



Document split into multiple parts

IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

PART D

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

Plaintiff,

v.

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

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

OCT 11 2018

In the office of the
Court Clerk MARILYN WILLIAMS

Case No. CJ-2017-816
Honorable Thad Balkman

William C. Hetherington
Special Discovery Master

Continuation of

**DEFENDANTS TEVA PHARMACEUTICALS USA, INC., CEPHALON, INC., WATSON
LABORATORIES, INC., ACTAVIS LLC, AND ACTAVIS PHARMA, INC., f/k/a
WATSON PHARMA, INC.'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION
TO COMPEL DEPOSITIONS**

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

**AMENDED NOTICE FOR 3230(C)(5) VIDEOTAPED DEPOSITION OF CORPORATE
REPRESENTATIVE(S) OF TEVA/CEPHALON DEFENDANTS**

TO:

VIA email

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

VIA email

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

COUNSEL FOR THE TEVA/CEPHALON 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 Defendants, TEVA PHARMACEUTICALS USA, INC.; CEPHALON, INC.; WATSON LABORATORIES, INC.; ACTAVIS LLC; ACTAVIS PHARMA, INC. (collectively, the "Teva/Cephalon Defendants") in accordance with 12 O.S. §3230(C)(5). The Teva/Cephalon Defendants shall designate one or more officers, directors, managing agents, or other persons who consent to testify on the Teva/Cephalon Defendants' behalf regarding the subject matters identified in Appendix A.

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

DATE	TIME	LOCATION
October 9, 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 Teva/Cephalon 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 Teva/Cephalon Defendants, along with all potential witnesses known or reasonable available to the Teva/Cephalon Defendant in order to provide informed binding answers at the deposition(s).

Dated: August 8, 2018

/s/ Michael Burrage

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 August 8, 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
Hayden A. Coleman
Paul LaFata
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

/s/ Michael Burrage
Michael Burrage

Appendix A

The matters on which examination is requested are itemized below. The Teva/Cephalon 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. 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.

**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.;)
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- (4) TEVA PHARMACEUTICALS USA, INC.;)
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- (13) ACTAVIS PHARMA, INC.,)
f/k/a WATSON PHARMA, INC.,)

Defendants.)

**Case No. CJ-2017-816
Judge Thad Balkman**

**Special Master:
William Hetherington**

**AMENDED NOTICE FOR 3230(C)(5) VIDEOTAPED DEPOSITION OF CORPORATE
REPRESENTATIVE(S) OF TEVA/CEPHALON DEFENDANTS**

TO:

VIA email

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

VIA email

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

COUNSEL FOR THE TEVA/CEPHALON 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 Defendants, TEVA PHARMACEUTICALS USA, INC.; CEPHALON, INC.; WATSON LABORATORIES, INC.; ACTAVIS LLC; ACTAVIS PHARMA, INC. (collectively, the "Teva/Cephalon Defendants") in accordance with 12 O.S. §3230(C)(5). The Teva/Cephalon Defendants shall designate one or more officers, directors, managing agents, or other persons who consent to testify on the Teva/Cephalon Defendants' behalf regarding the subject matters identified in Appendix A.

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

DATE	TIME	LOCATION
October 10, 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.

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Dated: August 8, 2018

/s/ Michael Burrage

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

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Cullen D. Sweeney, OBA No. 30269
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Braniff Building
324 N. Robinson Ave., Ste. 100
Oklahoma City, OK 73102

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

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

Robert G. McCampbell, OBA No. 10390
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GABLEGOTWALS
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1701 Market Street
Philadelphia, PA 19103-2921

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

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ODOM, SPARKS & JONES PLLC
HiPoint Office Building
2500 McGee Drive Ste. 140
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Jennifer D. Cardelus
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400 S. Hope Street
Los Angeles, CA 90071

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/s/ Michael Burrage
Michael Burrage

Appendix A

The matters on which examination is requested are itemized below. The Teva/Cephalon 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. 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.

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;)
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- (8) ORTHO-MCNEIL-JANSSEN)
PHARMACEUTICALS, INC., n/k/a)
JANSSEN PHARMACEUTICALS;)
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PHARMACEUTICALS, INC.;)
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Defendants.)

Case No. CJ-2017-816
Judge Thad Balkman

Special Master:
William Hetherington

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TO:

VIA email

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1701 Market Street
Philadelphia, PA 19103-2921

COUNSEL FOR THE TEVA/CEPHALON 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 Defendants, TEVA PHARMACEUTICALS USA, INC.; CEPHALON, INC.; WATSON LABORATORIES, INC.; ACTAVIS LLC; ACTAVIS PHARMA, INC. (collectively, the "Teva/Cephalon Defendants") in accordance with 12 O.S. §3230(C)(5). The Teva/Cephalon Defendants shall designate one or more officers, directors, managing agents, or other persons who consent to testify on the Teva/Cephalon Defendants' behalf regarding the subject matters identified in Appendix A.

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

DATE	TIME	LOCATION
October 11, 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.

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Dated: August 8, 2018

/s/ Michael Burrage

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

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Mike Hunter, OBA No. 4503

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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

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/s/ Michael Burrage
Michael Burrage

Appendix A

The matters on which examination is requested are itemized below. The Teva/Cephalon 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. 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.

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.;)
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f/k/a WATSON PHARMA, INC.,)

Defendants.)

Case No. CJ-2017-816
Judge Thad Balkman

Special Master:
William Hetherington

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COUNSEL FOR THE TEVA/CEPHALON DEFENDANTS

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DATE	TIME	LOCATION
October 12, 2018	9:00 a.m.	511 Couch Drive Suite 100 Oklahoma City, Oklahoma 73102

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Dated: August 8, 2018

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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 August 8, 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
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Paul LaFata
Dechert LLP
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New York, New York 10036

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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

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MORGAN, LEWIS & BOCKIUS LLP
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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

/s/ Michael Burrage
Michael Burrage

Appendix A

The matters on which examination is requested are itemized below. The Teva/Cephalon 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. 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.

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

**AMENDED NOTICE FOR 3230(C)(5) VIDEOTAPED DEPOSITION OF CORPORATE
REPRESENTATIVE(S) OF TEVA/CEPHALON DEFENDANTS**

TO:

VIA email

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

VIA email

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

COUNSEL FOR THE TEVA/CEPHALON 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 Defendants, TEVA PHARMACEUTICALS USA, INC.; CEPHALON, INC.; WATSON LABORATORIES, INC.; ACTAVIS LLC; ACTAVIS PHARMA, INC. (collectively, the "Teva/Cephalon Defendants") in accordance with 12 O.S. §3230(C)(5). The Teva/Cephalon Defendants shall designate one or more officers, directors, managing agents, or other persons who consent to testify on the Teva/Cephalon Defendants' behalf regarding the subject matters identified in Appendix A.

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

DATE	TIME	LOCATION
October 15, 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 Teva/Cephalon 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 Teva/Cephalon Defendants, along with all potential witnesses known or reasonable available to the Teva/Cephalon Defendant in order to provide informed binding answers at the deposition(s).

Dated: August 8, 2018

/s/ Michael Burrage

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

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Oklahoma City, OK 73102

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Washington, DC 20006

/s/ Michael Burrage
Michael Burrage

Appendix A

The matters on which examination is requested are itemized below. The Teva/Cephalon 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. 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).

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

**AMENDED NOTICE FOR 3230(C)(5) VIDEOTAPED DEPOSITION OF CORPORATE
REPRESENTATIVE(S) OF TEVA/CEPHALON DEFENDANTS**

TO:

VIA email

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

VIA email

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

COUNSEL FOR THE TEVA/CEPHALON 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 Defendants, TEVA PHARMACEUTICALS USA, INC.; CEPHALON, INC.; WATSON LABORATORIES, INC.; ACTAVIS LLC; ACTAVIS PHARMA, INC. (collectively, the "Teva/Cephalon Defendants") in accordance with 12 O.S. §3230(C)(5). The Teva/Cephalon Defendants shall designate one or more officers, directors, managing agents, or other persons who consent to testify on the Teva/Cephalon Defendants' behalf regarding the subject matters identified in Appendix A.

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

DATE	TIME	LOCATION
October 16, 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 Teva/Cephalon 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 Teva/Cephalon Defendants, along with all potential witnesses known or reasonable available to the Teva/Cephalon Defendant in order to provide informed binding answers at the deposition(s).

Dated: August 8, 2018

/s/ Michael Burrage

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
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Oklahoma City, OK 73102

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Three Bryant Park
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Travis J. Jett, OBA No. 30601
GABLEGOTWALS
One Leadership Square, 15th Floor
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MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103-2921

Brian M. Ercole
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Appendix A

The matters on which examination is requested are itemized below. The Teva/Cephalon 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. 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.

**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;)
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- (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**

**AMENDED NOTICE FOR 3230(C)(5) VIDEOTAPED DEPOSITION OF CORPORATE
REPRESENTATIVE(S) OF TEVA/CEPHALON DEFENDANTS**

TO:

VIA email

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Travis J. Jett, OBA No. 30601
GABLEGOTWALS
One Leadership Square, 15th Floor
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1701 Market Street
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COUNSEL FOR THE TEVA/CEPHALON 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 Defendants, TEVA PHARMACEUTICALS USA, INC.; CEPHALON, INC.; WATSON LABORATORIES, INC.; ACTAVIS LLC; ACTAVIS PHARMA, INC. (collectively, the "Teva/Cephalon Defendants") in accordance with 12 O.S. §3230(C)(5). The Teva/Cephalon Defendants shall designate one or more officers, directors, managing agents, or other persons who consent to testify on the Teva/Cephalon Defendants' behalf regarding the subject matters identified in Appendix A.

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

DATE	TIME	LOCATION
October 17, 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.

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Dated: August 8, 2018

/s/ Michael Burrage

Michael Burrage, OBA No. 1350

Reggie Whitten, OBA No. 9576

WHITTEN BURRAGE

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1. 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.

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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;)
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- (8) ORTHO-MCNEIL-JANSSEN)
PHARMACEUTICALS, INC., n/k/a)
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f/k/a WATSON PHARMA, INC.,)

Defendants.)

**Case No. CJ-2017-816
Judge Thad Balkman**

**Special Master:
William Hetherington**

**AMENDED NOTICE FOR 3230(C)(5) VIDEOTAPED DEPOSITION OF CORPORATE
REPRESENTATIVE(S) OF TEVA/CEPHALON DEFENDANTS**

TO:

VIA email

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

VIA email

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

COUNSEL FOR THE TEVA/CEPHALON 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 Defendants, TEVA PHARMACEUTICALS USA, INC.; CEPHALON, INC.; WATSON LABORATORIES, INC.; ACTAVIS LLC; ACTAVIS PHARMA, INC. (collectively, the "Teva/Cephalon Defendants") in accordance with 12 O.S. §3230(C)(5). The Teva/Cephalon Defendants shall designate one or more officers, directors, managing agents, or other persons who consent to testify on the Teva/Cephalon Defendants' behalf regarding the subject matters identified in Appendix A.

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

DATE	TIME	LOCATION
October 19, 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 Teva/Cephalon 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 Teva/Cephalon Defendants, along with all potential witnesses known or reasonable available to the Teva/Cephalon Defendant in order to provide informed binding answers at the deposition(s).

Dated: August 8, 2018

/s/ Michael Burrage

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 August 8, 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
Hayden A. Coleman
Paul LaFata
Dechert LLP
Three Bryant Park
New York, New York 10036

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155 North Wacker Drive, Suite 2700
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Philadelphia, PA 19103-2921

Brian M. Ercole
MORGAN, LEWIS & BOCKIUS LLP
200 S. Biscayne Blvd., Suite 5300
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HiPoint Office Building
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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

/s/ Michael Burrage
Michael Burrage

Appendix A

The matters on which examination is requested are itemized below. The Teva/Cephalon 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. Policies, practices, and procedures regarding complaints You received related to addiction or abuse of Your opioids in Oklahoma.

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

**AMENDED NOTICE FOR 3230(C)(5) VIDEOTAPED DEPOSITION OF CORPORATE
REPRESENTATIVE(S) OF TEVA/CEPHALON DEFENDANTS**

TO:

VIA email

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

VIA email

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

COUNSEL FOR THE TEVA/CEPHALON 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 Defendants, TEVA PHARMACEUTICALS USA, INC.; CEPHALON, INC.; WATSON LABORATORIES, INC.; ACTAVIS LLC; ACTAVIS PHARMA, INC. (collectively, the "Teva/Cephalon Defendants") in accordance with 12 O.S. §3230(C)(5). The Teva/Cephalon Defendants shall designate one or more officers, directors, managing agents, or other persons who consent to testify on the Teva/Cephalon Defendants' behalf regarding the subject matters identified in Appendix A.

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

DATE	TIME	LOCATION
October 22, 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.

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Dated: August 8, 2018

/s/ Michael Burrage

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

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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
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GABLEGOTWALS
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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
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John H. Sparks, OBA No. 15661
ODOM, SPARKS & JONES PLLC
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Jennifer D. Cardelus
O'MELVENY & MYERS LLP
400 S. Hope Street
Los Angeles, CA 90071

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O'MELVENY & MYERS LLP
1625 Eye Street NW
Washington, DC 20006

/s/ Michael Burrage
Michael Burrage

Appendix A

The matters on which examination is requested are itemized below. The Teva/Cephalon 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. Your involvement and participation in the Pain Care Forum.

**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**

**AMENDED NOTICE FOR 3230(C)(5) VIDEOTAPED DEPOSITION OF CORPORATE
REPRESENTATIVE(S) OF TEVA/CEPHALON DEFENDANTS**

TO:

VIA email

Robert G. McCampbell, OBA No. 10390
Travis J. Jett, OBA No. 30601
GABLEGOTWALS
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211 North Robinson
Oklahoma City, OK 73102-7255

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COUNSEL FOR THE TEVA/CEPHALON 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 Defendants, TEVA PHARMACEUTICALS USA, INC.; CEPHALON, INC.; WATSON LABORATORIES, INC.; ACTAVIS LLC; ACTAVIS PHARMA, INC. (collectively, the "Teva/Cephalon Defendants") in accordance with 12 O.S. §3230(C)(5). The Teva/Cephalon Defendants shall designate one or more officers, directors, managing agents, or other persons who consent to testify on the Teva/Cephalon Defendants' behalf regarding the subject matters identified in Appendix A.

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

DATE	TIME	LOCATION
October 23, 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.

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Dated: August 8, 2018

/s/ Michael Burrage

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

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Glenn Coffee, OBA No. 14563
GLENN COFFEE & ASSOCIATES, PLLC
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Oklahoma City, OK 73102
Telephone: (405) 601-1616
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

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Sanford C. Coats, OBA No. 18268
Cullen D. Sweeney, OBA No. 30269
CROWE & DUNLEVY, P.C.
Braniff Building
324 N. Robinson Ave., Ste. 100
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Sheila Birnbaum
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Dechert LLP
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O'MELVENY & MYERS LLP
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/s/ Michael Burrage
Michael Burrage

Appendix A

The matters on which examination is requested are itemized below. The Teva/Cephalon 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. The factual bases supporting Your defenses to Plaintiff's claims as set forth in Your Answer.

**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)
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- (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**

**AMENDED NOTICE FOR 3230(C)(5) VIDEOTAPED DEPOSITION OF CORPORATE
REPRESENTATIVE(S) OF TEVA/CEPHALON DEFENDANTS**

TO:

VIA email

Robert G. McCampbell, OBA No. 10390
Travis J. Jett, OBA No. 30601
GABLEGOTWALS
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211 North Robinson
Oklahoma City, OK 73102-7255

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COUNSEL FOR THE TEVA/CEPHALON 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 Defendants, TEVA PHARMACEUTICALS USA, INC.; CEPHALON, INC.; WATSON LABORATORIES, INC.; ACTAVIS LLC; ACTAVIS PHARMA, INC. (collectively, the "Teva/Cephalon Defendants") in accordance with 12 O.S. §3230(C)(5). The Teva/Cephalon Defendants shall designate one or more officers, directors, managing agents, or other persons who consent to testify on the Teva/Cephalon Defendants' behalf regarding the subject matters identified in Appendix A.

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

DATE	TIME	LOCATION
October 24, 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.

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Dated: August 8, 2018

/s/ Michael Burrage

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

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Mike Hunter, OBA No. 4503

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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

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Appendix A

The matters on which examination is requested are itemized below. The Teva/Cephalon 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. 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.

EXHIBIT D

Morgan Lewis

Harvey Bartle IV

Partner
+1.215.963.5521
harvey.bartle@morganlewis.com

September 10, 2018

VIA E-MAIL

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

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

Dear Counsel:

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

I. Date and Location

The Teva Defendants note that Plaintiffs served 42 separate Notices, unilaterally scheduled on 42 separate dates, with each Notice containing a single topic. On August 29, 2018, the Teva Defendants produced a corporate representative to testify pursuant to the Notice regarding "All actions and efforts previously taken, currently under way, and actions planned and expected to take place in the future which seek to address, fight or abate the opioid crisis." Under the Oklahoma Rules of Civil Procedure, depositions "shall not last more than six hours." 12 OS § 3230(A)(3). In addition, the Rules provide for a single notice for a corporate deposition on all topics, 12 OS § 3230(C)(5) ("A party may in the notice . . . name as the deponent a public or private corporation or a partnership or association or governmental agency and describe with reasonable particularity the matters on which examination is requested") (emphasis added). The Teva Defendants therefore object on the ground that the State's 42 Notices seek to compel them to provide witnesses to testify beyond 12 OS § 3230(A)(3)'s six hour time limit. The Teva Defendants further note that the State asked questions of the Teva Defendants' August 29, 2018 corporate witness that were demonstrably beyond the scope of the noticed topic, in direct violation of Judge Hetherington's April 25, 2018 Order. Subject to the objections set forth herein, the Teva Defendants will provide dates of availability and groups of topics for which it will produce a corporate representative, in order to avoid the immense burden of appearing for 42 separate

Morgan, Lewis & Bockius LLP

1701 Market Street
Philadelphia, PA 19103-2921
United States

+1.215.963.5000
+1.215.963.5001

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

II. Objections to Time Period

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

III. General Objections

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

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

IV. Objections to Subject Matters for Testimony

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Michael Burrage
Reggie Whitten
September 10, 2018
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Subject to and without waiver of the foregoing objections, the Teva Defendants will present a witness to testify on this Topic.

* * *

Please contact me with any questions.

Sincerely,

s/Harvey Bartle, IV

Harvey Bartle IV

cc: Counsel of Record

EXHIBIT E

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IN THE DISTRICT COURT OF CLEVELAND COUNTY

STATE OF OKLAHOMA

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

Plaintiff,

vs.

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, INC.;
- (9) JANSSEN PHARMACEUTICA, INC.;
- n/k/a JANSSEN PHARMACEUTICALS, INC.;
- (10) ALLERGAN, PLC, f/k/a ACTAVIS PLC,
f/k/a ACTAVIS, INC., f/k/a WATSON
PHARMACEUTICALS, INC.;
- (11) WATSON LABORATORIES, INC.;
- (12) ACTAVIS LLC; and
- (13) ACTAVIS PHARMA, INC.;
- f/k/a WATSON PHARMA, INC.;

Defendants.

* * * * *

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 2

1 APPEARANCES
2 On behalf of the PLAINTIFF:
3 Bradley Beckworth
4 Trey Duck
5 Andrew Pate
6 NIX, PATTERSON & ROACH, LLP
7 512 N. Broadway Avenue
8 Suite 200
9 Oklahoma City, Oklahoma 73102
10 (405) 516-7800
11 tduck@nixlaw.com
12 apate@nixlaw.com
13 bbeckworth@nixlaw.com
14 On behalf of the DEFENDANT PURDUE PHARMA:
15 Paul LaFata
16 DECHERT, LLP
17 1095 6th Avenue
18 New York, New York 10036
19 (212) 698-3500
20 paul.lafata@dechert.com
21
22 Jonathan S. Tam
23 DECHERT, LLP
24 One Bush Street, Suite 1600
25 San Francisco, California 94104-4446
(415) 262-4518
jonathan.tam@dechert.com
Erik W. Snapp
DECHERT, LLP
35 West Wacker Drive, Suite 3400
Chicago, Illinois 60601-1634
(312) 646-5800
erik.snapp@dechert.com
On behalf of the DEFENDANT JANSSEN:
Steve Brody
O'MELVENY & MYERS LLP
1625 Eye Street, NW
Washington, DC 20006
(202) 383-5300
sbrody.om.com
(Appearances continue on next page.)

Page 3

1 APPEARANCES (Continued)
2 On behalf of the DEFENDANT TEVA PHARMACEUTICALS:
3 Nicholas Merkley
4 GABLE GOTWALS
5 211 North Robinson, 15th Floor
6 Oklahoma City, Oklahoma 73102-7255
7 (405) 235-5500
8 nmerkley@gablelaw.com
9 On behalf of the DEFENDANT TEVA PHARMACEUTICALS USA:
10 Harvey Bartle, IV
11 Mark A. Fiore
12 MORGAN, LEWIS & BOCKIUS, LLP
13 1701 Market Street
14 Philadelphia, Pennsylvania 19103-2921
15 (215) 963-5000
16 harvey.bartle@morganlewis.com
17 mark.fiore@morganlewis.com
18
19 (All counsel appeared telephonically)
20
21
22
23
24
25

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1 MR. PATE: I'll start. This is Drew Pate
2 of Nix Patterson for the State.
3 We had sent the defendants a letter
4 regarding deposition scheduling for the State's
5 deposition notices that we sent, and I got your
6 response letters, a separate one from each one of
7 the defendants, and responded to that. So that's
8 what we're here to talk about today.
9 I think we had asked you guys about the
10 position that Harvey was taking on behalf of Teva
11 with respect to whether or not the State gets one
12 six hour 30(b)(6) deposition and nothing else, and
13 I think that's the first issue that we need to
14 address.
15 MR. BARTLE: Okay. That's fine.
16 Obviously we included that objection in our
17 September 10 letter.
18 This is Harvey, by the way.
19 We included that objection in our
20 September 10 letter outlining our general
21 objections and specific objections to the 41
22 remaining deposition topics. We are certainly --
23 and we believe that is the rule.
24 But that said, we're certainly willing to
25 discuss and we're hopeful that we can discuss on

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1 this phone call a reasonable amount of time to be
2 dedicated towards 30(b)(6) or corporate designee
3 topics.
4 We don't think you're entitled to six
5 hours per topic. We don't think Judge Hetherington
6 would grant you six hours per topic, but we think
7 that certainly the parties can sort of discuss and
8 should be able to come to a reasonable amount of
9 time that's dedicated to particular topics.
10 We're hoping, given your letter on April
11 18, Drew, and specifically your discussion with
12 regard to J&J's topics and how they propose to offer
13 witnesses for that topic, whether or not you have a
14 proposal on how much time you actually -- a
15 reasonable amount of time you'd need to conduct
16 those depositions.
17 MR. BECKWORTH: Harvey, this is Brad
18 Beckworth. I appreciate that.
19 Just to be clear, we need to know what
20 each defendant's position is because you state this
21 out pretty expressly. If each defendant agrees with
22 you that there is one 30(b)(6) depo that's six hours
23 per, we need to know that.
24 So let me ask Purdue and J&J. Do you
25 agree with that position?

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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

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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

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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 --

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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.

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1 Just in terms of to hopefully facilitate
2 this discussion, our position is we're willing to
3 meet and confer to try to identify something that
4 is going to be reasonable, not unduly burdensome,
5 workable for all sides.
6 What we think we need to do, though, is
7 come to some sort of understanding and hopefully
8 agreement in advance regarding how long each of
9 these depositions is going to take even in a
10 situation where we had grouped multiple topics
11 together, where we believe that multiple topics are
12 going to be best addressed by a single witness.
13 So from the Janssen perspective, that's
14 where we'd like to get to today and talk through.
15 We'd like to see whether we can come to some sort of
16 an understanding, an advance agreement.
17 Well, okay, plaintiff says we think these
18 18 topics are going to require three days, not two,
19 would you be willing to make that witness available
20 for three days. Then we think we can do this one in
21 a half day, so maybe we can shorten it up here or
22 there, whatever the case may be.
23 So that's the position we're in, and
24 that's what I'm hoping we can accomplish through
25 this meet and confer process is avoid having any

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1 motions practice on this and just come -- get to the
2 point where we have an agreement for outer limits to
3 these depositions on these topics.
4 MR. BECKWORTH: I appreciate all that, but
5 here's the problem we have. You guys are working
6 pursuant to some sort of joint defense agreement.
7 I've got one defendant who says the rules are six
8 hours and that's it, but we'll talk about it.
9 MR. BRODY: That's not what I said, Brad.
10 That's not what I said.
11 MR. BECKWORTH: She can read it back.
12 That is what you said, then you said you were
13 willing to negotiate from that position.
14 I've got a second defendant that says I
15 don't know what we think, and I have a third
16 defendant who says it's irrelevant.
17 Let me tell you why it's relevant and why
18 it matters because if I were playing golf with all
19 you guys and we are betting on the first tee, and
20 I'm sure one or more of you have played golf before,
21 we're going to decide whether we're going to play it
22 even or not, and we're going to look at handicaps.
23 If none of you will tell us what your handicap is,
24 it's not a fair bet. So that's the position we find
25 ourselves in.

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1 So if your position is that the rules
2 require one six hour deposition, J&J has already
3 done that. So, J&J, you would be done. You would
4 not get another deposition of the State.
5 The same would be true for Purdue. So
6 Teva would get one more deposition, and we would be
7 done with discovery.
8 I'm entitled to know whether that's your
9 position or not. It sounds like you all don't
10 really know.
11 It also sounds like you probably thought
12 about that and realized it wasn't a very good
13 position to take.
14 So when you're asking me to assess how
15 much time everybody should get and how we're going
16 to work together, you staked out an unfair and asked
17 what we believe to be an improper starting point.
18 So we can talk, but I'm just telling you
19 I think that's wrong, and I'm going to ask each of
20 you -- I'm putting you on fair notice, can you do it
21 or not -- but I'm going to ask the judge to have you
22 state your position in open court because if your
23 position is that, we need to know it.
24 So you guys, you're making statements like
25 that, but you're not all on the same page about why

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1 you're doing it and what the point was.
2 Harvey, I heard what you said. I heard
3 that you made an objection. You're not standing on
4 it. I'm not misconstruing anything that you said,
5 but I'm telling you this puts us in an unreasonable
6 starting place as we go forward. Because --
7 MR. BARTLE: Brad, this is Harvey.
8 MR. BECKWORTH: Hold on a second.
9 MR. BARTLE: Is it your position -- go
10 ahead.
11 MR. BECKWORTH: I'm going to answer -- I
12 think I know what you're going to ask me.
13 So just to put that back to you, you're
14 wanting to take the depositions of the State. All
15 right. So is my starting position with you that,
16 Harvey, you said you only get one six hour depo, so
17 that's all you get with the State, but I might give
18 you two?
19 Or do I go over to where J&J is, Steve
20 hasn't taken that position, and Steve has already
21 taken a depo, so he knows that wouldn't be the right
22 position for him to take, and go the approach that
23 Steve is advocating where we're trying to figure out
24 the best way to do this under the circumstances.
25 So I'm just trying to figure out where my

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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

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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

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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

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1 and cover it so nobody has to come back another day,
2 and is that the best interest of my client? That's
3 what I've done my whole career, and that's what I
4 think we should all do.
5 So when I look at, for example, some of
6 Brody's stuff in his letter, there's no way that
7 your witness would cover all those topics in two
8 days. You know that. The KOL depo is a full day
9 depo. Some of the others aren't. So we got to
10 figure that out.
11 The same as with Purdue. You've got
12 science. You're proposing science witnesses happen
13 the same day as other witnesses. It just doesn't
14 work that way.
15 So I can't tell you who you're going to
16 produce on what topics, but I can tell you we're not
17 going to take a lot of those in two days.
18 So that's a long-winded response, but I
19 think that fully sets forth our position. If you
20 all want to go piece by piece, then go ahead.
21 MR. LAFATA: Brad, this is Paul. This is
22 Paul. I think it's helpful in some respects that
23 you maybe have some idea, and pardon me if Drew is
24 going to do this, but it does sound as if you have
25 some idea at least of this topic, and this topic are

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1 going to, by accommodation, require a certain amount
2 of -- of course, these are estimates. I'm just
3 trying to be in good faith and give each other a
4 good sense of travel and logistics and that sort of
5 thing.
6 But I do think it would be productive,
7 as you started to do, of giving a sense of how you
8 think the different witnesses would combine.
9 Maybe this is an issue for the lawyers
10 doing the individual witness, but to give -- I think
11 what we have been trying to do is to give you a good
12 faith sense of how much time we think we would want
13 to allocate for a deposition based on the topics and
14 work with the lawyers for that witness to try to
15 arrange it that way and get an understanding before
16 the deposition so it's not just an open-ended
17 free-for-all, but at least there's some
18 understanding going in what it's going to be.
19 And just as you said, Brad, I think that
20 doesn't mean if there's -- to me that there's 20
21 minutes extra, it's not the end of the world if
22 we're talking about so many topics. So I think
23 there's a rule of reason, but I think that would be
24 helpful to do.
25 MR. BECKWORTH: I'm sorry, I don't know

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1 that it's my place to tell you how you should
2 prepare and allocate your witnesses, but let's just
3 look at -- I don't know how to pronounce his name.
4 Is it Cheffo? Mark, is it Cheffo?
5 MR. LAFATA: You're asking about Mark's
6 last name? It's Cheffo, yes.
7 MR. BECKWORTH: Cheffo, okay.
8 MR. LAFATA: Yes.
9 MR. BECKWORTH: So if we look at Mark
10 Cheffo's letter and look at the fourth page, you say
11 here's what we're going to do on November 15, and
12 you list contributions of nonprofit, KOLs, research,
13 scientific support for marketing statements, PROPs,
14 medical education communication companies, nature
15 and intended use of opioid medications manufactured
16 and sold by Purdue.
17 I mean, you guys understand that when we
18 get this we laugh. You're going to have a KOL
19 person testify on one day that's also going to
20 testify about the nature and intended use of opioid
21 medicines manufactured and sold by Purdue, the
22 nature and intended use of drugs for the treatment
23 of opioid overdose sold by Purdue, the nature and
24 intended use of drugs for opioid use disorder sold
25 by Purdue. I mean, and PROP, your efforts in

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1 response to PROP.
2 I mean, it's such an unreasonable position
3 to take, that for me to sit here and then tell you
4 what ought to actually be grouped is ridiculous.
5 And you did it that way on purpose, and we don't
6 need to get into name calling, but I'm just telling
7 you it's such a nonstarter for us that there's no
8 way we can do it.
9 So my retreat position is, all right,
10 we'll go to the Court and we'll ask to take each one
11 of those one by one.
12 Now, I can tell you I see a couple of
13 those grouping together. Let me make the caveat
14 because one of your associates loves to pull out
15 and quote us all the time of things we say.
16 Since this is being recorded, let me say
17 this is off the cuff and hasn't been thoroughly
18 thought out, and I will reserve my right to respond.
19 But you've got involvement with nonprofit orgs and
20 professional societies in KOL Topics 1 and 2. I
21 don't think we'd have a big problem with grouping
22 those into one deposition, and there might be one or
23 two other that are closely related to that that we
24 could do in one.
25 If you look at that one on like 26,

Page 22

1 speaker bureaus and stuff in Oklahoma, that seems to
2 relate.
3 Similarly, when you look at 35, 36, nature
4 and intended use of drugs for opioids, opioid use
5 disorder and treatment, those seemingly would be
6 together.
7 But you guys know how to group it. It's
8 not my job to do it for you. But I'm just telling
9 you just those topics that are on that one day that
10 you listed, that's an example, that's going to be
11 several days of depositions.
12 If you want to put one witness up for
13 them, fine. We're going to start when we start,
14 and we're going to finish when we finish, and I know
15 we're going to be in a big argument when that's
16 done.
17 So I think we ought to start over, and
18 you all can think about breaking those up little
19 bit.
20 MR. BRODY: Brad, this is Steve.
21 We sent you a letter last week that set
22 out the fact that we identified 18 topics that are
23 going to be addressed by one witness. That's going
24 to be true based on our assessment of who best with
25 Janssen is going to be able to address those topics

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1 in a situation where you're wanting to go back over
2 a pretty significant period of time, but we have to
3 make decisions as to which topics are best addressed
4 by which witness.
5 So that's a process we've undertaken
6 subject to and without waiving any objections we've
7 asserted.
8 As you know, we sent you a letter saying
9 that we would make that witness available for two
10 days, October 10 and 11. Now, we got a letter back
11 saying for that one at least you don't think two
12 days is enough time.
13 So what I need to know and what I think an
14 efficient process demands and eliminating dispute
15 demands is knowing from you all -- okay, you say two
16 days is not going to be enough. So how many days
17 will be enough?
18 The answer from our perspective can't be
19 we'll start when we start and we'll finish when we
20 finish. That's just not a feasible or reasonable
21 alternative.
22 MR. BECKWORTH: So you want me to group
23 them by topics and tell you who we think on that
24 list can be broken up into a single day?
25 MR. BRODY: No, no, no, no.

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1 MR. BECKWORTH: I think that's what you --
2 MR. BRODY: No. Let me explain.
3 MR. BECKWORTH: This could be another
4 hour. I already know how this is going to be
5 resolved. Your position --
6 MR. BRODY: Brad, if you --
7 MR. BECKWORTH: I don't need to hear it.
8 If you're going to drone on for an hour about
9 something, we're never going to agree to.
10 So I asked you your position; you told me.
11 I don't really wish to hear a bunch of long colloquy
12 on this.
13 We've noticed these depositions up. You
14 did not move to quash them. I've been having to
15 negotiate with you guys for seven months on
16 depositions. We've taken a handful.
17 We'll go to the Court and deal with this
18 in the Court. We gave you dates. You don't want to
19 provide them. You're not going to file a motion.
20 We'll file a motion to compel. That's what we're
21 going to have to do.
22 MR. BRODY: Are you done?
23 MR. BECKWORTH: I was done with this issue
24 awhile ago. I'm being courteous and having a meet
25 and confer, but I knew exactly what you were going

Page 25

1 to do because that's what you do.
2 If you think we're going to sit there
3 and on two days in a case like this take 30 topics
4 because Steve Brody decided that's how J&J does
5 things, then you're going to have to get the Court
6 to tell you that because we're not going to accept
7 that ever.
8 MR. BRODY: Are you done?
9 MR. BECKWORTH: That's ridiculous.
10 MR. BRODY: Are you done?
11 MR. BECKWORTH: But don't play New York
12 defense lawyer "are you done" with me. If I stop
13 talking, I'm done.
14 MR. BRODY: Every time I ask you if you're
15 done, you start talking again, and we have a court
16 reporter who can't make a record of this if we're
17 both talking at once.
18 So I'm going to pick up where I was
19 previously because I hadn't finished.
20 So I'm not asking you to group topics.
21 I communicated to you and told you that there are
22 certain topics that a single witness will be
23 addressing, and I have told you and we've
24 communicated quite clearly as to the first grouping
25 of topics that we have a witness, and that witness

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1 is available on October 10 and 11 to address those
2 topics.
3 You've come back. You've said we need
4 more than two days for that. Are you willing to
5 meet and confer? We said yes. That's what we're
6 doing.
7 As part of the meet and confer process,
8 what I'm telling you is I'll be willing to consider
9 allocating additional time for that witness'
10 deposition, but I need to know how much time. How
11 much time does the State reasonably believe it needs
12 to take that deposition on the topics that we have
13 identified as topics for that witness to address?
14 Same thing for the other groupings that
15 we have provided to you in my letter of September
16 10.
17 Now, if you're not willing to do that, and
18 your position is it's 18 days and we'll take however
19 much of that time we need, and if we finish early,
20 we finish early; so be it. I don't think that's
21 reasonable.
22 I think we can probably reach an agreement
23 on this, but we need to have a sense up front of
24 what the -- I guess the first question is, is the
25 State willing to take a position and say, okay, we

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1 hear you doing 164 days of deposition on these
2 topics we've noticed is not going to be feasible.
3 We understand that.
4 I meant what I said when I stood up in
5 Court on August 10 and said that we expected these
6 topics to be grouped together, many of them for
7 single witnesses.
8 So we're willing to work with the
9 defendants to come up with something reasonable,
10 just as the defendants have indicated they're
11 willing to work with us to come up with reasonable
12 times for groupings of different topics. So that's
13 one.
14 The first question is whether we can talk
15 through this and try to reach an agreement through
16 the meet and confer process. If the answer to that
17 is no, if your position is we're not going to talk
18 about it, we're going to go to the Court, so be it.
19 I'll have some other issues I want to address with
20 respect to that.
21 But if you are willing to -- then the
22 question is, okay, you've taken issue with the idea,
23 for example, that the October 10 and 11 deposition
24 can be completed in two days.
25 And looking at the topics you've noticed

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1 and evaluating what you think you're going to need
2 on those topics, tell me how much time realistically
3 you think we need to set aside for that deposition,
4 and I will consider it.
5 COURT REPORTER: Okay. This is the court
6 reporter, and I thought maybe I was disconnected.
7 I'm sorry for interrupting.
8 MR. BECKWORTH: No. I was just making
9 sure Steve was done before I talked.
10 MR. BRODY: I think 10 seconds was a good
11 sign, 10 seconds of silence.
12 MR. BECKWORTH: Everybody should
13 appreciate Friday afternoon humor.
14 Here's what I'm going to do, Steve. I
15 will take your letter. I will probably do it in
16 handwriting, don't think I'm trying to be a jerk,
17 and circle the ones that I think are groupable by us
18 into six hours. Meaning if there's one I think this
19 is probably a six hour one, I'll circle it as such.
20 If there's two or three that we can group together
21 or four or five that we think fairly group, we'll do
22 it that way. I'll send that to you. All right?
23 That's the best we can do. Beyond that, we got to
24 go to Court.
25 I also might suggest as we go forward that

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1 some of these calls -- I wasn't picking on Harvey.
2 It's why we probably ought to start having some of
3 these calls separately. While you guys are
4 obviously working together on some issues, you don't
5 always take the same positions. So I don't think
6 it's necessarily fair to us or to each of the
7 defendants that you've got to sit and deal with the
8 other defendants and what their position is.
9 So I think that probably gets us through
10 with J&J. We'll get you a letter.
11 Paul, why don't we do the same thing with
12 you.
13 MR. LAFATA: Yeah. That makes sense to
14 me, Brad. As Steve was saying, I agree with what
15 was said. Really I'm not asking for you to step
16 into my shoes and try to group them. I'm saying
17 that these are topics that we have a witness who can
18 be ready to testify, and we're willing to talk about
19 the amount of time that you believe you may need for
20 that.
21 That's the point of this.. So I think
22 that your proposal would help to move in that
23 direction.
24 MR. BECKWORTH: Okay. We'll get that to
25 you.

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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.

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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

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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.

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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

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1 in our letter.

2 MR. BARTLE: This is Harvey.

3 If we're done talking about the

4 depositions, I don't know if everybody else wants to

5 stick on for this, but I'd like to talk about, as I

6 mentioned earlier, some of the plaintiff's discovery

7 responses to the Teva defendants.

8 MR. BECKWORTH: Drew, can you handle that?

9 I need to run. You all can handle it and let me

10 know if you need me.

11 MR. PATE: Yes. Trey and I will handle

12 that.

13 MR. BECKWORTH: Okay. I appreciate it.

14 Everybody have a nice weekend. Thank you.

15 MR. BARTLE: Trey, I mentioned this in a

16 call with Purdue earlier this week. Do you guys

17 have a date by which you're going to respond to

18 Cephalon's second set of interrogatories?

19 MR. DUCK: Yeah. This is Trey.

20 Yeah. I think that we're still looking

21 at the interrogatories and determining exactly what

22 it is we need to do in accordance with Judge

23 Hetherington's rulings from the bench on the 31st.

24 I think that the earliest they could be or

25 we would be required to respond to them is 30 days

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1 from that, from the order on the 31st.

2 Right now we're thinking that we'll have

3 you supplemented responses, to the extent we need to

4 supplement any of them, on the 1st of October.

5 Now, I assume that would be okay with you.

6 But as I said, we're currently looking at them and

7 deciding what we need to do to supplement them.

8 And, Harvey, I don't think either of us

9 wants to be back in court arguing about these exact

10 same interrogatories again. So if we need a few

11 extra days, is it okay for us to reach out to you

12 and reasonably discuss that?

13 MR. BARTLE: Yes, absolutely, of course.

14 One of the other things I want to talk to

15 you about was did the responses to the Actavis, LLC,

16 Actavis Pharma and Teva Pharmaceuticals' second

17 interrogatories which you provided on the 17th --

18 on the 7th of September, all the questions were

19 similar to the ones from the second Cephalon set,

20 and the answers that you gave to those

21 interrogatories were almost word for word the same

22 that you originally answered for Cephalon on which

23 we moved to compel.

24 So I would ask you to take a look at

25 those interrogatories that you provided to me on

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1 September 7 and decide whether or not you're going

2 to stand on those responses or whether or not we're

3 going to have to move to compel on those as well

4 because it's the same response that we got for

5 second Cephalon that we moved on.

6 MR. DUCK: This is Trey.

7 If my recollection serves me right,

8 Harvey, some of those requests, if not all of them,

9 were identical, which I appreciate. I told Judge

10 Hetherington that we would much prefer identical

11 rogs from the individuals that you represent.

12 So what I would propose is we will

13 respond to or supplement as needed the

14 interrogatories that were subject to your motion

15 to compel that Hetherington has already heard.

16 To the extent they are identical to the

17 ones that we responded to on September 7, then we

18 would just say that those supplemented responses

19 apply to all of the interrogatories, and we can put

20 that in writing for you so that we don't need to go

21 relitigate identical interrogatories.

22 Does that make sense?

23 MR. BARTLE: It does. I just want to be

24 clear. I'm not obviously waiving any right to

25 relitigate that issue because I haven't seen your

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1 answers, and I don't know if they're going to be

2 appropriate or acceptable to us, but your proposal

3 on the process of dealing with this is certainly

4 acceptable to us.

5 MR. DUCK: Understood. Yeah. Understood.

6 I mean, the truth of the matter is, Harvey --

7 By the way, this is Trey again.

8 It's just a pain in the butt to have to

9 put the exact same interrogatory responses all in

10 seven different drafts. So if you all are cool with

11 it, we'll respond to one of them. And if they're

12 the same interrogatories for other entities, we'll

13 just designate those responses as being the same for

14 those. Is that cool with you?

15 I'm not saying you're going to be happy

16 with the response necessarily, we'll do our best,

17 but we'll just say the same responses are designated

18 for all identical interrogatories.

19 MR. BARTLE: Yeah. I don't want to make

20 work for people. Obviously there are different

21 entities. So the interest may be a little different

22 for each; it may be a lot different for some.

23 But if that's the way you want to proceed,

24 you certainly can do that. I'm not going to stand

25 on form and make you do it seven times, but I may

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1 decide to move to compel on one and not on the
2 other.
3 MR. DUCK: That makes sense. Thanks.
4 MR. BARTLE: All right. Can we talk about
5 plaintiff's responses to Watson Lab's first set of
6 requests for production?
7 MR. DUCK: Sure.
8 MR. BARTLE: That was dated, before it
9 was removed, June 11, right before it was removed.
10 So what I'd like to do is just go through
11 each request.
12 The first request asks for documents
13 related to the State versus Harvey Clarke Jenkins.
14 You say that you'll produce certain documents
15 related to that case. I'm wondering when you'll be
16 producing them.
17 MR. DUCK: Sorry. Just a second, Harvey.
18 This is Trey.
19 I was a bit surprised that you were asking
20 about these because, just frankly, I didn't know we
21 were going to be talking about these, and I don't
22 know if we're prepared to. I don't think that we
23 had notice of that. If we did, I'm sorry, we missed
24 that.
25 So we're happy to walk through them, and

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1 we'll try to respond to you as best we can off the
2 cuff, but we might be better suited to come back to
3 some of this later.
4 MR. BARTLE: That's fine. I don't want
5 to waste people's time, and if you're not prepared,
6 let's find a time. Can we do it on Monday, this
7 time on Monday?
8 MR. PATE: Harvey, are you just going to
9 add -- this is Drew.
10 Is your question just for the request
11 where we have stated we're going to be producing
12 documents when we expect to be producing documents?
13 Because if that's basically your question for all of
14 these, then we'll take that back and try to get an
15 answer to you when we can.
16 MR. BARTLE: That's fine, Drew. I
17 appreciate that. I do have more questions.
18 Obviously you have objections in here that you're
19 not going to produce certain information pursuant to
20 HIPAA which I don't quite understand given our HIPAA
21 protective order.
22 Also, you cite certain statutes,
23 including the Medicaid program, Integrity Act and
24 the Multicounty Grand Jury Act which you're saying
25 precludes you from producing certain information.

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1 Obviously we disagree that the State
2 can bring a claim and assert that my client is
3 responsible for every opioid prescription in the
4 State of Oklahoma and then not produce information
5 that is purely within the control of the State.
6 So we certainly disagree that the State
7 is not permitted and isn't required to produce this
8 information just because it's part of a criminal
9 proceeding. So I would like to discuss that
10 certainly.
11 MR. DUCK: All right. This is Trey.
12 We'll talk to our client amongst each
13 other and get back to you on it. We'll get back to
14 you next week. We're not going to drag this out.
15 Is there anything else? I've got the
16 documents, you want to know when, and the privilege
17 issues that we raised in response to producing some
18 of these document. Anything else?
19 MR. BARTLE: Not only for past cases that
20 have been resolved, but for pending cases. I mean,
21 look, if you're telling me my client isn't -- you're
22 not going to try to assert that my client is
23 responsible for any diverted pharmaceutical or a
24 pharmaceutical that was issued by Harvey Clarke
25 Jenkins or anybody else who committed criminal acts,

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1 then I would consider that too, but I don't think
2 you're going to tell me that.
3 MR. DUCK: All right. We'll talk and get
4 back to you.
5 MR. BARTLE: Okay. Can we set a time for
6 a meet and confer? We want to get this teed up
7 before the Court if you're just not going to produce
8 this stuff.
9 MR. PATE: We can try to set a time.
10 Monday is -- I know that we're pretty tied up next
11 week, though, in depositions. Okay. Trey just --
12 MR. DUCK: Do you want to do it before the
13 hearing?
14 MR. PATE: We've got a hearing on the
15 27th. Do you want to do it then before the hearing?
16 MR. BARTLE: We can do it then. No,
17 actually we can't because I want to be at the
18 deposition on the 27th.
19 MR. PATE: Do you want to do it -- we can
20 do it after the deposition.
21 MR. BARTLE: We can do it after the
22 deposition? I don't know how long that deposition
23 is going to take obviously. Then are you going to
24 be there on the 26th, Drew, in Tulsa?
25 MR. PATE: I think so, but we haven't

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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.)
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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.
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Jane M. McConnell

Jane McConnell, CSR RPR RMR CRR

EXHIBIT F

Morgan Lewis

Harvey Bartle IV

Partner
+1.215.963.5521
harvey.bartle@morganlewis.com

September 24, 2018

VIA E-MAIL

Trey Duck
Andrew Pate
NIX, PATTERSON & ROACH
3600 N. Capital of Texas Highway
Austin, Texas 78746

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

Dear Counsel:

As per the September 21, 2018 meet & confer, and subject to their objections and the limitations set forth in our September 10, 2018 correspondence, the Teva Defendants will produce a witness to testify on November 7 and 8, 2018 on the below corporate deposition topics noticed by the State. The witness will be produced at GableGotwals in Oklahoma City, Oklahoma.

Topics

- 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.
- 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.
- Your use of medical education communication companies (MECCs) regarding opioids and/or pain management marketing.
- Your use of speakers' bureaus, advisory boards, or other similar programs regarding opioids and/or pain management marketing.
- Your use of medical liaisons to communicate with Healthcare Professionals, KOLs, and/or Front Groups regarding opioids and/or pain treatment.

Morgan, Lewis & Bockius LLP

1701 Market Street
Philadelphia, PA 19103-2921
United States

+1.215.963.5000
+1.215.963.5001

Trey Duck
Andrew Pate
September 24, 2018
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- Your use of data provided by IMS, IQVIA or any similar data service for purposes of marketing and/or sales strategies.
- 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.
- 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.
- Your scientific support for Your marketing statements and representations regarding the risks and benefits of opioids.
- 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.
- Your practices and processes for identifying and prioritizing physicians to detail.
- Your research of Oklahoma Healthcare Professionals' and/or pharmacies' opioid prescribing habits, history, trends, sales, practices and/or abuse and diversion of opioids.
- 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.
- Your use of 'do not call' lists or any similar list of prescribers that your sales representatives do not contact.
- Your efforts to identify high-prescribing health care providers in the State of Oklahoma.
- Your efforts to identify low-prescribing health care providers in the State of Oklahoma.
- Amounts spent by You on advertising and marketing related to opioids.¹
- Your educational and/or research grants provided by You to individuals or entities regarding opioids and/or pain treatment.
- Your involvement with, and contributions to, non-profit organizations and professional societies, including the Front Groups.

¹ As stated in our September 10, 2018 letter, this topic is more appropriately addressed via written interrogatory.

Trey Duck
Andrew Pate
September 24, 2018
Page 3

- Your involvement with, and contributions to KOLs regarding opioids and/pain treatment.
- Your use of branded marketing for opioids nationally and in Oklahoma including scope, strategy, purpose and goals with respect to such branded marketing.

We are working on dates for the remaining topics for which the Teva Defendants agreed to produce a witness and will get those to you shortly.

As always, please do not hesitate to contact me if you wish to further discuss scheduling.

Sincerely,

s/Harvey Bartle, IV

Harvey Bartle IV

cc: Counsel of Record

EXHIBIT G

Appendix A

The matters on which examination is requested are itemized below. The Teva/Cephalon 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. Total compensation paid to employees and contractors who detailed and/or promoted to any health care practitioners and/or pharmacies in Oklahoma, including but not limited to salaries, bonuses, and monetary and non-monetary incentives, and the methodology and metrics used to calculate the compensation paid to those employees and contractors.
2. Total amount spent annually, including directly and through reimbursement, on all promotional efforts related to Oklahoma and/or nationwide, including but not limited to leave behinds, direct mail materials, journal advertising, speaker engagements, conventions, samples, cards, vouchers, food, drinks, gifts, and swag.

EXHIBIT H

Morgan Lewis

Harvey Bartle IV

Partner
+1.215.963.5521
harvey.bartle@morganlewis.com

October 4, 2018

VIA E-MAIL

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

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

Dear Counsel:

On behalf of Teva Pharmaceuticals USA, Inc. and Cephalon, Inc. ("Teva") and Watson Laboratories, Inc., Actavis LLC, and Actavis Pharma, Inc. f/k/a Watson Pharma, Inc. (the "Actavis Generic Entities") (collectively, the "Teva Defendants"), we write concerning the two Rule 3230(C)(5) topics that were emailed on October 1, 2018. The Teva Defendants incorporate by reference the general and specific objections set forth in Sections I, II, and III of their correspondence of September 10, 2018, in addition to the below objections. Please let me know when you are available to meet & confer.

Objections to Subject Matters for Testimony

- 1. Total compensation paid to employees and contractors who detailed and/or promoted to any health care practitioners and/or pharmacies in Oklahoma, including but not limited to salaries, bonuses, and monetary and non-monetary incentives, and the methodology and metrics used to calculate the compensation paid to those employees and contractors.**

The Teva Defendants object to this topic on the grounds that it is overly broad, unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic. The Teva Defendants further object to the terms "health care practitioners," "non-monetary incentives," "methodology," and "metrics" as vague and/or ambiguous.

Subject to and without waiver of their objections, the Teva Defendants propose to provide a written response to an appropriately propounded interrogatory seeking this information as it relates solely to opioids in Oklahoma.

Morgan, Lewis & Bockius LLP

1701 Market Street
Philadelphia, PA 19103-2921
United States

+1.215.963.5000
+1.215.963.5001

Michael Burrage
Reggie Whitten
October 4, 2018
Page 2

- 2. Total amount spent annually, including directly and through reimbursement, on all promotional efforts related to Oklahoma and/or nationwide, including but not limited to leave behinds, direct mail materials, journal advertising, speaker engagements, conventions, samples, cards, vouchers, food, drinks, gifts, and swag.**

The Teva Defendants object to this Topic on the grounds that it is overly broad, vague unduly burdensome, seeks testimony irrelevant to this case, is not proportional to the needs of the case, and will not lead to the discovery of relevant and admissible evidence. The Teva Defendants further object as this Topic seeks testimony duplicative of another Topic. The Teva Defendants further object to the terms "promotional efforts," "leave behinds," "conventions," "samples," "cards," "vouchers," and "swag" as vague and/or ambiguous.

Subject to and without waiver of their objections, the Teva Defendants propose to provide a written response to an appropriately propounded interrogatory seeking this information as it relates solely to opioids in Oklahoma.

* * *

Please contact me with any questions.

Sincerely,

s/Harvey Bartle, IV

Harvey Bartle IV

cc: Counsel of Record

EXHIBIT I

1 worse for a company to keep breaking the law
2 after it's done it one time and got caught?

3 MR. FIORE: Object to form. Calls for
4 speculation.

5 THE WITNESS: Once action has been
6 taken, I would expect a company to follow the
7 guidelines that have been set forth going
8 forward.

9 Q (BY MR. PATE) Right, and if it --

10 A Again, you're asking me to speak on
11 behalf of the company. That's -- I'm not able
12 to speak on behalf of the company. I'm only
13 able to speak on behalf of my own personal
14 experience.

15 Q That's what I'm asking you about.

16 A Right.

17 Q I'm asking you what you think, and we
18 all know about right and wrong.

19 A Right.

20 Q You have kids; correct?

21 MR. FIORE: Objection to relevance.

22 THE WITNESS: Yeah. I don't need to
23 answer that question.

24 Q (BY MR. PATE) You have children, do you
25 not? Or let me ask you. Do you have kids?

1 A I don't recall if I have had any.

2 Q There's none that comes to mind that you
3 remember?

4 A No.

5 Q And you certainly weren't -- I assume
6 you weren't trained on that as part of your
7 communications consultancy degree; right?

8 A That is correct.

9 Q You've never had any training or
10 education on the long-term benefits of opioids,
11 have you?

12 MR. FIORE: Objection to form.

13 THE WITNESS: Can you say the question
14 again? I'm sorry.

15 Q (BY MR. PATE) Sure. You've never had
16 any training or education on the long-term
17 benefits of opioids, have you?

18 A Outside of the training I had with
19 Actiq, the product training, I don't recall
20 specific training that you're -- that you're
21 discussing.

22 Q Outside of the promotional materials
23 that you were provided to do your job as a sales
24 rep that relates to Actiq, you've never had any
25 education about how to determine the benefits of

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CERTIFICATE

I, D. LUKE EPPS, Certified Shorthand Reporter, do hereby certify that the witness was by me first duly sworn to testify the truth, the whole truth and nothing but the truth, in the case aforesaid; taken in shorthand and thereafter transcribed; that the same was taken, pursuant to stipulations hereinbefore set out; that I am not an attorney for nor relative of any of said parties or otherwise interested in the event of said action; and that the transcript is a full, true, and accurate record of the proceeding.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 21st day of September, 2018.



D. Luke Epps, CSR, RPR

CSR No. 1841

EXHIBIT J

Deposition of John Hassler

**FILED UNDER SEAL
PURSUANT TO PROTECTIVE ORDER
DATED MARCH 20, 2018**