



IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

PART B

STATE OF OKLAHOMA,)
HUNTER, ATTORNEY AT LAW,)
OKLAHOMA, CLEVELAND COUNTY,)
S.S.)
FILED)
MAR 08 2019)

Plaintiff,

Case No. CJ-2017-816

v.

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

In the office of the
Court Clerk MARILYN WILLIAMS Sorable Thad Balkman

"Continuation of"

PURDUE'S AMENDED NOTICE OF ADDITIONAL EXHIBIT TO DEFENDANTS' REPLY IN SUPPORT OF MOTION FOR A CONTINUANCE

Defendants Purdue Pharma L.P., Purdue Pharma Inc., and The Purdue Frederick Company Inc. ("Purdue") hereby respectfully submit this Amended Notice of Additional Exhibit to Defendants' Reply in Support of Motion for a Continuance. Purdue submitted its initial Notice yesterday to provide the Court with the attached, file-stamped copy of Purdue's Emergency Motion to Compel, as an additional exhibit to Defendants' Reply In Support of Motion for a Continuance ("Reply"). The Notice inadvertently omitted several pages from Purdue's Emergency Motion to Compel. This Amended Notice attaches a full copy of Purdue's Emergency Motion to Compel. As Purdue's Emergency Motion to Compel was filed under seal, Purdue files the attached copy of the motion under seal.

Date: March 8, 2019

Respectfully submitted,

Sanford C. Coats, OBA No. 18268
Joshua D. Burns, OBA No. 32967
CROWE & DUNLEVY, P.C.
Braniff Building
324 N. Robinson Ave., Ste. 100
Oklahoma City, OK 73102
Tel: (405) 235-7700

Exhibit 12

Subject: OK/Purdue: Conference on Various Topics
Date: Wednesday, January 23, 2019 at 10:11:00 AM Central Standard Time
From: Elizabeth Ryan
To: Drew Pate
CC: Trey Cox
Attachments: Missing Custodial Files - Fact Witnesses (Excluding AG and Governor Offices).pdf

Drew,

Are you available this afternoon to conference with Trey and me? The list of topics we need to cover is:

1. **Obtaining the custodial files for fact witnesses for whom the State has offered deposition dates. I've attached a list of the custodial files that we are missing, excluding those belonging to individuals within the AG and Governor's offices.**
2. Scheduling for the deposition of the State's corporate representative on Purdue's Topic 32, which is: "The allegedly 'unnecessary or excessive' prescriptions of Purdue's Opioids that were prescribed to Oklahoma Patients and reimbursed by You or on your behalf, any of Your Programs, or an Oklahoma Agency because of or as a result of Purdue's allegedly false, inaccurate, or misleading representations about the risks and benefits of Opioids and/or omission of information."
3. Securing a date for the remainder of Jessica Hawkins's corporate representative deposition, as well as her expert deposition.
4. Securing a date for the remainder of the corporate representative deposition that Trey took yesterday on Topics 1, 7, 24 (in part), and 33.
5. Securing a date for the corporate representative deposition of the remainder of Topic 24.
6. Scheduling fact witness depositions.

Thank you,
Liz

ELIZABETH Y. RYAN | Partner

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Missing Custodial Files – Fact Witnesses (Excluding AG and Governor’s Offices)

1. Ferris Barger
2. Jason Beaman
3. Deborah Burce
4. Steven Buck
5. Ellen Buettner
6. Steven Crawford
7. Durand Crosby
8. Carrie Daniels
9. Jessica Hawkins
10. Nicole King
11. Paul King
12. Frank Lawler
13. Mark Liotta
14. Liz Massey
15. Lynn Mitchell
16. Steven Montgomery
17. Diana O’Neal
18. Becky Pasternik-Ikard
19. Mark Reynolds
20. Bob Ricks
21. Susan Rodgers
22. Carrie Slatton-Hodges
23. Patricia Sommer
24. Theresa South
25. Mark St. Cyr
26. Mark Stewart
27. Travis Tate
28. Stephanie U’ren
29. Reji Varghese
30. Don Vogt
31. Terri White
32. Frank Wilson
33. Mark Woodward

Exhibit 13

LYNN PINKER COX HURST

ELIZABETH RYAN
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February 1, 2019

Mr. Drew Pate
NIX PATTERSON, LLP
3600 North Capital of Texas Highway
Building B, Suite 350
Austin, Texas 78746

Re: Deposition schedule and custodial file production in *State of Oklahoma v. Purdue Pharma L.P., et al.*, Case No. CJ-2017-816, pending in the District Court of Cleveland County, Oklahoma

Dear Drew:

I write to follow up on the January 24, 2019 conference call that you, Trey Cox, and I had regarding fact witness depositions and custodial file productions. I have addressed each of the outstanding issues for which we need responses from the State below.

A. Provide Possible Deposition Dates for Previously Requested Witnesses

As we discussed on January 24, 2019, Purdue has previously requested deposition dates for the witnesses listed below but the State has not offered dates for any of these witnesses. Please provide multiple possible February deposition dates by 5:00 p.m. on Monday, February 4, 2019.

<u>Witness</u>	<u>State Agency</u>
Rick Adams	State Bureau of Investigation
Ferris Barger	Office of Management & Enterprise Services
Carrie Evans	Health Care Authority
Lyle Kesley	Medical Board
Nichole King	Office of Management & Enterprise Services
Frank Lawler	Office of Management & Enterprise Services
Steven Montgomery	Employees Insurance and Benefits Board
Terri Watkins	Attorney General
Frank Wilson	Office of Management & Enterprise Services

Mr. Drew Pate
NIX PATTERSON, LLP
February 1, 2019

B. Scheduling Depositions of Witnesses with Previously Offered Dates

Purdue hereby accepts the following deposition dates that the State previously offered.

<u>Witness</u>	<u>State Agency</u>	<u>Accepted Date</u>
Deborah Bruce	Board of Osteopathic Examiners	February 19, 2019
Eric Pfeifer	Medical Examiner	February 21, 2019
March Woodward	Bureau of Narcotics & Dangerous Drugs Control	February 12, 2019

Although the State offered potential dates for the depositions of Susan Rodgers and Mark St. Cyr, Purdue cannot depose them on the offered dates. Please provide new possible February deposition dates for both of those witnesses by 5:00 p.m. on Monday, February 4, 2019.

C. Custodial Files for Requested Deponents

As we discussed on January 24, 2019, Purdue does not have many of the custodial files that Purdue previously requested in as early as October 2018. The State's delay has severely prejudiced Purdue's ability to conduct meaningful discovery and prepare its defenses. Please produce the files for the following individuals by 5:00 p.m. on Friday, February 8, 2019. We reserve our right to raise this issue with Judge Hetherington at or in advance of the February 14, 2019 hearing.

<u>Witness</u>	<u>State Agency</u>
Rick Adams	State Bureau of Investigation
Ferris Barger	Office of Management & Enterprise Services
Deborah Bruce	Board of Osteopathic Examiners
Steven Buck	Office of Juvenile Affairs
Ellen Buettner	Office of Management & Enterprise Services
Durand Crosby	Department of Mental Health & Substance Abuse Services
Carrie Daniels	Department of Mental Health & Substance Abuse Services
Drew Edmondson	Attorney General
Carrie Evans	Health Care Authority
Mary Fallin	Governor
Jessica Hawkins	Department of Mental Health & Substance Abuse Services
Mike Hunter	Attorney General
Vickie Kersey	Health Care Authority

Mr. Drew Pate
 NIX PATTERSON, LLP
 February 1, 2019

Witness	State Agency
Nichole King	Office of Management & Enterprise Services
Paul King	Office of Management & Enterprise Services
Lyle Kesley	Medical Board
Frank Lawler	Office of Management & Enterprise Services
Ed Long	Health Care Authority
Sylvia Lopez	Health Care Authority
Liz Massey	Board of Nursing
Steven Montgomery	Employees Insurance and Benefits Board
Diana O'Neal	Office of Management & Enterprise Services
Becky Pasternick-Ikard	Health Care Authority
Scott Pruitt	Attorney General
Mark Reynolds	Department of Mental Health & Substance Abuse Services
Susan Rodgers	State Dental Board
Carrie Slatton-Hodges	Department of Mental Health & Substance Abuse Services
Theresa South	Office of Management & Enterprise Services
Mark St. Cyr	State Board of Pharmacy
Tate Travis	Office of Management & Enterprise Services
Stephanie U'ren	Center for Chronic Disease Prevention & Health Promotion
Reji Varghese	Board of Medical Licensure & Supervision
Terri Watkins	Attorney General
Terri White	Department of Mental Health & Substance Abuse Services
Frank Wilson	Office of Management & Enterprise Services

D. Previously Requested Depositions to Place on Hold

Purdue previously requested depositions for the witnesses listed below, but Purdue has decided to suspend its request pending other discovery, in a good-faith effort to allow the State to expedite the discovery referenced in Sections A, B, and C, which is long overdue, and Section E of this letter. Purdue is not waiving its right to depose these individuals and may seek their depositions in the coming weeks, but for now the State may remove these witnesses from the list of potential deponents for scheduling purposes (although the State must produce their custodial files pursuant to Section C of this letter and Purdue's previous requests).

Witness	State Agency
Steven Buck	Office of Juvenile Affairs
Ellen Buettner	Office of Management & Enterprise Services

Mr. Drew Pate
NIX PATTERSON, LLP
February 1, 2019

<u>Witness</u>	<u>State Agency</u>
Durand Crosby	Department of Mental Health & Substance Abuse Services
Carrie Daniels	Department of Mental Health & Substance Abuse Services
Vickie Kersey	Health Care Authority
Paul King	Office of Management & Enterprise Services
Ed Long	Health Care Authority
Sylvia Lopez	Health Care Authority
Liz Massey	Board of Nursing
Diana O'Neal	Office of Management & Enterprise Services
Mark Reynolds	Department of Mental Health & Substance Abuse Services
Carrie Slatton-Hodges	Department of Mental Health & Substance Abuse Services
Theresa South	Office of Management & Enterprise Services
Mark Stewart	Bureau of Narcotics & Dangerous Drugs Control
Stephanie U'ren	Center for Chronic Disease Prevention & Health Promotion
Reji Varghese	Board of Medical Licensure & Supervision

Separately, Purdue had requested the fact depositions of Jason Beaman, Jessica Hawkins, and Terri White before the State formally designated them as expert witnesses. Purdue will depose those witnesses in their capacity as experts and reserves the right to seek their individual fact depositions, but Purdue is not presently requesting dates for their depositions as fact witnesses.

E. New Deposition and Custodial File Requests

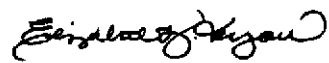
Finally, although not discussed on our January 24, 2019 call, Purdue seeks the fact depositions of the witnesses listed below. Please provide dates for these witnesses by 5:00 p.m. on Monday, February 4, 2019. Please also produce the custodial files for these witnesses.

<u>Witness</u>	<u>State Agency</u>
Lynne Bajema	Office of Management & Enterprise Services
Byron Curtis	State Medical Examiner's Office
Jill Geiger	Office of State Finance
Leslie Robinson	OU College of Pharmacy
John Scully	Bureau of Narcotics & Dangerous Drugs Control

Mr. Drew Pate
NIX PATTERSON, LLP
February 1, 2019

Please contact me if you have any questions.

Thank you,

A handwritten signature in black ink, appearing to read "Elizabeth Yvonne Ryan". The signature is written in a cursive style with a large, looping initial "E".

Elizabeth Yvonne Ryan

EYR:as

Exhibit 14

Subject: RE: State of Oklahoma v. Purdue et al.; Letter from Liz Ryan
Date: Thursday, February 14, 2019 at 11:25:49 AM Central Standard Time
From: Elizabeth Ryan
To: Drew Pate
CC: Trey Cox, Christi Baker, Eric Pinker, John Volney, Brad Beckworth, Tam, Jonathan, Trey Duck
Attachments: image004.jpg, image005.jpg, image006.jpg

Drew,
Taking your questions and comments individually:

First, I am available tomorrow morning before 11:00 or tomorrow afternoon after 3:30 for a call. Please let me know what time works for you.

Second, yes, we do want to take the depositions that we've requested. Regarding scheduling, we will take the following depositions on the dates that you've previously offered:

- a. February 19, 2019 – Susan Rodgers;
- b. February 20, 2019 – Frank Lawler;
- c. February 26, 2019 – The State's Corporate Representative on the remainder of Topic 24;
- d. February 27, 2019 – Ferris Barger;
- e. February 28, 2019 – Frank Wilson;
- f. March 5, 2019 – Nichole King; and
- g. March 6, 2019 – Steven Montgomery.

Third, yes, we're preparing for trial. We're always preparing for trial.

Fourth, as you know, discovery strategy and plans change depending upon what we learn as we move through it. Unfortunately, it's been made harder in this case by the State's failure to adequately disclose persons with relevant knowledge or produce relevant documents. Mark Reynolds is a good example of this. Just this week we learned that Mr. Reynolds was the individual who provided Mr. Whitten with claims-level data to help file the State's lawsuit. We did not know that when I wrote you that we were downgrading our request for his deposition. As I said, plans change based on discovered information and based on what we discovered this week, please send me deposition dates for Mr. Reynolds.

Fifth, we will contact Dr. Mitchell about scheduling her deposition.

Sixth, the deposition requests I served on February 12, 2019 were timely, as was the request I made in my February 1, 2019 letter. But you have not sent any dates for the witnesses I requested on either date. Accordingly, please send me dates for:

- a. Darrell Weaver;
- b. Mike Fogarty;
- c. Mark Reynolds (see above);
- d. Tom Bates;
- e. Dr. Jean Hausheer;
- f. Dr. Christopher Shearer;
- g. Ed Lake;
- h. Rick Adams;
- i. Dr. Kevin Taubman;
- j. Attorney General Hunter;
- k. Carrie Evans;
- l. Lynne Bajema;

- m. Jill Geiger;
- n. Leslie Robinson; and
- o. John Scully.

Seventh, based on your February 8, 2019 offer, we will depose Byron Curtis instead of Dr. Eric Pfeifer and we will depose Alex Gerszewski instead of Terri Watkins. Please send me deposition dates for Byron Curtis and Alex Gerszewski.

Eighth, yes, we are still requesting a witness for Topic 13. Please send me dates for that deposition.

Ninth, I already accepted the dates you offered for Jessica Hawkins and Commissioner White. We will send their deposition notices today, along with the others listed in first paragraph of this e-mail.

Tenth, I am not Sheila. There are not many female partners on this case so it should not be too difficult to keep us straight. If you have something you would like to discuss with Sheila or a request that you would like to make of her, please contact her directly. In case you need it, her e-mail address is Sheila.Birnbaum@dechert.com.

Separately, in addition to the numerous other outstanding discovery obligations that the State has yet to fulfill, please let me know the answers to the following questions:

1. When will the State produce the custodial files for all of the witnesses identified in my February 1, 2019 letter? Purdue's counsel requested many of those files as early as October 2018 and when you and I spoke on January 24, 2019 you told me that the files (as listed in my February 1, 2019) would be produced within a few weeks. If you have produced those files as promised, then please direct me to their Bates numbers. If you have not, then please produce them immediately. Please also produce the custodial files for each of the fact witnesses whose depositions I requested on February 12, 2019 and those whose depositions I requested in Section E of my February 1, 2019 letter.
2. When will the State provide the list of its expert witnesses that will also serve as its corporate representatives? During our January 24, 2019 call you told me that you would provide us that list, but I have yet to see it.
3. When will the State produce the lists of custodians within each State department from whom the State gathered files for production? This is another item that we discussed on January 24, 2019 and you said that you would look into it, but you haven't followed up. This is particularly important given Mark Woodward's recent testimony that he did not search any of his e-mails for production to counsel in this case.

Finally, as a personal point, please do not impugn my professionalism again. I have been nothing but respectful and courteous to you and your colleagues, and will continue to be. I hope that you will extend me the same respect and courtesy.

Thank you,
Liz

ELIZABETH Y. RYAN | Partner

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From: Drew Pate [mailto:dpate@nixlaw.com]
Sent: Wednesday, February 13, 2019 10:52 PM
To: Elizabeth Ryan <eryan@lynnllp.com>
Cc: Trey Cox <tcox@lynnllp.com>; Christi Baker <CBaker@lynnllp.com>; Eric Pinker <EPinker@lynnllp.com>; John Volney <jvolney@lynnllp.com>; Brad Beckworth <bbeckworth@nixlaw.com>; Tam, Jonathan <Jonathan.Tam@dechert.com>; Trey Duck <tduck@nixlaw.com>
Subject: Re: State of Oklahoma v. Purdue et al.; Letter from Liz Ryan

Liz,

I will not be at the hearing tomorrow but I am available to discuss on Friday. There is one additional issue that we need to add to the agenda in light of Purdue's latest request for 12 new fact witness depositions.

That issue is: do you really want to take these depositions? Or, more importantly, do you really intend to take these depositions to prepare for trial in this case? Purdue has previously sent requests for more than 40+ fact witnesses. It has since withdrawn the requests for many of those and has never responded to numerous dates we have offered for several more. Indeed, I believe there are approximately 10 witnesses for whom we have been holding dates. Purdue has never accepted those dates. Some dates have now come and gone.

As I've mentioned before, we get mixed signals from Purdue on what it wants for discovery, which causes us to question whether Purdue is actually preparing for trial or—as we have suspected, stated and argued—whether Purdue is merely trying to delay the trial before declaring bankruptcy. In addition to the examples I gave in my last emails to you, in your latest request for new depositions below you list Mark Reynolds. Purdue asked for his deposition months ago; we provided dates. Purdue chose not to depose him; you told me you no longer intended to in your letter from two weeks ago. Now you again say you want to depose him. In your email below you also request the deposition of Lynn Mitchell, but I informed you back in December that we do not represent Lynn Mitchell.

Two weeks ago you asked for five new witnesses and withdrew your request for 16 other witnesses. We appreciate you informing us of the depositions you are no longer interested in and understand that discovery evolves and Purdue's focus may shift. However, as you know, when you request a deposition that means lawyers, staff and witnesses take time responding to the request, coordinating schedules, moving events around, planning travel and holding dates.

This brings me to your latest request. Now you're asking for 12 new depositions 30 days before discovery closes having never taken or noticed several of the depositions we previously offered at Purdue's request. If the goal is simply to delay, then this is abusive. If Purdue intends to declare bankruptcy, then this is abusive. Intentionally taking abusive and burdensome discovery is a violation of the Oklahoma Discovery Code and is sanctionable.

If Purdue is not simply trying to delay and does not intend to declare bankruptcy, then we will try to work with you and get you the depositions you're seeking within reason, including some of the ones on your latest

list. But, we need a commitment from Purdue on the record on this and it needs to come from Sheila based on her prior statements. We have repeatedly asked Purdue to deny in open court that it is not planning to declare bankruptcy to avoid a trial. To resolve this issue at this point, Sheila should come down to the Oklahoma court in which she has never physically stepped and tell the Judge and other lawyers and parties working on this case that Purdue is not planning to declare bankruptcy to avoid a trial, and that Purdue intends to depose all 30 or so witnesses it now seeks to depose. If she does that, we will get to work on these depositions as best we can. Her refusal to do so, along with the constantly moving target of depositions Purdue is asking for only supports what the State has been saying for months—Purdue is not going to try this case and therefore has no right to seek burdensome, dilatory discovery from the State.

Let us know what time works best for you on Friday.

Thanks,

Drew

Drew Pate



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Austin, TX 78746
512-328-5333
dpate@nixlaw.com

From: Elizabeth Ryan <eryan@lynnllp.com>
Date: Tuesday, February 12, 2019 at 8:13 PM
To: Drew Pate <dpate@nixlaw.com>
Cc: Trey Cox <tcox@lynnllp.com>, Christi Baker <CBaker@lynnllp.com>, Eric Pinker <EPinker@lynnllp.com>, John Volney <jvolney@lynnllp.com>, Brad Beckworth <bbeckworth@nixlaw.com>, "Tam, Jonathan" <Jonathan.Tam@dechert.com>
Subject: Re: State of Oklahoma v. Purdue et al.; Letter from Liz Ryan

Drew,

First, I am available tomorrow for a conference. Please let me know what time works for you.

Second, we will depose Commissioner White on March 14.

Third, in addition to those fact witnesses previously requested, Purdue requests deposition dates for the following witnesses:

1. Darrell Weaver;
2. Lynn Mitchell;
3. Mike Fogarty;
4. Mark Reynolds;
6. Tom Bates;
7. Dr. Jean Hausheer;

8. Dr. Christopher Shearer;
9. Ed Lake;
10. Rick Adams (I believe we may have previously requested his deposition, but given the confusion about who Jessica Hawkins was referencing in her deposition I am including her here);
11. Dr. Kevin Taubman; and
12. Attorney General Hunter (Please note: To the extent that the State intends to call Attorney General Hunter as a witness at trial or identifies him as a potential trial witness, we seek to take his deposition prior to the close of discovery. However, if the State agrees not to call Attorney General Hunter as a witness at trial, we will not pursue his deposition.)

Finally, as to the remainder of your e-mail, we can work through those questions when we conference.

Thank you,
Liz

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From: Drew Pate <dpate@nixlaw.com>
Sent: Friday, February 8, 2019 4:01 PM
To: Elizabeth Ryan
Cc: Trey Cox; Christi Baker; Eric Pinker; John Volney; Brad Beckworth; Tam, Jonathan
Subject: Re: State of Oklahoma v. Purdue et al.; Letter from Liz Ryan

Liz,

The February dates for Ferris Barger still work but not the dates for Frank Wilson and Frank Lawler. Frank Lawler is available February 19 or 20. Frank Wilson is available on February 28. For Nichole King and Steven

Montgomery, that is the earliest they are available and, as I've explained previously, we believe Purdue is wasting its time with those depositions. We believe they have very little relevant information if any, and we've previously explained why. Nevertheless, we are agreeing to put them up for depositions, but those are the dates they have.

Regarding your request for a different date for Susan Rodgers, she can be available on February 19. Regarding Terri Watkins, as I mentioned, we provided Purdue a response related to her deposition on January 3. As I stated at that time, based on the information Ben provided during the call when we discussed her deposition, we understand your area of interest concerns public statements issued by the Office of the Attorney General following the filing of this lawsuit. If the statements mentioned pre-date the date of filing the lawsuit or go into other areas, please advise. Additionally, based on the information Ben provided during the call, the more knowledgeable and appropriate witness is OAG Press Secretary Alex Gerszewski. Therefore, in lieu of Terri Watkins, we will agree to present Mr. Gerszewski for a deposition at a mutually agreeable date and time. We have never received a response to this proposal. Please let us know if it works for you. As to your separate email about Ms. Hawkins and Commissioner White, we will plan on the March 6 and 7 dates as you mentioned. March 14 is the date Commissioner White is available.

As to your request for a deposition of Byron Curtis from the State Medical Examiner's Office, we are looking into his availability. However, you have already deposed Dr. Eric Pfeifer, the Chief Medical Examiner and had previously requested his fact witness deposition separately. If you would like to depose Byron Curtis instead, we can agree to that, but do not believe it is appropriate to depose both of them (especially when you already deposed Dr. Pfeifer once). Please confirm that if we provide a date for Byron Curtis, you will withdraw the notice for Dr. Pfeifer's deposition. Please also let me know a time next week you are available to confer about the remaining witnesses in Part E of your letter.

Regarding other corporate representative topics Purdue has previously sent, we have some updates.

Regarding Topic Nos. 20-21, after a diligent search and good faith investigation, we are not aware of "analyses, discussions, or conclusions" regarding the issues described in those topics. To the extent you are interested in a particular analysis, discussion or conclusion, please advise. We have previously advised that a witness on the remainder of Topic 24 (regarding disciplinary or legal actions taken by the Oklahoma Medical Board) is available on February 22nd or 26th.

Regarding Topic No. 13, are you still requesting a witness on this topic at this time? You have asked numerous other witnesses about this and related issues and we understand from your letters and emails that you are no longer seeking certain depositions. You are also requesting the depositions of several fact witnesses and experts that we believe can address these types of questions. Please advise if you are still requesting a separate deposition on this topic.

Best regards,

Drew

Drew Pate



NIX PATTERSON, LLP

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Austin, TX 78746
512-328-5333
Dpate@nixlaw.com

From: Elizabeth Ryan <eryan@lynnllp.com>
Date: Monday, February 4, 2019 at 5:05 PM
To: Drew Pate <dpate@nixlaw.com>
Cc: Trey Cox <tcox@lynnllp.com>, Christi Baker <CBaker@lynnllp.com>, Eric Pinker <EPinker@lynnllp.com>, John Volney <jvolney@lynnllp.com>, Brad Beckworth <bbeckworth@nixlaw.com>, "Tam, Jonathan" <Jonathan.Tam@dechert.com>
Subject: RE: State of Oklahoma v. Purdue et al.; Letter from Liz Ryan

Drew,
Thank you for getting back to me.

With respect to the witnesses identified in Section A of my letter, I don't see where the State offered dates for them in the January 3, 2019 e-mail that you attached. I do, however, see dates offered for a few witnesses in your January 18, 2019 e-mail (about two weeks ago). My apologies for not catching those. Please let me know if Ferris Barger, Frank Lawler, and Frank Wilson are still available on the February dates you offered on January 18, 2019. If not, please send me alternative dates in February.

Also, please let me know if Nichole King and Steven Montgomery are available in February.

Please also provide deposition dates for the remaining witnesses in Section A of my letter, which are not included in either your January 3, 2019 e-mail or your January 18, 2019 e-mail (Rick Adams, Carrie Evans, Lyle Kesley, and Terri Watkins, unless you are unwilling to present Terri Watkins as a witness).

If you want to discuss the other issues raised in my letter, I'm available tomorrow. Please let me know what time works for you.

Thanks,
Liz

ELIZABETH Y. RYAN | Partner

LynnPinkerCoxHurst

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From: Drew Pate [<mailto:dpate@nixlaw.com>]

Sent: Monday, February 04, 2019 4:45 PM

To: Elizabeth Ryan <eryan@lynnllp.com>

Cc: Trey Cox <tcox@lynnllp.com>; Christi Baker <CBaker@lynnllp.com>; Eric Pinker <EPinker@lynnllp.com>; John Volney <jvolney@lynnllp.com>; Brad Beckworth <bbeckworth@nixlaw.com>

Subject: Re: State of Oklahoma v. Purdue et al.; Letter from Liz Ryan

Liz,

I received your letter. I will not be able to respond to everything in it by COB today as you request, but we will get you a response. It may be easier to discuss some of this over the phone.

However, we are somewhat confused about what depositions Purdue wants and when it wants them. We get somewhat mixed signals at times. For example, the first part of your letter states that we have not offered dates for several witnesses. But we offered dates for many of those lawyers nearly a month ago (see attached), and Purdue has not accepted those dates. In fact, some of those dates have now lapsed or are no longer available due to Purdue's delays in determining which depositions it actually wants to take from the numerous ones requested.

As another example, your list still includes Terri Watkins. We provided a response regarding her deposition on January 3 (see attached).

We will look into alternative dates for Susan Rodgers and Mark St. Cyr and will get back to you on the new witnesses that you list.

We will place the depositions that you mention in Part D on hold for now. Thank you for letting us know.

Best regards,

Drew

Drew Pate



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From: Christi Baker <CBaker@lynnllp.com>
Date: Friday, February 1, 2019 at 11:32 AM
To: Drew Pate <dpate@nixlaw.com>
Cc: Trey Cox <tcox@lynnllp.com>, Eric Pinker <EPinker@lynnllp.com>, John Volney <jvolney@lynnllp.com>, Elizabeth Ryan <eryan@lynnllp.com>
Subject: State of Oklahoma v. Purdue et al.; Letter from Liz Ryan

Please see attached.

CHRISTI BAKER

*Assistant to A. Shonn Brown, Jared Eisenberg,
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Exhibit 15

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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.)

**PORTIONS OF TRANSCRIPT MAY BE COVERED UNDER PROTECTIVE ORDER
TRANSCRIPT OF PROCEEDINGS
HAD ON FEBRUARY 14, 2019
AT THE CLEVELAND COUNTY COURTHOUSE
BEFORE THE HONORABLE THAD BALKMAN, DISTRICT JUDGE
AND WILLIAM C. HETHERINGTON, JR.,
RETIRED ACTIVE JUDGE AND SPECIAL DISCOVERY MASTER**

REPORTED BY: ANGELA THAGARD, CSR, RPR

1 THE COURT: Okay. Sure.

2 MR. MERKLEY: We have four weeks left of discovery.
3 And if you recall, back in May, the Teva defendants made a
4 motion to compel about the State's witness disclosures, the
5 initial disclosures. And you analyzed those motions, and you
6 made an order back in May, or shortly after the May 17th
7 hearing, that required the parties to provide each other
8 disclosure of complete identification information for all fact
9 witnesses that may or will be used to support any claim or
10 defense not required to be an expert witness.

11 Now, a lot happened since then. The case got removed;
12 it's come back. At the time, the defendants believed their
13 disclosures were complete, and, in fact, the State had not
14 raised any issue, either affirmatively or defensively, about
15 the defendants' witness disclosures.

16 But the defendants, having gone through all this
17 discovery, we are prepared or can be prepared to update our
18 witness disclosures. We would request that the State update
19 its witness disclosures, and we think, consistent with your
20 order -- and I have a copy of your order, Judge, if I may
21 approach?

22 THE COURT: Sure.

23 MR. MERKLEY: So we would like -- Judge, we would
24 like the parties to be ordered to update their witness
25 disclosures so that we can get witnesses, that each party

1 either knows they're going to call or knows they may call,
2 deposed before the end of the discovery deadline.

3 Seems to be something we ought to do, and we ought to be
4 able to do really quickly. I had initially proposed last
5 Friday that we do this by this Friday, February 15th. The
6 State couldn't agree. I don't know what the State's willing to
7 agree to, but we really need to get this disclosure information
8 so we can get these witnesses deposed.

9 THE COURT: Yeah. I mean, I anticipated an
10 updating -- you know, witness updating as we go along,
11 obviously, before March 15th.

12 MR. MERKLEY: Right.

13 MR. BECKWORTH: Judge, I think it's pretty simple.
14 We -- Nick and I joke around a lot. This order that you
15 entered, they didn't comply with. And it was, to quote Harvey,
16 Void, void.

17 Because you remember, we had a hearing about whether all
18 the discovery that was outstanding was still required when
19 Purdue did its fraudulent removal. And Teva got up and said,
20 Everything is void, void. So we just haven't done it, nor have
21 they.

22 I offered Nick to go have a beer or go have dinner. I
23 offered to bring my podium with him so we could just argue it
24 together. And I thought we would all get together and talk
25 this out. We haven't done that. I think Nick was busy. But

1 we'll meet with them and go over this.

2 We've kind of come a long way from the days we would show
3 up with a powerpoint or something, and they would say that
4 their due process was violated because we didn't give them all
5 our arguments the day before, to now we're just having motion
6 hearings on stuff that nobody even talked about.

7 So we will commit to your Honor to go and meet with the
8 defendants, see exactly what we're all talking about, and try
9 to help each other out. We know we have a pretrial order we've
10 got to comply with, which we'll do. But I think we can all
11 talk this out. I don't see a big problem in it.

12 THE COURT: I don't have any problem at all with --
13 and I think in this case, which is different from the normal
14 cases, not a normal case in any way, shape, or form, we need to
15 be able to get updates on witness lists on a periodic basis. I
16 would order that. I certainly don't have any kind of pending
17 motion before me now. I know I ordered it before. We should
18 do it.

19 Yes, if you can sit down over a beer and a steak or
20 whatever. Just not quinoa. Just anything but that.

21 MR. BECKWORTH: Judge, I'm so reasonable I offered to
22 have you come with us, because they like that too, but nobody
23 accepted it.

24 THE COURT: And get an updated list or agree to an
25 updated timeframe for that. There's no doubt this needs to be

1 done before the end of discovery.

2 MR. MERKLEY: Since we're all here and we all heard
3 them talk about it --

4 THE COURT: Because what's going to happen if we
5 don't and all of a sudden the witness list has a hundred people
6 on there or two people on there that we haven't even heard
7 about, well, then, here we go.

8 MR. MERKLEY: Here we go. That's exactly why I'm
9 here, Judge. And there's no question, I've already told Brad
10 this morning, I'm happy to go to dinner with him, I'm looking
11 forward to having a beer with him. Actually looking forward to
12 that. But there's really no question what I want.

13 MR. BECKWORTH: Actually, or like really.

14 MR. MERKLEY: I just want complete identification
15 information for all fact witnesses that may or will be used to
16 support any claim or defense not required to be an expert
17 witness. So we know what we want. We know what we're talking
18 about.

19 THE COURT: Here's the order. Get it done before the
20 end of discovery deadline, or, of course, it's going to delay
21 discovery. And --

22 MR. MERKLEY: Can we get it done by next Friday so
23 that we have three weeks to get these people deposed?

24 THE COURT: Well --

25 MR. BECKWORTH: If you want to go to LA, you can get

1 on the plane with me Wednesday morning, we'll fly you out
2 there. I always got open seats, nobody ever takes us -- and
3 you can go to the mediation, and we'll get it all ironed out.

4 THE COURT: Well, see that's --

5 MR. WHITTEN: That really is unreasonable to show up
6 at this hearing and say --

7 MR. MERKLEY: That's just false. I didn't just show
8 up at this hearing. I sent it around last Friday, and we all
9 talked about it.

10 THE COURT: Wait. Nick --

11 MR. BECKWORTH: We'll do it, Judge.

12 THE COURT: Hey -- Nick, remember the deal about sit
13 down? You're winning here.

14 MR. MERKLEY: It's my day in court.

15 MR. BECKWORTH: And we agree we're going to do it.

16 THE COURT: Listen, it's got to be done, because if
17 it doesn't get done, it's going to cause delay and we're going
18 to end up being -- they're going to be -- you know, you're
19 going to be asking me or somebody's going to be asking me to go
20 past, extend the discovery deadline, then he'll have to figure
21 that out. And it's just going to cause more delay because
22 you're going to be able to depose these witnesses. So let's
23 just get it done.

24 And I agree, they've got other things going on, just like
25 you have other things. So for me to say Friday, that may be

1 totally impossible. They may be who knows where between --

2 MR. BECKWORTH: I'll tell you one thing that will
3 help. We're all here. When you talk about defendants'
4 witnesses, are they bringing anybody to trial? Because that's
5 going to shape a lot of who we're going to call at trial. So
6 everybody agrees they'll have a corporate rep here every day so
7 I can put him in that box over there, be a pretty short witness
8 list. So let's have that conversation, let's talk about it.

9 THE COURT: I couldn't agree more. I mean, that's
10 how we're going -- this trial's going to shape up and it's
11 starting to shape up, and that's fine. I mean, this is a good
12 discussion to have, and I'm glad you raised it. We've raised
13 several things here today that's going to start -- that's
14 starting to set the framework for this trial, and nothing wrong
15 with it.

16 MR. WHITTEN: Well, I have a question.

17 MR. MERKLEY: I have a scheduling issue that my
18 colleague, Nancy, would like to raise too that we could knock
19 out real quick that would help us all.

20 MR. WHITTEN: I would like to stick with this topic,
21 if I may. I just have a question. I mean, in this community,
22 we commonly work by agreement past the discovery date. You
23 can't do it if it's not agreed to. But I remember -- I can't
24 remember who brought it up, but at one of the previous
25 hearings, somebody brought up, Well, we can work past the

Exhibit 16

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, 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.

Case No. CJ-2017-816
JURY TRIAL DEMANDED

**PLAINTIFF’S AMENDED DISCLOSURE OF INDIVIDUALS LIKELY TO HAVE
DISCOVERABLE INFORMATION THAT MAY BE USED TO SUPPORT THE
CLAIMS OR DEFENSES**

Plaintiff, the State of Oklahoma, provides these Amended Disclosures of Individuals Likely to Have Discoverable Information That May Be Used to Support the Claims or Defenses pursuant to the Court’s September 11, 2018 Amended Scheduling Order (the “Scheduling Order”). Under the Scheduling Order, the parties must “disclose the name and, if known, the address and

telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses.”

These Amended Disclosures are based upon information presently known to Plaintiff, and are made without prejudice to Plaintiff’s ability to produce information, documentation, or data that is subsequently discovered. Discovery is ongoing and Plaintiff’s investigation is continuing. As such, Plaintiff anticipates it will learn of additional persons that may have such information. Plaintiff further incorporates into these Amended Disclosures all individuals identified by all other parties to this action in their respective Amended Disclosures, all individuals presented by Defendants for depositions, and reserves the right to depose and rely upon the testimony of all such individuals. Plaintiff reserves the right to amend and/or supplement these Disclosures at any time, and further reserves the right to use any information provided or produced by Defendant who may join this action subsequent to these Amended Disclosures.

By making these Amended Disclosures, Plaintiff does not concede the relevance of any of the information provided or waive any protections available pursuant to any applicable privileges, such as the attorney-client and/or work product privileges.

Dated: March 1, 2019

Respectfully submitted,

/s/ Michael Burrage

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2. Jessica Hawkins	Direction of Prevention Services Oklahoma Department of Mental Health and Substance Abuse Services	To be contacted through Plaintiff's undersigned counsel.
3. Anetta Harrell	DUR Board Member	To be contacted through Plaintiff's undersigned counsel.
4. Nancy Nesser	Pharmacy Director Oklahoma Health Care Authority	To be contacted through Plaintiff's undersigned counsel.
5. Jessica McGuire	PMP Administrator Oklahoma Bureau of Narcotics	To be contacted through Plaintiff's undersigned counsel.
6. Robin Murphy	Director of Pharmacy Services Oklahoma Department of Corrections	To be contacted through Plaintiff's undersigned counsel.
7. Joel McCurdy	Chief Medical Officer Department of Corrections.	To be contacted through Plaintiff's undersigned counsel.
8. Nate Brown	Director of Programs Department of Corrections	To be contacted through Plaintiff's undersigned counsel.
9. Lori Carter	Deputy to Attorney General Oklahoma Attorney General's Office	To be contacted through Plaintiff's undersigned counsel.
10. Jenny Barnhouse	Peer Assistance Program Coordinator Oklahoma Board of Nursing	To be contacted through Plaintiff's undersigned counsel.

11. Don Vogt	Former Program Manager Oklahoma Bureau of Narcotics	To be contacted through Plaintiff's undersigned counsel.
12. Mike Herndon	Chief Medical Officer Oklahoma Health Care Authority.	To be contacted through Plaintiff's undersigned counsel.
13. Eric Pfeifer	Chief Medical Examiner Office of the Chief Medical Examiner	To be contacted through Plaintiff's undersigned counsel.
14. Terry Cothran	Director of Pharmacy Management Consultants University of Oklahoma Health Sciences Center	To be contacted through Plaintiff's undersigned counsel.
15. Burl Beasley	Director of Pharmacy Operations Oklahoma Health Care Authority	To be contacted through Plaintiff's undersigned counsel.
16. Mark Stewart	Chief Agent of Enforcement Oklahoma Bureau of Narcotics	To be contacted through Plaintiff's undersigned counsel.
17. Brigette Givens	Budget Analyst Oklahoma Bureau of Narcotics.	To be contacted through Plaintiff's undersigned counsel.
18. Bethany Holerread	Pharmacy Management Consultant OU College of Pharmacy	To be contacted through Plaintiff's undersigned counsel.
19. Steven Crawford	Chairman of OU Health Science Center	To be contacted through Plaintiff's undersigned counsel.
20. Jason Beaman	Chair, Department of Psychiatry and Behavioral Sciences Oklahoma State University-Center for Health Sciences	To be contacted through Plaintiff's undersigned counsel.
21. Claire Nguyen	Epidemiologist	To be contacted through Plaintiff's undersigned counsel.

	Oklahoma State Department of Health	
22. Deborah Bruce	Executive Director Oklahoma State Board of Osteopathic Examiners	To be contacted through Plaintiff's undersigned counsel.
23. Mark Reynolds	Director of Decision Support Services Oklahoma Department of Mental health and Substance Abuse Services	To be contacted through Plaintiff's undersigned counsel.
24. Commissioner Terri White	Commissioner Oklahoma Department of Mental health and Substance Abuse Services	To be contacted through Plaintiff's undersigned counsel.
25. Cathy Kirkpatrick	Executive Director Oklahoma Board of Veterinary Medical Examiners	To be contacted through Plaintiff's undersigned counsel
26. Carrie Slatton-Hodges	Deputy Commissioner Oklahoma Department of Mental health and Substance Abuse Services	To be contacted through Plaintiff's undersigned counsel.
27. Susan Rogers	Executive Director Oklahoma Board of Dentistry	To be contacted through Plaintiff's undersigned counsel.
28. Mark St.Cyr	President Oklahoma State Board of Pharmacy	To be contacted through Plaintiff's undersigned counsel.
29. Mark Woodward	Education Officer and Legislative Liason Oklahoma Bureau of Narcotics	To be contacted through Plaintiff's undersigned counsel.
30. Liz Massey	Vice President Oklahoma Board of Nursing	To be contacted through Plaintiff's undersigned counsel.

31. Reji Varghese	Deputy Director Oklahoma State Board of Medical Licensure and Supervision	To be contacted through Plaintiff's undersigned counsel.
32. Shellie Keast	Assistant Professor Oklahoma University College of Pharmacy	To be contacted through Plaintiff's undersigned counsel.
33. Byron Curtis	Chief Toxicologist Office of Chief Medical Examiner	To be contacted through Plaintiff's undersigned counsel.
34. Tom Bates	Commisioner of Health Oklahoma Department of Health	To be contacted through Plaintiff's undersigned counsel.
35. Travis Tate	Director of Pharmacy HealthChoice	To be contacted through Plaintiff's undersigned counsel.
36. Becky Pasternik-Ikard	CEO of Oklahoma Health Care Authority	To be contacted through Plaintiff's undersigned counsel
37. Lauren Hammonds Johnson	Oklahoma Attorney General's Office	To be contacted through Plaintiff's undersigned counsel
38. Tonya Ratcliff	Executive Director Peppers Ranch	To be contacted through Plaintiff's undersigned counsel.
39. Lauren Cambra	Pain patient whose life was destroyed by the actions of Purdue Pharma and its cohorts, Johnson & Johnson and Teva Cephalon	See Deposition
40. Craig Box	Impact of the opioid crisis	To be contacted through Plaintiff's undersigned counsel.
41. John McGregor	Impact of the opioid crisis	To be contacted through Plaintiff's undersigned counsel.
42. Kristi Hoos	Impact of the opioid crisis	To be contacted through Plaintiff's undersigned counsel.

43. Dustin Bailey	Impact of the opioid crisis	To be contacted through Plaintiff's undersigned counsel.
44. Jim Gibson	See expert disclosure	To be contacted through Plaintiff's undersigned counsel.
45. Andrew Kolodny	See expert disclosure	To be contacted through Plaintiff's undersigned counsel.
46. Ty Griffith	See expert disclosure	To be contacted through Plaintiff's undersigned counsel.
47. Claire Nguyen	See expert disclosure	To be contacted through Plaintiff's undersigned counsel.
48. Art Van Zee	See expert disclosure	To be contacted through Plaintiff's undersigned counsel.
49. Chris Ruhm	See expert disclosure	To be contacted through Plaintiff's undersigned counsel.
50. Adriane Fugh-Berman	See expert disclosure	To be contacted through Plaintiff's undersigned counsel.
51. Jason Beaman	See expert disclosure	To be contacted through Plaintiff's undersigned counsel.
52. Mel Pohl	See expert disclosure	To be contacted through Plaintiff's undersigned counsel.
53. Susan Sharp	See expert disclosure	To be contacted through Plaintiff's undersigned counsel.
54. Gary Mendell	See expert disclosure	To be contacted through Plaintiff's undersigned counsel.
55. Renzi Stone	See expert disclosure	To be contacted through Plaintiff's undersigned counsel.
56. Erin Krebs	See expert disclosure	To be contacted through Plaintiff's undersigned counsel.
57. Julio Rojas	See expert disclosure	To be contacted through Plaintiff's undersigned counsel.

58. John Duncan	See expert disclosure	To be contacted through Plaintiff's undersigned counsel.
59. Bill McAllister	See expert disclosure	To be contacted through Plaintiff's undersigned counsel.
60. David Courtwright	See expert disclosure	To be contacted through Plaintiff's undersigned counsel.
61. Sam Martin	See expert disclosure	To be contacted through Plaintiff's undersigned counsel.
62. Daniel Clauw	See expert disclosure	To be contacted through Plaintiff's undersigned counsel.
63. Danesh Mazloomdoost	See expert disclosure	To be contacted through Plaintiff's undersigned counsel.
64. Julie Croff	See expert disclosure	To be contacted through Plaintiff's undersigned counsel.
65. Aaron Gilson	KOL/PPSG	Gesina Carson Assistant Attorney General Wisconsin Department of Justice
66. Lisa Robin	KOL/FSMB	Eric Fish 1300 Connecticut Ave, NW Suite 500 Washington, DC 20036
67. Ken Mount	PPSG	Gesina Carson Assistant Attorney General Wisconsin Department of Justice
68. Charles Argoff	Likely possesses knowledge regarding, inter alia, Defendants' marketing campaigns and funding from Defendants, and funding from Defendants.	Christopher Fenlon Hinckley Allen
69. Greg Panico	Johnson & Johnson employee	Johnson and Johnson Defendants

70. Russell Portenoy	Likely possesses knowledge regarding Defendants' marketing campaigns, including Defendants' involvement with the American Pain Foundation and American Academy of Pain Medicine, and funding from Defendants.	S. Amy Spencer Shaheen Gordon
71. Lynn Webster	Likely possesses knowledge regarding Defendants' marketing campaigns, including Defendants' involvement with the American Academy of Pain Medicine, and funding from Defendants.	John Robinson Gorden Rees Scully Mansukhani LLP
72. Scott Fishman	Likely possesses knowledge regarding, inter alia, Defendants' marketing campaigns and funding from Defendants.	John Robinson Gorden Rees Scully Mansukhani LLP
73. Elizabeth Sackler	Descendant of Arthur Sackler (member of the Medical Advertising Hall of Fame)	
74. Mortimer Sackler, Jr.	Purdue Board Member	Purdue Defendants
75. Jon Sackler	Purdue Board Member	Purdue Defendants
76. Pamela Bennett	Purdue former employee	See Deposition
77. Barry Fitzsimmons	Johnson & Johnson employee and corporate representative	Johnson & Johnson Defendants

78. Bruce Moskovitz	Johnson & Johnson corporate representative and former employee	Johnson & Johnson Defendants
79. John Hassler	Teva employee and corporate representative	Teva Defendants
80. Lisa Miller	Purdue employee and corporate representative	Purdue Defendants
81. Keith Darragh	Purdue employee and corporate representative	Purdue Defendants
82. Richard Ponder	Johnson & Johnson employee and corporate representative	Johnson & Johnson Defendants
83. Bruce Colligen	Johnson & Johnson employee and corporate representative	Johnson & Johnson Defendants
84. Bill Grubb	Noramco employee	Daniel Jarcho Alston & Bird LLP 950 F Street, N.W. Washington, D.C. 20004-1404
85. Mike D'Agati	Johnson & Johnson employee	Johnson & Johnson Defendants
86. Patrick Verheyen	Johnson & Johnson employee	Johnson & Johnson Defendants
87. Ronald Kuntz	Johnson & Johnson employee	Johnson & Johnson Defendants
88. Stephen Ives	Purdue Agent	R. Richard Love, III Partner Conner & Winters LLP 4000 One Williams Center Tulsa, OK 74172-0148
89. Donough McGuire	Purdue employee and corporate representative	Purdue Defendants
90. Kimberly Deem-Eshleman	Johnson & Johnson employee and corporate representative	Johnson & Johnson Defendants
91. Frank Mashett	Johnson & Johnson employee and	Johnson & Johnson Defendants

	corporate representative	
92. Phil Cramer	Purdue employee and corporate representative	Purdue Defendants
93. Richard Fanelli	Purdue employee	Purdue Defendants
94. Fred Tewell	Johnson & Johnson employee	Johnson & Johnson Defendants
95. Kathleen Chupa	Johnson & Johnson former employee	See Deposition
96. Deborah Bearer	Teva employee	Teva Defendants
97. Dolly Judge	Teva employee	Teva Defendants
98. Susan Larijani	Teva employee	Teva Defendants
99. Roxanne McGregor-Beck	Johnson & Johnson employee	Johnson & Johnson Defendants
100. Gary Vorsanger	Johnson & Johnson employee	Johnson & Johnson Defendants
101. Cynthia Condodina	Teva employee	Teva Defendants
102. Larry Westfall	Johnson & Johnson former employee	See deposition
103. Christine Baeder	Teva employee	Teva Defendants
104. Paula Williams	Teva employee	Teva Defendants
105. Frank DeMiro	Johnson & Johnson employee	Johnson & Johnson Defendants
106. Jeff Buel	Johnson & Johnson employee	Johnson & Johnson Defendants
107. Patricia Yap	Johnson & Johnson employee	Johnson & Johnson Defendants
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109. Matt Minardi	Noramco employee	Alston Bird LLP 950 F Street, N.W. Washington, D.C. 20004-1404
110. Burt Rosen	Purdue lobbyist	Purdue Defendants

111. Randy Spokane	Teva employee	Teva Defendants
112. Jim Reilly	Teva employee	Teva Defendants
113. Norman Sandusky	Purdue former sales representative	See Deposition
114. Kristi Jeri Carter	Purdue former sales representative	See Deposition
115. Jennifer Wells	Purdue former sales representative	See Deposition
116. Paul Brinkman	Johnson & Johnson former sales representative	See Deposition
117. Drue Disselhorst	Johnson & Johnson former sales representative	See Deposition
118. William Guthrie	Johnson & Johnson former sales representative	See Deposition
119. Keith Auer	Johnson & Johnson former sales representative	See Deposition
120. Melynda McClure	Johnson & Johnson former sales representative	See Deposition
121. David Everly	Johnson & Johnson former sales representative	See Deposition
122. Stephen Howard	Johnson & Johnson former sales representative	See Deposition
123. Angela Lockhart	Johnson & Johnson former sales representative	See Deposition
124. Jennifer Mason	Purdue former sales representative	See Deposition
125. Cullen Bryant	Purdue former sales representative	See Deposition
126. Brian Vaughn	Teva current sales representative	Teva Defendants
127. Kelly Wolfinbarger	Purdue former sales representative	See Deposition
128. Joanna Samples	Johnson & Johnson sales representative	Johnson & Johnson Defendants
129. Pamela Costa	Teva current sales representative	Teva Defendants

130. Rebecca Disselhorst	Johnson & Johnson former sales representative	See Deposition
131. David Tilley	Johnson & Johnson former sales representative	See Deposition
132. Jason Flanary	Johnson & Johnson employee	Johnson & Johnson Defendants
133. Elizabeth Hightower	Johnson & Johnson former sales representative	See Deposition
134. Eric Wayman	Purdue former sales representative and district manager	See Deposition
135. Tiffany Featherstone	Purdue former sales representative	See Deposition
136. Alan Must	Purdue employee and corporate representative	Purdue Defendants
137. Don Kyle	Purdue employee and corporate representative	Purdue Defendants
138. Thomas Mosley	Teva former sales representative	8843 Belcaro Dr. Edmon, OK 73034-8188
139. Jason Day	Johnson & Johnson current sales representative	Johnson & Johnson Defendants
140. Robyn Kohn	Johnson & Johnson former employee	Marty Sharit 141 Main St. Hackensack, NJ 07601
141. Carly Reisner	American Pain Society	Jack Hynes 10 S LaSalle St, Chicago, IL 60603
142. Philip Siagh	American Academy of Pain Medicine	Jack Bierig 233 S Wacker Dr # 7100 Chicago, IL 60606
143. Melinda Dickson Humphrey	Current Johnson & Johnson employee	Johnson & Johnson Defendants
144. Kelly VanBurkleo	Current Johnson & Johnson employee	Johnson & Johnson Defendants

145. James Wolfinbarger	Purdue former sales representative	13255 S 117 th East Ct, Broken Arrow, OK 74011-5207
146. Tammy Ohrynowicz	Purdue former sales representative	4733 S Lakewood Ave, Tulsa, OK 74135-6863
147. Angela Trindle	Current Johnson & Johnson employee	Johnson & Jonhson Defendants
148. Tyler Bradley	Purdue former sales representative	3201 SE 32 nd St, Oklahoma City, OK 73165-7361
149. Steven Butterfield	Current Johnson & Johnson employee	Johnson & Jonhson Defendants
150. Kelly Hague	Current Johnson & Johnson employee	Johnson & Jonhson Defendants
151. Kathryn Kurin	Purdue former sales representative	Purdue Defendants
152. Shelly Liston	Purdue former sales representative	Purdue Defendants
153. Corporate Representative(s) as duly subpoenaed for Purdue Defendants		Purdue Defendants
154. Corporate Representative(s) as duly subpoenaed for Janssen Defendants		Janssen Defendants
155. Corporate Representative(s) as duly subpoenaed for Teva Defendants		Teva Defendants

Exhibit 17

Subject: FW: Deborah Bruce custodial file

From: Lisa Baldwin [mailto:lbaldwin@nixlaw.com]
Sent: Friday, February 15, 2019 10:02 AM
To: EXT jvolney@lynnllp.com <jvolney@lynnllp.com>
Cc: Rosenberg, Rachel <rachel.rosenberg@dechert.com>; EXT Elizabeth Ryan <eryan@lynnllp.com>; Tam, Jonathan <Jonathan.Tam@dechert.com>; McAnaney, Benjamin <Benjamin.McAnaney@dechert.com>
Subject: Re: Deborah Bruce custodial file

Will do.

On Feb 15, 2019, at 9:00 AM, John Volney <jvolney@lynnllp.com> wrote:

Lisa:

Thank you for looking into this for me. I really appreciate it.

Can you also inquire about the Claire Nguyen custodial file?

To my knowledge, it has not been provided.

Have a great weekend.

John Volney
LPCH, LLP
214-981-3815

From: Lisa Baldwin [mailto:lbaldwin@nixlaw.com]
Sent: Thursday, February 14, 2019 11:11 PM
To: John Volney <jvolney@lynnllp.com>
Cc: rachel.rosenberg@dechert.com; Elizabeth Ryan <eryan@lynnllp.com>; Jonathan.Tam@dechert.com; Benjamin.McAnaney@dechert.com
Subject: Re: Deborah Bruce custodial file

Hi John,

The custodial file you inquired about should be produced tomorrow. I will provide you an update tomorrow if there is any unexpected change to that schedule.

Best regards,

Lisa

On Feb 14, 2019, at 6:14 AM, John Volney <jvolney@lynnllp.com> wrote:

Hi Lisa, can you let me know about this custodial file? If we don't get it soon we may need to reschedule the deposition, which I would like to avoid given the time pressure.

Thank you for letting me know.

John Volney

Sent from my iPhone

On Feb 12, 2019, at 2:29 PM, Lisa Baldwin <lbaldwin@nixlaw.com> wrote:

John,

I will look into it and get back to you.

Lisa

Lisa P. Baldwin
Partner
Nix Patterson, LLP
3600 N. Capital of Texas Highway
Building B, Suite 350
Austin, Texas 78746
T: 512.328.5333
F: 512.328.5335

CONFIDENTIALITY NOTICE

This e-mail transmission (and/or the documents attached to it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege or the attorney-work product privilege. If you have received this message in error, do not copy, review or re-transmit the message. Please reply to the sender (only) by e-mail or otherwise and delete the message. Unauthorized interception of this e-mail is a violation of federal criminal laws.

From: John Volney <jvolney@lynnllp.com>
Date: Tuesday, February 12, 2019 at 2:28 PM
To: Lisa Baldwin <lbaldwin@nixlaw.com>
Cc: "rachel.rosenberg@dechert.com"
<rachel.rosenberg@dechert.com>, Elizabeth Ryan
<eryan@lynnllp.com>
Subject: Deborah Bruce custodial file

Lisa - quick question: will you let me know if we're going to get Deborah Bruce's custodial file soon? We are set to depose her next Tuesday but need her file beforehand.

Thanks for letting me know. If someone else in your office is handling, can you please forward my email to that person?

John Volney

Sent from my iPhone

On Feb 7, 2019, at 9:22 AM, Lisa Baldwin <lbaldwin@nixlaw.com> wrote:

Thank you, John. Much appreciated.

Lisa

On Feb 7, 2019, at 9:14 AM, John Volney <jvolney@lynllp.com> wrote:

Lisa:

February 22nd is fine. We will send out an amended notice.

John Volney
LPCH, LLP
214-981-3815

Exhibit 18

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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,

Case Number
CJ-2017-816

- 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., f/k/a
JANSSEN PHARMACEUTICALS, INC.;
 - (9) JANSSEN PHARMACEUTICA, INC.,
f/k/a JANSSEN PHARMACEUTICALS, INC.;
 - (10) ALLERGAN, PLC, 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.

VIDEO DEPOSITION OF PAUL LOUIS PRESLAR, D.O.
TAKEN ON BEHALF OF THE DEFENDANTS
ON NOVEMBER 2, 2018, BEGINNING AT 9:07 A.M.
IN OKLAHOMA CITY, OKLAHOMA

Reported by: Cheryl D. Rylant, CSR, RPR
Video Technician: Gabe Pack

PAGES 1 - 233

1 understanding. 11:52

2 Q. (By Mr. Ehsan) All right, Doctor. We're 11:52

3 finished with that document. You can put that aside. 11:52

4 MR. EHSAN: Can we go off the record for 11:52

5 one minute. 11:52

6 VIDEO TECHNICIAN: Off the record at 11:53

7 11:52 a.m. 11:53

8 (Break was taken.) 11:53

9 VIDEO TECHNICIAN: Back on the record at 12:07

10 12:39 p.m. 12:40

11 (Whereupon, OHCA Exhibit No. 16, previously

12 marked for identification, was made part of the

13 record.) 12:40

14 Q. (By Mr. Ehsan) Dr. Preslar, I'm going to 12:40

15 hand you what's been previously marked as Exhibit 16. 12:40

16 And this is a document with a title "Drug Utilization 12:40

17 Review Board," and then bearing the date Wednesday, 12:40

18 May 11, 2011. Again, does this look similar to a 12:40

19 packet you may have received in advance of a meeting 12:40

20 of the DURB? 12:40

21 A. Yes. 12:40

22 Q. If you flip to the page that bears 12:40

23 Bates stamps -- Bate stamped 3231, or ending in 3231. 12:40

24 Do the minutes of the meeting of April 13, 2011 12:40

25 indicate you were present? 12:40

1 A. Yes. 12:40

2 Q. If you'll turn to the next page, Doctor, 12:40

3 under agenda item 5. Do you see there, there's a 12:40

4 section for public comment, Brad Clay, Pharm.D., and 12:40

5 there's a lot of writing there? 12:40

6 A. Yes. 12:40

7 Q. It appears that this is a verbatim transcript 12:41

8 of what Mr. Clay said to the Board. And my question 12:41

9 for you, Doctor, is, did you -- do you know whether 12:41

10 or not comments made by the public to the Board were 12:41

11 recorded via audio recording? 12:41

12 MR. HALL: Object to form. 12:41

13 THE WITNESS: Every one of our meetings are 12:41

14 recorded, to the best of my knowledge. 12:41

15 Q. (By Mr. Ehsan) And if anyone made prepared 12:41

16 statements, were they required, as far as you can 12:41

17 recall, to hand over any material they read from to 12:41

18 the secretary for transcription? 12:41

19 A. I don't know. 12:41

20 Q. Do you know who kept the audio recording of 12:41

21 your meetings? 12:41

22 A. No. 12:41

23 Q. Do you know who might know where the audio 12:41

24 recordings would be located? 12:41

25 A. Currently? 12:41

Exhibit 19

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

**DEFENDANT PURDUE PHARMA, L.P.'S FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS FROM PLAINTIFF**

Pursuant to 12 O.S. § 3234, Defendant Purdue Pharma, L.P. (“Purdue Pharma”) requests that the Plaintiff State of Oklahoma (“the State”) respond to Purdue Pharma within 30 days to this request to produce the below-described documents which are in the State’s possession, custody, or control.

INSTRUCTIONS

1. Unless otherwise set forth, the documents requested include all documents created within the Relevant Time Period and continuing through the date of this request.
2. The documents requested shall be produced as they are kept in the usual course of business or shall be organized and labeled to correspond with the categories in the request.
3. You should produce electronically stored information (“ESI”) and hardcopy documents in a single-page TIFF-image format with extracted or OCR text and associated metadata—a standard format in e-discovery—known as TIFF-plus. Produce electronic spreadsheets (e.g., Excel), electronic presentations (e.g., PowerPoint), desktop databases (e.g.,

Access), and audio or video multimedia in native format with a slip sheet identifying Bates labels and confidentiality designations.

4. These requests are directed toward all documents known or available to the State, including records and documents in its custody or control or available to it upon reasonable inquiry. Your response must state, with respect to each item or category, that inspection and related activities shall be permitted, unless the request is objected to, in which event you must state your reasons for objecting. If you object to part of an item or category, specify the part.

5. This request is continuing in character, and Purdue Pharma requests that you amend or supplement your response in accordance with the Oklahoma Rules of Civil Procedure if you obtain new or additional information.

6. If any document is withheld for any reason, including but not limited to any alleged claim of privilege, confidentiality, or trade secret, or for any other reason or objection, provide a description of the document being withheld which includes the following:

- a. The date of the document;
- b. The author of the document;
- c. The recipient of the document;
- d. All persons to whom copies of the document have been furnished;
- e. The subject matter of the document;
- f. The file in which the document is kept in the normal course of business;
- g. The current custodian of the document; and
- h. The nature of the privilege or other reason for not producing the document and sufficient description of the facts surrounding the contents of the document to justify withholding the document under said privilege or reason.

7. Where you have a good faith doubt as to the meaning or intended scope of a request, and your sole objection would be to its vagueness, please contact counsel for Purdue Pharma in advance of asserting an unnecessary objection. The undersigned counsel will provide additional clarification or explanation as needed.

DEFINITIONS

1. "Claim" is any request for payment or reimbursement.
2. The term "chronic pain" is used herein consistent with the meaning of "non-cancer related pain" or "long term pain" as those terms are used in the Complaint, e.g., ¶¶3, 22, 51, 67, 122.
3. "Communication(s)" is any unilateral, bilateral, or multilateral assertion, disclosure, statement, conduct, transfer, or exchange of information or opinion, including omissions, however made, whether oral, written, telephonic, photographic, or electronic.
4. "Complaint" refers to your Original Petition filed June 30, 2017, and exhibits, as well as any subsequent amendments.
5. "Defendants" are the individual Defendants named in the Complaint.
6. "Document(s)" is used in the broadest sense permissible under 12 O.S. § 3234(A)(1), and includes without limitation "writings," "recordings," "photographs," "original[s]," "duplicate[s]," "image[s]," and "record[s]," as those terms are set forth in 12 O.S. § 3001.
7. The term "document(s)" includes all drafts and all copies that differ in any respect from the original; information stored in, or accessible through, computer or other information retrieval systems (including any computer archives or back-up systems), together with instructions and all other materials necessary to use or interpret such data compilations; all other

Electronically Stored Information; and the file-folder, labeled-box, or notebook containing the document, as well as any index, table of contents, list, or summaries that serve to organize, identify, or reference the document.

8. “Drug Utilization Review Board” is used herein consistent with its meaning in Section 317:1-3-3.1 of the Oklahoma Administrative Code.

9. “Educational Activity” refers to publications, programs, continuing medical education, or other forms of communicating unbranded, educational information about Opioids or treatment of chronic pain.

10. “Electronically Stored Information” is used in the broadest sense permissible by the Oklahoma Rules of Civil Procedure and includes without limitation all electronic data (including active data, archival data, backup data, backup tapes, distributed data, electronic mail, forensic copies, metadata, and residual data) stored in any medium from which information can be obtained.

11. The term “employee” includes all current and former employees, independent contractors, and individuals performing work as temporary employees.

12. “Healthcare Professional(s),” “Health Care Provider(s)” or “HCP(s)” is any person who prescribes, administers, or dispenses any Relevant Medication or Medication Assisted Treatment to any person or animal.

13. “Key Opinion Leader(s)” or “KOL(s)” is used herein consistent with its meaning in the Complaint, ¶58.

14. “Medication Assisted Treatment” is the use of medications with counseling and behavioral therapies to treat substance abuse disorders and prevent Opioid overdose.

15. "Medical Necessity" has the same meaning as defined in Section 317:30-3-1(f) of the Oklahoma Administrative Code.

16. "Oklahoma Agency" or "Oklahoma Agencies" collectively refers to any State entity involved in regulating, monitoring, approving, reimbursing, or prosecuting the prescription, dispensing, purchase, sale, use, or abuse of controlled substances in Oklahoma, including, but not limited to, the Oklahoma Office of the Governor, Oklahoma Legislature, Oklahoma Office of the Attorney General, Oklahoma Department of Corrections, Oklahoma Department of Public Safety, Oklahoma State Department of Health, Oklahoma State Bureau of Investigation, Oklahoma Bureau of Narcotics and Dangerous Drugs Control, Oklahoma Department of Mental Health and Substance Abuse Services, Oklahoma Health Care Authority, Oklahoma State Board of Dentistry, Oklahoma State Board of Medical Licensure and Supervision, Oklahoma State Board of Nursing, Oklahoma State Board of Pharmacy, Oklahoma State Board of Veterinary Medical Examiners, Oklahoma Workers' Compensation Commission, Office of the Medical Examiner of the State of Oklahoma, and their respective predecessors, supervisory and subordinate organizations, and current or former employees.

17. "Opioid(s)" refers to FDA-approved pain-reducing medications consisting of natural or synthetic chemicals that bind to receptors in a patient's brain or body to produce an analgesic effect.

18. "Patient(s)" is any human being to whom an Opioid is prescribed or dispensed.

19. "Person(s)" is any natural or legal person.

20. Pharmacy and Therapeutics Committee ("P & T Committee") or formulary committee means any committee, group, board, person or persons with responsibility for determining which drugs will be placed on any prescription drug formulary created, developed or

utilized by the State of Oklahoma or any Program, the conditions and terms under which the State of Oklahoma or any Program will authorize purchase of, coverage of, or reimbursement for those drugs, who can prescribe specific drugs, policies and procedures regarding drug use (including pharmacy policies and procedures, standard order sets, and clinical guidelines), quality assurance activities (e.g., drug utilization review/drug usage evaluation/medication usage evaluation), adverse drug reactions/medication errors, dealing with product shortages, and/or education in drug use.

21. "Prior Authorization" is any program that implements scope, utilization, or product based controls for drugs or medications.

22. "Program(s)" is every program administered by an Oklahoma Agency that reviews, authorizes, and determines the conditions for payment or reimbursement for Opioids, including, but not limited to, the Oklahoma Medicaid Program, as administered by the Oklahoma Health Care Authority, and the Oklahoma Workers Compensation Commission.

23. "Relevant Time Period" means January 1, 2007 to the present, or such other time period as the parties may later agree or the Court determines should apply to each side's discovery requests in this action.

24. "Relevant Medication(s)" includes any and all drugs, branded or generic, consisting of natural or synthetic chemicals that bind to opioid receptors in a Patient's brain or body to produce an analgesic effect, whether or not listed in the Complaint, including, but not limited to, codeine, fentanyl, hydrocodone, hydromorphone, methadone, morphine, oxycodone, oxymorphone, tapentadol, and tramadol.

25. "Third-Party Group(s)" is used herein consistent with its meaning in the Complaint, including any "seemingly unaffiliated and impartial organizations to promote opioid use." Complaint, ¶¶58, 63, 72.

26. "Vendor" means any third-party claims administrator, pharmacy benefit manager, HCP, or person involved in overseeing, administering, or monitoring any Program.

27. "You," "Your," "State," "Oklahoma," and "Plaintiff" refer to the sovereign State of Oklahoma and all its departments, agencies, and instrumentalities, including current and former employees, any Vendor, and other persons or entities acting on the State's behalf.

28. The words "and" and "or" shall be construed conjunctively as well as disjunctively, whichever makes the request more inclusive.

29. "Any" includes "all" and vice versa.

30. "Each" includes "every" and vice versa.

31. The term "including shall be construed to mean "including but not limited to."

32. The singular of each word includes its plural and vice versa.

DOCUMENTS REQUESTED

1. All Documents, Communications, and Claims referenced, cited, or relied upon by You in drafting the Complaint.

2. Documents sufficient to show the identity, title, and reporting relationships of each member of the Drug Utilization Review Board or any P & T Committee, formulary committee, other equivalent committee(s) or group(s) involved in the review and evaluation of the Relevant Medications under any Program, including any relevant organizational charts.

3. All Documents and Communications relating to any system or service used by You or anyone acting on Your behalf to monitor prescribing activities or potentially suspicious prescribing of the Relevant Medications.

4. All Documents and Communications concerning or relating to any assessment of actual or potential harm to Patients or other individuals as a result of the Relevant Medications or any Defendants' marketing, Educational Activities, or statements about the Relevant Medications.

5. All Documents and Communications relating to or any evaluation, assessment, analysis, modeling, or review of any financial or economic impact associated with coverage of the Relevant Medications, including the use of Opioids to treat any cause of pain (e.g., acute, chronic, cancer, or non-cancer causes of pain).

6. All Documents and Communications relating to the risks, benefits, safety, side effects, or efficacy of the Relevant Medications, including but not limited to Documents and Communications relating to summaries, studies, and/or analyses of any potential, alleged, or actual risks associated with any of the Relevant Medications.

7. All Documents and Communications relating to the creation or modification of any therapeutic intervention or switching programs (or any other program intended to encourage Medicaid or other Program beneficiaries or their physicians to switch to different medications or treatments) related to the Relevant Medications.

8. All Documents and Communications reflecting or relating to any Health Care Provider's decision whether to prescribe or dispense a Relevant Medication.

9. All Documents and Communications received by any non-parties pursuant to subpoenas that You have issued in connection with the pending litigation.

Dated: January 12, 2018

By: 
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Cullen D. Sweeney, OBA No. 30269
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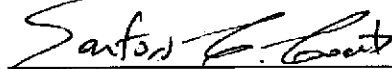
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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of January 2018, I caused a true and correct copy of the following:

DEFENDANT PURDUE PHARMA, L.P.'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS FROM PLAINTIFF

to be served upon the counsel of record listed on the attached Service List.



Sanford C. Coats

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Laboratories, Inc., Actavis LLC, and
Actavis Pharma, Inc. f/k/a/ Watson
Pharma, Inc.*

Exhibit 20

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

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

Plaintiff,

v.

PURDUE PHARMA L.P., et al.,

Defendants.

Case No. CJ-2017-816

Honorable Thad Balkman

Special Discovery Master
William C. Hetherington, Jr.

**PURDUE PHARMA INC.'S FIRST REQUESTS FOR
PRODUCTION OF DOCUMENTS FROM PLAINTIFF**

Pursuant to 12 O. S. § 3234, Purdue Pharma Inc. by and through its undersigned counsel, requests that the Plaintiff State of Oklahoma respond within 30 days to this request to produce the below-described documents which are in the State's possession, custody, or control.

INSTRUCTIONS

1. Unless otherwise set forth, the documents requested include all documents created within the Relevant Time Period and continuing through the date of this request.
2. The documents requested shall be produced as they are kept in the usual course of business or shall be organized and labeled to correspond with the categories in the request.
3. You should produce electronically stored information ("ESI") and hardcopy documents in a single-page TIFF-image format with extracted or OCR text and associated metadata—a standard format in e-discovery—known as TIFF-plus. Produce electronic spreadsheets (e.g., Excel), electronic presentations (e.g., PowerPoint), desktop databases (e.g.,

Access), and audio or video multimedia in native format with a slip sheet identifying Bates labels and confidentiality designations.

4. These requests are directed toward all documents known or available to the State, including records and documents in its custody or control or available to it upon reasonable inquiry. Your response must state, with respect to each item or category, that inspection and related activities shall be permitted, unless the request is objected to, in which event you must state your reasons for objecting. If you object to part of an item or category, specify the part.

5. This request is continuing in character, and Purdue Pharma, Inc. requests that you amend or supplement your response in accordance with the Oklahoma Rules of Civil Procedure if you obtain new or additional information.

6. If any document is withheld for any reason, including but not limited to any alleged claim of privilege, confidentiality, or trade secret, or for any other reason or objection, provide a description of the document being withheld which includes the following:

- a) The date of the document;
- b) The author of the document;
- c) The recipient of the document;
- d) All persons to whom copies of the document have been furnished;
- e) The subject matter of the document;
- f) The file in which the document is kept in the normal course of business;
- g) The current custodian of the document; and

7. Where you have a good faith doubt as to the meaning or intended scope of a request, and your sole objection would be to its vagueness, please contact counsel for Purdue

Pharma in advance of asserting an unnecessary objection. The undersigned counsel will provide additional clarification or explanation as needed.

DEFINITIONS

1. "Document(s)" is used in the broadest sense permissible under 12 O.S. § 3234(A)(1), and includes without limitation "writings," "recordings," "photographs," "original[s]," "duplicate[s]," "image[s]," and "record[s]," as those terms are set forth in 12 O.S. § 3001.

2. "Opioid Medication(s)" refers to FDA-approved pain-reducing medications consisting of natural or synthetic chemicals that bind to receptors in a patient's brain or body to produce an analgesic effect.

3. "Purdue" refers to Purdue Pharma LP, Purdue Pharma Inc., and The Purdue Frederick Company Inc.

4. "Relevant Time Period" means May, 1, 1996 to the present, per the Discovery Master's Order of April 4, 2018.

5. "You," "Your," "State," "Oklahoma," "State of Oklahoma," and "Plaintiff" refer to the State of Oklahoma and all its departments, agencies, and instrumentalities, including current and former employees, any Vendor, and other persons or entities acting on the State's behalf.

6. The words "and" and "or" shall be construed conjunctively as well as disjunctively, whichever makes the request more inclusive.

7. "Any" includes "all" and vice versa.

8. "Each" includes "every" and vice versa.

9. The term "including" shall be construed to mean "including but not limited to."

10. The singular of each word includes its plural and vice versa.

DOCUMENTS REQUESTED

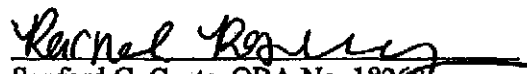
1. To the extent You provide any response other than an unqualified admission to any of Purdue Pharma Inc.'s First Requests For Admission To Plaintiffs, served concurrently herewith, identify, on a request by request basis, produce all documents that you relied upon in deciding not to provide an unqualified admission.

2. All documents and communications related to prior authorizations, whether approved or rejected, for any Purdue Opioid Medication during Relevant Time Period, including any such prior authorizations transmitted by electronic means

3. All proposals, contracts, and communications with third parties contracted with, or consulted by, the State related to pharmacy services provided to the Oklahoma Health Care Authority.

4. All audits and reviews of prescription medications conducted by the Oklahoma Health Care Authority for determinations of medical necessity.

Dated: February 13, 2019


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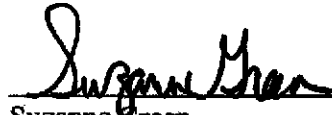
CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2019, the foregoing was hand delivered to the following:

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Courtesy copies of the foregoing was also served via email upon the counsel of record listed on the attached Service List.



Suzanne Green

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*Inc., Actavis LLC, and Actavis Pharma, Inc. f/k/a/
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Exhibit 21
(sealed exhibit)

Exhibit 22

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January 7, 2019

BY ELECTRONIC MAIL

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

Dear Counsel:

Please produce all Oklahoma Drug Threat Assessments from the Relevant Time Period, including but not limited to the final assessments, drafts, and correspondence regarding the assessments and drafts. The State produced the 2017 Oklahoma Drug Threat Assessment (OBN-00001848), but no assessments or drafts from other years, all of which are responsive under several of Defendants' Requests for Production, including but not limited to Purdue Pharma L.P.'s RFP No. 6, Cephalon's RFP No. 7, J&J's RFP Nos. 1, 5, and 9, and Janssen's RFPs Nos. 4, 8, and 9. Responses to these Requests are long overdue. Please produce responsive documents by January 14, 2019.

Very truly yours,

/s/ Paul LaFata

Paul LaFata

Cc: Counsel of record for Defendants (via email)

Exhibit 23

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

PURDUE PHARMA L.P.;
PURDUE PHARMA, INC.;
THE PURDUE FREDERICK
COMPANY;
TEVA PHARMACEUTICALS
USA, INC.;
CEPHALON, INC.;
JOHNSON & JOHNSON;
JANSSEN PHARMACEUTICALS, INC.;
ORTHO-McNEIL-JANSSEN
PHARMACEUTICALS, INC., n/k/a
JANSSEN PHARMACEUTICALS, INC.;
JANSSEN PHARMACEUTICA,
INC., n/k/a JANSSEN
PHARMACEUTICALS, INC.;
ALLERGAN, PLC, f/k/a
ACTAVIS PLC, f/k/a ACTAVIS, INC.,
f/k/a WATSON PHARMACEUTICALS, INC.;
WATSON LABORATORIES, INC.;
ACTAVIS LLC; and
ACTAVIS PHARMA, INC.,
f/k/a WATSON PHARMA, INC.

Defendants.

VIDEOTAPED DEPOSITION OF CLAIRE NGUYEN
TAKEN ON BEHALF OF THE DEFENDANTS
ON JANUARY 17, 2019 AT 8:48 AM
IN OKLAHOMA CITY, OKLAHOMA

VIDEOTAPED BY: Gabriel Pack
REPORTED BY: Jody Graham, CSR, RPR, RMR, CRR

1 A Yes.

2 Q Let me sort of back up and ask a more broad
3 question. When we talk about prescription drugs,
4 we're talking about what?

5 A Anything that's prescribed by a doctor. Any
6 medication that's prescribed by a doctor.

7 Q When you in your practice have identified an
8 overdose death as a prescription-drug-involved
9 overdose death, does that mean that the person who
10 died from taking the prescription drug had a
11 prescription for that drug from his or her treating
12 physician?

13 A If we listed -- if we said that they died of
14 a prescription-drug-involved death, it just means that
15 there was a prescription drug listed on the cause of
16 death.

17 Q That doesn't mean that the particular
18 decedent actually had a prescription for that drug?

19 A Correct.

20 Q They could have obtained the drug from an
21 illicit source?

22 MS. BALDWIN: Object to the form.

23 THE WITNESS: They could. I mean, in my
24 opinion I don't think that's the majority of cases.

25 Q (BY MR. VOLNEY) What is the basis for

1 that opinion?

2 A I'm the one that's reviewed almost all of
3 the medical examiner reports that go into the
4 database. So I have reviewed decedent's medication
5 history and medical history from the ME's office.

6 Q The medication history and the prescription
7 history from the ME's office, is that whatever
8 information is contained on the CME 1 form?

9 A It is within the ME report, but I don't know
10 that it's in the CME 1. I don't think that data is
11 publicly available.

12 Q So what data have you reviewed in addition
13 to what's on the CME 1?

14 A The Injury Prevention Service gets a
15 narrative page that has scene information, information
16 on circumstances and then medication history, like I
17 said.

18 Q How is the medication history gathered?

19 A That is gathered by the medicolegal
20 investigators that investigate each of the deaths. So
21 it could be scene evidence or information that they
22 get from their medical providers for the decedent.

23 (Discussion had off the record.)

24 Q (BY MR. VOLNEY) All right. How do you --
25 with -- sorry. With respect to the narrative that

1 you're talking about that's not necessarily part of
2 what's in the CME 1, how is that provided to you?

3 A We receive a pdf file for each individual
4 decedent.

5 Q And do you receive it via email?

6 A Yes.

7 Q And is that on sort of whenever a death
8 occurs or on a monthly basis, on a weekly basis?

9 A Whenever the deaths are finalized. So it's
10 typically on a daily basis we receive reports.

11 Q And who sends this to you?

12 A The office of the chief medical examiner.

13 Q And that report that you're getting would
14 include that CME 1 form?

15 A Yes.

16 Q And then whatever medical records were
17 gathered by the investigator?

18 A We do not get any actual medical records.
19 It's just a summary of their investigation.

20 Q Summary of investigation. And who puts
21 together the summary of investigation?

22 A I am not sure. That would be a question for
23 the medical examiner. It's a combination of
24 information from the pathologist, the medicolegal
25 investigator and the toxicologist. I'm not sure if

1 other people contribute.

2 Q So it's a narrative that's in addition to
3 whatever's on the CME 1?

4 A Correct.

5 Q Do you maintain copies of those narratives?

6 A Yes.

7 Q And for how long has your office been
8 receiving these narratives?

9 A I am not sure exactly how far they go back.
10 I would say late '90s until now.

11 Q And with respect to the work that you've
12 done while at the IPS, do you still have copies of
13 whatever narratives were provided to your office?

14 A Yes.

15 Q In the course of your job do you communicate
16 with anybody on a regular basis related to opioids?

17 A Yes.

18 Q Who do you communicate with?

19 A Lots of people.

20 Q Lots of people?

21 A Yes.

22 Q So give me categories.

23 A Well, there are internal and external
24 employees. So OSDH employees and then external
25 partners.

Exhibit 24

LYNN PINKER COX HURST

JOHN VOLNEY
Partner

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January 22, 2019

VIA ELECTRONIC MAIL

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Dear Counsel:

Following Ms. Claire Nguyen's deposition from last week, it appears that Plaintiff has not produced Ms. Nguyen's custodial file and the Medical Examiner summaries referenced during Ms. Nguyen's deposition. She testified that she and other employees of IPS reviewed and relied upon the summaries provided by the Medical Examiner's office in compiling statistics related to overdose deaths in Oklahoma, thus making these documents relevant to her corporate representative and expert testimony in this case.

Would you please produce Ms. Nguyen's custodial file and summaries referenced by Ms. Nguyen during her deposition by January 28, 2019? If Plaintiff has already produced these documents, will you please identify the bates-ranges of the documents?

January 22, 2019
Page 2

Thank you in advance for your attention to these matters. If you have any questions, please feel free to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'John Volney', with a long, sweeping horizontal stroke extending to the right.

John Volney

cc: Counsel of record for Defendants (via email)

Exhibit 25

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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,

No. CJ-2017-816

vs.
PURDUE PHARMA L.P.;
PURDUE PHARMA, INC.;
THE PURDUE FREDERICK
COMPANY;
TEVA PHARMACEUTICALS
USA, INC.;
CEPHALON, INC.;
JOHNSON & JOHNSON;
JANSSEN PHARMACEUTICALS, INC.;
ORTHO-McNEIL-JANSSEN
PHARMACEUTICALS, INC., n/k/a
JANSSEN PHARMACEUTICALS, INC.;
JANSSEN PHARMACEUTICA,
INC., n/k/a JANSSEN
PHARMACEUTICALS, INC.;
ALLERGAN, PLC, f/k/a
ACTAVIS PLC, f/k/a ACTAVIS, INC.,
f/k/a WATSON PHARMACEUTICALS, INC.;
WATSON LABORATORIES, INC.;
ACTAVIS LLC; and
ACTAVIS PHARMA, INC.,
f/k/a WATSON PHARMA, INC.,

Defendants.

VIDEOTAPED DEPOSITION OF STATE OF OKLAHOMA
3230(c)(5) WITNESS BURL BEASLEY
TAKEN ON BEHALF OF THE DEFENDANTS
ON FEBRUARY 12, 2019, BEGINNING AT 9:14 A.M.
IN OKLAHOMA CITY, OKLAHOMA

VIDEOTAPED BY: Greg Brown
REPORTED BY: D. Luke Epps, CSR, RPR

1 behalf of the state on these topics?

2 MR. HILL: Objection. Form.

3 THE WITNESS: I'm an employee of the
4 Health Care Authority and as a director of the
5 Pharmacy Department.

6 Q (BY MS. KELLY) Is there someone that you
7 think would have been a better choice to testify
8 about these topics than you?

9 MR. HILL: Objection. Form.

10 THE WITNESS: There's always somebody
11 better, isn't there? Always somebody younger, cuter
12 and prettier. So the answer to your question is
13 yes. I think there's somebody else.

14 Q (BY MS. KELLY) I try not to tell my boss
15 that. Who else at the Health Care Authority can you
16 think of other than you who had -- would have
17 information on these topics?

18 A Nancy Nesser, Dr. Michael Herndon, those
19 are the two that come right to my head, the first
20 top two I would think.

21 Q (BY MS. KELLY) What did you do to prepare
22 for today's deposition?

23 A February 5th, I did a presentation as a
24 representative of the state of Oklahoma, Oklahoma
25 Medicaid, what we're doing to curb the opioid

1 epidemic as related to multidiscipline --
2 multidisciplinary actions for members. So that
3 entailed a review of -- a high level overview of the
4 opioid epidemic in Oklahoma, the communication that
5 we've done to prescribers and pharmacies, the use of
6 naloxone in the state, our lock-in program, and
7 multiple prescriber episodes. So those are the
8 topics I covered in that, so I had to do a lot of
9 research to prepare for that presentation. I also
10 reviewed our policy. I looked at the DUR packet
11 from July of 2018 just to review some of the numbers
12 and what was recommended. I looked at the tier --
13 the current tier structure and probably just perused
14 some other policies that may be related to how we
15 dispense opioids.

16 Q Okay. You said you gave a presentation on
17 February 5th as a representative of the state; is
18 that correct?

19 A That's correct.

20 Q Who did you give that presentation to?

21 A It was a conference called Medicaid
22 Innovations.

23 Q Where was the conference?

24 A It was in Orlando, Florida.

25 Q Nice place to be in February.

1 MR. HILL: Objection. Form.

2 THE WITNESS: It was focused on the opioid
3 epidemic.

4 Q (BY MS. KELLY) Were there health care
5 initiatives other than the No More Than Four
6 campaign that you talked about?

7 A At that time, no.

8 Q Okay. Have you ever or has the Health
9 Care Authority been involved in presenting any
10 continuing medical education programs on -- related
11 to opioids?

12 A That's the medical side, so I would rely
13 on Dr. Herndon to provide that information, yes.

14 Q Do pharmacists have a continuing education
15 requirement?

16 A Yes.

17 Q And what are they called? Like I know --

18 A CEs.

19 Q CEs?

20 A Or CMEs, yeah.

21 Q Has the Health Care Authority been
22 involved in providing any continuing education for
23 pharmacists related to opioids?

24 A I presented for the state Board of
25 Pharmacy to all the pharmacists last year, last

1 spring, so, yes.

2 Q How did this presentation last spring come
3 about?

4 A The state Board of Pharmacy director
5 contacted me and asked me to present.

6 Q And where did you present?

7 A In Oklahoma City and in Tulsa.

8 Q And who were you presenting to?

9 A To licensed pharmacists and technicians in
10 the state of Oklahoma.

11 Q Was it an annual meeting? Was it set up
12 specifically so you could talk to them? Something
13 else?

14 MR. HILL: Objection. Form.

15 THE WITNESS: They had been conducting
16 annual meetings to provide free CE to pharmacists.
17 So it was part of their program.

18 Q (BY MS. KELLY) Okay. And this was one --
19 and you were one presenter as part of that?

20 A That's correct.

21 Q How many pharmacists did you talk to?

22 MR. HILL: Objection. Form.

23 THE WITNESS: 400.

24 Q (BY MS. KELLY) Did you use a PowerPoint
25 or give a presentation?

1 A Yes.

2 Q What did you talk about as part of that CE
3 presentation?

4 A I believe I talked about the opioid
5 epidemic and what the Health Care Authority is doing
6 to curtail, some of the interventions that we have
7 had. Probably also -- yeah.

8 Q Do you have -- what specific programs did
9 you talk about if you can recall?

10 A The No More Than Four campaign and
11 naloxone through the CHIP program that we have are
12 the two that come right to mind.

13 Q Okay. One of the things that the DUR
14 Board can do is make policy recommendations
15 regarding medication coverage; right?

16 A Yes.

17 Q And that can include restricting certain
18 medical classes; right?

19 A Yes.

20 Q Certain classes of medication I guess I
21 should say?

22 A Yes.

23 Q Okay. So the DUR Board can recommend that
24 certain medications be restricted to certain
25 circumstances that SoonerCare is going to cover;

1 A That's correct.

2 Q -- which oversees Pharmacy Management
3 Consultants who does these prior authorizations;
4 right?

5 A That's correct. Yes.

6 Q And testifying here today on behalf of the
7 state, you can't identify any specific example where
8 the Health Care Authority reimbursed a claim for
9 prescription opioid, and then went back and
10 determined that, in fact, that claim was medically
11 unnecessary, can you?

12 MR. HILL: Objection. Form and scope.
13 You're outside of your topics. He's made a very
14 reasonable effort to come here prepared to testify
15 about the topics that you identified. To the extent
16 you personally can answer that question, you can try
17 to do so.

18 THE WITNESS: I conducted an audit of
19 topical compounded claims. We were spending
20 \$100,000 a month on creams and lotions and potions
21 that are put on your skin, and of those, several of
22 them contained opioids. Now, it might not have been
23 OxyContin, but it was morphine or an opioid. So we
24 put systems in place that disallowed those kinds of
25 claims. So there are things that we have done.

1 Specifically to you and this lawsuit, no, but there
2 are things that we have done.

3 Q (BY MS. KELLY) And when the Health Care
4 Authority suspects that there are medically -- a
5 large number of medically unnecessary claims being
6 submitted, it can conduct things like the audit you
7 just described; right?

8 MR. HILL: Objection. Form.

9 THE WITNESS: When we know of it, we
10 could.

11 Q (BY MS. KELLY) Okay. And to date, you
12 haven't done anything like that related to
13 prescription opioids; is that fair to say?

14 A Not to my knowledge.

15 MR. HILL: Objection. Form and scope.

16 Q (BY MS. KELLY) And the Health Care
17 Authority is obviously aware? You're here today
18 testifying for them about the lawsuit that's been
19 brought in this case; right?

20 A Yes.

21 MR. HILL: Objection. Form.

22 Q (BY MS. KELLY) Has the Health Care
23 Authority as a result of what's being alleged in
24 this lawsuit undertaken an audit to go back and
25 review opioid prescription claims that it has

1 previously approved?

2 MR. HILL: Objection. Form and scope.
3 You're asking about the Health Care Authority or the
4 state?

5 MS. KELLY: Health Care Authority.

6 MR. HILL: Same objection.

7 THE WITNESS: We haven't gone back
8 retrospectively, but we're putting in morphine
9 milligram equivalent edits starting this month. So
10 going back and looking and recouping our money, no.

11 Q (BY MS. KELLY) Why not?

12 A Probably resources --

13 MR. HILL: Objection. Form and scope.

14 THE WITNESS: -- time, the effort. We
15 just said a million scripts to look at. We've got
16 to figure out somebody to compile that data and
17 figure out where the fraud is, and then go back and
18 recoup that money. So I would think that would be
19 something that Program Integrity would do or Quality
20 Assurance in assistance with the Pharmacy
21 Department.

22 Q (BY MS. KELLY) And has that process been
23 started?

24 MR. HILL: Objection. Form and scope.

25 THE WITNESS: We have not undertaken that

1 effort to my knowledge.

2 Q (BY MS. KELLY) Has there been a
3 discussion about starting that process?

4 MR. HILL: Objection. Form.

5 THE WITNESS: No, there has not.

6 Q (BY MS. KELLY) Why not?

7 MR. HILL: Objection. Form and scope.

8 THE WITNESS: I think we are just trying
9 to, like I said earlier, whack-a-mole. We are a
10 payer, so we are not the ones to decide what
11 physicians prescribe. So going back and looking at
12 all those diagnoses and claims data would take time
13 and resources that frankly we don't have right now.
14 Could it be done? Yes. Has anybody done it yet?
15 No.

16 Q (BY MS. KELLY) And to your knowledge,
17 there's been no discussion about doing that; right?

18 A No.

19 MR. HILL: Objection. Form and scope.

20 Q (BY MS. KELLY) You said when you were
21 talking about the topical compounded creams --

22 A Yes.

23 Q -- that there were -- you guys put systems
24 in place --

25 A Yes.

1 Q -- to stop those kinds of claims, to
2 disallow them I think was your word?

3 A Right.

4 Q What systems did the Health Care Authority
5 put in place?

6 A We -- they were called active
7 pharmaceutical ingredients, and we stopped paying
8 for those. So it's similar to an NDC, what we
9 talked about earlier. Compound claims, they don't
10 have an NDC. They have an API. So we turned off
11 the most popular APIs.

12 Q We talked before --

13 A Or the most costly, excuse me, because
14 they weren't medically necessary.

15 Q We talked before about how SoonerCare is
16 jointly funded by the state and the federal
17 government; right?

18 A Yes.

19 Q And you're aware that the Health Care
20 Authority has an obligation to repay the federal
21 portions of any claims that it recovers that were
22 fraudulently paid; correct?

23 A Yes.

24 MR. HILL: Objection. Scope.

25 Q (BY MS. KELLY) So if the Health Care

1 THE WITNESS: Correct.

2 Q (BY MS. KELLY) Does the Health Care
3 Authority itself have systems or checks in place to
4 make sure that Pharmacy Management Consultants and
5 the pharmacists that work there are evaluating prior
6 authorizations correctly?

7 MR. HILL: Objection. Form.

8 THE WITNESS: You would have to ask Terry
9 Cothran that question.

10 Q (BY MS. KELLY) Is Dr. Cothran an employee
11 of Pharmacy Management Consultants or OHCA?

12 MR. HILL: Objection. Scope.

13 THE WITNESS: PMC.

14 Q (BY MS. KELLY) Is there someone at the
15 Health Care Authority who oversees Pharmacy
16 Management Consultants?

17 A Well, they're contracted to us, so they're
18 contractually required to report to us via the DUR
19 packet and the board, so that would be the Pharmacy
20 Department.

21 Q Does the Pharmacy Services department have
22 an additional layer of checks to verify that the
23 work that your contractor is doing is done
24 correctly?

25 A We are currently undertaking that right

1 now for the prior authorizations.

2 Q What is the Health Care Authority
3 undertaking to do that?

4 A We are looking at the prior authorization
5 process to see -- if you look in the exhibit, this
6 one might be one that has it in there. It's near
7 the front. Might not be in this one. It's a pie
8 chart. This one? There's a chart of prior
9 authorizations similar to that on page, whatever
10 page, Exhibit 16.

11 Q It's the pie chart that shows approved,
12 denied or incomplete.

13 A Yes.

14 Q Okay.

15 A So we're currently looking at this process
16 to see what it is, why are they denied, why are they
17 incomplete because we have an initiative to turn all
18 of this, these papers electronic. So we're
19 currently seeing what the process is and if there's
20 any type of process improvement that we need to do
21 on these prior authorization forms. So that is a
22 project that I'm currently undertaking as of this
23 year at work, a list of projects.

24 Q Is there any sort of audit system in place
25 or QA/QI process whereby the Health Care Authority

1 Q And what sort of an electronic system
2 would -- is that a budget for?

3 MR. HILL: Objection. Scope.

4 Q (BY MS. KELLY) That's a valid look,
5 Doctor. That was a terrible question. Would the
6 electronic process that you just gave us the budget
7 for involve doctors submitting these prior
8 authorization forms to Pharmacy Management
9 Consultants electronically?

10 MR. HILL: Objection. Form.

11 THE WITNESS: It would take away the
12 paper, yes.

13 Q (BY MS. KELLY) Would that estimate -- I
14 think you testified yesterday that the pharmacy
15 database doesn't communicate with the SoonerCare
16 medical database; is that --

17 A That's correct, yes.

18 Q Would this system change that you're
19 talking about allow that integration to happen or
20 no?

21 MR. HILL: Objection. Scope.

22 THE WITNESS: I don't know. I haven't
23 looked at each of the -- we haven't gotten to the
24 process to do a request for proposal. I've been
25 working on this project for four years.

1 Q (BY MS. KELLY) Who came up with the
2 estimated budget of \$2 million?

3 A I did.

4 Q Did you write a document explaining where
5 that estimate comes from?

6 A I did.

7 Q Is that something you wrote for your own
8 edification or did you present it to someone else
9 within the Health Care Authority?

10 MR. HILL: Objection. Scope.

11 THE WITNESS: I had to present it to the
12 Health Care Authority so it could be listed as a
13 budget item. So if you look on this year's state
14 fiscal year 2020 budget, it is a line item. It will
15 show electronic prior authorization, and it will
16 list the \$500,000, I think, and then \$2 million for
17 the next year.

18 Q (BY MS. KELLY) When did you make this --
19 first make that proposal that you move to electronic
20 prior authorization to the Health Care Authority?

21 A 2016.

22 Q Why -- what's your understanding of why
23 the Health Care Authority decided to implement it
24 this year?

25 A We haven't implemented it yet. It's not

Exhibit 26

MEGHAN ROHLING KELLY

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+1 215 994 2198 Direct
+1 215 655 2198 Fax

February 15, 2019

VIA ELECTRONIC MAIL

Cody Hill
Nix Patterson & Roach LLP
3600 N. Capital of Texas Highway Suite 350B
Austin, TX 78746
codyhill@nixlaw.com

Re: State of Oklahoma v. Purdue

Dear Cody:

Please let me know dates when Dr. Beasley is available for the continuation of his testimony as the State's corporate representative on Defendants' deposition topics 9, 22, and 23.

In addition, please provide in advance of the continued deposition the below documents that Dr. Beasley testified existed but which have not been produced. In the event the documents have been produced, please identify them by production Bates number.

- Dr. Beasley's February 5, 2019 presentation at the Medicaid Innovations Forum in Orlando, Florida, as well as any drafts or related documents;
- Dr. Beasley's Spring, 2018 presentations to the Board of Pharmacy in Oklahoma City and Tulsa, as well as any drafts or related documents;
- ~~Dr. Beasley's presentation to the Oklahoma Board of Pharmacy regarding the proposed rule of implementing the electronic prescribing system in Oklahoma, dated [redacted]~~
- ~~Dr. Beasley's presentation to the Oklahoma Board of Pharmacy regarding the proposed rule of implementing the electronic prescribing system in Oklahoma, dated [redacted]~~
- ~~Dr. Beasley's presentation to the Oklahoma Board of Pharmacy regarding the proposed rule of implementing the electronic prescribing system in Oklahoma, dated [redacted]~~ and

• [REDACTED]

Sincerely,

/s/ Meghan Rohling Kelly

Meghan Rohling Kelly

Cc: Bradley Beckworth
Brian Ercole
Nancy Patterson
Andrew Bowman
Larry Ottaway
Jessica Waddle
Benjamin McAnaney
Jonathan Tam

Exhibit 27

**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

PURDUE PHARMA L.P., et al,)

Defendants.)

**DEFENDANT THE PURDUE FREDERICK COMPANY'S FIRST SET OF REQUESTS
FOR PRODUCTION OF DOCUMENTS FROM PLAINTIFF**

Pursuant to 12 O.S. § 3234, Defendant The Purdue Frederick Company ("Purdue Frederick") requests that the Plaintiff State of Oklahoma ("the State") respond to Purdue Frederick within 30 days to this request to produce the below-described documents which are in the State's possession, custody, or control.

INSTRUCTIONS

1. Unless otherwise set forth, the documents requested include all documents created within the Relevant Time Period and continuing through the date of this request.
2. The documents requested shall be produced as they are kept in the usual course of business or shall be organized and labeled to correspond with the categories in the request.
3. You should produce electronically stored information ("ESI") and hardcopy documents in a single-page TIFF-image format with extracted or OCR text and associated metadata—a standard format in e-discovery—known as TIFF-plus. Produce electronic spreadsheets (e.g., Excel), electronic presentations (e.g., PowerPoint), desktop databases (e.g.,

Access), and audio or video multimedia in native format with a slip sheet identifying Bates labels and confidentiality designations.

4. These requests are directed toward all documents known or available to the State, including records and documents in its custody or control or available to it upon reasonable inquiry. Your response must state, with respect to each item or category, that inspection and related activities shall be permitted, unless the request is objected to, in which event you must state your reasons for objecting. If you object to part of an item or category, specify the part.

5. This request is continuing in character, and Purdue Frederick requests that you amend or supplement your response in accordance with the Oklahoma Rules of Civil Procedure if you obtain new or additional information.

6. If any document is withheld for any reason, including but not limited to any alleged claim of privilege, confidentiality, or trade secret, or for any other reason or objection, provide a description of the document being withheld which includes the following:

- a. The date of the document;
- b. The author of the document;
- c. The recipient of the document;
- d. All persons to whom copies of the document have been furnished;
- e. The subject matter of the document;
- f. The file in which the document is kept in the normal course of business;
- g. The current custodian of the document; and
- h. The nature of the privilege or other reason for not producing the document and sufficient description of the facts surrounding the contents of the document to justify withholding the document under said privilege or reason.

7. Where you have a good faith doubt as to the meaning or intended scope of a request, and your sole objection would be to its vagueness, please contact counsel for Purdue Frederick in advance of asserting an unnecessary objection. The undersigned counsel will provide additional clarification or explanation as needed.

DEFINITIONS

1. "Claim" is any request for payment or reimbursement.
2. The term "chronic pain" is used herein consistent with the meaning of "non-cancer related pain" or "long term pain" as those terms are used in the Complaint, e.g., ¶¶3, 22, 51, 67, 122.
3. "Communication(s)" is any unilateral, bilateral, or multilateral assertion, disclosure, statement, conduct, transfer, or exchange of information or opinion, including omissions, however made, whether oral, written, telephonic, photographic, or electronic.
4. "Complaint" refers to your Original Petition filed June 30, 2017, and exhibits, as well as any subsequent amendments.
5. "Defendants" are the individual Defendants named in the Complaint.
6. "Document(s)" is used in the broadest sense permissible under 12 O.S. § 3234(A)(1), and includes without limitation "writings," "recordings," "photographs," "original[s]," "duplicate[s]," "image[s]," and "record[s]," as those terms are set forth in 12 O.S. § 3001.
7. The term "document(s)" includes all drafts and all copies that differ in any respect from the original; information stored in, or accessible through, computer or other information retrieval systems (including any computer archives or back-up systems), together with instructions and all other materials necessary to use or interpret such data compilations; all other

Electronically Stored Information; and the file-folder, labeled-box, or notebook containing the document, as well as any index, table of contents, list, or summaries that serve to organize, identify, or reference the document.

8. “Drug Utilization Review Board” is used herein consistent with its meaning in Section 317:1-3-3.1 of the Oklahoma Administrative Code.

9. “Educational Activity” refers to publications, programs, continuing medical education, or other forms of communicating unbranded, educational information about Opioids or treatment of chronic pain.

10. “Electronically Stored Information” is used in the broadest sense permissible by the Oklahoma Rules of Civil Procedure and includes without limitation all electronic data (including active data, archival data, backup data, backup tapes, distributed data, electronic mail, forensic copies, metadata, and residual data) stored in any medium from which information can be obtained.

11. The term “employee” includes all current and former employees, independent contractors, and individuals performing work as temporary employees.

12. “Healthcare Professional(s),” “Health Care Provider(s)” or “HCP(s)” is any person who prescribes, administers, or dispenses any Relevant Medication or Medication Assisted Treatment to any person or animal.

13. “Key Opinion Leader(s)” or “KOL(s)” is used herein consistent with its meaning in the Complaint, ¶58.

14. “Medication Assisted Treatment” is the use of medications with counseling and behavioral therapies to treat substance abuse disorders and prevent Opioid overdose.

15. "Medical Necessity" has the same meaning as defined in Section 317:30-3-1(f) of the Oklahoma Administrative Code.

16. "Oklahoma Agency" or "Oklahoma Agencies" collectively refers to any State entity involved in regulating, monitoring, approving, reimbursing, or prosecuting the prescription, dispensing, purchase, sale, use, or abuse of controlled substances in Oklahoma, including, but not limited to, the Oklahoma Office of the Governor, Oklahoma Legislature, Oklahoma Office of the Attorney General, Oklahoma Department of Corrections, Oklahoma Department of Public Safety, Oklahoma State Department of Health, Oklahoma State Bureau of Investigation, Oklahoma Bureau of Narcotics and Dangerous Drugs Control, Oklahoma Department of Mental Health and Substance Abuse Services, Oklahoma Health Care Authority, Oklahoma State Board of Dentistry, Oklahoma State Board of Medical Licensure and Supervision, Oklahoma State Board of Nursing, Oklahoma State Board of Pharmacy, Oklahoma State Board of Veterinary Medical Examiners, Oklahoma Workers' Compensation Commission, Office of the Medical Examiner of the State of Oklahoma, and their respective predecessors, supervisory and subordinate organizations, and current or former employees.

17. "Opioid(s)" refers to FDA-approved pain-reducing medications consisting of natural or synthetic chemicals that bind to receptors in a patient's brain or body to produce an analgesic effect.

18. "Patient(s)" is any human being to whom an Opioid is prescribed or dispensed.

19. "Person(s)" is any natural or legal person.

20. Pharmacy and Therapeutics Committee ("P & T Committee") or formulary committee means any committee, group, board, person or persons with responsibility for determining which drugs will be placed on any prescription drug formulary created, developed or

utilized by the State of Oklahoma or any Program, the conditions and terms under which the State of Oklahoma or any Program will authorize purchase of, coverage of, or reimbursement for those drugs, who can prescribe specific drugs, policies and procedures regarding drug use (including pharmacy policies and procedures, standard order sets, and clinical guidelines), quality assurance activities (e.g., drug utilization review/drug usage evaluation/medication usage evaluation), adverse drug reactions/medication errors, dealing with product shortages, and/or education in drug use.

21. "Prior Authorization" is any program that implements scope, utilization, or product based controls for drugs or medications.

22. "Program(s)" is every program administered by an Oklahoma Agency that reviews, authorizes, and determines the conditions for payment or reimbursement for Opioids, including, but not limited to, the Oklahoma Medicaid Program, as administered by the Oklahoma Health Care Authority, and the Oklahoma Workers Compensation Commission.

23. "Relevant Time Period" means January 1, 2007 to the present, or such other time period as the parties may later agree or the Court determines should apply to each side's discovery requests in this action.

24. "Relevant Medication(s)" includes any and all drugs, branded or generic, consisting of natural or synthetic chemicals that bind to opioid receptors in a Patient's brain or body to produce an analgesic effect, whether or not listed in the Complaint, including, but not limited to, codeine, fentanyl, hydrocodone, hydromorphone, methadone, morphine, oxycodone, oxymorphone, tapentadol, and tramadol.

25. "Third-Party Group(s)" is used herein consistent with its meaning in the Complaint, including any "seemingly unaffiliated and impartial organizations to promote opioid use." Complaint, ¶¶58, 63, 72.

26. "Vendor" means any third-party claims administrator, pharmacy benefit manager, HCP, or person involved in overseeing, administering, or monitoring any Program.

27. "You," "Your," "State," "Oklahoma," and "Plaintiff" refer to the sovereign State of Oklahoma and all its departments, agencies, and instrumentalities, including current and former employees, any Vendor, and other persons or entities acting on the State's behalf.

28. The words "and" and "or" shall be construed conjunctively as well as disjunctively, whichever makes the request more inclusive.

29. "Any" includes "all" and vice versa.

30. "Each" includes "every" and vice versa.

31. The term "including shall be construed to mean "including but not limited to."

32. The singular of each word includes its plural and vice versa.

DOCUMENTS REQUESTED

1. All Documents and Communications related to any formulary utilized by the Oklahoma Health Care Authority or any Vendor for determining reimbursement eligibility or criteria, including Documents and Communications related to formulary tier structure, formulary position, copayment obligations, and any restrictions on or prerequisites to the coverage, reimbursement, purchase, or prescription of the Relevant Medications.

2. All Documents relating to any Communications between You and the suppliers or manufacturers of the Relevant Medications relating to the Relevant Medications.

3. All agreements or contracts entered into with any Vendor, including but not limited to all agreements or contracts with prescription drug manufacturers that pertain directly to purchases of any Relevant Medications.

4. All Documents and Communications relating to summaries, studies, or analyses of the labeling or product inserts pertaining to any of the Relevant Medications.

5. All Documents and Communications reflecting, identifying, or relating to each Claim submitted under any Program for reimbursement of an Opioid prescribed for chronic pain, including but not limited to adjudication and reimbursement claims data, Documents reviewed or relied upon in evaluating or deciding whether to pay for or reimburse the Claim, Communications with claimants, Health Care Providers, or Vendors, and paper or electronic claim forms relating to such Claims.

6. All Documents and Communications related to methods, criteria, information, reports, studies, and Person(s) involved in or utilized to determine whether a claim for an Opioid prescription involved a Medical Necessity and was otherwise eligible for payment.

7. All Documents and Communications identifying, discussing, describing, or otherwise relating to the circumstances in which Opioid use is or is not a Medical Necessity, reasonably required, or otherwise appropriate for the treatment of chronic pain.

8. All Documents and Communications describing the Oklahoma Workers Compensation Commissions' funding, budgeting, and changes in prescription drug coverage.

9. All Documents and Communications reflecting or concerning any Educational Activities, marketing materials, or other Communications regarding a Relevant Medication that You contend are false, deceptive, or misleading, or contain actionable omissions that You attribute to Defendants or for which You seek to hold Defendants liable.

Dated: January 12, 2018

By: 
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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of January 2018, I caused a true and correct copy of the following:

DEFENDANT PURDUE PHARMA, L.P.'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS FROM PLAINTIFF

to be served upon the counsel of record listed on the attached Service List.



Sanford C. Coats

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Exhibit 28

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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

PURDUE PHARMA L.P.;
PURDUE PHARMA, INC.;
THE PURDUE FREDERICK
COMPANY;
TEVA PHARMACEUTICALS
USA, INC.;
CEPHALON, INC.;
JOHNSON & JOHNSON;
JANSSEN PHARMACEUTICALS, INC.;
ORTHO-McNEIL-JANSSEN
PHARMACEUTICALS, INC., n/k/a
JANSSEN PHARMACEUTICALS, INC.;
JANSSEN PHARMACEUTICA,
INC., n/k/a JANSSEN
PHARMACEUTICALS, INC.;
ALLERGAN, PLC, f/k/a
ACTAVIS PLC, f/k/a ACTAVIS, INC.,
f/k/a WATSON PHARMACEUTICALS, INC.;
WATSON LABORATORIES, INC.;
ACTAVIS LLC; and
ACTAVIS PHARMA, INC.,
f/k/a WATSON PHARMA, INC.,

Defendants.

VIDEOTAPED DEPOSITION OF MARK WOODWARD
TAKEN ON BEHALF OF THE DEFENDANTS
ON FEBRUARY 12, 2019, BEGINNING AT 9:05 A.M.
IN OKLAHOMA CITY, OKLAHOMA

VIDEOTAPED BY: Jim Herzig
REPORTED BY: Jane McConnell, CSR RPR CMR CRR

1 budgetary needs?

2 A They decide that together.

3 Q Meaning that Brigette and Richie and
4 Director Scully decide together what OBN's budgetary
5 needs are?

6 A There's sometimes other people around the
7 table. Sometimes it's shared in our staff meeting.
8 Other times if it's a particular item, the fiscal
9 may visit directly with Director Scully. So it just
10 depends on what type of a budget item we might be
11 discussing.

12 Q When OBN is asking the Oklahoma
13 legislature to apportion more money to OBN, who
14 makes that request?

15 MR. LEONOUDAKIS: Objection.

16 A The fiscal division and the director have
17 the greatest say-so.

18 Q (BY MS. RYAN) Do you participate in that
19 request?

20 A No.

21 Q You told me a few minutes ago that when
22 you do public education, one of the things that you
23 speak on are the current drug threats in the state
24 of Oklahoma; is that correct?

25 A Correct.

1 Q What are the current drug threats in the
2 state of Oklahoma?

3 A My presentations include the increase in
4 the potency of marijuana, the different types of
5 marijuana such as concentrates that are much
6 stronger than a traditional marijuana joint. So
7 we cover a great deal on marijuana.

8 We also cover opioids, whether it's
9 prescription medication, heroin or even new types of
10 black market fentanyl.

11 Then my presentations also cover meth,
12 methamphetamine. Some of the audiences I talk about
13 huffing inhalants.

14 Some synthetic types of drugs, K2 was a
15 popular one. So I still include a section on
16 synthetic drugs that we hear about through maybe a
17 crime lab report from OSBI or an autopsy report at
18 the ME's office. I oftentimes will take a new drug
19 report and include that in my presentation as to
20 here's what we're seeing today.

21 So those are the primary ones, threats
22 that we're dealing with.

23 Q So that I understand it, you listed about
24 six different categories of drugs. Let me go
25 through them with you quickly --

1 A Okay.

2 Q -- that you give public presentations on.
3 Marijuana, prescription opioids, street opioids,
4 heroin and --

5 A Right. I lump all those together in a
6 section in my programs.

7 Q -- fentanyl. Methamphetamine?

8 A Yes.

9 Q Huffing and then synthetic drugs like K2?

10 A Right.

11 Q Of those five or six categories of drugs,
12 which ones do you give the most presentations on?

13 A They're typically included in --

14 Q You cover all of them?

15 A Right. My PowerPoint covers it because
16 typically I might have a unique request for somebody
17 to ask about the medical marijuana law, but the
18 majority of the requests they want a general
19 presentation on current drug trends. So for the
20 most part, those are -- all those categories are
21 covered almost every presentation I give.

22 Q Within almost every presentation that you
23 give where you cover all of these categories in your
24 general presentation, is there any one category of
25 drugs that you spend more time talking about than

1 others?

2 A I would say marijuana and opioids,
3 prescription opioids, would be about even.

4 Q Meaning that you spend about the same time
5 talking about marijuana as you do prescription
6 opioids?

7 A Yes.

8 Q Why is that?

9 A I think it's two of the most common issues
10 that we're seeing in schools and among teenagers,
11 and those are the majority of my audiences are
12 either students at school. So I gear it towards the
13 dangers of those types of drugs, or it's parents and
14 getting parents to understand what are -- what are
15 some things that teenagers might be into today, what
16 are the most popular things going around in the
17 schools.

18 Certainly alcohol is there and tobacco,
19 but I don't really cover those because those just
20 aren't under our purview. But when it comes to the
21 drugs that we see kids getting into, oftentimes it's
22 marijuana or prescription drugs that they've taken
23 out of their parents' cabinet.

24 This comes from my discussions with the
25 school principals when I'm invited to a school.