



IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

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

STATE OF OKLAHOMA, ex rel., MIKE)
HUNTER, ATTORNEY GENERAL OF)
OKLAHOMA,)
Plaintiff,)
v.)
PURDUE PHARMA L.P., et al.,)
Defendants.)

Case No. CJ-2017-816

OCT 11 2018

Honorable Thad Balkman
Special Discovery Master
William C. Hetherington, Jr.

In the office of the
Court Clerk MARILYN WILLIAMS

PURDUE'S OPPOSITION TO THE STATE'S MOTION TO COMPEL DEPOSITIONS

Purdue Pharma L.P., Purdue Pharma Inc., and The Purdue Frederick Company Inc. d/b/a The Purdue Frederick Company (collectively, "Purdue") respectfully submit this opposition to the State's motion to compel depositions.

PRELIMINARY STATEMENT

The State's motion to compel corporate representative depositions should be denied for at least four reasons. *First*, the State attempts to unilaterally dictate how Purdue should designate witnesses for the 41 deposition topics it has requested. That is contrary to Oklahoma law, which provides that Purdue, as the deponent, "shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, *and may set forth, for each person designated, the matters on which that person will testify.*" Okla. Stat. Ann. tit. 12, § 3230(C)(5) (emphasis added). The law provides that Purdue, not the State, decides which of Purdue's designees will testify about the topics requested by the State.

Second, the State seeks an unreasonable amount of time for depositions. The State's most recent proposal seeks just over *100 hours* of representative deposition testimony. This is in addition to the approximately day-and-a-half of deposition testimony it has already taken of

Purdue on three other topics. While Purdue has been and remains willing to meet and confer with the State on a reasonable amount of time for depositions, the State's request for that amount of time is disproportionate to the limited time the State has agreed to provide Purdue for depositions of the State.

Third, the State's motion is premature. Notwithstanding this Court's deposition protocol, the State's motion was filed while the parties were still in the process of meeting and conferring regarding the deposition topics at issue. Purdue remains willing to continue that meet and confer process, but the State has forced Purdue to respond to the State's motion rather than move the process forward for presenting witnesses for deposition.

Fourth, the State's questioning has been far outside the scope of the noticed topics, abusive to the witness, and often a complete waste of time, underscoring the point that the State does not need, and should not be allowed, the more than 100 hours of depositions it requests.

ARGUMENT

I. THE STATE CANNOT DICTATE HOW PURDUE CAN GROUP DEPOSITION TOPICS OR WHICH OF PURDUE'S REPRESENTATIVES WILL TESTIFY ABOUT CERTAIN TOPICS

On September 10, 2018, pursuant to this Court's deposition protocol, Purdue timely objected and responded to the State's request for 41 deposition topics. As part of that response, Purdue worked diligently to identify appropriate witnesses and thoughtfully grouped topics together that were appropriate for those witnesses. *See generally* Ex. A, 9/10/18 Letter from M. Cheffo to State's Counsel. These groupings took into account various factors. They were based not only on subject matter, but also took into account the witnesses' training, knowledge, schedule, and ability to properly prepare to testify on behalf of Purdue for the various topics. This approach of grouping topics together is what the State has told the Court would be an

acceptable approach to handle the many deposition topics. *See, e.g.*, 8/10/18 Hr'g Tr. at 34:19-23 (Beckworth) (excerpt attached as Exhibit B). Indeed, in response to deposition topics that Purdue requested, the State has taken the same approach and grouped various topics together for its witnesses.

Yet the State seeks an order compelling Purdue to proffer witnesses to testify based on how the State would prefer that Purdue designate its witnesses. *See generally* Ex. C, 9/25/18 Email from D. Pate to Defendants' Counsel, Attaching Proposal (disregarding Purdue's grouping and outlining its own proposed grouping). For example, the State has grouped deposition topics 33 and 34 into one deposition (*id.* at 4), even though Purdue told the State that those topics would be addressed by different witnesses. *See* Ex. A, 9/10/18 Letter from M. Cheffo to State's Counsel at 2, 4. The State's request is contrary to Oklahoma law, which provides that a deponent "shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and *may set forth, for each person designated, the matters on which that person will testify.*" Okla. Stat. Ann. tit. 12, § 3230(C)(5) (emphasis added). The State cannot dictate what witnesses Purdue assigns to the State's topics. Purdue has the right to choose which of its witnesses will be best suited to testify on the State's various topics.

II. THE STATE'S REQUEST FOR MORE THAN 100 HOURS OF ADDITIONAL DEPOSITION TESTIMONY IS UNREASONABLE

The State seeks an unreasonable amount of time for corporate representative depositions. In addition to the approximately day-and-a-half of testimony Purdue has already provided, the State seeks to compel an *additional 100-plus hours* of representative testimony from Purdue. The Court should deny this request as excessive.

As an initial matter, contrary to the State's contentions, Purdue has not categorically limited the time for depositions to one day for each witness. The amount of time for depositions

is the subject of the ongoing meet and confer with the State, and Purdue has told the State that is willing to discuss an appropriate amount of additional time for depositions, depending on the topics. *See, e.g.*, 9/21/18 Meet and Confer Tr. at 29:16-20 (excerpt attached as Exhibit D). But the State prematurely filed its motion to compel before Purdue could provide its proposal to the State. *See infra* Section III. That said, Purdue remains willing to continue discussing an appropriate amount of time for depositions with the State.

Nor can it be said that Purdue is unduly delaying depositions. For instance, Purdue offered the State a witness who could testify about one topic on a day during the week of October 29, but the State never responded. *See* Ex. A, 9/10/18 Letter from M. Cheffo to State's Counsel at 2.¹

That the State's request for 100-plus hours of depositions is unreasonable is made evident by looking at how the State has responded to corporate representative depositions topics that Purdue requested. In essence, the State wants an excessive amount of time for the depositions it wants to take while at the same time limiting Purdue's time to take depositions of the State. To illustrate this imbalance, on August 29, 2018, Purdue requested depositions on 27 topics from the State. *See generally* Ex. E, 8/29/18 Letter from M. Cheffo to State's Counsel. In response, the State grouped some of those topics together and offered dates on which its witnesses could testify about those groupings. *See* Ex. F, 9/10/18 Email from D. Pate to Defendants' Counsel. For one witness, the State grouped seven disparate topics together. Purdue requested two days for the deposition, but the State would only agree to discuss the matter after the first day is completed. *See* Ex. G, 9/20/18 Email from L. Baldwin to Purdue's Counsel. Purdue appreciates that not every topic will require the same amount of time, but this example highlights how the

¹ Purdue has since confirmed that its witness is available on November 2, 2018.

amount of time that the State seeks for its depositions is disproportionate to the amount of time it is offering Purdue for depositions of the State.

III. THE STATE'S MOTION TO COMPEL IS PREMATURE

Although the parties were in the process of meeting and conferring about the time needed for the 41 deposition topics requested by the State, the State nevertheless prematurely moved to compel. As discussed *supra* Section I, on September 10, 2018, Purdue timely objected and responded to the State's request for depositions, offering dates on which its witnesses could testify as to many of the State's topics. *See generally* Ex. A, 9/10/18 Letter from M. Cheffo to State's Counsel. Consistent with the deposition protocol, the parties met and conferred on September 21, 2018. The State disagreed with Purdue's proposal, asserting that insufficient time was offered to cover the deposition topics. Purdue explained that it was open to discussing an appropriate amount of deposition time for its witnesses, depending on the topics. The parties agreed that the next step would be for the State to tell Purdue how much time the State thought it would need for the deposition topics. On September 25, 2018, the State sent Purdue its proposal on the amount of time for depositions. *See* Ex. C, 9/25/18 Email from D. Pate to Defendants' Counsel, Attaching Proposal. The next day, Purdue responded to inform the State that it was in the process of reviewing its proposal. While Purdue was considering the State's proposal and preparing its response, without any further word from the State, the State prematurely filed this motion to compel. Because the parties are still in the process of meeting and conferring on the issues raised the State's motion, the Court should deny the motion on that basis alone.

IV. THE STATE'S DEPOSITION QUESTIONING AND CONDUCT UNDERMINES ITS REQUEST FOR MORE THAN 100 HOURS OF DEPOSITIONS

After seeing only excerpts of some depositions, excerpts that were shown by the State, the Special Discovery Master aptly observed that some of the State's questions at depositions

were “obviously not questions that should be asked, period. That’s just a waste of time.” 8/31/18 Hr’g Tr. at 25:18-20 (excerpt attached as Exhibit H). Those improper questions were not isolated examples but are representative of how the State has been conducting depositions. As shown below, the State’s questions have gone far beyond the noticed topic, have been abusive and harassing, and have wasted time. This unreasonable deposition conduct demonstrates that the State does not need—and should not be afforded—the over 100 hours of representative deposition testimony it seeks.

For example, the State’s depositions of Purdue’s corporate representatives, Dr. Lisa Miller and Keith Darragh, included questioning completely unrelated to the topics for which those deponents were designated and were not only abusive and harassing, but also greatly exceeded the limitations imposed on those depositions by order of the Special Discovery Master. First, Purdue proffered Dr. Miller to provide testimony on two of the State’s topics: 1) Purdue’s “open letter” published in the New York Times, and 2) Purdue’s actions and efforts taken to address the opioid crisis. Prior to the deposition, the Special Discovery Master ordered that the State’s deposition notices were “limited to fact testimony and ... cannot include opinion testimony that seeks to elicit a legal opinion on a primary issue a finder of fact may have to determine and that is an action plan, factually and legally, fashioned to abate the opioid crisis.” 4/25/18 Orders of Special Discovery Master on April 19th 2018 Motion Requests at 5. Nevertheless, within minutes of beginning the deposition, the State began questioning Dr. Miller about her opinions as to Purdue’s moral, social, and legal responsibility to abate the opioid crisis. *See* Miller Dep. at 52:4-58:16.² The Special Discovery Master prohibited this type of

² The deposition excerpts cited in this Section have not been attached as exhibits. However, if Special Master Hetherington or any party would like to see copies, Purdue would be happy to provide them.

questioning, which strayed far outside the noticed topics, but the State disregarded the Special Discovery Master's order over Purdue's objections.

The State's questioning continued in this fashion from 8:30 a.m. until 5:00 p.m. During that full day of testimony, the State posed questions to Dr. Miller on topics ranging from the physical constitution of Oklahomans in comparison to Texans (*id.*, 61:23-62:18); terrorism (*id.*, 77:3-6); opioid use in the 1800's (*id.*, 116:3-16); the source of the witness's drinking water (*id.*, 288:2-24); and the witness's knowledge of American military history (*id.*, 434:5-24). During the deposition, counsel for Purdue identified over 140 instances when the State exceeded the scope of the noticed topics. Indeed, the State squandered so much time on other topics that it ran out of time to address the two discrete deposition topics on the table.

The State's questioning during Mr. Darragh's deposition also exceeded the Special Discovery Master's ordered boundaries. Purdue designated Mr. Darragh to testify pursuant to the Special Discovery Master's order on deposition of Purdue's financial documents. After asking for Mr. Darragh's name and how to spell it, the State's next question was, "Since January 1, 2018, how much money is Purdue paying its lawyers to defend this lawsuit?" Darragh Dep. at 8:20-21. The State's questioning was not only off-topic and apparently designed to harass the witness, but it also sought information protected by the attorney-client privilege. *See, e.g., Phillips v. Williams*, 2010 OK CIV APP 98, ¶ 15, 241 P.3d 696, 701 (upholding trial court's ruling quashing subpoena for client's payments to her attorney and any communications regarding payments to attorney). The State continued in the same manner throughout the deposition, seeking confidential information regarding selection of attorneys (*id.* at 130:9-10); payments to attorneys (*id.* at 155:12-13); and Purdue attorney analysis of financial liability (*id.* at 158:4-11).

The State's questioning of every sales representative, across manufacturers, has also been harassing, abusive, and outside the scope of what is required from a fact witness. The State has repeatedly posed invasive questions regarding sales representatives' personal feelings about those who take pain medication (*see* Gardiner Dep. at 76:2-77:8); if they care about those who take opioids (*see* Bryant Dep. at 19:15-20:1); if they know anyone who has taken opioids (*see* Gardiner Dep. at 76:2-77:8); or if they would allow their children or family members to take opioids (*see* Wolfinbarger Dep. at 176:4-5). The state has needlessly wasted time by partaking in lengthy colloquies when the State does not get the answers it wants. *See, e.g.*, Wolfinbarger Dep. at 20:7-22:2.

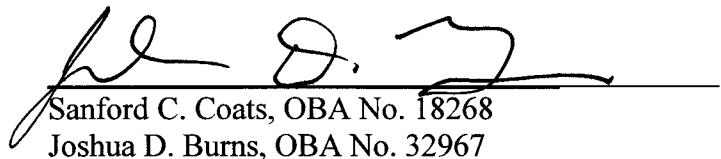
Examples abound. These excerpts do not begin to cover the entirety of the State's objectionable cross-examination of witnesses. They are, however, illustrative of what can be expected from the State in the future if its lawyers are entitled to take over 100 hours of representative depositions. The parties must complete many depositions prior to the close of discovery. It is simply not feasible for them to do so—and to be prepared for the May 2019 trial date—if the State continues to waste hours of deposition time asking harassing and abusive questions and questions that are untethered to the designated topics.

CONCLUSION

For the foregoing reasons, the Court should deny the State's motion to compel.

Date: October 11, 2018

Respectfully submitted,


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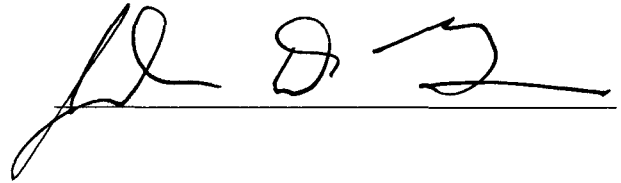
*Counsel for Purdue Pharma L.P.,
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CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of October 2018, I caused a true and correct copy of the following:

PURDUE'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION TO COMEPL DEPOSITIONS

To be served via email upon the counsel of record listed on the attached Service List.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a horizontal line.

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September 10, 2018

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

Dear Counsel:

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

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

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

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

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

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

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

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

- Topic 13: Purdue's use and/or establishment of any opioid abuse and diversion program Purdue established and implemented to identify Healthcare Professionals' and/or pharmacies' potential abuse or diversion of opioids.
- Topic 38: Policies, practices, and procedures regarding complaints Purdue received related to addiction or abuse of its opioid medications in Oklahoma.

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

- Topic 1: Purdue's involvement with, and contributions to, non-profit organizations and professional societies regarding opioids and/or pain treatment.
- Topic 2: Purdue's involvement with, and contributions to, KOLs regarding opioids and/or pain treatment.
- Topic 6: Research conducted or funded by Purdue, in whole or in part, related to Purdue's FDA-approved opioid medications' risks and/or efficacy.

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

- Topic 36: The nature and intended use of drugs for opioid use disorder, if any, manufactured and sold by Purdue.
- Topic 37: The nature and intended use of drugs for the treatment of opioid overdose, if any, manufactured and sold by Purdue.

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

- Topic 17: Actual marketing expenses by brand and by year for OxyContin®, Butrans®, and Hysingla ER®.
- Topic 18: Amounts spent by Purdue on research and development for opioids.
- Topic 19: Purdue's educational and/or research grants to individuals or entities regarding opioids and/or pain treatment.
- Topic 29: Purdue's use of clinical trial companies regarding opioid and/or pain management.
- Topic 30: Clinical trials funded, sponsored, and/or conducted by Purdue regarding opioids and/or pain management.

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

- Topic 5: Continuing medical education, if any, in which Purdue was involved in content regarding Purdue's FDA-approved opioid medications, nationally and in Oklahoma.
- Topic 21: Purdue's role in or support for, if any, any research and published statements in support of the view of pain as the "Fifth Vital Sign."
- Topic 27: Purdue's use of medical liaisons to communicate about opioids and/or pain treatment in Oklahoma.
- Topic 39: Purdue's involvement and participation in the Pain Care Forum.

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

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

Sincerely,

/s/ Mark S. Cheffo

Cc: Counsel of record for Defendants (via email)

Enclosure

EXHIBIT 2

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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.)

Case No. CJ-2017-816

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

Defendants.)

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

REPORTED BY: ANGELA THAGARD, CSR, RPR

EXHIBIT B

1 **APPEARANCES:**
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4 MR. REGGIE WHITTEN
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15 MR. TREY DUCK
16 MR. ANDREW G. PATE
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1 **ON BEHALF OF ORTHO McNEIL JANSSEN PHARMACEUTICALS, INC.;**
2 **JANSSEN PHARMACEUTICA, INC.; JANSSEN PHARMACEUTICALS, INC.; AND**
3 **JOHNSON & JOHNSON:**

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10 **PURDUE PHARMA LP:**

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20 **ON BEHALF OF TEVA PHARMACEUTICALS USA, INC.; CEPHALON, INC.;**
21 **ACTAVIS LLC; ACTAVIS PHARMA, INC.; AND WATSON LABORATORIES,**
22 **INC.:**

22 MR. HARVEY BARTLE, IV
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25 PHILADELPHIA, PA 19103-2921

1 ON BEHALF OF TEVA PHARMACEUTICALS USA, INC.; CEPHALON, INC.;
2 ACTAVIS LLC; ACTAVIS PHARMA, INC.; AND WATSON LABORATORIES,
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1 a really great job working through these issues and letting
2 both sides air whatever they want to do and then try and make a
3 reasoned response. But what I know now is that having motion
4 after motion after motion on 14 and 30-day schedules and then
5 having rehearings and then having appeals to your Honor, that
6 doesn't work. It just doesn't work.

7 So our proposal would be, at least again with respect to
8 all the depositions that we've noticed to date, and if they
9 want to deal with any that they've noticed to us, if we're
10 going to have motion practice on them, you've given us -- I
11 don't know how many days it is until the 30th. It's almost
12 three weeks I guess. That's a lot of time.

13 And if Judge Hetherington, you can do it, I would suggest
14 we have an omnibus hearing on all those. Find out which ones
15 we can take, find out which ones we can't, and then after that,
16 once we know, we can work on dates and everything else if they
17 need to move things around. That's the only way I see this
18 working.

19 THE COURT: Beyond the four pages of individuals that
20 are in this exhibit, what is your guesstimate of how many
21 others you intend to depose?

22 MR. BECKWORTH: Well, we don't have fact witness
23 names for sure yet because we're still getting documents and
24 all that. I don't know. I really don't. Man, I hope we can
25 keep it in the two dozen range.

1 Also, you know, one thing that we're dealing with is that
2 we had to go to foreign courts, i.e., not in Oklahoma, to get
3 third parties. And so we're going to have to deal with some of
4 those third parties, and we have to go and we've got a process
5 with Judge Hetherington for letters rogatory. And we'll go
6 take those depositions as if and as we notice them. I don't
7 think there are going to be a ton of those.

8 Mr. Pate may be able to help me, or actually
9 Mr. Leonoudakis. We subpoenaed about two dozen third parties.
10 We've given the defendants copies as soon as we get them of
11 whatever we've gotten from them. We're going through those
12 documents, and we'll determine whether we need a rep or
13 individual of those.

14 I'm pretty positive there's going to be 6 to 12 of those
15 individuals, and I don't know if they'll be individual
16 depositions or corporate rep or both. But that's what I think.
17 And we're going to fill most of the calendar. It's just what
18 we have to do.

19 Now, this list of deposition notices, it goes on forever.
20 But again, a lot of the length and the number is due to the
21 fact that we've listed the topics discreetly. I do think and I
22 would hope that one witness can testify on multiple topics, and
23 that'll cut down the number.

24 I also would say, your Honor, I think this is critical.
25 There were several depositions that we were allowed to take

EXHIBIT 3

From: Drew Pate <dpate@nixlaw.com>
Sent: Tuesday, September 25, 2018 7:33 PM
To: EXT sbrody@omm.com; LaFata, Paul; EXT Harvey Bartle IV; Tam, Jonathan; Nicholas V. Merkley
Cc: Brad Beckworth; Trey Duck
Subject: Deposition Topics
Attachments: Copy of Depo Topic Chart (PI's).pdf

Steve and Paul,

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

Best regards,

Drew

Drew Pate



NIX PATTERSON, LLP

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512-328-5333
Dpate@nixlaw.com

Category	Topic Descriptions	Hours Needed
1	<p>TOPIC 21: Your role, influence, or support for any campaign or movement to declare pain as the "Fifth Vital Sign."</p> <p>TOPIC 1: Your involvement with, and contributions to, non-profit organizations and professional societies, including the Front Groups.</p>	6
2	<p>TOPIC 2: Your involvement with, and contributions to, KOLs regarding opioids and/or pain treatment.</p>	6
3	<p>TOPIC 23: Your use of public relations firms and communication with journalists regarding opioids and/or pain management marketing, including without limitation, the American Enterprise Institute, Cancer Action Network, Center for Lawful Access & Abuse Deterrence, Pinney Associates, Conrad & Associates LLC, and Sense About Science USA.</p> <p>TOPIC 5: Your use of continuing medical education regarding opioids nationally and in Oklahoma, including the scope, strategy, purpose and goals with respect to such continuing medical education.</p> <p>TOPIC 17: Amounts spent by You on advertising and marketing related to opioids.</p>	6
3	<p>TOPIC 3: Your use of branded marketing for opioids nationally and in Oklahoma, including the scope, strategy, purpose and goals with respect to such branded marketing.</p> <p>TOPIC 4: Your use of unbranded marketing for opioids nationally and in Oklahoma, including the scope, strategy, purpose and goals with respect to such unbranded marketing.</p>	6
4	<p>TOPIC 27: Your use of medical liaisons to communicate with Healthcare Professionals, KOLs, and/or Front Groups regarding opioids and/or pain treatment.</p> <p>TOPIC 10: The scope, strategy, purpose, and goals for Your opioids sales forces, including without limitation: training policies and practices; sales tactics; compensation structures; incentive programs; award programs; sales quotas; methods for assigning sales representatives to particular regions; facilities and/or physicians; and Your use of such sales forces in Oklahoma.</p>	6

5	<p>TOPIC 11: Your practices and processes for identifying and prioritizing physicians to detail.</p> <p>TOPIC 12: Your research of Oklahoma Healthcare Professionals' and/or pharmacies' opioid prescribing habits, history, trends, sales, practices and/or abuse and diversion of opioids.</p> <p>TOPIC 14: Your use of 'do not call' lists or any similar list of prescribers that your sales representatives do not contact.</p> <p>TOPIC 15: Your efforts to identify high-prescribing health care providers in the State of Oklahoma.</p> <p>TOPIC 16: Your efforts to identify low-prescribing health care providers in the State of Oklahoma.</p>	6
6	<p>TOPIC 22: Your interactions and communications with medical schools in Oklahoma, including without limitation, financial contributions, speeches, presentations, scholarships, event sponsorship, research grants, educational materials, and/or branded promotional materials.</p> <p>TOPIC 25: Your use of medical education communication companies (MECCs) regarding opioids and/or pain management marketing.</p> <p>TOPIC 26: Your use of speakers' bureaus, advisory boards, or other similar programs regarding opioids and/or pain management marketing.</p>	6
7	<p>TOPIC 28: Your use of data provided by IMS, IQVIA or any similar data service for purposes of marketing and/or sales strategies.</p> <p>TOPIC 31: Your sales projections and/or research related to the amount of reimbursement for Your opioids prescriptions that would be paid by Medicare and/or Oklahoma's Medicaid Program.</p> <p>TOPIC 32: Your efforts and actions, both internally and in conjunction with third parties, to obtain and/or increase coverage and/or reimbursement of their opioids by public payers, including SoonerCare.</p>	6
8	<p>TOPIC 20: Your actions and/or efforts in response to the FDA's September 10, 2013 response to the PROP Petition from July 25, 2012.</p> <p>TOPIC 29: Your use of clinical trial companies regarding opioids and/or pain management.</p> <p>TOPIC 30: Clinical trials funded, sponsored, and/or conducted by You regarding opioids and/or pain management.</p> <p>TOPIC 8. Your research conducted, funded, directed and/or influenced, in whole or in part, related to pseudoaddiction.</p>	6

8	<p>TOPIC 6: Research conducted, funded, directed and/or influenced by You, in whole or in part, related to opioid risks and/or efficacy.</p> <p>TOPIC 19. Your educational and/or research grants provided by You to individuals or entities regarding opioids and/or pain treatment.</p> <p>TOPIC 18: Amounts spent by You on research and development for opioids</p>	6
9	<p>TOPIC 7: Your scientific support for Your marketing statements and representations regarding the risks and benefits of opioids.</p> <p>TOPIC 9: Your scientific support for Your marketing statements and representations regarding pseudoaddiction.</p>	6
10	<p>TOPIC 40: The factual bases supporting Your defenses to Plaintiff's claims as set forth in Your Answer.</p>	6
11	<p>TOPIC 39: Your involvement and participation in the Pain Care Forum.</p> <p>TOPIC 41: LOBBYING EFFORTS - 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.</p>	6
12	<p>TOPIC 38: Policies, practices, and procedures regarding complaints You received related to addiction or abuse of Your opioids in Oklahoma.</p> <p>TOPIC 13. Your use and/or establishment of any opioid abuse and diversion program You established and implemented to identify Healthcare Professionals' and/or pharmacies' potential abuse or diversion of opioids.</p>	6
13	<p>TOPIC 33: Your relationship and business dealings with other opioid manufacturers related to opioids and/or pain management, including without limitations any co-promotion or ownership agreements.</p> <p>TOPIC 34: The source of ingredients, compounds or components, such as Thebaine (CPS-T), utilized by You in the manufacture of any opioids sold by You in the United States, including without limitation the amount of money paid to purchase such opioid compounds or components and U.S. distribution and sale of CPS-T.</p>	6

14	<p>TOPIC 35: All opioids manufactured, owned, contemplated, developed, and/or in-development by You including the nature of each such opioid, its intended use, and the stage of development of each (e.g. released to market, in development, abandoned).</p> <p>TOPIC 36: All drugs for opioid use disorder manufactured, owned, contemplated, developed, and/or in-development by You including the nature of each such opioid use disorder drug, its intended use, the stage of development of each (e.g. released to market, in development, abandoned), and profits earned by You from the sale of any such drug in Oklahoma.</p> <p>TOPIC 37: All drugs for the treatment of opioid overdose manufactured, owned, contemplated, developed, and/or in-development by You including the nature of each such opioid overdose drug, its intended use, the stage of development of each (e.g. released to market, in development, abandoned), and profits earned by You from the sale of any such drug in Oklahoma.</p>	6
15	<p>TOPIC 24: The amount of revenue and profits earned by You attributable to and/or derived from the prescription of opioids by any Oklahoma doctor criminally investigated, charged, indicted, and/or prosecuted for prescribing practices related to opioids. For purposes of this topic, "prosecution" includes any administrative proceeding.</p>	6

EXHIBIT 4

1 IN THE DISTRICT COURT OF CLEVELAND COUNTY

2 STATE OF OKLAHOMA

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

5 Plaintiff,

6 vs.

No. CJ-2017-816

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

16 Defendants.

17
18 * * * * *

19 TRANSCRIPT OF PROCEEDINGS

20 TELEPHONIC MEET AND CONFER

21 ON SEPTEMBER 21, 2018

22 BEGINNING AT 2:05 P.M.

23 * * * * *

24
25 REPORTED BY: Jane McConnell, CSR RPR CMR CRR

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(Appearances continue on next page.)

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16 harvey.bartle@morganlewis.com
17 mark.fiore@morganlewis.com

18 (All counsel appeared telephonically)
19
20
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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.

EXHIBIT 5

August 29, 2018

MARK CHEFFO

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+1 212 698 3599 Fax

BY ELECTRONIC MAIL

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

Dear Counsel:

I write on behalf of Purdue to provide notice that Purdue intends to depose corporate representatives for the State on the topics identified in the attached Exhibit A. This process comports with our proposed deposition scheduling protocol, which we previously

submitted to Judge Hetherington.¹ While that protocol is currently under submission, Purdue is providing you with such advance notice as a courtesy. Purdue reserves the right to issue deposition notices on the attached topics pursuant any other deposition protocol the Court may enter or, in the absence of a protocol, pursuant to 12 O.S. § 3230(C)(5).

Kindly respond within the next three days and let me know if you have available times to meet and confer on these topics.

Sincerely,

/s/ Mark Cheffo

Cc: Counsel of record for Defendants

¹ In the event a suitable deposition scheduling protocol is not entered by Judge Hetherington, Purdue reserves the right to issue deposition notices on the attached topics pursuant to 12 O.S. § 3230(C)(5).

EXHIBIT A

1. Your knowledge of diversion of prescription opioids in your geographic area, including but not limited to analyses of who diverted opioids, the prescriber of the diverted opioids, the pharmacies from which the opioids were dispensed, when You became aware of diversion, and steps You took to prevent future diversion of prescription opioids.
2. Your knowledge of any promotion, marketing, or educational activities concerning prescription opioids in or concerning the State of Oklahoma.
3. Your knowledge of and access to data concerning prescription opioid manufacturing, prescribing, distribution, or dispensing.
4. The harm(s) that You have incurred from the promotion, marketing, distribution, dispensing, and/or diversion of prescription opioids, and your claimed damages from same.
5. Any risk that You maintain, contend, or allege is not, or has not been, adequately disclosed in each prescription opioid's FDA-approved prescribing information.
6. Communications between You and members of Your community regarding opioid abuse.
7. Communications between You and other governmental entities regarding opioid abuse.
8. Communications between You and any prescriber or third-party insurer, payor, or pharmacy benefits manager related to prescription opioids.
9. The administration of any pharmacy benefit program by You or on Your behalf.
10. Your organizational structure during the Relevant Time Period.
11. The consideration, development, and formation of the Oklahoma Commission on Opioid Abuse and all comments, notes, submissions, testimony, draft papers, actions taken, and actions considered but not taken—including any proposed legislation and drafts of proposed legislation—during the Relevant Time Period, by the Oklahoma Commission on Opioid Abuse to address the abuse of prescription or illegal opioids.
12. Federal or private grants applied for and/or received on a state or local level by Oklahoma entities during the Relevant Time Period, including but not limited to law enforcement and rehabilitation facilities, related in any way to securing funds to address the abuse of prescription or illegal opioids.
13. The consideration, determination, and outcome of any discussion by You as to whether to increase or divert funding toward programs intended to address the abuse of opioids, including but not limited to law enforcement programs, rehabilitation programs, educational programs, or judicial programs.

14. The standards, practices, and procedures by which You identify, track, categorize, and report opiate overdoses and/or deaths, including but not limited to instances where multiple drugs or harmful substances may have contributed to the overdoses and/or deaths.
15. Steps You have taken to identify each individual alleged to have developed an addiction to or to have abused Prescription Opioids during the Relevant Time Period.
16. Your design, development, and implementation of Oklahoma's Prescription Monitoring Program ("PMP"), including any and all opposition, criticism, or delay to the PMP, as well as all statistics on participation rates and success and/or failures of the PMP.
17. Your development and implementation of the "Oklahoma Opioid Prescribing Guidelines," and all studies and analyses of the impact of guidelines on physician prescribing practices, as well as the abuse of prescription opioids.
18. Policies, programs, or efforts by You to ensure that prescription opioids continue to be made available to patients for whom the use is medically appropriate.
19. All rules, ordinances, policies, or guidelines (and changes thereto over time) related to opioids.
20. Analyses, discussions, or conclusions by You as to the separate sources and sales of prescription opioids, illicit heroin, or synthetic opioids, including but not limited to fentanyl and fentanyl analogs.
21. Analyses, discussions, or conclusions by You as to the potential and actual effect of the combination of fentanyl and fentanyl analogs with illicit non-opioid drugs, including but not limited to marijuana, methamphetamine, benzodiazepine, and cocaine.
22. Policies, programs, or efforts by the Oklahoma Healthcare Authority ("OHCA") to address the improper prescribing of prescription opioids, including the development and success of the SoonerCare Pain Management Program and all studies and analyses of the impact of the program on physician prescribing practices, as well as the abuse of prescription and illicit opioids.
23. The process by which the OHCA evaluates medications for approval on the Oklahoma SoonerCare Drug List, how often and under what circumstances those drugs are re-evaluated, and why drugs are removed from the Oklahoma SoonerCare Drug List
24. Disciplinary or legal actions taken by You or the Oklahoma Medical Board during the Relevant Time Period against any individuals or medical providers for participating in or facilitating the practices of theft, diversion, illegal sale, "doctor shopping," or improper prescribing of prescription opioid medications.
25. All donations to the campaigns of any of Your officials elected during the Relevant Time Period from physicians, physician advocacy groups, plaintiff's attorneys, or plaintiff's attorney law firms.

26. The Attorney General's use, reference, or reliance on the litigation or opioid crisis as a basis for election to public office.

27. Your efforts to comply with Defendants' Requests for Production of Documents and/or to respond to Interrogatories.

EXHIBIT 6

From: Drew Pate <dpate@nixlaw.com>
Sent: Monday, September 10, 2018 11:35 PM
To: Birnbaum, Sheila; Cheffo, Mark; Coleman, Hayden; Tam, Jonathan; Schwarz, Marina; sandy.coats@crowedunlevy.com; joshua.burns@crowedunlevy.com
Cc: mburrage@whittenburrage.com; rwhitten@whittenburrage.com; abby.dillsaver@oag.ok.gov; ethan.shaner@oag.ok.gov; Brad Beckworth; Jeff Angelovich; Trey Duck; Drew Pate; Lisa Baldwin; Ross Leonoudakis; gcoffee@glenncoffee.com; odomb@odomsparks.com; sparksj@odomsparks.com; clifland@omm.com; droberts2@omm.com; EXT sbrody@omm.com; RMcC Campbell@Gablelaw.com; NMerkley@Gablelaw.com; EXT Steven A. Reed; rebeccahillyer@morganlewis.com; EXT Harvey Bartle IV; EXT Brian Ercole; Winn Cutler; Nikki Cameron; cnorman@whittenburrage.com
Subject: State of Oklahoma v Purdue Pharma - Deposition Notices and Letters

All,

This email addresses various deposition topics set forth by Purdue in: (1) Mark's letter from August 29, 2018; (2) the deposition notice for September 12 regarding abatement efforts; and (3) the deposition notices for September 19 and 20.

First, the State intends to present a witness regarding many of the topics in the August 29 letter, as well as the topics in the notices for September 12, 19 and 20.

Regarding the topic for abatement (which you currently noticed for September 12 and we advised does not work and filed a motion for protective order), as well as topics nos. 6, 7, 11, 12, and/or 15, a witness is available on September 27. We hope that you'll be able to cover those in the allotted time. If not, we will discuss with you whether to extend the deposition in a fair and reasonable

An additional witness who will testify regarding portions of the abatement topic, as well as topic nos. 10 and 11, is available on October 2, 18, 19, 26 or November 2, 5, or 6.

For the deposition notices for September 19 and 20 regarding practices for the treatment of pain in state healthcare facilities and the use of opioids in state healthcare facilities, the State anticipates presenting 5-6 witnesses in response to these two notices. We are working to provide a complete schedule for all witnesses who will cover the various healthcare facilities you have requested in these notices and will provide a comprehensive schedule as soon as possible.

For topic nos. 1, 9, 14, 16, 17, 18, 22, and 23, the State intends to present a witness and is collecting available dates.

Second, regarding topic nos. 3, 8, 12, and 13 we have questions about the topics and would like to set up a time to meet and confer. Please let us know when you are available.

Third, the State objects to presenting a witness regarding topic nos. 2, 4, 5, 19, 20, 21, 24, and 27. However, the State believes topic 24 can be addressed by written discovery. We are open to meet and confer on these issues and topics.

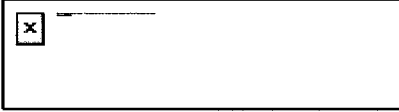
Additionally, we received Steve's letter today regarding past and present members of the DUR Board and Mark's letter from Friday regarding individuals who work for the Department of Corrections. We are working to identify potential dates for the individuals listed and will provide an update soon.

EXHIBIT F

Best regards,

Drew

Drew Pate



3600 N. Capital of Texas Hwy.
Building B, Suite 350
Austin, TX 78746
512-328-5333
Dpate@nixlaw.com

EXHIBIT 7

From: Lisa Baldwin <lbaldwin@nixlaw.com>
Sent: Thursday, September 20, 2018 2:05 PM
To: LaFata, Paul
Cc: Drew Pate; Tam, Jonathan; Sanford C. Coats
Subject: Re: Ok. v. Purdue - deposition next week

Paul,

The witness is not available for deposition on Friday, September 28th. Let's go forward with the deposition on the 27th and if, at the end of the deposition, you believe you have a reasonable and good faith basis to request additional time for the deposition, we can discuss it then and may proceed on another date agreeable to both parties. We will present the witness at Whitten Burrage.

Thank you,

Lisa

Lisa P. Baldwin
Nix, Patterson & Roach, LLP
3600 N. Capital of Texas Highway
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Austin, Texas 78746
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From: "LaFata, Paul" <Paul.LaFata@dechert.com>
Date: Wednesday, September 19, 2018 at 4:45 PM
To: Lisa Baldwin <lbaldwin@nixlaw.com>
Cc: Drew Pate <dpate@nixlaw.com>, "Tam, Jonathan" <Jonathan.Tam@dechert.com>, "Sanford C. Coats" <Sandy.coats@crowedunlevy.com>
Subject: Ok. v. Purdue - deposition next week

Lisa,

Thank you for the time on Monday discussing the State witness to be designated and presented next week for deposition on certain topics. We will proceed with the deposition on the topics we discussed during the meet and confer. As always, we plan to be expeditious and efficient in the deposition, and given the number of topics (including several that the State added to this

witness's designation), the witness should schedule the 6 hours for 9/27 and for 9/28 for this deposition.

Based on our discussions during the meet and confer, below is our understanding on the topics the State will designate this witness on:

- Abatement: All actions You have taken, as well as all actions that You considered but did not take, during the relevant time period to address, counter, abate, and/or reverse what You allege in Your Complaint to be the opioid epidemic, including the staffing and resources that You spent doing so, any steps You have taken to educate physicians and other healthcare providers and facilities about opioid medications, any treatment programs for opioid addiction, and any regulatory and law enforcement steps to detect and prevent the misuse of opioid medications (both legal and illicit opioids, including heroin and fentanyl).
- Topic 6: Communications between You and members of Your community regarding opioid abuse.
- Topic 11: The consideration, development, and formation of the Oklahoma Commission on Opioid Abuse and all comments, notes, submissions, testimony, draft papers, actions taken, and actions considered but not taken—including any proposed legislation and drafts of proposed legislation—during the Relevant Time Period, by the Oklahoma Commission on Opioid Abuse to address the abuse of prescription or illegal opioids.
 - The State designates this witness on this topic at a “high level” and will designate one or more witnesses on the remainder of the topic.
- Topic 12: Federal or private grants applied for and/or received on a state or local level by Oklahoma entities during the Relevant Time Period, including but not limited to law enforcement and rehabilitation facilities, related in any way to securing funds to address the abuse of prescription or illegal opioids.
- Topic 15: Steps You have taken to identify each individual alleged to have developed an addiction to or to have abused Prescription Opioids during the Relevant Time Period.
- September 19 topic: The standards, practices, and procedures during the Relevant Time Period for the use of opioid medications and opioid alternative medications for persons in the care and custody of State healthcare facilities, including hospitals, teaching hospitals, psychiatric facilities, university hospitals, medical schools, nursing schools, pharmacy schools, clinics, and emergency rooms.
 - The State designates this witness on this topic with respect to psychiatric facilities and will designate one or more witnesses on the remainder of the topic.
- September 20 topic: The standards, practices, and procedures during the Relevant Time Period of the diagnosis and treatment of pain that have been taught and applied in State healthcare facilities, including hospitals, teaching hospitals, psychiatric facilities, university hospitals, medical schools, nursing schools, pharmacy schools, clinics, and emergency rooms.

- The State designates this witness on this topic with respect to psychiatric facilities and will designate one or more witnesses on the remainder of the topic.

Please let us know where the State will present the witness.

Paul LaFata
Counsel

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EXHIBIT 8

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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.)

Case No. CJ-2017-816

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

Defendants.)

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

REPORTED BY: ANGELA THAGARD, CSR, RPR

EXHIBIT H

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1 **ON BEHALF OF ORTHO McNEIL JANSSEN PHARMACEUTICALS, INC.;**
2 **JANSSEN PHARMACEUTICA, INC.; JANSSEN PHARMACEUTICALS, INC.; AND**
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1 ON BEHALF OF TEVA PHARMACEUTICALS USA, INC.; CEPHALON, INC.;
2 ACTAVIS LLC; ACTAVIS PHARMA, INC.; AND WATSON LABORATORIES,
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1 about that a minute. All right? Let's take a break and see if
2 that would be helpful. Let's get back in here by a quarter
3 till.

4 MR. BURRAGE: Thank you, your Honor.

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

7 THE COURT: Yes. Ten business days.

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

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

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

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

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