

BACKGROUND

This case is set to be tried to the Court beginning May 28, 2019. In preparation for trial, the State served trial subpoenas upon the Teva Defendants and their sole corporate representative, John Hassler, seeking their attendance at trial. The State served its subpoena on the Teva Defendants and their corporate representative John Hassler (in his capacity as a corporate representative) on February 21, 2019. *See* Exhibits 1- 2. The Teva Defendants never moved to quash those subpoenas. On April 19, two months later, the Teva Defendants revealed they do not intend to comply with the subpoenas and would not have a corporate representative appear during the State's case in chief, much less John Hassler, who acted as their corporate representative for all fifteen depositions of Teva in this case. *See* Exhibits 3 and 4. Indeed, the Teva Defendants designated John Hassler as the **only** corporate representative witness—to testify on behalf of all Teva Defendants, on all topics—in response to the State's deposition subpoenas issued under Okla. Stat. tit. 12, § 3230(C)(5). And, he remains on the Teva Defendants' witness list as a witness they expect to call live at trial during their case. The stated subject matter of his testimony is listed solely as "deposed." Because he was deposed 15 times on all issues in this case, the Teva Defendants clearly intend for him to act as their corporate representative at trial to testify on a wide number of issues. And yet they do not intend to comply with the State's subpoenas requiring his presence or the presence of any other corporate representative during the State's case and allow the State to question him at that time. This is improper.

As Defendants concede, Mr. Hassler is a high-ranking representative: he is Senior Vice President and General Manager within Teva's Central Nervous System therapeutic area. He has worked for a Teva-related entity since 2001. The Teva Defendants cannot be permitted to evade testifying at trial simply by failing to present their **only** corporate representative designated to

testify on all topics presented by the State. For trial purposes, a party is required to testify in the court where the trial is to take place, if subpoenaed. Here, the Teva Defendants and their **only** corporate representative have been subpoenaed and one of them should be compelled to be in attendance and testify during the State's case in chief. Accordingly, for these reasons and those stated below, the State's Motion to Compel should be granted.

STANDARD

A party opposing a subpoena bears the burden of showing "good cause" justifying the opposition. *Crest Infiniti II, LP v. Swinton*, 174 P.3d 996, 1004 (Okla. 2007). This is a significant burden and the Teva Defendants have failed to carry said burden. Controlling law permits a subpoena to be served upon the corporate representative of a party, the trial subpoenas at issue were duly served, and the Teva Defendants would not suffer undue expense in complying with the subpoenas.

ARGUMENT AND AUTHORITIES

I. A Trial Subpoena May Be Issued Upon The Corporate Representative Of A Corporation; Thus, The State's Trial Subpoenas Are Proper And Enforceable

Title 12, Section 2004.1(A)(3) of the Oklahoma Statutes may be used to command a party to attend and testify at trial. *Id.* ("A witness shall be obligated upon service of a subpoena to attend a trial or hearing at any place within the state"). Moreover, Okla. Stat. tit. 12, § 2611(B) permits "any party" to compel an adverse party to testify at trial "in the same manner and subject to the same rules as other witnesses...." *Id.* Oklahoma caselaw is in accord. It states that "[a]s a general rule, a party is not required to attend court during the trial unless the opposite party has secured his or her attendance as a witness by the process of the court, in the same manner as any other witness. More specifically, *it has been the rule in this jurisdiction since its earliest days that a party to an action may be called as a witness by his adversary, with disobedience of the subpoena*

punishable in contempt proceedings.” *Waddle v. Waddle*, 868 P.2d 751, 753 (Okla. Civ. App. 1994) (citation omitted, emphasis added); *see also* 1B Adams, Boudreau, *Vernon’s Oklahoma Forms* 2d, Civ. Proc. Ch. 7 I Introduction (2d ed.) (“Although a party who is given notice of a deposition is required to attend the deposition without a subpoena ... a subpoena is required to compel a party’s attendance at trial.”).

To this end, although Oklahoma has not addressed the precise issue before the Court, comparative federal decisions expressly recognize that a trial subpoena may be directed towards a corporate representative, named or unnamed. *See, e.g., In re Vioxx Products Liab. Litig.*, 438 F. Supp. 2d 664, 664-65 (E.D. La. 2006) (denying motion to quash trial subpoena directed at named corporate representative); *HTC Corp. v. Technology Properties Ltd.*, No. 5:08-cv-882-PSG, 2013 WL 12166376, at *2 (N.D. Cal. Sept. 20, 2013) (refusing to quash subpoena directing defendant to identify and prepare appropriate trial witness on listed topics); *Garcia v. Resurgent Capital Servs., LP*, No. C-11-1253 EMC, 2012 WL 1563984, at *1 (N.D. Cal. Apr. 27, 2012) (granting motion to compel attendance of named 30(b)(6) witness at trial); *Mahar v. US Xpress, Inc.*, Civ. No. 1:06-cv-1297 (GLS/RFT), 2010 WL 4365885, at *2 (N.D.N.Y. Oct. 28, 2010) (denying motion to quash a trial subpoena directing the defendant corporation to produce a witness regarding its financial status); *In re Methyl Tertiary Butyl Ether (“MTBE”) Products Liability Litigation*, MDL No. 1358 (SAS), 2009 WL 1840882, at *1 (S.D.N.Y. June 24, 2009) (granting leave to serve trial subpoena on unnamed 30(b)(6) corporate representatives); *Williams v. Asplundh Tree Expert Co.*, No. 3:05-cv-479, No. 3:05-cv-479-J-33MCR, 2006 WL 2598758, at *8 (M.D. Fla. Sept. 11, 2006) (declining to quash a Rule 45 trial subpoena served on unnamed corporate representative); *Conyers v. Balboa Ins. Co.*, Civ. No. 8:12-CV-30-T-33EAJ, 2013 WL 2450108, at *2 (M.D. Fla. June 5, 2013) (“[U]pon due consideration of the parties’ arguments and

the Court's evaluation of Rule 45, the Court determines that Balboa must comply with the subpoena by producing its corporate representative at trial and should promptly identify this individual[.]”).

Even if the Teva Defendants could somehow argue that the subpoena naming its corporate representative was not valid, it cannot escape appearing at trial entirely. Yet that is what the Teva Defendants apparently intend to do. Undoubtedly, a trial subpoena may be directed towards the corporate entity that is a party to the lawsuit, like any other witness, whether the specific representative is named or unnamed. Okla. Stat. tit. 12, § 2611(B); *Waddle*, 868 P.2d at 753. Defendants have availed themselves of the jurisdiction of this Court and owe a duty to have a corporate representative present during the State's case in chief to be called as a witness. Accordingly, the State's Motion should be granted. Whether it is Mr. Hassler or not—and it would make little sense to bring someone else—Teva must appear at trial with a corporate representative who can speak for the companies in response to the subpoenas.

II. Defendants Have Failed To Demonstrate Any Undue Burden In Complying With The Trial Subpoenas

The subpoenas will not subject the Teva Defendants or their corporate representative to any undue burden. As stated above, Mr. Hassler was presented fifteen (15) times to appear as the Teva Defendants' corporate representative on the topics designated by the State. It was these defendants—and they alone—who chose to litigate this case in such manner. The information sought by the State is direct in its scope and substantially identical to the information Mr. Hassler has already provided during his fifteen depositions, only on a narrower basis. The Teva Defendants have wholly failed to meet their burden of explaining why it would be unduly burdensome for their only corporate representative to be present during the State's case in chief and testify. Any such argument would fail because the Teva Defendants have already confirmed

that Mr. Hassler *will be available to testify live for their case in chief*. They just do not want to allow the State to call him or any other corporate representative adversely. That is not how it works.

III. Service Was Proper

As stated above, a witness shall be obligated upon service of a subpoena to attend a trial at any place within the state. Okla. Stat. tit. 12, § 2004.1(A)(3). As a general rule, witnesses present in a jurisdiction in connection with the conduct of a lawsuit are immune from service in connection with an unrelated action. This privilege, however, is not personal to the individual but belongs to the Court. *See Lamb v. Schmidt*, 285 U.S. 222, 225-26 (1932) (“The privilege which is asserted here is the privilege of the court rather than of the defendant”). Moreover, the issue in this case involves the issuance of a *trial subpoena*, not service of a summons, and there is no immunity from service if such service is made in the *same case*. *See id.* at 226-27. Immunity from service is thus inapplicable here, because Mr. Hassler—the Defendants’ only corporate representative—was served with trial subpoenas (not summons) in the same action.¹

Here, the State served Mr. Hassler—a critical out of state corporate representative—with trial subpoenas during a deposition in the same litigation. Pursuant to the Supreme Court’s holding in *Lamb*, immunity is not available. Indeed, sister courts have held the doctrine of immunity from service is inapplicable to subpoenas *ad testificandum*. *See Bartwitz v. Hotaling*, 184 Misc.2d 515,

¹ For comparison, in *LaCroix v. American Horse Show Ass’n*, 853 F.Supp. 992, 994 (N.D. Ohio 1994), the district court held two New York attorneys were not immune from service of a summons and amended complaint while appearing at a pre-trial conference in Ohio in connection with the same action (the amended complaint named the attorneys as defendants). The court held that service on the attorneys while they attended a court proceeding was appropriate because the service involved the same litigation. *LaCroix*, 853 F.Supp. at 994. This is distinguishable from the general rule that parties are immune from service in *another* case where the immunity serves the interests of justice.

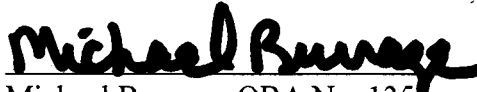
708 N.Y.S.2d 590 (Sup. Ct. 2000). In *Bartwitz*, the third-party plaintiff served trial subpoenas on two individuals employed by the third-party defendant while they were in New York to participate in pre-trial examinations in the same case. The defendant asserted that the employees were immune from service because they were in the state for the purpose of testifying in connection with a judicial proceeding. The court, however, disagreed, noting that “[a]ll but one of the cases cited by [defendant] address immunity from service of a summons, not service of a subpoena to testify.” *Bartwitz*, 708 N.Y.S.2d at 591. The court continued, saying “[c]ompelling the witnesses to attend upon the trial of *the very cause in which they were previously examined* furthers the ends of justice in this case and, in the Court's view, is entirely consistent with the historical genesis of the immunity rule and the public policy of this State.” *Id.* (emphasis added).

The facts of *Bartwitz* are on point with the instant case. Mr. Hassler was served with trial subpoenas in relation to the same case for which he was previously deposed (fifteen times). Compelling Mr. Hassler's attendance is consistent with the equitable principles underlying the immunity from service doctrine. The privilege is not personal to Mr. Hassler, but belongs to the Court. There is no real reason, other than the Teva Defendants' ongoing efforts at procedural gamesmanship, to quash trial subpoenas served on a party to the case and its corporate representative in the very case in which he was the only designated corporate representative and testified on Defendants' behalf fifteen times. If the Court were to allow Mr. Hassler to assert immunity to service under these circumstances, the administration of justice would be obstructed. Mr. Hassler and/or a different corporate representative for the Teva Defendants, will be a key witness in this action and their testimony at trial is essential to the fair and equitable conclusion of this matter. Accordingly, the Court should grant the State's Motion.

CONCLUSION

Accordingly, the State requests that the Court grant its Motion to Compel and award such further relief deemed equitable and just.

Respectfully submitted,



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EXHIBIT 1

GREETINGS – You are Hereby Commanded to produce a corporate representative(s) to appear on behalf of the Teva/Cephalon Defendants before the District Court of Cleveland County, Oklahoma, at the courthouse therein, on the 30th day of May, 2019 at 9:00am, to testify as a witness in a the above-named action pending in said Court on the topics identified in Appendix A, and not depart without leave of the court.

HEREOF FAIL NOT, UNDER PENALTY OF LAW

Issued February 21, 2019



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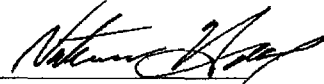
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Nathan Hall

Appendix A

1. Your involvement with, and contributions to, non-profit organizations and professional societies, including the Front Groups.
2. Your involvement with, and contributions to, KOLs regarding opioids and/or pain treatment.
3. Your use of branded marketing for opioids nationally and in Oklahoma, including the scope, strategy, purpose and goals with respect to such branded marketing.
4. Your use of unbranded marketing for opioids nationally and in Oklahoma, including the scope, strategy, purpose and goals with respect to such unbranded marketing.
5. Your use of continuing medical education regarding opioids nationally and in Oklahoma, including the scope, strategy, purpose and goals with respect to such continuing medical education.
6. Research conducted, funded, directed and/or influenced by You, in whole or in part, related to opioid risks and/or efficacy.
7. Your scientific support for Your marketing statements and representations regarding the risks and benefits of opioids.
8. Your research conducted, funded, directed and/or influenced, in whole or in part, related to pseudoaddiction.
9. Your scientific support for Your marketing statements and representations regarding pseudoaddiction.
10. The scope, strategy, purpose, and goals for Your opioids sales forces, including without limitation: training policies and practices; sales tactics; compensation structures; incentive programs; award programs; sales quotas; methods for assigning sales representatives to particular regions; facilities and/or physicians; and Your use of such sales forces in Oklahoma.
11. Your practices and processes for identifying and prioritizing physicians to detail.
12. Your research of Oklahoma Healthcare Professionals' and/or pharmacies' opioid prescribing habits, history, trends, sales, practices and/or abuse and diversion of opioids.
14. Your use of 'do not call' lists or any similar list of prescribers that your sales representatives do not contact.
15. Your efforts to identify high-prescribing health care providers in the State of Oklahoma.

16. Your efforts to identify low-prescribing health care providers in the State of Oklahoma.
17. Amounts spent by You on advertising and marketing related to opioids.
18. Amounts spent by You on research and development for opioids.
21. Your role, influence, or support for any campaign or movement to declare pain as the "Fifth Vital Sign."
22. Your interactions and communications with medical schools in Oklahoma, including without limitation, financial contributions, speeches, presentations, scholarships, event sponsorship, research grants, educational materials, and/or branded promotional materials.
23. Your use of public relations firms and communication with journalists regarding opioids and/or pain management marketing, including without limitation, the American Enterprise Institute, Cancer Action Network, Center for Lawful Access & Abuse Deterrence, Pinney Associates, Conrad & Associates LLC, and Sense About Science USA.
24. The amount of revenue and profits earned by You attributable to and/or derived from the prescription of opioids by any Oklahoma doctor criminally investigated, charged, indicted, and/or prosecuted for prescribing practices related to opioids. For purposes of this topic, "prosecution" includes any administrative proceeding
25. Your use of medical education communication companies (MECCs) regarding opioids and/or pain management marketing.
26. Your use of speakers' bureaus, advisory boards, or other similar programs regarding opioids and/or pain management marketing.
27. Your use of medical liaisons to communicate with Healthcare Professionals, KOLs, and/or Front Groups regarding opioids and/or pain treatment.
28. Your use of data provided by IMS, IQVIA or any similar data service for purposes of marketing and/or sales strategies.
30. Clinical trials funded, sponsored, and/or conducted by You regarding opioids and/or pain management.
31. Your sales projections and/or research related to the amount of reimbursement for Your opioids prescriptions that would be paid by Medicare and/or Oklahoma's Medicaid Program.

32. Your efforts and actions, both internally and in conjunction with third parties, to obtain and/or increase coverage and/or reimbursement of their opioids by public payers, including SoonerCare.
33. Your relationship and business dealings with other opioid manufacturers related to opioids and/or pain management, including without limitations any co-promotion or ownership agreements.
34. The source of ingredients, compounds or components, such as Thebaine (CPS-T), utilized by You in the manufacture of any opioids sold by You in the United States, including without limitation the amount of money paid to purchase such opioid compounds or components and U.S. distribution and sale of CPS-T.
35. All opioids manufactured, owned, contemplated, developed, and/or in-development by You including the nature of each such opioid, its intended use, and the stage of development of each (e.g. released to market, in development, abandoned).
36. All drugs for opioid use disorder manufactured, owned, contemplated, developed, and/or in-development by You including the nature of each such opioid use disorder drug, its intended use, the stage of development of each (e.g. released to market, in development, abandoned), and profits earned by You from the sale of any such drug in Oklahoma.
37. All drugs for the treatment of opioid overdose manufactured, owned, contemplated, developed, and/or in-development by You including the nature of each such opioid overdose drug, its intended use, the stage of development of each (e.g. released to market, in development, abandoned), and profits earned by You from the sale of any such drug in Oklahoma.
38. Policies, practices, and procedures regarding complaints You received related to addiction or abuse of Your opioids in Oklahoma.
39. Your involvement and participation in the Pain Care Forum.
40. The factual bases supporting Your defenses to Plaintiff's claims as set forth in Your Answer.
41. Your efforts or activities in Oklahoma concerning opioids related to: (a) lobbying efforts; (b) campaign contributions; (c) presentations made to the Oklahoma Health Care Authority's Drug Utilization Review Board; (d) scheduling of opioids; (e) opposing the rescheduling hydrocodone combination products from Schedule III to Schedule II; (f) pain management guidelines in Oklahoma statutes; (g) legislative efforts or activities; (h) law enforcement; and (i) prosecution of any individual or entity related to use, misuse, abuse, diversion, supply, and prescription.
42. Total compensation paid to employees and contractors who detailed and/or promoted to any health care practitioners and/or pharmacies in Oklahoma,

including but not limited to salaries, bonuses, and monetary and non-monetary incentives, and the methodology and metrics used to calculate the compensation paid to those employees and contractors.

43. Total amount spent annually, including directly and through reimbursement, on all promotional efforts related to Oklahoma and/or nationwide, including but not limited to leave behinds, direct mail materials, journal advertising, speaker engagements, conventions, samples, cards, vouchers, food, drinks, gifts, and swag.
44. Any scientific support, research, or basis for Your claims that there is an epidemic, problem, or issue related to the undertreatment of pain during the Relevant Time Period.
45. Your response to any Senate inquiries related to opioids during the Relevant Time Period.
46. The organizational structure and legal and working relationship between the Teva Defendants.
47. Your relationship with McKinsey & Company including but not limited to the amount of money you have paid McKinsey & Company, the purposes for which you engaged McKinsey & Company, and the work performed by McKinsey & Company on Your behalf.

EXHIBIT 2

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;)
- (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
Judge Thad Balkman

Special Master:
William Hetherington

SUBPOENA TO TESTIFY AT TRIAL

STATE OF OKLAHOMA)
) ss.
COUNTY OF CLEVELAND)

TO: JOHN HASSLER
As corporate representative for Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Watson Laboratories, Inc.; Actavis LLC; Actavis Pharma, Inc. (the "Teva/Cephalon Defendants")
c/o GABLEGOTWALS
One Leadership Square, 15th Floor
211 North Robinson

GREETINGS – You are Hereby Commanded to appear before the District Court of Cleveland County, Oklahoma, at the courthouse therein, on the 30th day of May, 2019 at 9:00am, to testify as a witness in a the above-named action pending in said Court and not depart without leave of the court.

HEREOF FAIL NOT, UNDER PENALTY OF LAW

Issued February 21, 2019



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Reggie Whitten, OBA No. 9576
J. Revell Parrish, OBA No. 30205
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing was emailed on February 21, 2019 to:

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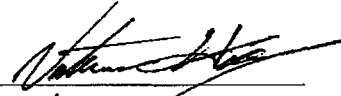
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Nathan Hall

EXHIBIT 3

**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

Honorable Thad Balkman

**DEFENDANTS CEPHALON, INC., TEVA PHARMACEUTICALS USA, INC.,
WATSON LABORATORIES, INC., ACTAVIS LLC, AND ACTAVIS PHARMA, INC.
f/k/a WATSON PHARMA INC. DISCLOSURE OF WITNESSES
TO BE CALLED LIVE TO TESTIFY AT TRIAL**

Pursuant to the Court's April 18, 2019 Scheduling Order, Defendants Cephalon, Inc. and Teva Pharmaceuticals USA, Inc. ("Teva USA") (collectively, the "Teva Defendants") and Watson Laboratories, Inc., Actavis LLC, and Actavis Pharma, Inc. f/k/a Watson Pharma, Inc. (collectively, the "Acquired Actavis Entities") by and through their undersigned counsel, hereby submit the below Disclosures to provide the "list of witnesses to be called live to testify in court including whether the parties will have a representative witness available during the opposing party's case in chief" ("Disclosures").

These Disclosures are based on information reasonably available to the Teva Defendants and Acquired Actavis Entities and are provided without prejudice to the right to supplement, modify, change, or amend.

Accordingly, the Teva Defendants and the Acquired Actavis Entities provide the names of the following witnesses to be called live to testify at trial:

1. Christine Baeder
2. Pamela Costa
3. Tricia Glover
4. John Hassler
5. Sean Nicholson
6. Pradeep Chintagunta
7. Melanie Rosenblatt
8. Michael Confer
9. Jonathan Ketchum
10. Edward Michna

The witnesses identified in these Disclosures include only the witnesses under the control of the Teva Defendants and Acquired Actavis Entities, and do not include other, local witnesses that may be subpoenaed for trial. In addition, the Teva Defendants and Acquired Actavis Entities will not have a representative witness available during Plaintiff's case in chief.

Dated: April 19, 2019

By: /s/ Nicholas v. Merkley

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*Attorneys for Defendants Cephalon, Inc.,
Teva Pharmaceuticals USA, Inc., Watson
Laboratories, Inc., Actavis LLC, and Actavis
Pharma, Inc. f/k/a Watson Pharma, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of April, 2019, I caused a true and correct copy of the following:

DEFENDANTS CEPHALON, INC., TEVA PHARMACEUTICALS USA, INC., WATSON LABORATORIES, INC., ACTAVIS LLC, AND ACTAVIS PHARMA, INC. f/k/a WATSON PHARMA INC. DISCLOSURE OF WITNESSES TO BE CALLED LIVE TO TESTIFY AT TRIAL

to be served upon the counsel of record listed on the attached service list via electronic mail.

/s/ Nicholas v. Merkle

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Oklahoma*

EXHIBIT 4

**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

Honorable Thad Balkman

**DEFENDANTS CEPHALON, INC., TEVA PHARMACEUTICALS USA, INC.,
WATSON LABORATORIES, INC., ACTAVIS LLC, AND ACTAVIS PHARMA, INC.
f/k/a WATSON PHARMA INC.'S TRIAL WITNESS LIST**

Pursuant to the Court’s April 18, 2019 Scheduling Order, Defendants Cephalon, Inc. and Teva Pharmaceuticals USA, Inc. (“Teva USA”) (collectively, the “Teva Defendants”) and Watson Laboratories, Inc., Actavis LLC, and Actavis Pharma, Inc. f/k/a Watson Pharma, Inc. (collectively, the “Acquired Actavis Entities”) by and through their undersigned counsel, hereby submit the following list of witnesses that they expect to call or may call if needed at trial:

A. Witnesses that the Teva Defendants and Acquired Actavis entities expect to call live at trial:

Name	Title	Contact Info.	Subject Matter
Christine Baeder	Teva Pharmaceuticals Chief Operations Officer, US Generics	To be contacted only through Morgan, Lewis & Bockius LLP	Deposed
Pradeep Chintagunta	Expert Witness	To be contacted only through Morgan, Lewis & Bockius LLP	Deposed
Michael Confer	Expert Witness	To be contacted only through Morgan, Lewis & Bockius LLP	See Expert Disclosure
Pamela Costa	Teva Pharmaceuticals Sales Representative	To be contacted only through Morgan, Lewis & Bockius LLP	Deposed
Tricia Glover	Teva Pharmaceuticals Vice President, US Chief Compliance Officer	To be contacted only through Morgan, Lewis & Bockius LLP	Compliance
John Hassler	Teva Pharmaceuticals Senior Vice President and General Manager, CNS	To be contacted only through Morgan, Lewis & Bockius LLP	Deposed

Jonathan Ketchum	Expert Witness	To be contacted only through Morgan, Lewis & Bockius LLP	Deposed
Edward Michna	Expert Witness	To be contacted only through Morgan, Lewis & Bockius LLP	Deposed
Sean Nicholson	Expert Witness	To be contacted only through Morgan, Lewis & Bockius LLP	Deposed
Melanie Rosenblatt	Expert Witness	To be contacted only through Morgan, Lewis & Bockius LLP	Deposed

B. Witnesses that the Teva Defendants and Acquired Actavis entities may call at trial if the need arises:

Name	Title	Contact Info.	Subject Matter
Deborah Bearer	Teva Pharmaceuticals Director, Health Systems Marketing	To be contacted only through Morgan, Lewis & Bockius LLP	Deposed
Valli Baldassano	Former Cephalon Executive Vice President & Chief Compliance Officer	To be contacted only through Morgan, Lewis & Bockius LLP	Compliance
Stacey Beckhardt	Former Cephalon Associate Director, Alliance Development	To be contacted only through Morgan, Lewis & Bockius LLP	Medical education grants
Joseph Caminiti	Former Cephalon Inc., Vice President, Sales and Marketing Operations and Effectiveness	To be contacted only through Morgan, Lewis & Bockius LLP	Sales, marketing, and managed care issues

Cynthia Condodina	Teva Pharmaceuticals Director, Commercial Training & Development	To be contacted only through Morgan, Lewis & Bockius LLP	Deposed
Matthew Day	Teva Pharmaceuticals Director, Marketing, CNS & Pain Care Franchises	To be contacted only through Morgan, Lewis & Bockius LLP	Marketing issues
Joyce DelGaudio	Teva Pharmaceuticals Senior Director, Regulatory Affairs Pre Approval, Generic	To be contacted only through Morgan, Lewis & Bockius LLP	Regulatory affairs
Chuck DeWildt	Former Teva Pharmaceuticals Vice President, Regional Payers	To be contacted only through Morgan, Lewis & Bockius LLP	Sales Training
Chris Doerr	Teva Pharmaceuticals Vice President, Trade Relations & Distribution Strategy	To be contacted only through Morgan, Lewis & Bockius LLP	Sales to distributors/trade customers
Kishore Gopu	Teva Pharmaceuticals Director of REMS	To be contacted only through Morgan, Lewis & Bockius LLP	Risk management and REMS programs
Dolly Judge	Teva Pharmaceuticals Vice President, U.S. Government Affairs	To be contacted only through Morgan, Lewis & Bockius LLP	Deposed
Jerry Kester	Teva Pharmaceuticals Director of Trade Strategy and Former Associate Director, REM Operations	To be contacted only through Morgan, Lewis & Bockius LLP	Risk management and REMs Programs
James G. King	Teva Pharmaceuticals Director, US Medical Information	To be contacted only through Morgan, Lewis & Bockius LLP	TIRF REMS & Medical Affairs

Ernest Kopecky	Teva Pharmaceuticals Vice President, Clinical Development; Head, Global Pain Medicine	To be contacted only through Morgan, Lewis & Bockius LLP	Medical Affairs
Susan Larijani	Teva Pharmaceuticals Senior Director, Medical Information	To be contacted only through Morgan, Lewis & Bockius LLP	Deposed
Penny Levine	Former Teva Pharmaceuticals Director, Regulatory Affairs	To be contacted only through Morgan, Lewis & Bockius LLP	Regulatory Affairs, risk management, and REMS programs
Karen Lowney	Former Teva Pharmaceuticals Senior Director, Global Compliance	To be contacted only through Morgan, Lewis & Bockius LLP	Compliance
Carole Marchione	Former Teva Pharmaceuticals Senior Director and Group Leader for Oncology Regulatory Affairs	To be contacted only through Morgan, Lewis & Bockius LLP	Regulatory affairs and submissions to FDA
Sheila Mathias	Teva Pharmaceuticals Director, Regulatory Affairs	To be contacted only through Morgan, Lewis & Bockius LLP	Risk management planning and drug development process
Chris Meyer	Teva Pharmaceuticals Director, Sales Force Planning & Operations	To be contacted only through Morgan, Lewis & Bockius LLP	Sales and promotional practices
David Myers	Teva Pharmaceuticals Senior Manager, Product Marketing	To be contacted only through Morgan, Lewis & Bockius LLP	Marketing issues
Alex Nikas	Teva Pharmaceuticals Senior Director, Executive Counsel	To be contacted only through Morgan, Lewis & Bockius LLP	Marketing issues

Andrew Pyfer	Former Cephalon National Sales Director, Pain Care Division	To be contacted only through Morgan, Lewis & Bockius LLP	Sales and promotional practices
James Reilly	Former Teva Pharmaceuticals Vice President, Sales	To be contacted only through Morgan, Lewis & Bockius LLP	Sales and promotional practices
Kate Reedy	Former Teva Pharmaceuticals Sales Operations Manager	To be contacted only through Morgan, Lewis & Bockius LLP	Sales Operations
Michael Richardson	Former Cephalon Senior Director of Product Planning for Pain Franchise	To be contacted only through Morgan, Lewis & Bockius LLP	Marketing issues
Randy Spokane	Former Teva Pharmaceuticals National Sales Director, pain Care	To be contacted only through Morgan, Lewis & Bockius LLP	Sales and promotional practices
Terrance Terifay	Former Cephalon Product Director, FENTORA®	To be contacted only through Morgan, Lewis & Bockius LLP	Marketing issues
Jerri Ann Thatcher	Former Cephalon Senior Director, Pain Franchise Marketing	To be contacted only through Morgan, Lewis & Bockius LLP	Marketing issues
Joe Tomkiewicz	Teva Pharmaceuticals Manager, DEA Compliance	To be contacted only through Morgan, Lewis & Bockius LLP	DEA compliance
Jamie Warner	Teva Pharmaceuticals Vice President, Global Labeling and Brand Management	To be contacted only through Morgan, Lewis & Bockius LLP	Product labeling

Brian Vaughn	Teva Pharmaceuticals Regional Sales Manger	To be contacted only through Morgan, Lewis & Bockius LLP	Deposed
Paula Williams	Teva Pharmaceuticals Director, Medical Education	To be contacted only through Morgan, Lewis & Bockius LLP	Deposed
Marais, Laurentius	Expert Witness	To be contacted only through O'Melveny & Myers LLP	See Expert Disclosure
Halford, Jeffrey (DO)	Physician - Pain Management of Oklahoma	9308 S. Toledo Ave, Tulsa, OK 74137	Deposed
Ollar-Shoemake, Leslie	Physician	3440 R.C. Luttrell Dr., Norman, OK 73072	Deposed
Schick, Gary (MD)	Physician, McBride Orthopedic	9600 Broadway Ext, Oklahoma City, OK 73114	Deposed
Brown, Nate	Director of Programming, OK Department of Corrections	State Witness	Deposed
Curtis, Byron Ph.D., F-ABFT	Chief Toxicologist, Oklahoma Office of the Chief Medical Examiner	State Witness	Deposed
Hamilton-Fain, Cindy	Pharmacist, Chief Compliance Officer, OK State Board of Pharmacy	State Witness	Deposed
Herndon, Michael	Chief Medical Officer, OK Health Care Authority	State Witness	Deposed

McCurdy, Joel M.D.	Chief Medical Officer, OK Department of Corrections	State Witness	Deposed
Muchmore, John	Current member of the Drug Utilization Board (DURB), OK State Healthcare	State Witness	Deposed
Murphy, Robin	Director of Pharmacy, OK Department of Corrections	State Witness	Deposed
Nesser, Nancy	Pharmacy Director, Oklahoma Health Care Authority	State Witness	Deposed
Pfeifer, Eric	Chief Medical Examiner, State of OK	State Witness	Deposed
Weaver, Darrell	Former OBN Director and State Senator	State Witness	Deposed
Woodward, Mark	Bureau of Narcotics & Dangerous Drugs Control	State Witness	Deposed
All current and former employees of the Teva Defendants and/or Acquired Actavis Entities noticed or subpoenaed for deposition or trial in this action.			
All witnesses yet to be deposed in this matter as of April 26, 2019.			
All witnesses that Janssen Pharmaceuticals, Inc., Ortho-McNeil Pharmaceuticals, Inc., Janssen Pharmaceutica, Inc., and Johnson & Johnson identified in their March 1, 2019 Supplemental Disclosures and their April 26, 2019 Witness List.			

This list does not include witnesses that the Teva Defendants and the Acquired Actavis Entities may call by deposition designation or for impeachment. This list is based on information reasonably available to the Teva Defendants and Acquired Actavis Entities and is provided without prejudice to the right to supplement, modify, change, or amend.

Dated: April 26, 2019

By: /s/ Nicholas v. Merkley

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

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of April, 2019, I caused a true and correct copy of the following:

DEFENDANTS CEPHALON, INC., TEVA PHARMACEUTICALS USA, INC., WATSON LABORATORIES, INC., ACTAVIS LLC, AND ACTAVIS PHARMA, INC. f/k/a WATSON PHARMA INC.'S TRIAL WITNESS LIST

to be served upon the counsel of record listed on the attached service list via electronic mail.

/s/ Nicholas v. Merkley

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