

**SEALED**



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.

STATE OF OKLAHOMA,  
CLEVELAND COUNTY, S.S.  
FILED In The Clerk's  
Office of the Court Clerk  
MAY 02 2019

For Judge Balkman's  
Consideration

In the office of the  
Court Clerk MARILYN WILLIAMS

Case No. CJ-2017-816  
Honorable Thad Balkman

William C. Hetherington  
Special Discovery Master

**SEALED**

DEFENDANTS TEVA PHARMACEUTICALS USA, INC.,  
CEPHALON, INC., WATSON LABORATORIES, INC., ACTAVIS LLC,  
AND ACTAVIS PHARMA, INC., f/k/a WATSON PHARMA, INC.'S  
MOTION FOR SUMMARY JUDGMENT AND BRIEF IN SUPPORT

**EXHIBIT 40 FILED UNDER SEAL**

# EXHIBIT 40



FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

DEC 03 2018

RICK WARREN  
COURT CLERK

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THE STATE OF OKLAHOMA, )  
)  
Plaintiff, )  
)  
vs. )  
)  
REGAN GANOUNG NICHOLS, )  
DOB: 05/1960 )  
SS#: XXX-XX-9565 )  
Defendant. )

Case No. CF-2017-3954

AMENDED INFORMATION

In the name and by the authority of the State of Oklahoma comes now MIKE HUNTER, Duly appointed Attorney General for the State of Oklahoma, in and for the State and County aforesaid, gives the court to know and be informed as follows:

COUNT 1

On or about March 30, 2010, A.D., the crime of MURDER IN THE SECOND DEGREE was feloniously committed in Oklahoma County, by REGAN GANOUNG NICHOLS who was prescribing dangerous combinations and excessive amounts of controlled dangerous substances to Debra L. Messner unlawfully, outside the usual course of medical practice or without a legitimate medical purpose, and in a manner imminently dangerous to another person, evincing a depraved mind with reckless disregard of human life, killed Debra L. Messner, by drug toxicity which caused her death on the 30th day of March, 2010 contrary to the provisions of Section 701.8 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

OR IN THE ALTERNATIVE COUNT 2

On or about March 30, 2010, A.D., the crime of MANSLAUGHTER IN THE SECOND DEGREE was feloniously committed in Oklahoma County, by REGAN GANOUNG NICHOLS who was prescribing dangerous combinations and excessive amounts of controlled dangerous substances to Debra L. Messner

unlawfully and negligently, outside the usual course of medical practice or without a legitimate medical purpose, killed Debra L. Messner, death having been caused by drug toxicity the 30th day of March, 2010 contrary to the provisions of Section 716 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

**COUNT 3**

On or about March 1, 2012, A.D., the crime of MURDER IN THE SECOND DEGREE was feloniously committed in Oklahoma County, by REGAN GANOUNG NICHOLS who was prescribing dangerous combinations and excessive amounts of controlled dangerous substances to Lynette Annette Nelson unlawfully, outside the usual course of medical practice or without a legitimate medical purpose, and in a manner imminently dangerous to another person, evincing a depraved mind with reckless disregard of human life, killed Lynette Annette Nelson, by drug toxicity which caused her death on the 1st day of March, 2012 contrary to the provisions of Section 701.8 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

**OR IN THE ALTERNATIVE COUNT 4**

On or about March 1, 2012, A.D., the crime of MANSLAUGHTER IN THE SECOND DEGREE was feloniously committed in Oklahoma County, by REGAN GANOUNG NICHOLS who was prescribing dangerous combinations and excessive amounts of controlled dangerous substances to Lynette Annette Nelson unlawfully and negligently, outside the usual course of medical practice or without a legitimate medical purpose, killed Lynette Annette Nelson, death having been caused by drug toxicity the 1<sup>ST</sup> day of March, 2012 contrary to the provisions of Section 716 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

COUNT 5

On or about November 21, 2012, A.D., the crime of MURDER IN THE SECOND DEGREE was feloniously committed in Oklahoma County, by REGAN GANOUNG NICHOLS who was prescribing dangerous combinations and excessive amounts of controlled dangerous substances to Sheila D. Bartels unlawfully, outside the usual course of medical practice or without a legitimate medical purpose, and in a manner imminently dangerous to another person, evincing a depraved mind with reckless disregard of human life, killed Sheila D. Bartels, by drug toxicity which caused her death on the 21st day of November, 2012 contrary to the provisions of Section 701.8 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

OR IN THE ALTERNATIVE COUNT 6

On or about November 21, 2012, A.D., the crime of MANSLAUGHTER IN THE SECOND DEGREE was feloniously committed in Oklahoma County, by REGAN GANOUNG NICHOLS who was prescribing dangerous combinations and excessive amounts of controlled dangerous substances to Shelia D. Bartels unlawfully and negligently, outside the usual course of medical practice or without a legitimate medical purpose, killed Shelia D. Bartels, death having been caused by drug toxicity the 21<sup>st</sup> of November, 2012 contrary to the provisions of Section 716 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

COUNT 7

On or about August 4, 2013, A.D., the crime of MURDER IN THE SECOND DEGREE was feloniously committed in Oklahoma County, by REGAN GANOUNG NICHOLS who was prescribing dangerous combinations and excessive amounts of controlled dangerous substances to Chelsy Dawn Dockery unlawfully, outside the usual course of medical practice or without a legitimate medical purpose, and in a manner imminently dangerous to another person, evincing a depraved mind with reckless disregard of human life, killed Chelsy Dawn Dockery, by drug toxicity which caused her death on the 4th day of

August, 2013 contrary to the provisions of Section 701.8 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

**OR IN THE ALTERNATIVE COUNT 8**

On or about August 4, 2013, A.D., the crime of MANSLAUGHTER IN THE SECOND DEGREE was feloniously committed in Oklahoma County, by REGAN GANOUNG NICHOLS who was prescribing dangerous combinations and excessive amounts of controlled dangerous substances to Chealsy Dawn Dockery unlawfully and negligently, outside the usual course of medical practice or without a legitimate medical purpose, killed Chealsy Dawn Dockery, death having been caused by drug toxicity the 4<sup>th</sup> of August, 2013 contrary to the provisions of Section 716 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

**COUNT 9**

On or about October 24, 2013, A.D., the crime of MURDER IN THE SECOND DEGREE was feloniously committed in Oklahoma County, by REGAN GANOUNG NICHOLS who was prescribing dangerous combinations and excessive amounts of controlled dangerous substances to Deborah Sue Hutcheson unlawfully, outside the usual course of medical practice or without a legitimate medical purpose, and in a manner imminently dangerous to another person, evincing a depraved mind with reckless disregard of human life, killed Deborah Sue Hutcheson, by drug toxicity which caused her death on the 24th day of October, 2013 contrary to the provisions of Section 701.8 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

**OR IN THE ALTERNATIVE COUNT 10**

On or about October 24<sup>th</sup>, 2013 A.D., the crime of MANSLAUGHTER IN THE SECOND DEGREE was feloniously committed in Oklahoma County, by REGAN GANOUNG NICHOLS who was prescribing dangerous combinations and excessive amounts of controlled dangerous substances to Deborah Sue Hutcheson unlawfully and negligently, outside the usual course of medical practice or without a legitimate medical purpose, killed Deborah Sue Hutcheson, death having been caused by drug toxicity the 24<sup>th</sup> of

October, 2013 contrary to the provisions of Section 716 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA

By: *Rachel Rogers*  
Rachel A. Rogers, OBA #31206  
Deputy Attorney General  
313 NE 21<sup>st</sup> St.  
Oklahoma City, OK 73105

STATE OF OKLAHOMA            )  
  )  
COUNTY OF OKLAHOMA        )        ss.

I do solemnly swear that the statements and allegations set forth in the within information are true and correct to the best of my information and belief.

*Rachel Rogers*  
Rachel A. Rogers, OBA #31206  
Deputy Attorney General

Signed and sworn to before me on the 30<sup>th</sup> day of November, 2018, by Rachel A. Rogers.



*Shelia G. Tiffin*  
Notary Public

My Commission Expires: June 8, 2019

**Penalty:**

21O.S. §701.8 – Punishable by imprisonment in the State Penitentiary not less than ten (10) years nor more than life.

21 O.S. §716- Punishable by imprisonment in the State Penitentiary not more than four (4) years and not less than two (2) years, or by imprisonment in a county jail not exceeding one (1) year, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both fine and imprisonment.

**Witnesses:**

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Del City, Oklahoma 73115



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Oklahoma City, OK 73117

David Gage, Officer (RETIRED)  
Oklahoma City Police Department

Leigh Ramos, Officer  
Oklahoma City Police Department