



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.

STATE OF OKLAHOMA } S.S.  
CLEVELAND COUNTY }  
**FILED** In The  
Office of the Court Clerk  
MAR 15 2019

Case No. CJ-2017-816

Judge Thad Balkman

In the office of the  
Court Clerk MARILYN WILLIAMS

**DEFENDANT JANSSEN'S REPLY IN SUPPORT OF ITS OBJECTION TO THE  
SPECIAL DISCOVERY MASTER'S ORDER ON DEFENDANT JANSSEN'S MOTION  
TO COMPEL RESPONSES TO ITS THIRD SET OF INTERROGATORIES**

Rather than fulfill its obligation to produce relevant, responsive discovery in a timely manner, the State has instead withheld discovery and attempted to paint Janssen's effort to compel the improperly withheld information as a "delay tactic." State's Response to Janssen's Objection ("Resp.") at 1. But the only delay here is the State's—Janssen has been attempting to obtain responses to its Third Set of Interrogatories since last year.

The issue in this Objection is simple. The State has based its entire case on its claim that Janssen misled doctors about the risks and benefits of Janssen's opioid medications. And the State has affirmatively represented that it can identify doctors whom Janssen purportedly misled. State's Second Supplemental Responses and Objections to Janssen's First Requests for Admission, Ex. A, at 8-9. Yet the State refuses to identify a single doctor. Since the State claims that Janssen misled doctors and it knows who those doctors are, there is no basis for it to withhold this information, which is directly relevant to Janssen's defense. *See* 12 Okla. Stat. § 3226(B)(1)(a).

Fact discovery closes today. It is imperative that the Court order the State to disclose the information requested in Janssen's Third Set of Interrogatories (the "Interrogatories") immediately.

In its Response, the State argues that it should not have to disclose relevant information that it admits is at its fingertips because it will not rely on this evidence to present its case in chief. This argument turns due process on its head—Janssen's entitlement to relevant discovery is not cabined by the manner in which the State seeks to prove its case.

## **I. ARGUMENT**

### **A. Janssen's Interrogatories Seek Information About the State's Allegations so that Janssen Can Make Informed Choices About Its Defenses**

The State attempts to avoid responding to Janssen's Interrogatories by blatantly mischaracterizing them, claiming that "Janssen's interrogatories do not simply ask . . . who the State contends was misled by Janssen's conduct." Resp. at 2. That is demonstrably false: Interrogatory No. 20 asks the State to "[i]dentify all Oklahoma Doctors who were misled, and for each, the specific Janssen Communication(s) that misled the Doctor." Ex. C. to Janssen's Objection ("Obj."), at 5.

The State also contends that Janssen can "fairly defend itself" without knowing the identity of a single doctor that it purportedly misled and what its allegedly misleading statements were. Resp. at 3. That is both incorrect and beside the point. The State does not get to choose how Janssen defends itself (just as Janssen cannot choose how the State will attempt to prove its case). What the State *must* do is tell Janssen in a verified discovery response exactly what facts form the basis of the State's allegations, so that Janssen can make informed choices about its defense. In our civil litigation system, "discovery itself is designed to help define and clarify the issues." *See Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351 (1978); *see also Boswell v. Schultz*, 175

P.3d 390, 395 (Okla. 2007) (“The purposes of the discovery statute are to facilitate and simplify identification of the issues by limiting the matters in controversy, . . . eliminate secrets and surprise, [and] prevent the trial of a lawsuit from becoming a guessing game . . . .”) (quoting *State ex rel. Remington Arms Co. v. Powers*, 552 P.2d 1150, 1152 (Okla. 1976)).

No matter how the State intends to prove its case at trial, the State alleges that actual, real-world statements misled actual, real-world doctors in Oklahoma. To defend against those allegations, Janssen is entitled to know who those doctors are and what allegedly misleading statements they purportedly received.

The State further argues that “Janssen has never attempted to depose an Oklahoma doctor” to inform its defenses. Resp. at 2. This argument is circular—Janssen has not deposed an Oklahoma doctor precisely because the State has blockaded every attempt to identify which doctors Janssen allegedly misled.

**B. Janssen’s Interrogatories Do Not Seek To—and Cannot—Impose Burdens of Proof on the State**

The State’s oft-repeated claim that the Interrogatories somehow impose burdens of proof on the State is a red herring. Janssen cannot and does not seek to impose any burden of proof on the State through discovery. The State will have to shoulder its burden of proof at summary judgment or at trial—and the Court or jury will determine if the State is successful. Janssen, however, is still entitled to discovery into facts relevant to the State’s claims and Janssen’s defenses. 12 Okla. Stat. § 3226(B)(1)(a). The Special Discovery Master’s ruling is legally erroneous on this point because he allowed the State’s purported proof method to dictate the scope of discovery that Janssen receives.

The State argues that asking it to identify allegedly misleading statements and doctors whom Janssen allegedly misled “attempt[s] to force the State to prove individualized physician

reliance on false and/or misleading promotion.” Resp. at 2. But merely identifying a representation and the person to whom the representation was made is not the same as proving reliance. And requiring the State to produce this information simply ensures that both sides have access to the facts underlying each side’s case, so that both sides can fairly litigate the case. *See Boswell*, 175 P.3d at 395 (“The purposes of the discovery statute are to facilitate and simplify identification of the issues by limiting the matters in controversy, . . . eliminate secrets and surprise, [and] prevent the trial of a lawsuit from becoming a guessing game . . . .”) (quoting *State ex rel. Remington Arms Co.*, 552 P.2d at 1152).

**C. Janssen’s Discovery Requests are Not Unduly Burdensome Because the State Has Admitted It Has the Information Janssen Seeks**

The State claims that it would be unduly burdensome for it to disclose the information requested in the Interrogatories. But the State’s own responses to Janssen’s Request for Admissions belie this argument. In those responses, the State admitted that it *can* identify doctors whom it alleges Janssen misled as well as doctors who were allegedly unable to counsel their patients accurately about opioid medications because of Janssen’s alleged statements. State’s Second Supplemental Responses and Objections to Janssen’s First Requests for Admission, Ex. A, at 8-9. The State cannot assert that it is fully capable of identifying doctors while simultaneously claiming that it would be too burdensome for it actually to do so. Similarly, in the same discovery responses, the State affirmatively denied that it reimbursed opioid medication claims from every doctor facing prosecution or investigation for their prescribing behavior. *Id.* at 9. It could not have done this unless it had confirmed the identity of one or more doctors whose claims it did not reimburse. The State should be compelled to identify those doctors and claims now.

Furthermore, it seems that the answers to Interrogatories Nos. 20 and 21 should be easy to provide. The State represented to this Court that Janssen misled “all the doctors in Oklahoma.” Ex.

D to Obj., at 126. And in its Response, the State asserts that its “allegations have always been that Defendants’ misinformation regarding the safety and efficacy of opioids misled the public, policy makers, and medical community.” Resp. at 2. If the State can represent to this Court that Janssen misled “all the doctors” with specific misrepresentations, then it should stop delaying and make its assertion in a verified response to Janssen’s Interrogatories.

Unable to demonstrate any real burden, the State falsely claims that the Special Discovery Master found that Janssen’s Interrogatories were unduly burdensome. Resp. at 2-3. Not so. In writing that (as the State quotes him) “it would not be feasible to allow discovery into approximately 9 million claims, 950,000 patients and 42,000 doctor/prescribers contained in the State databases,” *id.* at 3, the Special Discovery Master was addressing an entirely different issue. The issue there pertained to “masked” patient and prescriber identifying information for *all* opioid prescription claims. Here, Janssen seeks only a small subset of that information, as cabined by the State’s own pleadings. *See* Obj. at 5. And—another crucial distinction—Janssen does not seek the identities of *any* patients here. The State cannot be allowed to plead an allegation and then pretend that it is too burdensome for it to identify the underlying facts.

**D. Janssen’s Objection Expressly Includes Interrogatory No. 22, and Interrogatory No. 22 Expressly Excludes Confidential or Privileged Information from Its Scope**

The State tries to avoid defending its failure to respond to Interrogatory No. 22 by feigning ignorance as to “whether Janssen’s motion even encompasses Interrogatory No. 22.”<sup>1</sup> Resp. at 4.

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<sup>1</sup> Janssen’s Interrogatory No. 22 asks the State to “[i]dentify all Claims for reimbursement of Opioid prescriptions, if any, that were denied by You after they were written by a Doctor who was subject to a civil, criminal, or administrative proceeding or subject to investigation, the existence of which is public record or not privileged or confidential, for their Prescribing Behaviors.” Email of January 30, 2019, Ex. E to Obj.

Nonsense—Janssen’s Objection refers to Interrogatory No. 22 no fewer than seven times.<sup>2</sup> The State’s obvious mischaracterization of Janssen’s Objection exemplifies the State’s intentionally obfuscatory approach to discovery in this case.

The State also argues that responding to Interrogatory No. 22 would “reveal confidential and protected mental impressions regarding specific investigations and could have a chilling effect on the State’s ability to effectively conduct investigations in the future.” Resp. at 4. But the language of Interrogatory No. 22 tracks this Court’s orders, rendering the State’s objection baseless. Janssen’s Interrogatory No. 22 asks the State to identify certain claims from doctors who are “subject to a civil, criminal, or administrative proceeding<sup>3</sup> or subject to investigation, the existence of which is public record or not privileged or confidential<sup>4</sup>.” Email of January 30, 2019,

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<sup>2</sup> (1) Janssen described its Third Set of Interrogatories—the subject of Janssen’s Objection—as including a request to identify “which, if any, opioids claims the State declined to reimburse while the prescribing doctor was facing prosecution or investigation for her prescribing behavior,” Obj. at 2; (2) Janssen reproduced the full text of Interrogatory No. 22, *id.* at 2 n.1; (3) Janssen argued that the State’s pleadings put at issue in this case facts involving “the State’s reimbursement of opioids claims,” *id.* at 4; (4) Janssen argued that Janssen does not seek the “identification of any opioids claims other than those that the State has made relevant through its pleadings,” *id.* at 5; (5) Janssen argued that its Interrogatory No. 22 does not seek any privileged information because “Janssen revised its Interrogatory No. 22 in an effort to come to a compromise with the State regarding the State’s concerns about confidential and privileged information,” *id.*; (6) Janssen quoted Interrogatory No. 22 in noting that “Janssen’s Interrogatory No. 22 seeks information only to the extent that the information is ‘public record or not privileged or confidential,’” *id.*; and (7) Janssen notes that its Interrogatories seek “the identification of certain opioids claims, if any, that the State denied,” *id.* n.2.

<sup>3</sup> In its December 20, 2018 Order, the Court ordered the State to “produce non-sealed charging documents, petitions, informations, indictments, motions, briefs, orders, transcripts, docket sheets and other documents filed with a tribunal in *all civil, criminal or administrative proceedings* brought by a state prosecuting or regulatory authority against any Health Care Professional relating to the prescription of opioids . . . .” Order, *State of Oklahoma ex rel. Hunter v. Purdue Pharma L.P. et al.*, No. CJ-2017-816 (December 20, 2018), at 2 (emphasis added).

<sup>4</sup> In its January 17, 2019 Order, the Court ordered that the State must “produce materials from [investigatory] files that are *of public record or are not privileged or confidential.*” Order, *State of Oklahoma ex rel. Hunter v. Purdue Pharma L.P. et al.*, No. CJ-2017-816 (January 17, 2019), at 2 (emphasis added).


Ex. E to Obj. (footnotes added to identify which of the Court's orders the Interrogatory borrowed language from).

The State has no basis for not responding to Janssen's Interrogatory No. 22, and the Court should order it to do so.

## II. CONCLUSION

For the reasons stated above, the Court should sustain Janssen's Objection and order the State to respond immediately to Janssen's Interrogatories.

Respectfully submitted,

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**CERTIFICATE OF MAILING**

Pursuant to Okla. Stat. tit. 12, § 2005(D), and by agreement of the parties, this is to certify on March 15, 2019, a true and correct copy of the above and foregoing has been served via electronic mail, to the following:

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

STATE OF OKLAHOMA, ex rel., §  
MIKE HUNTER, §  
ATTORNEY GENERAL OF OKLAHOMA, §  
§  
Plaintiff, §  
§  
vs. §  
§  
(1) PURDUE PHARMA L.P.; §  
(2) PURDUE PHARMA, INC.; §  
(3) THE PURDUE FREDERICK COMPANY; §  
(4) TEVA PHARMACEUTICALS USA, INC.; §  
(5) CEPHALON, INC.; §  
(6) JOHNSON & JOHNSON; §  
(7) JANSSEN PHARMACEUTICALS, INC.; §  
(8) ORTHO-McNEIL-JANSSEN §  
PHARMACEUTICALS, INC., n/k/a §  
JANSSEN PHARMACEUTICALS, INC.; §  
(9) JANSSEN PHARMACEUTICA, INC., §  
n/k/a JANSSEN PHARMACEUTICALS, INC.; §  
(10) ALLERGAN, PLC, f/k/a ACTAVIS PLC, §  
f/k/a ACTAVIS, INC., f/k/a WATSON §  
PHARMACEUTICALS, INC.; §  
(11) WATSON LABORATORIES, INC.; §  
(12) ACTAVIS LLC; and §  
(13) ACTAVIS PHARMA, INC., §  
f/k/a WATSON PHARMA, INC., §  
§  
Defendants. §

Case No. CJ-2017-816  
The Honorable Thad Balkman  
JURY TRIAL DEMANDED

**PLAINTIFF’S SECOND SUPPLEMENTAL RESPONSES AND OBJECTIONS TO  
DEFENDANT JANSSEN’S FIRST REQUESTS FOR ADMISSION TO PLAINTIFF**

Pursuant to 12 OKLA. STAT. §3236, Plaintiff, the State of Oklahoma (the “State” or “Plaintiff”), hereby submits its Second Supplemental Responses and Objections to Defendant Janssen Pharmaceuticals, Inc.’s (“Janssen” or “Defendant”) First Requests for Admission to Plaintiff (“Requests”). The State specifically reserves the right to supplement, amend and/or revise these Responses and Objections in accordance with 12 OKLA. STAT. §3226.



## GENERAL OBJECTIONS

1. By responding to Defendant's Requests, the State concedes neither the relevance nor admissibility of any information provided or documents or other materials produced in response to such Requests. The production of information or documents or other materials in response to any specific Request does not constitute an admission that such information is probative of any particular issue in this case. Such production or response means only that, subject to all conditions and objections set forth herein and following a reasonably diligent investigation of reasonably accessible and non-privileged information, the State believes the information provided is responsive to the Request.

2. The State objects that much of the Requests sought are premature and, as such, provides the responses set forth herein solely based upon information presently known to and within the possession, custody or control of the State. Discovery is ongoing in this action. Subsequent discovery, information produced by Defendant or the other named Defendants in this litigation, investigation, expert discovery, third-party discovery, depositions and further analysis may result in additions to, changes or modifications in, and/or variations from the responses and objections set forth herein. Accordingly, the State specifically and expressly reserves the right to supplement, amend and/or revise the responses and objections set forth herein in due course and in accordance with 12 OKLA. STAT. §3226.

3. The State objects to Defendant's Requests as ambiguous, overly broad, disproportionate to the needs of the case, seeking to impose a burden on the State that exceeds what is permissible under Oklahoma law, seeking information protected from disclosure by privilege and/or the work product doctrine, and calling for information that is not in the possession,

custody or control of and is not reasonably accessible to the State. To the extent the State can and does provide a response to any Request, the State's response is based on the information known to and within the possession, custody and control of the State following a reasonably diligent investigation.

4. The State objects to Defendant's Requests as seeking information within Defendant's possession, custody or control. Specifically, Defendant monitors and tracks healthcare providers' prescribing practices and is aware of the providers who prescribe its medications. Indeed, Defendant utilizes such information to strategically determine which doctors to attack with its sales force and what sales tactics to deploy and is aware of the identity of Oklahoma doctors receiving communications made, sponsored, and/or supported by Defendant.

5. The State objects to Defendant's Requests to the extent they attempt to suggest or assume the elements of any of the State's causes of action or otherwise seek to impose any burden(s) or element(s) of proof that do not exist under or that are inconsistent with Oklahoma law.

6. The State objects to Defendant's Requests as seeking confidential and sensitive information protected from disclosure under both State and federal statutes, rules, regulations. Specifically, the State objects to Defendant's Requests as seeking protected health information prohibited from disclosure under the Health Insurance Portability and Accountability Act ("HIPAA"), 42 C.F.R. Part 2, and other State and federal statutes, rules, and regulations.

7. The State objects to Defendant's Requests as seeking information regarding health care providers that the Court has held to be outside of the scope of proper discovery. *See* October 10, 2018 Order.

8. The State further objects to the Defendant's Requests as calling for information regarding ongoing investigations or confidential criminal investigatory files that the Court has held to be outside of the scope of proper discovery. *See* October 22, 2018 Order; December 3, 2018 Order; December 20, 2018 Order.

### **OBJECTIONS TO DEFINITIONS**

1. The State objects to Defendant's Definition Number 1 of the term "Claim" as vague, overbroad, ambiguous, unduly burdensome, disproportionate to the needs of the case, unreasonable, irrelevant and unworkable. "[A]ny request for payment or reimbursement" encompasses an infinitely unlimited amount of information that has no bearing whatsoever on the parties to this action or the claims or defenses asserted in this action. Based on the claims and defenses at issue in this case, the State will reasonably interpret the term "claim" to mean a request for payment or reimbursement submitted to the Oklahoma Health Care Authority pursuant to Oklahoma's Medicaid Program as related to the claims and defenses at issue in this litigation.

2. The State objects to Defendant's Definition Number 2 of the term "Communication(s)" as vague, ambiguous, unduly burdensome, disproportionate to the needs of the case, unreasonable, unworkable and seeking to impose a burden upon the State beyond what is permissible under Oklahoma law. Specifically, the State objects to the terms "conduct" and "omissions" in Defendant's purported Definition Number 3. The State will reasonably interpret the term "communication(s)" to mean the transmittal of information between two or more persons, whether spoken or written.

3. The State objects to Defendant's Definition Number 3 of the term "Doctor(s)". Defendant's proposed definition is overly broad, irrelevant to the claims and defenses at issue, unduly burdensome and disproportionate to the needs of the case in that the definition is not limited

in any way to the State of Oklahoma or any particular time period. The State will reasonably construe the use of these terms to mean doctors who provided medical or health care services in the State of Oklahoma to citizens—not “animals”—in the State of Oklahoma from the relevant time period as ordered by the Court to the date Defendant’s Requests were served.

4. The State objects to Defendant’s Definition Number 4 of the term “Identify” as overly broad, irrelevant to the claims and defenses at issue, unduly burdensome, disproportionate to the needs of the case, and seeking to impose a burden upon the State beyond what is permissible under Oklahoma law and in violation of the Court’s October 10, 2018 Order.

5. The State objects to Defendant’s Definition Number 5 of the terms “Oklahoma Agency” or “Oklahoma Agencies” as overly broad, unduly burdensome, irrelevant to the claims and defenses in this action, disproportionate to the needs of the case, and improperly calling for information that is not in the possession, custody or control of the State. The State will reasonably construe the terms “Oklahoma Agency” or “Oklahoma Agencies” to mean agencies of the State of Oklahoma represented in this action and over whom the State of Oklahoma, through the Office of the Attorney General, maintains sufficient control to allow the State to have reasonable access to and possession of responsive information maintained by the agency.

6. The State objects to Defendant’s Definition Number 6 of the term “Opioid(s)” as misleading because of its use of the terms “FDA-approved” and “pain-reducing” and because it is defined without regard to any of the pharmaceutical products or drugs at issue in this case. The State will reasonably construe the terms “Opioid(s)” to mean the opioid medications or drugs related to the claims and defenses at issue in this litigation.

7. The State objects to Defendant’s Definition Number 7 of the term “Patient(s).” This definition—“any human being to whom an Opioid is prescribed or dispensed”—is overly

broad, unduly burdensome, irrelevant to the claims and defenses at issue in this action and disproportionate to the needs of the case on its face because it lacks any geographical or temporal limitation that has any bearing on this case, and could be construed to seek information outside the State's possession, custody, or control. The State will reasonably construe the term "patient" to mean an individual who was prescribed an Opioid in the State of Oklahoma from the relevant time period as ordered by the Court to the date Defendant's Requests were served.

8. The State objects to Defendant's Definition Number 9 of the term "Prescribing Behaviors" as vague, ambiguous, overly broad, unduly burdensome, irrelevant to the claims and defenses at issue in this action, and disproportionate to the needs of the case. The State will reasonably interpret the term "Prescribing Behaviors" to relate to investigation or prosecution by the State of Oklahoma of a doctor licensed in Oklahoma related to opioids during the relevant time period as ordered by the Court.

9. The State objects to Defendant's Definition Number 11 of the terms "You," "Your," "State," "Oklahoma," and "Plaintiff" as overly broad, unduly burdensome, disproportionate to the needs of the case, seeking to impose a burden upon the State that exceeds what is permitted under Oklahoma law, and calling for information that is not within the State's possession, custody or control because the definition attempts to require the State to not simply respond on its own behalf, but also on behalf of "all its departments, agencies, and instrumentalities" without regard for whether the State represents such entities in this litigation and maintains sufficient control over such entities to enable the State to have reasonable access to or possession, custody or control of such entities' records. The State will respond on behalf of the State and those State agencies represented in this litigation and over which the State, through the

Office of the Attorney General, maintains sufficient control to allow the State to have reasonable access to and possession of responsive information maintained by the agency.

**RESPONSES AND OBJECTIONS TO REQUESTS FOR ADMISSION**

**REQUEST FOR ADMISSION NO. 1:** Admit that You cannot Identify any Oklahoma Doctors who were misled about the risks or benefits of prescription Opioid medications by any Communication made, sponsored, or supported by Janssen.

**RESPONSE:**

The State incorporates its general objections and objections to Defendant's instructions and definitions above, including the State's objections to Defendant's definition of the terms "You," "Identify", "Doctor", "Opioid", and "Communication", as if fully set forth herein.

The State further objects to this Request because it is a premature attempt to force the State to marshal all of its evidence before required or appropriate under the Oklahoma Code of Civil Procedure or the Court's scheduling Order.

The State objects to this Request as seeking information within Defendant's possession, custody or control. Specifically, Defendant monitors and tracks healthcare providers' prescribing practices and is aware of the providers who prescribe its medications. Indeed, Defendant utilizes such information to strategically determine which doctors to attack with its sales force and what sales tactics to deploy and is aware of the identity of Oklahoma doctors receiving communications made, sponsored, and/or supported by Defendant.

The State objects to this Request to the extent it attempts to suggest or assume the elements of any of the State's causes of action or otherwise seeks to impose any burden(s) or element(s) of proof that do not exist under or that are inconsistent with Oklahoma law. Specifically, the State objects to this Request to the extent it suggests or assumes Defendant must have made a

misrepresentation directly to an Oklahoma doctor to be liable for the State's claims under the Oklahoma Medicaid False Claims Act.

The State objects to this Request as it seeks information regarding healthcare providers that the Court has held to be outside of the scope of proper discovery.<sup>1</sup> *See* October 10, 2018, Order (order by Judge Hetherington denying Defendants' motion to compel); December 4, 2018, Order (order by Judge Balkman affirming October 10 order).

Subject to and without waiving the foregoing objections (including those incorporated into this response), the State responds as follows:

Denied.

**REQUEST FOR ADMISSION NO. 2:** Admit that You cannot Identify any Oklahoma Doctors who were unable to accurately counsel their patients about the risks or benefits of prescription Opioid medications as a result of any Communication made, sponsored, or supported by Janssen.

**RESPONSE:**

The State incorporates its general objections and objections to Defendant's instructions and definitions above, including the State's objections to Defendant's definition of the terms "You", "Identify", "Doctor", "Opioid", and "Communication", as if fully set forth herein.

See objections and response to Request for Admission No. 1 above, which are hereby incorporated by this reference as if fully set forth herein.

The State further objects to this Request as it seeks information regarding healthcare providers that the Court has held to be outside of the scope of proper discovery. *See* October 10, 2018, Order (order by Judge Hetherington denying Defendants' motion to compel); December 4, 2018, Order (order by Judge Balkman affirming October 10 order).

Subject to and without waiving the foregoing objections (including those incorporated into this response), the State responds as follows:

Denied.

**REQUEST FOR ADMISSION NO. 3:** Admit that, for every Doctor who has been investigated or prosecuted by the State of Oklahoma for their Prescribing Behaviors, You reimbursed Claims for Opioid prescriptions that were written by that Doctor and submitted for reimbursement while such investigation or prosecution was ongoing.

**RESPONSE:**

The State incorporates its general objections and objections to Defendant's instructions and definitions above, including the State's objections to Defendant's definition of the terms "You," "Doctor", "Opioid", "Claim", and "Prescribing Behaviors", as if fully set forth herein.

See objections and response to Request for Admission No. 1 above, which are hereby incorporated by this reference as if fully set forth herein.

The State further objects to this Request as calling for information, in violation of the Court's orders, regarding ongoing investigations or confidential investigatory files that the Court has held to be outside of the scope of proper discovery. *See* October 22, 2018, Order; December 3, 2018, Order; December 20, 2018, Order.

Subject to and without waiving the foregoing objections (including those incorporated into this response), the State responds as follows:

Denied.

DATED: March 1, 2019

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the above and foregoing was emailed on March 1, 2019 to:

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