



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

STATE OF OKLAHOMA } S.S.
CLEVELAND COUNTY }

FILED

MAR 28 2019

In the office of the
Court Clerk MARILYN WILLIAMS

ORDER

Following oral arguments taken February 14, 2019, Special Discovery Master Hetherington issued an Order dated February 18, 2019 overruling Defendant Janssen’s Motion to Compel Responses to its Third Set of Interrogatories 21, 21, and 22.

At issue is whether or not the State must identify all Oklahoma doctors who were allegedly misled in a joint marketing and promotion effort by Defendants.

The State refused to answer Defendant Janssen’s interrogatories, citing its intention to rely upon a statistical proof model at trial. Both Special Discovery Master Hetherington and the undersigned judge have previously been briefed and have taken oral arguments on this issue. All the parties have cited applicable case law on the propriety of using such statistical proof models rather than individualized proof models.

Defendant Janssen now objects to Special Discovery Master Hetherington’s Order, and has asked the Court to review de novo and to sustain their objections and order the State to respond immediately to Janssen’s interrogatories. Due to the proximity of trial and other

deadlines, all parties agree to have the Court rule on the objection based solely upon the briefs and without oral argument.

Having reviewed the briefs of the parties, as well as the prior orders of both the Special Discovery Master and this Court relating to this issue, the Court determines that the State is not required to disclose the information requested about Oklahoma doctors in Defendant Janssen's Third Set of Interrogatories. The requested relief by Defendant Janssen is unduly burdensome in violation of 12 O.S. §3226(B)(1)(a).

Therefore the Order of the Special Discovery Master dated February 18, 2019 is affirmed and Defendant Janssen's objection is denied.

IT IS SO ORDERED this 28 day of March, 2019!


THAD BALKMAN, District Judge

CERTIFICATE OF SERVICE

This is to certify that on the 28th day of March, 2019, a true and correct copy of the above and foregoing instrument was emailed to the following:

Michael Burrage
Reggie Whitten

Mike Hunter
Attorney General for State of OK
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