



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

IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

FEB 26 2019

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

In the office of the
Court Clerk MARILYN WILLIAMS

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.)

ORDER OF SPECIAL DISCOVERY MASTER

NOW, on this 26TH day of February, 2019, the above and entitled matter comes on for ruling by the undersigned having heard argument thereon by phone conference call this date.

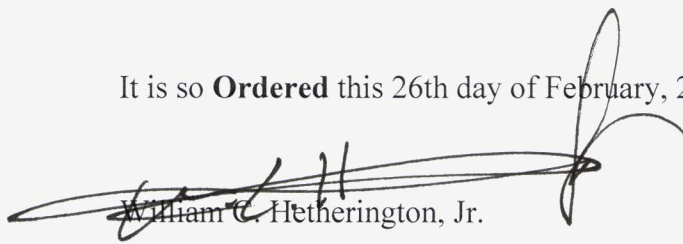
Argument was heard regarding State's request to quash the deposition cross-notice from Janssen (J&J) Group Defendant's served on State to attend and participate in the MDL deposition of a nonparty DEA agent to be deposed as a fact witness by the "Track One Defendants" in the MDL.

The following findings and **Order** are entered:

1. The cross-notice was served on State to attend and participate in a fact deposition of a Mr. Kyle Wright, a DEA agent and listed fact witness in the Federal MDL;
2. There has been a special discovery ruling entered formulated for MDL depositions of DEA agents described as Ruling Number 16, which appears to apply special rules for deposition procedure in the MDL as it limits to some extent the deposition timing and possibly content and scope as it relates to DEA agent depositions;
3. The MDL includes many more party Defendants participating in this deposition, to include pharmaceutical distributors and pharmacies which makes the deposition discovery content and focus different from this case;
4. To date, Mr. Wright is not listed as a Defendant witness in this case;
5. The cross-notice to State requires a three-day notice of a deposition exclusive of the day of service. The statutory notice time period was not complied with to allow for sufficient compliance with not only the statutory requirements but also compliance with the deposition rules and protocol adopted in this case to allow for fair document production and preparation for a deposition of a witness expected to be called as a witness in this case;
6. A practice of cross-noticing State in an attempt to require State to participate in an MDL deposition under these conditions would create a burdensome and potentially time-consuming task and would likely restrict State's fair opportunity for discovery with respect to relevant witnesses and testimony for this case.

Therefore, State's Motion to Quash this deposition notice is **Sustained**.

It is so **Ordered** this 26th day of February, 2019.


William C. Hetherington, Jr.
Special Discovery Master