1042892465

IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

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

Plaintiff,

v.

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

Defendants.

For Judge Balkman's Consideration

Case No. CJ-2017-816
Honorable Thad Balkman

William C. Hetherington
Special Discovery Master

STATE OF OKLAHOMA } S.S.
CLEVELAND COUNTY }
FILED
MAR 14 2019
In the office of the
Court Clerk MARILYN WILLIAMS

TEVA DEFENDANTS' MOTION TO COMPEL CORPORATE WITNESS TESTIMONY

Pursuant to 12 O.S. § 3237, Defendants Teva Pharmaceuticals USA, Inc., Cephalon, Inc., Watson Laboratories, Inc., Actavis LLC, and Actavis Pharma, Inc., (collectively the "Teva Defendants") respectfully move to compel further deposition testimony of a corporate representative of Plaintiff State of Oklahoma (the "State") on the Teva Defendants' Topics 30, 32, and 33. After this Court ordered the State to provide corporate witness testimony on topics related to the Teva Defendants (*See* Feb. 14, 2019, Hearing Tr. at 71:1-5) the Teva Defendants duly

noticed the State to provide a corporate representative to testify on several topics, including Topics 30, 32, and 33. Those three topics sought testimony regarding the State's decisions to approve, deny, or reimburse claims made to its pharmacy benefits programs regarding opioid medications manufactured by the Teva Defendants, including Actiq and Fentora, two branded pharmaceuticals.

On March 11, 2019, the State produced Travis Tate, the Director of Pharmacy for the Oklahoma Employee Group Insurance Division ("EGID"), as its corporate designee on Topics 30, 32, and 33. Those topics are:

> **Topic 30**. The nature and circumstances behind the coverage or reimbursement of prescription Opioids manufactured by any Teva Defendant, including Actiq or Fentora, on the State's behalf during the Relevant Time Period (and any changes with respect to coverage or reimbursement), including on behalf of Plaintiff's employees, their dependents, incarcerated persons, Medicaid enrollees, or pension beneficiaries.
>
> **Topic 32**. The design and administration of any pharmacy benefit program or plan (and any changes thereto) on the State's behalf during the Relevant Time Period, including, but not limited to: (a) any coverage limits, rules, or restrictions placed on Actiq, Fentora, or any other prescription Opioids manufactured by one of the Teva Defendants during the Relevant Time Period; (b) whether to approve a claim for reimbursement for Actiq, Fentora, or any other prescription Opioid manufactured by one of the Teva Defendants; and (c) and whether a patient's medical history should be reviewed to determine the appropriateness of any prescription of Actiq, Fentora, or other prescription Opioid manufactured by one of the Teva Defendants prior to the medication being dispensed, approved or reimbursed.
>
> **Topic 33**. The circumstances behind any denial by the State, or any other entity that provides or administers benefits for Your Programs, of claims for the reimbursement of Actiq, Fentora, or any other Opioid prescription manufactured by each of the Teva Defendants, including, but not limited to, any denials because the prescriptions were unnecessary, medically unnecessary, excessive, or otherwise improper.[1]

[1] The Teva Defendant's March 6, 2019, Notice to Take Deposition of Corporate Representative of the State is attached hereto as Exhibit "A".

These topics go directly to the Teva Defendants' defenses to this case. Specifically, whether the State was actually misled by any of the Teva Defendants' actions, and whether the State actually paid for medically unnecessary or excessive opioid prescriptions manufactured by the Teva Defendants.

Mr. Tate, however, was admittedly woefully unprepared to give testimony on Topics 30, 32, and 33. For example,

- Mr. Tate did not review a single claim for a product manufactured by Teva-related entities.
- Mr. Tate was unaware of the names of the products manufactured by the Teva entities other than the two branded medicines listed in the notice.
- Mr. Tate admitted that he spoke to no one at the State – including State employees at EGID with much more experience than he – to prepare to testify as to the facts in the State's knowledge, other than his attorney, with whom he spoke for about four hours.
- Mr. Tate had his assistant start pulling documents for the deposition "the Thursday or Friday" before his Monday deposition and did not review in detail any of the documents that he had pulled.

Further, on *the morning* of the deposition, the State produced four binders of previously unproduced documents that were relevant to the topics. Those documents were also responsive to the Teva Defendants' very first document request in this case, which was served more than one year ago on January 12, 2018.

This is not the first time that the State has produced an unprepared witness to testify as a corporate representative.[2] That time, the State was ordered to produce a prepared witness. This is no different. Because Mr. Tate was unprepared to testify about the noticed Topics, the State should be ordered to prepare and produce another witness to testify about them. The Teva

[2] The State has previously been found by the Court to have presented unprepared corporate witnesses. This gamesmanship from the State is nothing new. *See* Special Master's October 22, 2018 Order, attached hereto as Exhibit "B" (ordering State to produce a prepared corporate representative for testimony regarding Department of Corrections).

Defendants therefore move the Court for an order that requires the State to present a corporate representative who prepares for the deposition in advance by educating him or herself on the State's factual knowledge regarding Topics 30, 32, and 33, including the nature and circumstances behind the coverage or reimbursement decisions made by the State regarding opioids manufactured by the Teva Defendants, the design and administration of the State's pharmacy benefit program(s) or plan(s), and the circumstances behind any denial by the State or its agents of claims for reimbursement for opioids manufactured by the Teva Defendants.

I. BACKGROUND

Topics 30, 32, and 33 are intended to obtain discovery regarding how the State makes coverage, reimbursement, and denial decisions regarding prescription opioids, as well as the administration of the State's pharmacy benefits programs that inform such decisions. The State administers medical and pharmaceutical benefits to various segments of the Oklahoma population, including state employees, state-run Medicaid recipients, and inmates housed in detention facilities, among others. And the State is seeking billions of dollar in penalties for allegedly unnecessary or excessive prescriptions that it has previously reimbursed after determining that the claims were medically necessary. Discovery of the State's standards, practices, and procedures as they relate to coverage decisions, and the nature and circumstances behind any coverage decision or denial related to claims for opioids manufactured by the Teva Defendants, is therefore essential to the Teva Defendants' case.

II. ARGUMENT AND AUTHORITY

A. Oklahoma Law Required The State To Produce A Prepared Witness

Oklahoma's discovery code requires designated corporate representatives to testify "as to matters known or reasonably available to the organization." 12 Okla. Stat. § 3230(C)(5). The

recipient of a deposition notice seeking corporate testimony has "an affirmative duty" to designate a knowledgeable representative, which includes an "obligat[ion] to make a conscientious good-faith endeavor to designate the persons having knowledge of the matters sought ... and to prepare those persons in order that they can answer fully, completely, unevasively, the questions posed." *ZCT Sys. Grp., Inc. v. Flightsafety Int'l*, 2010 WL 1541687, at *2 (N.D. Okla. Apr. 19, 2010).[3]

Further, "[i]f the organization fails to produce a designee with sufficient knowledge, it is required to produce an additional designee with adequate knowledge." *Id.* And even if a party, in good faith, thought its designee would satisfy a deposition notice, "it ha[s] a duty to substitute another person once the deficiency of its [corporate representative] designation became apparent during the course of the deposition." *Marker v. Union Fid. Life Ins. Co.*, 125 F.R.D. 121, 126 (M.D.N.C. 1989). "An inadequate [corporate representative] designation amounts to a refusal or failure to answer a deposition question." *Id.* at 126; *see also*, 12 Okla. Stat. §3237(A)(2) ("If a deponent fails to answer a question propounded or submitted...the discovering party may move for an order compelling an answer.").

B. Mr. Tate Was Not Prepared To Testify On The Noticed Topics.

Mr. Tate was not adequately prepared to testify on Topics 30, 32, and 33 on March 11, 2019. Mr. Tate did not start working at EGID until 2014. Ex. C., March 11 Tate Tr. at 29:7-9.[4] But despite his relatively brief tenure with the agency, and the relevant time period in this case (1999 to present), Mr. Tate made no effort to speak with the prior Director of Pharmacy, Marti

[3] While Oklahoma courts have not clearly defined the requirements for such corporate testimony, Oklahoma Courts "may look to discovery procedures in the federal rules when construing similar language in the Oklahoma Discovery Code." *Crest Infiniti, II, LP v. Swinton,* 174 P.3d 996, 999 and n.4 (Okla. Oct. 10, 2007) (recognizing parallels between Oklahoma Discovery Code 12 Okla. Stat. § 3230(C)(5) and Fed R. Civ. P. 30(b)(6)).

[4] A true and correct copy of the transcript of Mr. Tate's March 11, 2019, deposition is attached hereto as Exhibit "C".

Hamer, who held that position from the time it was created until Mr. Tate assumed the role in 2014. *Id.* at 30:19 – 31:17. Indeed, Mr. Tate testified that, in preparing for his deposition, he did not speak with other State employees, except for his assistant, who merely helped him pull documents, and the State's attorney, for a total of four hours. *Id.* at 22:5 – 23:25. Mr. Tate made no effort to speak with his superiors in preparation for the deposition, including the Deputy Administrator of EGID, Diana O'Neal, and the Chief Administrator, Frank Wilson. *Id.* at 29:16-24. Further, it was not until the day or two before his Monday deposition that Mr. Tate asked his assistant to pull some documents for the deposition. *Id.* at 25:2-3. And, he did not even review those documents in detail. *Id.* at 9:23-25.

Further, it was clear that Mr. Tate made no effort to obtain and prepare himself on information undoubtedly relevant to the Topics. For example, Topic 30 sought testimony regarding "the nature and circumstances behind the [State's] coverage or reimbursement of prescription Opioids manufactured by any Teva Defendant, including Actiq or Fentora." That necessarily would include testimony regarding coverage decisions made by the State with respect to specific claims for prescription opioids manufactured by the Teva entities. Despite this, Mr. Tate testified that he did not study any specific claims that were rejected. *Id.* at 98:5-15. Mr. Tate did not educate himself on what specific medications were manufactured by the defendants in this case, including the Teva Defendants. *Id.* at 17:6 – 22:3 (discussing how Mr. Tate does not know the difference between the named Teva-related entities or what products they manufacture). When asked to name some products manufactured by the Teva Defendants, Mr. Tate cited "generic opioid products". *Id.* When asked whether he could name any opioid products specifically manufactured by the Teva Defendants Mr. Tate stated, "No I cannot". *Id.* at 92:5-10. Mr. Tate could not identify how many Actiq or Fentora claims were denied by EGID, or its pharmacy

benefits manager, for the relevant time period (*Id.* at 96:16-19), and claimed that he could not do so because the current pharmacy benefits manager, CVS Caremark, maintained the database with that level of detail. *Id.* at 97:10-24. Nevertheless, Mr. Tate admitted that EGID has access to CVS Caremark's database and the prescription information contained therein. *Id.* at 100:9-21. Despite this access, Mr. Tate made no attempt to obtain this information from CVS Caremark. He also made no effort to obtain information from EGID's pharmacy benefits manager prior to CVS Caremark, Express Scripts, which possesses the same information for the twelve-year period from 2003-2015. *Id.* at 187:24 – 188:1. Moreover, Mr. Tate could not identify any Actiq or Fentora claims that were denied by EGID because of a determination that they were medically unnecessary (*Id.* at 104:12-17), and he did no research to find out. *Id.* at 104:18-25. In fact, Mr. Tate looked at no specific claims prior to his deposition. *Id.* at 105:1-8. Mr. Tate also made no effort to acquire or review prior authorization or claim denial letters from CVS Caremark or Express Scripts. *Id.* at 331:14-21.

And Mr. Tate was equally unprepared with respect to Topic 32, which sought, among other things, the design and administration of the State's pharmacy benefits plan, and Topic 33, which sought the nature and circumstances behind any denial of a claim for a prescription manufactured by a Teva entity. For instance, Mr. Tate testified that he, along with several other State employees and members of the State's pharmacy benefits manager, CVS Caremark, sit on a "Fraud, Waste and Abuse" committee that meets monthly regarding pharmacy fraud, waste and abuse cases *Id.* at 67:6-9. This type of committee certainly speaks to the design and administration of the State's pharmacy benefits plan, yet Mr. Tate did nothing to prepare on it. The EGID Compliance Department also convenes similar committees to investigate fraud, waste and abuse under the medical pharmacy or dental plans, and to review referrals from Medicare fraud. *Id.* at 71:14 –

72:20. In advance of those meetings, an email and attachments are circulated to the group members identifying the cases that are to be reviewed. *Id.* at 70:16 71:3. That email includes a report on the cases to be heard, actions previously taken by the pharmacy benefits manager, and an excel spreadsheet with copies of recent claims *Id.* at 74:10 – 76:4. The Compliance department also keeps a spreadsheet of all the fraud, waste and abuse cases. *Id.* Mr. Tate saves all of these materials in a folder in his Outlook inbox on his desktop work computer titled "FWA Cases". *Id.* at 76:9-21. These files would include case documentation about what the medication is that is at issue with a particular patient. *Id.* at 77:16-23. Multiple cases reviewed by the Fraud, Waste and Abuse committee involved opioid medications. *Id.* at 79:2-14. Mr. Tate did not review any of these materials in preparation for his deposition (*Id.* at 76:22 – 77:3), nor did the State produce them in response to numerous relevant discovery requests.

In sum, Mr. Tate was woefully unprepared on multiple relevant, and critical, sources of information called for by the noticed topics.

C. The State Submitted A Document Dump The Morning Of The Deposition Containing Documents That Should Have Been Produced A Year Ago.

The State walked into Mr. Tate's deposition with four binders' worth of documents that had never before been produced in this case. The binders included pharmacy benefit plan handbooks dating back to 1996, medication lists and formularies, claim and denial codes, prior authorization and step edit documents, and other highly relevant information. It was not until the day or two before his Monday deposition that Mr. Tate asked his assistant to pull these documents for the deposition. *Id.* at 25:2-3. And, he did not even review these documents in detail. *Id.* at 9:23-25.

Early in this case, the Teva Defendants sought document discovery directly related to the State's policies, procedures and practices for making coverage and reimbursement decisions of

prescription opioids. Indeed, on January 12, 2018 – more than fifteen months ago – the Teva Defendants requested such documents in its very first set of document requests. Specifically, Teva Pharmaceuticals USA, Inc.'s First Set of Requests for Production of Documents sought from the State:

> 1. All Documents and Communications reflecting or relating to standards, guidelines, or policies created by, relied on, or applied by You or anyone acting on Your behalf in determining whether, and on what terms, to prescribe, provide coverage for, or provide payment for or reimbursement of any Relevant Medications under any Program, including but not limited to Prior Authorization criteria and step edit protocols relating to the Relevant Medicines.
>
> 2. All Documents and Communications describing or relating to any processes, practices, or procedures for determining (a) coverage and reimbursement of Opioid prescription claims, (b) co-payment obligations, or (c) restrictions on or prerequisites to coverage, reimbursement, purchase or prescription of the Relevant Medications under any Program.[5]

Despite these requests being outstanding for more than a year, and despite the State having certified in its February 14, 2018, response that it would produce responsive documents, the State produced, on the day of the deposition, four binders full of documents responsive to these requests. And, despite having had over a year to review and prepare these documents, the State's witness testified that he had not even reviewed all of the documents that he brought with him. Ex. C at 9:23-25. The State's willful disregard of its discovery obligations could not be more clear.

III. CONCLUSION

The transcript of Mr. Tate's deposition is clear and conclusive. He repeatedly could not answer basic questions about the subject of the deposition. He testified that he did not speak to any other State employees or experts to prepare for his deposition, and that he spent a total of four hours meeting with his attorney. He testified that he only began identifying responsive documents

[5] A true and correct copy of Teva Pharmaceuticals USA, Inc.'s First Request for Production of Documents is attached hereto as Exhibit "D".

two or three days prior to his deposition, and that he did not fully review those documents. The information needed to address the deposition topics was available to Mr. Tate, but he did not take advantage of the resources available to him to prepare. It is clear – and has repeatedly been made clear by the State throughout this litigation – that the State has chosen to abdicate its duty to provide educated corporate representative testimony, comply with the Oklahoma discovery rules, and provide basic due process to the Teva Defendants.

The discovery sought is relevant and important to the Teva Defendants' defense, and the State should be compelled to designate a new corporate representative who is properly educated and prepared on the deposition topics.

Dated: March 13, 2019

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I hereby certify that a true and correct copy of the foregoing was emailed this 13th day of March 2019, to the following:

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EXHIBIT A

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 William C. Hetherington Special Discovery Master

NOTICE TO TAKE SECTION 3230(C)(5) VIDEOTAPED DEPOSITION OF CORPORATE REPRESNTATIVE(S) OF THE STATE

To: State of Oklahoma

Via Electronic Mail

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Please take notice that, pursuant to 12 O.S. § 3230(C), Defendants Teva Pharmaceuticals USA, Inc., Cephalon, Inc., Watson Laboratories, Inc., Actavis LLC, and Actavis Pharma, Inc. (collectively, "Teva Defendants") will take the deposition upon oral examination of one or more corporate representative(s) of Plaintiff the State of Oklahoma (the "State") on the matters described in **Exhibit A** on **March 11, 2019, starting at 9:00 AM**, at the offices of Whitten Burrage, 512 North Broadway Avenue, Suite 300, Oklahoma City, Oklahoma 73102.

This deposition is to be used as evidence in the trial of the above action, and the deposition will be taken before an officer authorized by law to administer oaths. It will be recorded by stenographic means and will be videotaped. It will continue from day to day until completed.

Pursuant to 12 O.S. § 3230(C)(5), the State is hereby notified of its obligation to designate one or more officers, directors, managing agents, or other persons who consent to testify on the State's behalf about all matters described in **Exhibit A**. Please take further notice that each such officer, director, managing agent, or other person produced by the State to testify under 12 O.S. § 3230(C)(5) has an affirmative duty to have first reviewed all documents, reports, and other matters known or reasonably available to the State, and spoken to all potential witnesses known or reasonably available to the State, in order to provide informed and binding answers at the deposition(s).

DATED: March 6, 2019.

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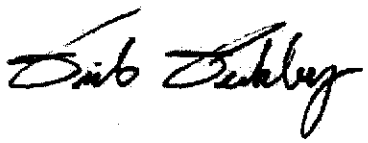


Nick Merkley

EXHIBIT A

TOPIC #	TOPIC DESCRIPTION
30	The nature and circumstances behind the coverage or reimbursement of prescription Opioids manufactured by any Teva Defendant, including Actiq or Fentora, on the State's behalf during the Relevant Time Period (and any changes with respect to coverage or reimbursement), including on behalf of Plaintiff's employees, their dependents, incarcerated persons, Medicaid enrollees, or pension beneficiaries.
32	The design and administration of any pharmacy benefit program or plan (and any changes thereto) on the State's behalf during the Relevant Time Period, including, but not limited to; (a) any coverage limits, rules, or restrictions placed on Actiq, Fentora, or any other prescription Opioids manufactured by one of the Teva Defendants during the Relevant Time Period; (b) whether to approve a claim for reimbursement for Actiq, Fentora, or any other prescription Opioid manufactured by one of the Teva Defendants; and (c) and whether a patient's medical history should be reviewed to determine the appropriateness of any prescription of Actiq, Fentora, or other prescription Opioid manufactured by one of the Teva Defendants prior to the medication being dispensed, approved or reimbursed.
33	The circumstances behind any denial by the State, or any other entity that provides or administers benefits for Your Programs, of claims for the reimbursement of prescriptions of Actiq, Fentora, or any other Opioid prescription manufactured by each of the Teva Defendants, including, but not limited to, any denials because the prescriptions were unnecessary, medically unnecessary, excessive, or otherwise improper.
	WITH RESPECT TO HEALTHCHOICE ONLY

EXHIBIT B

104660481

IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel., MIKE HUNTER, ATTORNEY GENERAL OF OKLAHOMA,	
Plaintiff,	
vs.	**Case No. CJ-2017-816**
	Judge Thad Balkman
(1) PURDUE PHARMA L.P.;	
(2) PURDUE PHARMA, INC.;	
(3) THE PURDUE FREDERICK COMPANY,	
(4) TEVA PHARMACEUTICALS USA, INC.;	
(5) CEPHALON, INC.;	
(6) JOHNSON & JOHNSON;	
(7) JANSSEN PHARMACEUTICALS, INC,	
(8) ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC., n/k/a JANSSEN PHARMACEUTICALS;	
(9) JANSSEN PHARMACEUTICA, INC., n/k/a JANSSEN PHARMACEUTICALS, INC.;	
(10) ALLERGAN, PLC, f/k/a ACTAVIS PLC, f/k/a ACTAVIS, INC., f/k/a WATSON PHARMACEUTICALS, INC.;	
(11) WATSON LABORATORIES, INC.;	
(12) ACTAVIS LLC; and	
(13) ACTAVIS PHARMA, INC., f/k/a WATSON PHARMA, INC.,	
Defendants.	

STATE OF OKLAHOMA }
CLEVELAND COUNTY } S.S.
FILED
OCT 22 2018
In the office of the
Court Clerk MARILYN WILLIAMS

ORDER OF SPECIAL DISCOVERY MASTER

NOW, on this 22nd day of October, 2018, the above and entitled matter comes on for ruling by the undersigned having heard argument on October 18, 2018.

Rulings entered herein regarding the following Motions:

1. **Cephalon's Motion for State to Show Cause for Failure to Comply with Court Orders**

The undersigned entered rulings on August 31, 2018 overruling State's objections to the nature and number of interrogatories. The record and argument indicates that State

has complied with some production for interrogatories 1 through 6 and then at the October 3rd hearing the undersigned ordered State to fully answer interrogatories it can answer by October 9th. I further ordered that State identify interrogatories for which answers are being withheld.

The record indicates State has not responded to interrogatories numbered 7 through 16 contending Defendants have collectively exceeded the 30 interrogatory limit. The undersigned once again reiterates that in the interest of time and efficiency, it is best for the three Defendant groups to respond as a group to 30 interrogatories per group, however, as ordered before, when that is not possible, State is **required** to fully answer interrogatories limited to 30 per defendant sued.

The specific medications and damage formula defendant is interested in will be identified and fully developed in discovery as part of the State's expert testimony scheduling and the model they have chosen to proceed with. This will take place according to the scheduling order.

Therefore, I again order compliance and State is Ordered to fully answer to the extent possible, and in compliance with my previous orders protecting patient and physician personal information, interrogatories 1 through 6 and the motion is **Sustained** to that extent.

The undersigned enters the same Order for State to Respond to interrogatories 7 through 16 under the same conditions.

Responses to all of these interrogatories are Ordered to be fully completed and answered within 15 working days from the date of this Order and shall be State's final and complete answers subject to newly acquired evidence that must be produced.

2. **State's Second Motion To Show Cause as to Purdue**

This motion asks the undersigned to reenter my original Order (Withdrawn by October 5, 2018 Order) with regard to Rhodes entities. Now following argument, review of the record, testimony and pleadings, find State is entitled to full disclosure and discovery regarding Rhodes Pharma and Rhodes Technologies as affiliates related to Purdue Pharmaceutical and involved with Sackler family ownership. The testimony and record now before the undersigned demonstrates significant control over the creation of, reasons for its creation and daily control, such as "to provide a cost competitive API platform to support our Rhodes Pharmaceuticals generic dosage form initiative". Argument and evidence confirms that Rhodes Technologies and Rhodes Pharma fall within the definition of an "Affiliate" about which production is required. I further find pursuant to State's request, State is entitled in this context only, to complete discovery back to the point in time of Rhodes entity creation or 1996, whichever is earlier. I further find the evidence is insufficient to indicate Purdue Pharmaceutical was intentionally concealing or hiding the identity of these affiliates. The evidence is in dispute, however, documentary evidence had been produced to the State prior to depositions disclosing the existence of these entities.

Therefore, State's request to reenter my previously withdrawn order with regard to Rhodes entities is **Sustained** to this extent.

3. Purdue's Motion to Show Cause Against the State

Findings entered with regard to this motion overlap in part with agenda item number 1 as to Cephalon's motion. Again, the undersigned has previously ordered State to answer in full and allowed State to answer only 30 interrogatories from each Defendant group if possible. Regarding interrogatories numbered 7, 8 and 9, I have previously ordered State to answer with specificity and to the extent possible. Consistent with item number 1, final and complete answers to be provided within 15 working days subject to newly discovered evidence required to be produced.

The specific medications and damage formula will be identified and fully developed in discovery as part of the State's expert reports and testimony scheduling and the model they have chosen to proceed with. This will take place according to the scheduling order.

I agree with State's argument and I have encouraged a joint Defendant group interrogatory count of 30 interrogatories to be submitted to the State from the three groups and State to Defendant groups when possible. When a "joint" interrogatory request is made, the State is required to answer the 30 interrogatories to the group as a whole. The State is not required to then answer another set of interrogatories covering the same information propounded to it by individual members of the Defendant group, unless that individual Defendant has a **clearly** unique and independent grounds for separate inquiry following a meet and confer. Once again, as indicated above, in the interest of time and judicial efficiency, it is reasonable in this case to conduct discovery, for the most part, in a three-defendant group format.

Privacy and confidentiality orders have been entered and the issue ruled upon. Therefore, by this Order I order full compliance as to each numbered interrogatory properly propounded consistent with this Order, with State to fully comply within 15 working days from the date of this Order with final and complete responses subject to newly discovered evidence required to be produced.

Purdue's motion to show cause and requests made therein are **Sustained** to this extent.

4. State's Motion to Compel Depositions and Group Topics

The undersigned has reviewed this motion and Purdue's opposition to it, Teva group's response and opposition to it, redacted and unredacted versions containing argument and record evidence relevant to State's motion and, considered Janssen group's response and objection.

This issue concerns corporate designation of witnesses for topic testimony, scope and relevant topic grouping. State argues through this date, State has only been able to reach an agreement with Defendants for designation on topics number 39 and 41

currently scheduled with Janssen group for November 9th and has taken five other depositions (Briefs indicate State has taken depositions of 9 other corporate designated witness). Notices for all of these designated witness depositions have been out since prior to the attempted removal of this case to Federal jurisdiction and subsequent remand. State is asking for a scheduling order with time limitations and grouping of 42 topics for each of the three Defendant groups pursuant to State's Ex. B to the motion. The State and each of the three Defendant groups have submitted exhibits proposing a formula for topic grouping, timing and witness designation. Defendants generally argue State cannot dictate how Defendant groups join topics for each of their representatives and urge the undersigned to set a maximum total time limit for the completion of all corporate designated depositions adopting Defendant Group topic groupings.

Having heard arguments and reviewed each suggestion the following orders are entered:

A. State is Ordered to specifically define each topic of requested inquiry and serve on counsel for each Defendant group (or a specific Defendant where a topic is unique to that Defendant) within **five (5)** working days following this Order;
B. Each Defendant group, or individual Defendant, whichever is appropriate, is Ordered to group State defined topics and designate a corporate witness who can testify to as many topics or groupings as possible. While it is appropriate to allow Defendant groups or individual Defendants to group topics, I do so recognizing the potential for abuse but with a clear Order and expectation this will minimize designated witness deposition numbers and provide State with witnesses fully informed, knowledgeable and fully prepared to testify to the designated topic or topic grouping. Each Defendant group or individual Defendant is Ordered to designate corporate witnesses consistent with this Order and provide State with a corporate witness designation matrix pairing witnesses with topic or topic groupings and to so notify State no later than **ten (10)** working days following the receipt of State topic definitions;
C. Some topics will justifiably require more deposition time than others. Generally, in similar type cases to this case, Courts have approved 6 to 10 hours of deposition time for a designated corporate witness. Under the circumstances of this case, State shall be limited to a total of **eighty (80)** hours to be divided up as State chooses. I recognize that some depositions are currently scheduled and ready to take place. However, review of these proposed depositions indicate they are offered by individual Defendants based upon their own topic definitions and groupings where topics have not been defined by State. In order to minimize delay, I encourage these depositions to proceed even though the above time limits for topic definitions and groupings have not expired.
D. Regarding State topic witness designations, the record is unclear as to the total number of topics Defendants' wish to take. Purdue's brief indicates it defines

27 topics. Therefore, it is **ordered** that each Defendant group or individual Defendant shall define each topic with State ordered to designate a corporate witness matrix pairing witnesses with topic or topic groupings and notify each defendant group or individual defendant, according to the same deadlines set forth above in paragraph (B). The same **order** is entered regarding State designated witnesses who shall be witnesses fully informed, knowledgeable and prepared to testify. State is not required to designate any corporate witness for a Defendant defined topic that will be the subject of State's expert witness claim proof and damage model and State must so state in its topic designation matrix.

E. It does appear from briefs and argument that some topics should be subject to written responses and certain Defendants have so offered. While encouraged, State has the right to accept or reject a written response for any particular topic. The same applies to Defendant groups or individual Defendants as to Defendant topics.

5. State's Motion To Reconsider April 25, 2018 Order on Relevant Time Period

State has developed and produced evidence requesting the undersigned to modify its April 25th order to reflect the general "relevant time period" to begin in 1996. State has established a relationship between Defendants and the marketing and promotional strategies some of which began taking shape and were established and ongoing as early as 1996 and moving forward. The relevant time period does cover and effect responses that have been given in various RFPs relating to creation of, funding and coordination of marketing and promotional strategies involving the sale of branded and unbranded opioid and other related drugs. Discovery therefore is relevant in this context only, back to the point in time when the evidence now shows those efforts began but no earlier than 1996. Under State's stated claims for relief and proposed proof model, State should not be limited to inquiry with regard to Oklahoma promotion, marketing and sales efforts and discovery involving Oklahoma relevant promotional representatives or entities. By this amendment, I do not intend to fully modify my previous order that was upheld by Judge Balkman. State is not allowed to request again or explore again from any Defendant group or individual Defendant records, documents and information State already has in its possession or has access to, and not related to marketing and promotional planning and strategies.

Therefore, State's request to modify is **Sustained** to this extent.

6. Purdue's Motion to Compel Witness Testimony from Department of Corrections

State has indicated in previous discovery that Department of Corrections does not prescribe opioids to prisoners. The record indicates there has been differing testimony and Defendants' Motions and argument support ordering testimony by way of deposition from knowledgeable personnel. Defendant's motion is **Sustained** and Defendants are

allowed to depose Joel McCurdy, Robin Murphy and Nate Brown to be scheduled within 30 working days of this Order. Prior to these depositions their Custodial Files are **Ordered** produced to Defendants in time for preparation.

Purdue's Motion to Compel is **Sustained**.

7. Purdue's Second Motion to Compel Documents

Purdue argues document production requested from various State agencies on January 12th with partial production from 17 State agencies and none from a list of 10 remaining agencies. The undersigned had previously ordered production on April 25th and August 31st as to Purdue's requests resulting in partial production. These orders did require State to produce under the rolling production process, at one time within seven days and to fully produce within 30 working days. Confidentiality orders regarding personal and private information were entered and will be more fully addressed in the "Watson" motion below.

State is **Ordered** to produce within 30 working days from the date of this order, final and complete responses and production, subject to newly discovered evidence required to be produced, relevant production in support of State's evidentiary proof model and Defendants' defense thereto, from the Office of the Medical Examiner, Oklahoma Department of Public Safety, Oklahoma State Board of Dentistry, Oklahoma State Board of Nursing, Oklahoma State Board of Pharmacy and the Oklahoma State Board of Veterinary Medical Examiners, all subject to previous orders entered regarding protection of physician and patient privacy information. State argues in its brief that the Department of Public Safety and the Oklahoma State Bureau of Investigation possessed no documents relevant to this litigation. To that extent, State must so answer but is required to produce any documentation not found protected by our Protective Order, this order or any previous order. Regarding any Agency requests, information related directly to a criminal investigation to include investigative notes, reports, witness interview notes, contacts and transcripts are deemed protected work product.

Purdue's Second Motion to Compel is **Sustained** to that extent. The same is **Denied** as it relates to The Oklahoma Office of the Governor, the Oklahoma State Bureau of Investigation, the Oklahoma Legislature and the Oklahoma Worker's Compensation Commission involving protected "deliberative process privilege", consistent with the findings made here and to be made below regarding the "Watson" motion.

8. Purdue's Motion to Compel Custodial Files In Advance of Depositions

Sustained consistent with findings made in agenda item No. 6 above.

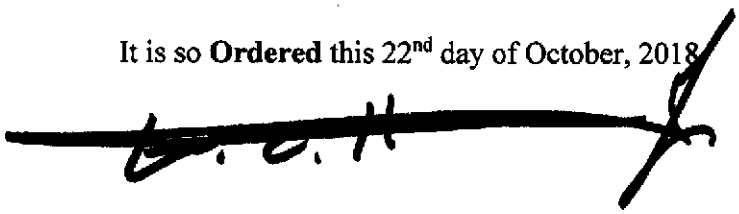
9. Watson Lab's Motion to Compel Investigatory Files

Watson argues it made 12 requests to obtain documents as to eight physicians, one medical center and "other unknown healthcare providers" relevant to their defense because State must prove Defendants' fraudulent promotion and misrepresentation either,

1. Caused provider to submit alleged false claims; 2. Caused provider to make a false statement material to each false claim or; 3. Caused the State to reimburse a particular prescription. Watson argues the Oklahoma Anti-Drug Diversion Act has no privilege provision and expressly authorizes the State to release information contained in the central repository. However, the Act provides that any information contained in the central repository shall be confidential and not open to the public, and, to the extent the State can permit access to the information, it shall be limited to release to a finite list of State and Federal agencies listed in the statute. Otherwise, disclosure is solely within the discretion of the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs to control and only for specific purposes listed. The record does not support Watson's allegation that the State is relying on the same confidential information when taking depositions in this case. State argues it is not and will not rely on any confidential investigatory information that might be included in investigation files in this case. I must also weigh relevant access to this information against practical privacy considerations, and I have previously ordered the confidential information contained in these databases protected. Therefore, if the information Watson seeks is contained in databases I have previously dealt with, Watson has access to these databases with the personal information protected. The same considerations regarding Grand Jury information, transcripts etc., is also protected and can only be released by the Court presiding over a particular Grand Jury. Regarding the Oklahoma Medicaid Program Integrity Act, State has brought claims under this Act and it specifically allows for the Atty. Gen. to authorize release of confidential records, but, to the extent disclosure is essential to the public interest and effective law enforcement only. Any production of criminal investigatory files is likely to place ongoing criminal prosecutions or disciplinary actions in jeopardy. Investigative notes, reports, witness interviews, interview notes, contact information or transcripts are work product and protected. By their very nature they will contain prosecutor opinions and mental impressions that should be protected both in the criminal context and actions involving disciplinary proceedings. Again, State argues it will not rely on any confidential or privileged investigatory material for use in this case and the undersigned will watch carefully for any indication that State is violating this representation.

Therefore, Watson's Motion to Compel Investigatory Files is **Denied.**

It is so **Ordered** this 22nd day of October, 2018.



William C. Hetherington, Jr.

Special Discovery Master

EXHIBIT C

THE VIDEOGRAPHER: We're on the record. The time is 9:28 a.m. Today's date is March 11, 2019. We're here to videotape the deposition of William Travis Tate in the case styled State of Oklahoma, ex rel., Mike Hunter, Attorney General of Oklahoma, plaintiff, versus Purdue Pharma, LP, et al., defendants, filed in the District Court of Cleveland County, State of Oklahoma, Case No. CJ-2017-816. We're at the law offices of Whitten Burrage in downtown Oklahoma City.

09:29:50 Will counsel please introduce themselves for the record?

09:29:56 **MR. HALL:** Nathan Hall, Nix Patterson for the State of Oklahoma.

09:30:00 **MS. PATTERSON:** Nancy Patterson for the Teva defendants.

09:30:03 **MS. FISCHER:** Amy Sherry Fischer for the Janssen defendants.

09:30:07 **MR. BURNS:** Josh Burns of Crowe Dunlevy for the Purdue defendants.

09:30:10 ***WILLIAM TRAVIS TATE,***

09:30:10 having been duly sworn, testified as follows:

09:30:10 * * * * * *

09:30:10 ***EXAMINATION***

09:30:10 ***MS. PATTERSON:***

09:30:21 **Q** Good morning, Mr. Tate.

identity, roles, duties and/or responsibilities of all persons, including third parties, with regard to the management, implementation, maintenance and/or administration of your programs or any pharmacy benefit program or plan on behalf of the State."

09:36:56 Are you here prepared to testify on those topics as -- or on that topic, as well, with regard to the EGID?

09:37:02 **A** Yes, I am.

09:37:04 **Q** And, again, do you believe you're the most qualified person to testify on that topic for the EGID?

09:37:10 **A** Yes, I do.

09:37:11 **Q** All right. What have you done to prepare yourself to testify on these topics today?

7:17 **A** I reviewed some documents and -- and gathered them in a -- the binders here, so that I'd have them as reference material.

09:37:22 **Q** Okay. So when -- before we got started this morning, the attorney for the State brought in four binders of documents that we've had a -- just a few minutes to take a look at before we got on the record. Are the binders of documents that counsel for the State brought in today -- are those the documents that you've looked at to prepare for your deposition?

09:37:44 **A** I haven't looked in detail at every single page, but those are the documents that I prepared and brought

09:44:17 **A** I'm not a hundred percent sure what you're referring to, but I don't believe I have.

09:44:21 **Q** Okay. The -- it's the lawsuit. We call it a petition, but --

09:44:25 **A** Understood.

09:44:25 **Q** -- that's, you know, lawyer stuff.

09:44:27 But let me hand you a copy of -- and the reason I'm handing this to you is because I'm here today to ask you about the Teva defendants and -- and that's what's indicated in the corporate representative deposition, so I want to make sure you understand who I'm talking about and that's the easiest way, I think, for us to do it. So I'm going to hand you what I've marked as Exhibit No. 2.

4:47 So I've now handed you Exhibit No. 2, Mr. Tate. Does that look familiar to you?

09:45:07 **A** No, I have not seen this document previously.

09:45:09 **Q** Okay. So you'll notice on the front page of the document entitled "Original Petition," there is a -- a list of 13 different companies that are named as defendants in this case. Do you see that?

09:45:23 **A** Yes, I do.

09:45:24 **Q** Okay. And I just want to make clear for you when I'm talking -- well, I want to make clear for you the company that I'm talking about and just make sure you have an understanding of that, all right?

that.

Do you know what opioid medications Actavis Pharma, Inc., formerly known as Watson Pharma, has manufactured in the past or currently manufactures?

MR. HALL: Same objection.

A Similar to my answer with Actavis, LLC, no, I'm -- I'm not familiar with the specifics.

Q **(By Ms. Patterson)** Okay. There's another entity listed there at No. 10 and that is an entity that I do not represent, but I want to ask you about it. It's Allergan, PLC, formerly known as Actavis, PLC, formerly known as Actavis, Inc., formerly known at Watson Pharmaceuticals, Inc. Do you see that?

A Yes, I do.

Q Do you know anything about Allergan, PLC?

MR. HALL: Object to the form.

A I've heard of Allergan, the -- the manufacturer. I -- I do not know their specific legal name, to know whether this is Allergan, the pharmaceutical manufacturer, or if this is a different Allergan, but that's the only way that I know that name, Allergan.

Q **(By Ms. Patterson)** Okay. And, again, I know you're not a lawyer and I'm -- and I'm not asking you for a legal conclusion, but I -- I simply want to know: Do you know the difference between Actavis, PLC, and Actavis,

LLC?

MR. HALL: Object to the form.

A I -- I do not.

Q **(By Ms. Patterson)** Okay. Do you know the difference between Actavis, PLC, and Actavis Pharma?

MR. HALL: Object to the form.

A I do not.

Q **(By Ms. Patterson)** And, again, without going through all the permutations, there are a number of different entities listed on this petition with the name "Actavis" in them. Do you know the differences between any of those entities?

MR. HALL: Same objections.

A No, I do not.

Q **(By Ms. Patterson)** Okay. You can put that aside for the moment.

What did you do, Mr. Tate, to prepare for your deposition today as a corporate representative on behalf of EGID?

A I reviewed the -- the topic descriptions and then pulled and brought documents in this binder, for reference.

Q Okay. And those are the four binders of documents you brought today?

A Correct.

09:52:27 **A** Yes, I did.

09:52:27 **Q** And when did you meet with counsel for the State?

09:52:29 **A** It was earlier this week -- or, I'm so- -- I apologize.

09:52:32 **Q** Because it's Monday, that would be really --

09:52:33 **A** It is Monday, so --

09:52:33 **Q** -- early.

09:52:33 **A** -- it -- it was -- it was last week.

09:52:39 **Q** Last week, okay.

09:52:40 **A** Yes.

09:52:40 **Q** How long, approximately, did you meet with counsel for the State to prepare for your deposition?

2:44 **A** I don't recall the exact length of time. It would have been around four hours, I think.

09:52:51 **Q** Okay. And was that with Mr. Hall, who's here today?

09:52:55 **A** That is correct.

09:52:55 **Q** Okay. All right. And when you met with Mr. Hall last week for four hours to prepare for the deposition today, did you provide him with the documents, the four volumes of documents you brought here today?

09:53:10 **A** I did not.

09:53:11 **Q** Okay. When did you provide those to the counsel for the State?

a handbook for every single year. And then as I went back further in time, some of those handbooks were just lost and unavailable.

09:56:47 **Q** Got it. Who at the EGID is responsible for -- well, let me ask this -- I want to back up because we're, obviously, talking about different periods of time.

09:56:58 My understanding is you went to work for EGID in 2014; is that right?

09:57:03 **A** Correct. I started with EGID in June of 2014.

09:57:05 **Q** Okay. And the position you had when you started is the same position you have today, correct?

09:57:10 **A** That's correct.

09:57:10 **Q** And can you give me the title for the record?

09:57:13 **A** Yes. It is the director for pharmacy.

09:57:15 **Q** Okay. And who do you report to?

09:57:16 **A** I report to Diana O'Neal. She is the deputy administrator.

09:57:28 **Q** And is that who you've reported to since you began at EGID?

09:57:32 **A** Yes, that's correct.

09:57:36 **Q** And who does she report to?

09:57:38 **A** She reports to Frank Wilson. And he is the administrator or -- would be considered the equivalent of a CEO.

09:57:50 **Q** Uh-huh. And has Mr. Wilson held that position

the entire period of time you've been with EGID?

09:57:55 **A** Yes, he has.

09:57:56 **Q** Okay. Do you know how long Mr. Wilson has been with the agency?

09:58:00 **A** He has been with the agency -- I'm not sure how long he's been with the exact agency. I believe it's been for the majority of his career with the State, which is -- is approximately 25 years. I don't know the exact time frame.

09:58:14 **Q** What about Ms. O'Neal, do you know how long she's been with EGID?

09:58:18 **A** Again, I'm not aware of -- of her employment going back beyond mine. I believe she's been with the -- the State for at least 10 years, but I do not know how much of that time was spent with EGID or --

09:58:33 **Q** Okay.

09:58:33 **A** -- somewhere else.

09:58:34 **Q** Who was the pharmacy director before you?

09:58:37 **A** Her name was Marti, M-A-R-T-I, Hamer, H-A-M-E-R.

09:58:46 **Q** And do you have any idea how long she was in that position?

09:58:49 **A** I know she was with the agency for a significant period of time. I believe that she was in the -- the director of pharmacy position prior to me, for as long as that position existed, as it was, essentially, create at

some point in time during the agency's life span.

09:59:07 **Q** Do you know when the position of director of pharmacy was created?

09:59:10 **A** I do not.

09:59:10 **Q** Okay. But, as far as you know, she's the only person that had held it prior to you?

09:59:15 **A** As far as I'm aware, that's correct.

09:59:16 **Q** Okay. And do you know where Ms. Hamer is today?

09:59:20 **A** I do not.

09:59:21 **Q** Is she retired?

09:59:22 **A** Yes, she retired in -- in 2014, which was the reason that I was hired.

09:59:25 **Q** Got it. Have you ever had any communications in connection with your pre- -- preparation for your depositions in this case, with Ms. Hamer?

09:59:37 **A** No, I have not. I have not talked to Ms. Hamer since 2014.

09:59:41 **Q** Okay. When you took over as director of pharmacy in 2014, did you inherit files and other materials from Ms. Hamer that were part of the director of pharmacy office?

09:59:53 **A** I -- I --

09:59:54 **MR. HALL:** Object to the form.

09:59:55 **A** I inherited a couple of -- of binders. Ms. Hamer cleared out her -- her office and destroyed her

workflows or access any other workflows that would be in the system.

10:35:41 **Q** And EGID has had this contract with CVS Caremark since 2016, right?

10:35:46 **A** Correct. We awarded the contract to them in June of 2015, but it was for the 1/1/2016 plan.

10:35:53 **Q** Right, right. And -- and prior to that, it was Express Scripts?

10:35:56 **A** That is correct.

10:35:56 **Q** Okay. And do you recall how long Express Scripts had the contract, as the pharmacy benefit manager?

10:36:01 **A** It -- it depends on how you're thinking of Express Scripts. So Express Scripts purchased Medco --

10:36:08 **Q** Uh-huh.

10:36:08 **A** -- which was another pharmacy benefit manager, I believe around the 2010 time frame. We were with Medco originally --

10:36:12 **Q** Uh-huh.

10:36:12 **A** -- and so that's how we became an Express Scripts client, was through that acquisition.

10:36:16 We have been -- had been with Medco since, I believe, prior to 2006, but I know back to at least 2006.

10:36:24 **Q** Okay. And the -- this team, this account team for CVS Caremark that you just mentioned, have those folks -- is that, generally, the same group of people you

10:38:58 **A** Correct.

1 :58 **Q** Okay. And do you know who manufactures that medication?

10:39:01 **A** It is manufactured by Insys.

10:39:05 **MS. PATTERSON:** Okay. Do we need to take a break?

10:39:07 **MR. HALL:** We've been going for about an hour. Would you like to take a break?

10:39:11 **MS. PATTERSON:** Yeah, yeah.

10:39:12 **THE WITNESS:** Yeah, let's take a break.

10:39:13 **MS. PATTERSON:** Okay, sure.

10:39:17 **THE VIDEOGRAPHER:** Going off the record. The time is 10:38.

1 9:23 (Recess was had from 10:38 a.m. to 10:55 a.m.)

10:39:23 **THE VIDEOGRAPHER:** Back on the record. The time is 10:55. Beginning Disk 2.

10:56:49 **Q** **(By Ms. Patterson)** All right Mr. Tate we're back on the record after a short break. You were telling me before the break about this V3 software module or program that you all use at EGID.

10:57:00 Who is the person at EGID that sort of is in charge of that or maintains that program?

10:57:08 **MR. HALL:** Object to the form.

10:57:09 **A** So I'm not sure who the owner is that would -- would contact Vitech it would either be the director of

our eligibility department or potentially our -- our head IT person that's on staff there.

10:57:25 **Q** Can you give me the name of those two folks?

10:57:28 **A** Did the director of our eligibility department is Michelle Toliver, T-O-L-I-V-E-R.

10:57:36 **Q** Okay.

10:57:36 **A** Director or the head IT person I should say at our agency is Chad Davis.

10:57:48 **MS. FISCHER:** Nancy, would you just give me one second? Sorry, I didn't want to interrupt your question.

10:58:09 **MS. PATTERSON:** No, you're fine.

10:58:24 (Off the record.)***

10:58:24 **THE VIDEOGRAPHER:** We're back on the record. The time is 1058.

10:59:00 **Q** **(By Ms. Patterson)** Okay Mr. Tate we were talking about these two folks who you said who probably had -- I think you referred to them as maybe the owner of this V3 system that you all use Ms. Toliver and Mr. Davis?

10:59:14 **MR. HALL:** Object to the form.

10:59:15 **Q** Is that right did I get those names right?

10:59:17 **MR. HALL:** Object to the form.

10:59:18 **A** Yes and they would -- they're not the owner of the software but they would be the -- the owner of the relationship with Vitech which is the company that maintains the software.

10:59:29 **Q** Would Ms. Toliver or Mr. Davis be nor knowledgeable of how data is maintained with that software?

10:59:35 **A** Yes they would.

10:59:35 **Q** Okay. So for example if I had a question about how one would search that software and that module that you mentioned earlier to determine whether or not there had been any communications between EGID and CVS Caremark about any opioid medication would they be more in a action to tell me about that, than you would?

10:59:56 **MR. HALL:** Object to the form.

10:59:57 **A** Yes in that manner, yes.

10:59:59 **Q** Okay, all right. Are there any other documents that you pulled or gathered since your last deposition on March the first that you did not bring here today in these four notebooks?

11:00:18 **MR. HALL:** Same objection.

11:00:19 **A** I.

11:00:20 **MR. HALL:** I -- go ahead.

11:00:21 **A** No there's not.

11:00:23 **Q** Okay. I'll represent to you that the state produced some additional documents data, spreadsheet, yesterday. That it's electronic data from EGID. Do you have any knowledge of what that data is?

11:00:41 **A** No, I don't know what you're referring to.

eligibilities is sent and the format there because they're the owners of the eligibility data.

11:02:19 We have a compliance department that has HIPAA compliance officer and so he would -- if we were ever notified like of a -- of a PHI breach by Caremark he would be involved in that, so there's -- there's some very small things like that that individuals are involved with none on a day to day basis with you I'm still in is valved in all of those conversations myself as well.

11:02:44 **Q** Okay?

11:02:44 **A** So for instance I -- I could tell you generally about the -- the IT layout and the process that was done for that but if you -- if you really wanted to dive into very specific IT questions at that point you would need the person that actually coded the layout.

11:03:01 **Q** Understood. Let me ask you a couple of follow-up questions about that you mentioned there's a compliance department who's in charge of the compliance department at EGID?

11:03:10 **A** Paul King is the -- the director of that department.

11:03:12 **Q** And is it director of compliance?

11:03:15 **A** I... I don't remember his official title off of the top of my head but he is head of policy research and compliance department. They're -- they're two separate

kind of two separate entities.

11:03:30 **Q** Okay. Okay well let's take those then separately. As far as his responsibilities for compliance, does Mr. King's -- do his compliance responsibilities primarily focus on HIPAA issues?

11:03:46 **A** They -- they focus primarily yes on PHI issues.

11:03:50 **Q** Okay. So as far as you know, Mr. King is not involved in fraud and abuse issues?

11:03:58 **A** His department does run a fraud waste and abuse he is typically not involved in those.

11:04:03 **Q** You said his department?

11:04:05 **A** Department.

11:04:05 **Q** Runs a fraud waste and abuse report?

11:04:08 **A** So that they transportation involved in any fraud waste and abuse investigations that EGID might open.

11:04:14 **Q** So that's what I want to ask you about so -- because I know again in your prior deposition there was some discussion about fraud waste and abuse committee and that's really what I want to get into.

11:04:26 As I read your deposition it sounded like to me there was a fraud waist and abuse committee at EGID and then there's a fraud waste and abuse group at CVS care mark; is that correct?

11:04:37 **A** Yes that's correct.

11:04:38 **Q** Okay so let's take those one at a time. Who is

on the sought fraud waste and abuse committee at EGID?

A Currently, it consists of myself, our medical director, Dr. Frank Lollar.

Q Uh-huh.

A Lori Baer, B-A-E-R, is her last name. She is the Medicare compliance officer and essentially the second in command to the compliance department to Paul King. Chrysinda Williams, which is another person that works in the compliance department and then usually one of my staff helps assist with -- with running the -- the meeting or the -- the any documents that are produced as parts of it.

Q One of the pharmacy benefit lists?

A Yes.

Q That work for you? Okay and has that been the make up of the EGID fraud waste and abuse committee since you've been at the agency?

A I left one person out.

Q Okay?

A I just remembered. CALEA Clark is nurse for healthcare management she currently served on the committee she just joined the committee and took the place of Rebecca Demuth, D-E-M-U-T-H, who's also a nurse in healthcare management and Rebecca or sue as she goes by, has been on -- was on that committee since I started and then just recently in the last three or four months

rotated off and Lee I can't came on.

Q Okay. What -- what about Chrysinda Williams?

A Chrysinda it's KRISINDA.

Q And what's her job at EGID?

A Job her specific title she works in the compliance department as as essentially an analyst.

Q Does she have any clinical back ground in pharmacy or nursing?

A Medicine.

A Not that I'm aware.

Q Okay but she works as far as you know in Mr. King's department?

A Correct.

Q All right and then you -- well has Ms. Williams been on on the fraud waste and abuse committee since you arrived in 2014?

A I -- I believe so I don't know that she's attended every meeting that we've had but she's been part of the committee that reviews the cases.

Q And I assume you've been on the fraud waste and abuse committee since you arrived in June 2014?

A Yes that's correct.

Q And then you mentioned Lori Baer?

A Correct.

Q Who is the number two to Mr. King?

depending on schedules.

11:08:17 **Q** So monthly is the goal but sometimes it doesn't happen every month?

11:08:21 **A** Correct.

11:08:21 **Q** All right and who is considered, if anyone, to be the head of the pharma -- of the I'm sorry fraud waste and abuse committee?

11:08:29 **A** That I'm what wear of, we don't have a chair or someone has head of the kitty.

11:08:34 **Q** Are there agendas that are prepared for these meetings?

11:08:37 **A** There's not agendas that are prepared. There would be an email that would go out beforehand that would have all of the -- the cases that we would review attached to it, but I don't -- it doesn't necessarily have an agenda or a list of the things that we're going to discuss.

11:08:52 **Q** But the -- who would typically generate that email that would go out with the cases attached?

11:08:56 **A** Specifically, for the pharmacy cases cases it would be one of my analysts particularly Amy Glenn is the one that did that.

11:09:05 **Q** I'm sorry Amy?

11:09:08 **A** Amelia she goes by Amy for short.

11:09:12 **Q** Orthopedic assist okay I'm sorry tell me her

for for review, I don't know., those are policy and procedures or whatever you want to call them that Caremark uses are propraetor and they don't reveal those to anybody so I'm not sure how they created the case but the details of the case was related to the particular member that was taking and the fact it was coming from a dental practitioner.

11:22:24 **Q** And you referenced to some policy and procedures regarding Caremark are proprietary policy and procedures regarding to what?

11:22:31 **A** I'm just referencing in general how they run it their fraud waste and abuse committee.

11:22:36 **Q** Okay?

1 2:36 **A** I assume they have some policies with regard to running it but those are not available to anybody outside of Caremark.

11:22:42 **Q** But again we're going to get do this a little bit later but my understanding from reviewing your prior deposition is that CVS Caremark is responsible for making the reimbursement decisions as to whether or not approve a reimbursement for a medication under your plans correct?

11:22:59 **A** Yes they're the ones that process the claims and pay them and Jewed indicate them based off the plan guidelines so when that claim comes from a pharmacy they're either gives a response says approved and pay the

manufactured by each manufacturer for all manufacture.

Q And that may be the case and with all due respect you're here today though as a representative of the State of Oklahoma EGID you understand that correct?

A Yes.

Q And do you understand as a person who's being presented here as a representative of the state and specifically of the EGID, that you have an obligation to educate yourself on matters pertaining to the top picks on which you're here to testify about?

A Yes.

Q All right. So I'm just trying to find out if you as a representative of the state, for the EGID, can tell me what prescription opioids are or have been during the relevant time period manufactured by the Teva defendants that I've pointed out to you earlier, other than Actiq or Fentora?

MR. HALL: Object to the form.

A I mean you're asking me to name a specific drug I mean are you asking for a specific NDCs for each one are you asking for specifically label letters for each one? Because there's also wholesalers can repackage and sell those that way. I mean I can generally tell you some of the products that Teva manufactures but I don't know that I could name you every specific product that Teva has ever

manufactured over the relevant time period.

Q Well, let me be clear. I'm not asking you to tell me every product that Teva has manufactured.

A That -- that sounds what you're asking for --

Q No, it --

A -- is to name each specific product that Teva has ever manufactured or any of their sub manufacturers have ever manufactured.

Q I'm only asking you related to opioid products, okay? So one of the topics that you're here to testify about today is the nature and circumstances behind the coverage or reimbursement of prescription opioids manufactured by any Teva defendant. That's Topic 30.

A Correct.

Q In Topic 32, one of the things you're here to testify about is -- 32A, coverage limits rules, restrictions placed on Actiq, Fentora or any other prescription opioid manufactured by one of the Teva defendants and you'll see that same language in Topic 33. So all I'm trying to find out is are you able as the corporate representative here today on behalf of the EGID to tell me what prescription opioids have been manufactured by the Teva defendants during the relevant time period other than Actiq and Fentora?

MR. HALL: Object to the form.

11:29:13 **A** No, and I would tell you that one of the reasons why is because the -- the coverage rules --

11:29:19 **Q** Uh-huh.

11:29:19 **A** -- that are in place, including Caremark's prior authorization criteria, are not specific to a manufacturer. They're specific to products.

11:29:26 So, for instance, we have a PA criteria for transmucosal fentanyl products --

11:29:32 **Q** Uh-huh.

11:29:32 **A** -- which encompasses all products that are transmucosal, which would be multiple manufacturers. We don't have specific rules for specific -- specific manufacturers.

9:42 So it was not necessary for me to know each specific products in regards to opioids that were manufactured by Teva to know our rules in regards to the opioid specifically for Teva.

11:29:54 **Q** Right, I understand -- I understand what you're saying, but do you know even the range of opioid medications that Teva manufactures or any of the Teva defendants have manufactured?

11:30:07 **MR. HALL:** Object to the form.

11:30:07 **A** I -- I know, generally, that they make generic opioid products, including some immediate release products, like hydrocodone, Tylenol, oxycodone with

11:31:09 **A** Correct, yes.

11:31:10 **Q** Okay so other than Actiq and Fentora are you able to name for me any other prescription opioids manufactured by any of the Teva defendants yes or no?

11:31:22 **MR. HALL:** Object to the form this is getting abuse sieve the witness has repeatedly told you he can answer the questions without knowing the answer to that question. So if you want to get back to the top picks and stop acting -- asking this question I think it would be much more productive.

11:31:34 **MS. PATTERSON:** Objection to the speaking objection.

11:31:36 **MR. HALL:** Overruled.

11:31:38 **MS. PATTERSON:** Oh you're overruling it.

11:31:40 **MR. HALL:** Sure.

11:31:40 **MS. PATTERSON:** Okay.

11:31:41 **MS. FISCHER:** That's pretty much how it works.

11:31:43 **MS. PATTERSON:** It's pretty much how it's been working can you answer my question cites a simple yes or no I think but if you want to give me an explanation you can.

11:31:50 **MR. HALL:** Same objection.

11:31:51 **Q** I just want to know if you can list for me any of the other prescription opioids -- opioids that have been manufactured by any of the other Teva defendants in

wanting to talk about specific den tiles of Actiq and specific circumstances I did not review specific denials to be able to tell you dates or times or more specific reasonings so I can give you the reasons why a claim for Actiq would be denied.

11:36:04 **Q** Right in the abstract you can give me that right?

11:36:06 **A** It's one of the documents.

11:36:07 **MR. HALL:** Object to the form.

11:36:08 **A** It's in the -- the -- the terms that I brought with me.

11:36:10 **Q** And what is that document?

11:36:13 **A** It is the -- there's two of them one is the CVS Caremark denial codes.

11:36:18 **Q** Uh-huh.

11:36:18 **A** And the other one is the Express Scripts style codes.

11:36:22 **Q** Okay. But my question is more specific than that. And I'll try to do -- take it in pieces, okay.

11:36:39 Are you aware of whether or not a claim for reimbursement of a prescription of Actiq has ever been denied by the EGID during the relevant time period?

11:36:52 **MR. HALL:** Objection.

11:36:54 **A** I'm aware that there have been claims that have been denied.

11:36:57 **Q** For Actiq?

11:36:58 **A** Yes.

11:37:00 **Q** Are you aware that during the relevant period of time that there have also been claims for Fentora that have been denied by the EGID?

11:37:09 **MR. HALL:** Objection.

11:37:10 **A** Yes there have been claims for Fentora denied during the time frame.

11:37:14 **Q** Do you know how many Actiq claims have been denied during the relevant time frame?

11:37:19 **MR. HALL:** Objection.

11:37:20 **A** No, I do not.

11:37:22 **Q** Have you done anything to educate yourself in preparation for this deposition to determine the number of claims for Actiq which have been denied by the EGID?

11:37:33 **MR. HALL:** Objection.

11:37:34 **A** The EGID does not maintain a base of denials so welds not have the ability to come up with the number of denials for Actiq or Fentora or any other opioids.

11:37:44 **Q** Your Caremark -- your contractor which is CVS Caremark maintains that database right?

11:37:49 **MR. HALL:** Objection.

11:37:50 **A** So I can search recent claims and look for rejections that are denied as far as whether they contain a historical database or not I -- I know that they have

correct?

MR. HALL: Object to the form.

A No, I'm not aware of EGID being in possession of any other information with regard to prior authorization or quantity limit requirements.

Q Okay.

A However during the time year 2003 through 2015 Medco and Express Scripts was the pharmacy benefit manager during that time frame, and they would have maintained the various prior authorization criteria and specific quantity limit information that would have applied to our pharmacy benefit plan during that time.

Q So that's what I want to ask you about. Is the prior authorization criteria or quantity limitation criteria that would have been main taped by Express Scripts or/Medco during the period of time they were your vendor have you in connection with your preparation it for this deposition gone back to Express Scripts or Medco to try to gather any of that information from them?

MR. HALL: Object to the form. Asked and answered.

A The lawyers -- the lawyers asked but I did not ask detectly.

Q Did you anyone at EGID to go to Express Scripts or Medco to request any of that information?

14:23:10 **A** I did not.

14:23:11 **Q** All right. And when did you learn that the lawyers for the state had requested information from which the vendors?

14:23:20 **MR. HALL:** Object to the form.

14:23:20 **A** I don't remember the specific date it was some time last week.

14:23:23 **Q** Okay. Were you directed not to contact Express Scripts or Medco directly?

14:23:30 **MR. HALL:** Object to the form.

14:23:31 **A** No, we have asked for similar documentation from them for other purposes in the past and been rebuffed multiple times they have told us once the contract terminated we had a terminated client in agreement in place to get any sort of documentation like that and that terminated client agreement was never put in place because they wanted apheses for it which we would not agree to.

14:23:53 **Q** What was the fee for a terminated client agreement?

14:23:55 **MR. HALL:** Objection.

14:23:56 **A** I don't recall what it was off the top of my head.

14:23:58 **Q** So in order to get the information that relates to prior authorizations and quantity limitation criteria for the years during which Medco Express Scripts had the

MR. HALL: Object to the form.

A Yes they were one of the -- the PBM vendors that bid for the 2016 plan year.

Q And were you involved in the decision on which vendor was going to objected?

A Yes I was on the evaluation committee for that.

Q Are there documents related to why Caremark was selected over the other vendors r every are there emails other documents that you're aware of that exist about that?

MR. HALL: Objection.

A Yes. We utilized the Burchfield group our independent pharmacy consultant to assist us with that evaluation of vendors. And then T. they produced a -- a final report that detailed the various financials and -- and the high level review of each vendor with a recommendation for which vendor was the correct one to go with for 2016.

Q And was it their recommendation go with CVS Caremark?

MR. HALL: Objection.

A Yes it was.

Q And has that contract come up for renewal yet or ry still on the initial contract with them?

A We're still on the initial contract. It's --

EXHIBIT D

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 TEVA PHARMACEUTICALS USA, INC.'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS FROM PLAINTIFF

Pursuant to 12 O.S. § 3234, Defendant Teva Pharmaceuticals USA, Inc. ("Teva") requests that the Plaintiff State of Oklahoma ("the State") respond to Teva 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 Teva 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 Teva 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 reflecting or relating to standards, guidelines, or policies created by, relied on, or applied by You or anyone acting on Your behalfin determining whether, and on what terms, to prescribe, provide coverage for, or provide payment for or reimbursement of any Relevant Medications under any Program, including but not limited to Prior Authorization criteria and step edit protocols relating to the Relevant Medications.

2. All Documents and Communications describing or relating to any processes, practices, or procedures for determining (a) coverage and reimbursement of Opioid prescription

claims, (b) co-payment obligations, or (c) restrictions on or prerequisites to the coverage, reimbursement, purchase, or prescription of the Relevant Medications under any Program.

3. All Documents and Communications reflecting or relating to any amendments or changes to agreements or contracts with any Vendors relating to coverage, reimbursement, purchase, or prescription of the Relevant Medications.

4. All Documents and Communications relating to any evaluation, assessment, analysis, modeling, or review of any financial or economic impact associated with differential formulary tier placement relating to the Relevant Medications.

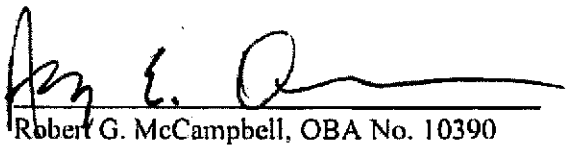
5. Documents sufficient to show, on a yearly basis, the number of units reimbursed by You per drug for each of the Relevant Medications.

6. All Documents and Communications relating to the processes, practices, procedures, criteria, Person(s), reports, studies, or any other information that You, anyone acting on Your behalf, or any Program(s) followed, consulted, or relied on in determining whether a Claim for Medication Assisted Treatment or any other substance abuse disorder treatment involved a Medical Necessity and/or was otherwise eligible for payment or reimbursement under any Program.

7. All Documents and Communications relating to any course of action, program, or other efforts that You or anyone acting on Your behalf considered or implemented to (i) ensure that Health Care Providers did not write Opioid prescriptions that You claim are not a Medical Necessity; (ii) ensure that the Programs did not reimburse claims for payment of Opioid prescriptions that You claim are not a Medical Necessity; or (iii) attempt to recoup payments or reimbursements made by You for Opioid prescriptions that You allege were not a Medical Necessity.

8. All Documents and Communications exchanged between the You and any third party concerning the Relevant Medications, the treatment of chronic pain, Defendants, the messages or materials You claim were false, or this litigation.

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 TEVA PHARMACEUTICALS USA, INC.'S FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS FROM PLAINTIFF

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

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