



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

Judge Thad Balkman

(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.)

STATE OF OKLAHOMA }
CLEVELAND COUNTY } S.S.

FILED
MAR 05 2019

In the office of the
Court Clerk MARILYN WILLIAMS

ORDER OF SPECIAL DISCOVERY MASTER

NOW, on this 4th day of March, 2019, the above and entitled matter comes on for ruling by the undersigned having heard argument thereon on March 1, 2019.

Argument was heard regarding non-party City and County motions to quash and for protective orders regarding Purdue Subpoenas Duces Tecum. The following findings and Orders are entered:

1. Motions to Quash Purdue's Subpoenas DT filed by City of Oklahoma City, City of Broken Arrow, and Comanche County.

2. Motions to Quash Purdue's Subpoenas DT filed by Osage, Pawnee, Delaware, Garvin, McClain, Ottawa and Seminole Counties.

Purdue originally filed Subpoenas Duces Tecum requesting production of documents from the above-named non-parties requesting production of 20 groups of communications, policies and procedures, and other records as described in Purdue's Exhibit 1 to its opposition brief. The above non-parties have filed their objections thereto with requests to quash the subpoenas and for protective orders.

The record reflects and argument was heard with Purdue announcing that its requests for production numbered 2, 3, 4, 5, 6, 15, 16, 17 and 18 have been withdrawn. Purdue seeks compliance with requests for production pursuant to subpoenas numbered 1, 7, 8, 9, 10, 11, 12, 13, 14, 19 and 20.

Purdue seeks production targeted to a cross-section of Oklahoma non-party plaintiff cities and counties all of whom with the exception of one, have been removed to and transferred to the Federal MDL case in Ohio. All of these Federal prosecutions brought by Oklahoma cities and counties have been stayed as the local Ohio jurisdiction MDL plaintiff cases move to trial first. Therefore, MDL discovery is underway only in the few cases scheduled for trial with the remaining plaintiffs unquestionably preparing for extensive MDL discovery.

As argued by Purdue, the information sought is relevant to several of Purdue's defenses to claims made in State's Petition and as argued in Purdue's brief in opposition. The undersigned has ruled previously that details of medical necessity and reimbursable claims under the Oklahoma Medicaid system, State's claims review and reimbursement process and other State entity records demonstrating efforts to prevent opioid abuse and diversion are all relevant or potentially relevant areas of inquiry. State production of documents from non-parties has been voluminous, however, Purdue is entitled to an Order ordering production limited to the scope described in this Order from these non-parties. The scope of this Order includes a finding that the parties must produce documents pursuant to this Order according to the "rolling production procedure" with compliance Ordered by April 2, 2019 at 4pm. These non-parties are not required to duplicate production of documents already produced by State. Purdue is also prohibited from pursuing privileged and non-public investigative files, personnel files or HIPPA protected documents pursuant to the amended HIPPA Protective Order of September 27, 2018. The relevant time period for document production remains 1996 to present.

The following RFPs are Ordered complied with consistent with this Order and Movants' requests to quash and for protective orders are **Denied**:

RFP No. 1

RFP No. 7 limited to the number of disciplinary matters, investigations, complaints, or other inquiries into Prescription Opioid misuse, abuse, or diversion. Individualized and personal identifying information remains confidential as previously Ordered in this case.

RFP No. 9 limited to the number of reports or drug abuse from 1996 to the present, including abuse of prescription medications, opiates, methamphetamine, cocaine, or other illicit drugs.

Individualized and personal identifying information remains confidential as previously Ordered in this case.

RFP No. 10

RFP No. 11 Individualized and personal identifying information remains confidential as previously Ordered in this case.

RFP No. 12 limited to the number of referrals for investigation and/or arrests for the illegal sale, distribution, or use of Prescription Opioids or illicit opioids. As previously Ordered in this case, records relating to investigatory files and/or individualized arrest information remains confidential.

RFP No. 13

RFP No. 14 limited to the number of opioid prescriptions where there is a record which determined any opioid prescription written was medically unnecessary, inappropriate, or excessive, and any record of the basis for the belief, claim for determination. Individualized personal identifying information remains confidential as previously Ordered in this case.

RFPs No. 19 & 20 to the extent not already produced by State, and limited to communications to or regarding Purdue Pharma L.P., Purdue Pharma Inc., or the Purdue Frederick Company Inc., or any agency of the State of Oklahoma or United States Government related to addressing the misuse, abuse, of prescription opioids or illicit non-prescription opioid addiction issues.

Moving Parties' Motions to Quash and for Protective Orders are Sustained as to the following RFPs:

RFP No. 8

It is so **Ordered** this 4th day of March, 2019.



William C. Hetherington, Jr.

Special Discovery Master