

APR 22 2019

IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

In the office of the
Court Clerk MARILYN WILLIAMS

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

Plaintiff,

**For Judge Balkman's
Consideration**

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.

Case No. CJ-2017-816
Honorable Thad Balkman

William C. Hetherington
Special Discovery Master

**TEVA AND ACTAVIS DEFENDANTS' ADOPTION AND JOINDER OF JANSSEN'S
MOTION TO QUASH TRIAL SUBPOENAS AND FOR PROTECTIVE ORDER**

Defendants Teva Pharmaceuticals, USA, Inc., Cephalon, Inc., Watson Laboratories, Inc., Actavis LLC, and Actavis Pharma, Inc., F/K/A Watson Pharma, Inc. (the "Teva and Actavis Defendants") respectfully submit this adoption and joinder of Janssen's Motion to Quash Trial Subpoenas and for Protective Order (the "Motion") filed April 12, 2019.

The Motion addresses the State's improper service of trial subpoenas on Defendants' corporate representatives during depositions. These witnesses were in Oklahoma for the sole

purpose of complying with State 12 O.S. § 3230(C)(5) notices. These subpoenas were improperly served under Oklahoma law. Janssen moved to quash these subpoenas and for a protective order establishing that its corporate representatives need not comply. The Teva and Actavis Defendants reassert the arguments set out within the Motion and request the same relief.

I. ADDITIONAL BACKGROUND

John Hassler appeared as the corporate representative witness for the Teva and Actavis Defendants in response to each of the State's 12 O.S. § 3230(C)(5) deposition notices. Mr. Hassler serves as the Senior Vice-President and General Manager within Teva's Central Nervous System therapeutic area. Mr. Hassler lives in Missouri and was present within Oklahoma only to appear for depositions. This testimony was provided to the State based on corporate representative notices served on the Teva and Actavis Defendants, attendance was mandatory under the statute.

On February 21, 2019, during a Corporate Representative deposition scheduled by the State, Mr. Hassler was served with two trial subpoenas. Exhibit 1, 2/21/2019 Deposition of John Hassler, 283:8-12. Teva and Actavis counsel objected to the deposition subpoenas as served and reserved the right to challenge the same. Exhibit 1, 285:8-11. These subpoenas attempted to require Mr. Hassler appear in both his individual capacity and as a corporate representative of the Teva and Actavis entities during trial. Exhibits 2, 3.

II. CONCLUSION

Based on the substantial legal arguments outlined within Janssen's Motion and the identical improper service the State attempted on Mr. Hassler, the Teva and Actavis Defendants request that the trial subpoenas be quashed and that a protective order be entered relieving Mr. Hassler from any obligations to comply.

Respectfully submitted,



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I hereby certify that a true and correct copy of the foregoing was emailed this 22 day of April, 2019, to the following:

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1 IN THE DISTRICT COURT OF CLEVELAND COUNTY

2 STATE OF OKLAHOMA

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

5 Plaintiff,

vs.

No. CJ-2017-816

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

25 Defendants.

VIDEOTAPED DEPOSITION

OF TEVA 3230 (C) (5) WITNESS JOHN HASSLER

TAKEN ON BEHALF OF THE PLAINTIFF

ON FEBRUARY 21, 2019, BEGINNING AT 9:12 A.M.

IN OKLAHOMA CITY, OKLAHOMA

VIDEOTAPED BY: Jim Herzig

REPORTED BY: Jane McConnell, CSR RPR CMR CRR

1 hours that is allotted for today. I've offered to
2 continue to -- continue this deposition past the six
3 hours, but they've informed me that they don't want
4 to do that for you.

5 So I just have a housekeeping matter to
6 address while you're here before we finish for
7 today.

8 I'm going to hand you a copy of just a
9 couple of subpoenas, and I will hand a copy to your
10 attorneys also. These are just the subpoenas for
11 you to appear at the trial in this case in May to
12 testify. I'm providing those to you now.

13 But with that, since you don't want to go
14 past the six hours --

15 MR. MERKLEY: Are you concluding the
16 deposition for the topics today?

17 MR. PATE: Well, since you all aren't
18 agreeing to anything we asked for as far as
19 continuing the depositions anyway, I'll just say
20 it's continued.

21 But as I told you yesterday, I will get
22 back to you with an email about which topics we feel
23 like we need additional time on after I review the
24 transcript. If we believe that we are done with
25 this topic, then I won't ask for more time on this

1 topic.

2 MR. MERKLEY: You're not willing to
3 conclude the deposition for the topics today right
4 now?

5 MR. PATE: Not right now. But like I
6 said, I'll tell you if I don't need more time.

7 MR. MERKLEY: Drew, when we were off the
8 record, you were willing to move on from -- today's
9 deposition were and you were willing to go back to
10 yesterday's deposition.

11 Now that we're back on the record you're
12 not finished with today. How much time do you think
13 you need for today's topics to finish today's topics
14 today?

15 MR. PATE: Today's topics today?

16 MR. MERKLEY: Yes. When we were off the
17 record, you we were done with today. Now that we're
18 back on the record --

19 MR. PATE: I never said that. I said I
20 can move to the other stuff.

21 MR. MERKLEY: Okay. Well, how much more
22 time do you need to finish today's topic today?

23 MR. PATE: I don't know. Maybe not much.

24 MR. MERKLEY: We object to leaving the
25 deposition open. We'll revisit it. Like you said,

1 just like we discussed yesterday, we'll revisit it
2 at the end.

3 MR. PATE: So what you asked me to do is
4 still what I'm going to do. I'm going to tell you
5 if I need any more time with this.

6 MR. MERKLEY: Also just --

7 MR. FIORE: That's fine.

8 We object to leaving the deposition open.
9 We understand that your position is different, and
10 we reserve our right to challenge the subpoenas that
11 you just handed us. We'll just leave it at that.

12 VIDEOGRAPHER: We are off the record at
13 4:56 p.m.

14 (DEPOSITION ADJOURNED AT 4:56 P.M.)

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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)
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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: 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
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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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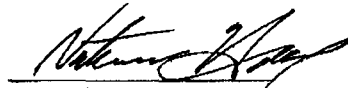
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Nathan Hall

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.

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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;)
(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

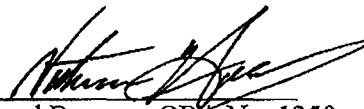
STATE OF OKLAHOMA)
) ss.
COUNTY OF CLEVELAND)

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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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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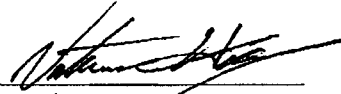
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