & ROACH, LLP
512 N. Broadway Avenue, Suite 200
Oklahoma City, OK 73102
Telephone: (405) 516-7800

Facsimile: (405) 516-7859
Emails: bbeckworth@nixlaw.com
jangelovich@npraustin.com

Glenn Coffee, OBA No. 14563
GLENN COFFEE & ASSOCIATES, PLLC
915 N. Robinson Ave.
Oklahoma City, OK 73102
Telephone: (405) 601-1616
Email: gcoffee@glenncoffee.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing was emailed on _____,
2018 to:

Sanford C. Coats, OBA No. 18268
Cullen D. Sweeney, OBA No. 30269
CROWE & DUNLEVY, P.C.
Braniff Building
324 N. Robinson Ave., Ste. 100
Oklahoma City, OK 73102

Sheila Birnbaum
Mark S. Cheffo
Paul LaFata
Hayden A. Coleman
Dechert LLP
Three Bryant Park
New York, New York 10036

Patrick J. Fitzgerald
R. Ryan Stoll
SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
155 North Wacker Drive, Suite 2700
Chicago, Illinois 60606

Robert G. McCampbell, OBA No. 10390
Travis J. Jett, OBA No. 30601
GABLEGOTWALS
One Leadership Square, 15th Floor
211 North Robinson
Oklahoma City, OK 73102-7255

Steven A. Reed
Harvey Bartle IV
Jeremy A. Menkowitz
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103-2921

Brian M. Ercole
MORGAN, LEWIS & BOCKIUS LLP
200 S. Biscayne Blvd., Suite 5300
Miami, FL 33131

Benjamin H. Odom, OBA No. 10917
John H. Sparks, OBA No. 15661
ODOM, SPARKS & JONES PLLC
HiPoint Office Building
2500 McGee Drive Ste. 140
Oklahoma City, OK 73072

Charles C. Lifland
Jennifer D. Cardelus
O'MELVENY & MYERS LLP
400 S. Hope Street
Los Angeles, CA 90071

Stephen D. Brody
O'MELVENY & MYERS LLP
1625 Eye Street NW
Washington, DC 20006

Michael Burrage

Appendix A

The matters on which examination is requested are itemized below. The J&J Defendants must designate persons to testify as to each subject of testimony. This designation must be delivered to Plaintiff prior to or at the commencement of the taking of the deposition. See 12 O.S. §3230(C)(5).

1. Revenues and profits earned by Noramco from the sale of any opioid APIs during the Relevant Time Period, including revenues and profits earned from transactions with any Defendants, and any contract(s) between any Defendant(s) and Noramco during the Relevant Time Period for the delivery of goods or the performance of services.

Exhibit F

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 AUGUST 10, 2018
AT THE CLEVELAND COUNTY COURTHOUSE
BEFORE THE HONORABLE THAD BALKMAN
DISTRICT JUDGE
AND WILLIAM C. HETHERINGTON, JR.
RETIRED ACTIVE JUDGE AND SPECIAL DISCOVERY MASTER**

REPORTED BY: ANGELA THAGARD, CSR, RPR

1 have on the calendar to do them.

2 Mr. Brody sent a letter about this last night. We filled
3 up a lot of dates on the calendar, but we've all been given
4 fair, due process notice about what the calendar would look
5 like through May of 2019. And so we took the initiative to
6 start noticing depositions, and many of these depositions we
7 don't even have all the documents yet, but we're going to do
8 what we've got to do. That's what we have.

9 As Mr. Whitten said today, we're not entitled to perfect
10 discovery; we're going to do the best that we can. So we've
11 noticed up these depositions.

12 What has happened is that a lot of them just don't get to
13 happen at all. So if I may approach?

14 THE COURT: Sure.

15 MR. BECKWORTH: What we've done is show the topic
16 choice of depositions that we're going to have, who the
17 defendant is -- I've got three more of these; I won't burden
18 you with them -- who the deponent is, and when the date was
19 supposed to happen.

20 Because of motion practice and because of this removal,
21 every one of those depositions is gone. We lost it. They
22 don't get to -- we don't get to have those dates back. So what
23 we did is as soon as we got your Honor's -- or the remand
24 order, we went back to the schedule of everybody that we had
25 noticed with corporate rep depositions and reissued them.

1 I don't agree that the discovery was voided when they
2 removed. I do agree that it wasn't permitted to go forward
3 during that time, but we're not there anymore. We're under
4 your rules and the State's rules; no longer the federal rules.

5 But be that as it may, we reissued the notices. We've
6 given dates for every one of these depositions, and those are
7 the dates that they need to happen on.

8 Now, we will work with the defendants to move dates around
9 to accommodate schedules, which we've always maintained that we
10 would do. We broke these corporate rep depositions into topic
11 areas, discreet topic areas, but it may very well be that one
12 witness could cover ten of them. We don't know if there are
13 going to be 50 depositions or 12.

14 If they have witnesses that can testify on multiple
15 topics, of course we will relieve them from those notices and
16 do those all at a single date that we can all work out. But
17 the content and substance of these depositions has been duly noticed,
18 and we need to be able to move forward.

19 If we were to leave these notices under the old manner
20 that things were happening in this case, I think we would be
21 met with somewhere between 20 and 80 motions to quash. And I
22 think they would be done seriatim by the defendants in a way
23 that drag this out or drag this out such that we wouldn't be
24 having a trial in 2025, much less 2019.

25 I don't fault them for doing that. That's just the way

Exhibit G

WB
WHITTEN BURRAGE

May 29, 2018

VIA FIRST-CLASS MAIL

The Honorable William Hetherington
231 S. Peters, Suite A
Norman, OK 73069

RE: *State of Oklahoma, ex rel., Mike Hunter, Attorney General of Oklahoma v. Purdue Pharma L.P., et al.*; In the District Court of Cleveland County, Case No. CJ-2017-816

Dear Judge Hetherington:

The State does not believe a deposition protocol is needed. What is needed is a protocol for dealing with the Defendants' repeated motions to quash, which are being filed to delay this case. The State agrees with one thing set forth by the Defendants—the current system is not working. It should. The rules are very clear about how depositions should be noticed and taken. But Defendants are using the rules for delay.

When the issue of appointing a Special Master first came up, I articulated the State's concern that Defendants would use the process to create delay because it would require two hearings on every discovery dispute: one before the Special Master and then another on the same issue before the District Judge. So far, this is what has happened. And, in one instance, it has required four hearings on the same issue.

The Defendants' email to you of May 23 seeks to compound the problem and build in more reasons for Defendants to cause delay by inserting procedural requirements contrary to Oklahoma law.

Here are a few examples. The rules do not require a lawyer to contact opposing counsel before sending a deposition notice. Further, the law is clear that in a 3230(C)(5) deposition, the witness can be questioned in both his/her representative *and* individual capacity. Defendants seek to prohibit such depositions, thus requiring a witness to be deposed twice.

In addition to seeking to change the rules, Defendants proposal once again attempts to require us to coordinate depositions pursuant to an order enter by the federal judge in the MDL in Cleveland, Ohio.

May 29, 2018

Page 2

I think the Court here has been very clear—we are not going to be a part of the MDL before a judge who has no jurisdiction over the State, in which hundreds of disparate parties and trial attorneys are fighting for position and the hundreds of different parties (and their lawyers) have widely varying interests.

The Court has made it clear that this case will not be coordinated with, or bogged down by, the MDL in any way. Yet the Defendants continue to try to impose the orders of the federal MDL judge on this court. The MDL is a morass. In fact, the MDL judge recently refused to enter a deposition protocol in that case because the parties and disparate interests could not come to a workable agreement. This case has nothing to do with the MDL and the coordination with that unfortunate situation is not tenable.

The Defendants' proposed protocol imposes a 15-business day delay before a deposition could even be noticed. Note that it is 15-business days, not 15 days. This amounts to 3 full weeks before a deposition can be noticed. After adding time for hearings and rulings, this process would take over a month for each deposition. Then, inevitably, there would be the appeal to the District Judge. I could see it taking a month and a half or two months before the deposition could be taken, and even then, Defendants want to impose restrictions on the taking of the deposition not allowed by Oklahoma law.

We have already seen this bear out in fact. We started noticing depositions in early April. It is late May. Defendants have delayed the depositions so much that not a single one has been taken. Even the depositions ordered by your Honor have not taken place.

So, the question is: How should we be ordered to proceed?

Judge Balkman has set a trial date, and I think it is reasonable for him to assume discovery will be conducted by the Special Master, so the case can be tried in May 2019. As we have stated in court, we believe the Defendants will make every effort possible to delay the discovery process so the trial will not take place as scheduled in May 2019. They have already proven this statement to be true.

It is the end of May 2018. We have not been allowed to take a single deposition in this case. Even the depositions you have compelled to take place are not taking place. As we feared, the Defendants have used the Special Master process as a tool to clog the artery to justice. We need you to open the artery.

We have and will continue to try to make the schedule ordered by Judge Balkman work. To that end, this is what our small, but determined team has done in addition to the depositions you have already heard argument on:

Sales Representative Depositions:

We have issued subpoenas for depositions on 40 sales reps. These depositions are noticed to take place between July 9 and July 20.

May 29, 2018

Page 3

Because time is limited, we have also served document subpoenas on these same witnesses. The depositions will begin less than two weeks after the documents are due and we will do the best we can under the circumstances to review any documents we get and still take these depositions in short order.

Also, because time is limited, we will double track these depositions, conducting as many as 4 a day (2 a day in Oklahoma City and 2 a day in Tulsa). We have a small team that pales in comparison to the Defendants. But we are all doing what we have to do to comply with Judge Balkman's schedule.

Third Party KOL/Front Groups:

We have served document subpoenas on 21 third parties located in 12 different states. We are attempting to negotiate document production with these third parties but anticipate that we may have to have hearings in these other jurisdictions. Very soon we will have to issue deposition subpoenas on these third parties (as well as certain individuals associated with them). That process will require us to travel to take these depositions as well as to participate in any related discovery hearings. We will do what we have to do.

§3230(5) Depositions:

Last week, the State served on each of the Defendant families 40 deposition notices under 12 O.S. §3230(C)(5) covering various topics relevant to the case. If all of these depositions are taken separately, they will total 120 separate depositions. Again, our small team will be taking multiple depositions a day.

Although the OK Rules only require 3-days' notice for depositions, the notices we served last week are scheduled for dates between August 15 and October 23 (with the exception of one noticed for June 12). We were careful to exclude all national holidays and religious holidays (of which we are aware).

Thus, as currently noticed, these depositions will start approximately 3 months from now and will finish approximately 5 months from now. That should give the parties plenty of time to discuss alternative dates and locations around OKC, to produce documents relevant to these depositions, and (if Defendants so choose) to litigate any motions to quash.

Further, if these depositions are indeed completed by October 23 (which is quite achievable), the parties will still have more than three months for additional fact witness depositions and corporate representative depositions before the January 31 discovery deadline.

We also informed Defense counsel by letter that the State is always willing to work with Defendants on deposition dates and locations around the OKC area. We also explained that we will work with Defendants to combine deposition topics into one deposition where appropriate if Defendants intend to designate the same witness for multiple topics. These courtesies and a minimum of three months advanced notice are eminently reasonable and simple. And they comply with all the rules.

May 29, 2018

Page 4

As such, in addition to being contrary to the law and Judge Balkman's orders, the proposals raised by Defendants concerning a deposition notice protocol are now moot. We are happy to meet on June 6. But, we do not believe such a meeting is necessary.

However, based on what has transpired, I think the assumption should be there will be a Motion to Quash (and an appeal to the District Court) on each deposition noticed. I hope I am wrong about that. But to make the trial date work, I think we have to assume that, and the Court should consider how and when each Motion to Quash should be litigated and ruled on.

As such, here is a proposal for your consideration going forward:

1. Any Motion to Quash or objection to the deposition shall be filed within 3 days of the deposition notice being served on counsel (for the depositions we noticed last week, we can extend this deadline to date in early June).
2. The response to the Motion to Quash or objection shall be filed within 2 days of receipt of the Motion to Quash or objection.
3. The Special Master can rule on the pleadings or hold a hearing if the Special Master concludes a hearing is necessary. Hearings can be held telephonically.
4. If the Motion to quash or objection is overruled the deposition shall occur on the date noticed or within 3 days of the ruling by the Special Master, whichever is later.
5. If the Special Masters ruling is appealed to the District Judge, the District Judge shall rule on the appeal by making a de novo review of the record or if the District Judge wants a hearing on the appeal, the hearing can be held telephonically. The deposition shall occur on the date originally noticed or within 3 days of the District Courts ruling on the appeal, whichever is later.

I think this process meets all due process requirements and allows each party to make their objections and appeal any ruling to the District Judge.

Again, we will continue to proceed under the schedule ordered by Judge Balkman. But, we need some help doing this and you are the only one that help us. I know courts do not like discovery disputes, but this is a case where it appears they are unavoidable. We appreciate all your hard work in helping make this process work. Like you say, we are all having to see what will and will not work and it may take a little trial and error. In any event, I know you will put a process in place so the citizens of the State of Oklahoma and the Defendants will be able to have their day in court when May 2019 rolls around.

Sincerely,



Michael Burrage