

STATE OF CLEVELAND  
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 FILED In The  
 Office of the Court Clerk  
 JUN 05 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,

Case No. CJ-2017-816

Honorable Thad Balkman

vs.

PURDUE PHARMA L.P., et al.,

Defendants.

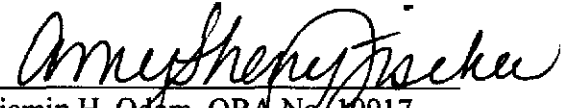
**DEFENDANTS JANSSEN PHARMACEUTICALS, INC. AND JOHNSON & JOHNSON'S  
 NOTICE OF TRANSCRIPTIONS OF VIDEOTAPED DEPOSITIONS**

Defendants Janssen Pharmaceuticals, Inc. and Johnson & Johnson hereby give notice of the following transcriptions of videotaped depositions played during the Defendants' opening statement attached hereto as exhibits.

<b>Exhibit</b>	<b>Description</b>
A	12/12/2018 Deposition of Bruce Moskovitz 320:2-321:7, 321:12-13, 321:15
B	12/12/2018 Deposition of Bruce Moskovitz 260:17-261:20
C	02/28/2019 Deposition of Lynn Webster 507:1-22
D	02/26/2019 Deposition of Scott Fishman 98:11-15, 98:18-20
F	02/26/2019 Deposition of Scott Fishman 60:8-14, 60:18-61:16, 61:20-24
F	01/24/2019 Deposition of Russell Portenoy 340:13-18, 340:20-341:4

Dated: June 5, 2019

Respectfully submitted,

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## CERTIFICATE OF MAILING

Pursuant to 12 O.S. § 2005(D), and by agreement of the parties, this is to certify on June 5, 2019, a true and correct copy of the above and foregoing has been served via electronic mail, to the following:

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# **EXHIBIT A**

35569 OK v Janssen Video

 Moskowitz, Bruce (Vol. 01) - 12/12/2018

1 CLIP (RUNNING 00:02:04.154)

 320:2-321:7, 321:12-13; 321:15

BM3

3 SEGMENTS (RUNNING 00:02:04.154)



1. PAGE 320:02 TO 321:07 (RUNNING 00:01:59.038)

02           A.     Yes.  The molecule itself,  
03     Tapentadol has more than one mechanism of  
04     action.  The one mechanism of action, which  
05     is mu opioid agonism, similar to other  
06     opioids and a second mechanism of action  
07     called norepinephrine reuptake inhibition.  
08     In animal models, we have data that suggested  
09     it was not as euphoric, it was not as  
10     attractive and, therefore, because we were  
11     getting similar analgesia but without gaining  
12     that analgesia solely through the mu opioid  
13     agonism, that there would be a lower  
14     propensity for euphoria and associated  
15     issues, abuse, misuse, diversion.

16                 When we developed the  
17     extended-release formulation, we developed it  
18     with timing such that the product that came  
19     to market was marketed in what was termed an  
20     abuse-deterrent formulation.  It was very  
21     difficult to defeat the extended-release  
22     properties of the drug.  It could not be  
23     chewed.  It was very difficult to extract any  
24     of the compound from the pill.

25                 And for these reasons, we  
00321:01                 B. Moskowitz  
02     expected that with Nucynta, particularly the  
03     extended release for chronic pain, that it  
04     would have low rates of abuse, misuse and  
05     diversion.

06           Q.     Is that what we saw in the  
07     monitoring data?

2. PAGE 321:12 TO 321:13 (RUNNING 00:00:02.952)

12           Q.     The company saw, what you saw in  
13     the monitoring data?

3. PAGE 321:15 TO 321:15 (RUNNING 00:00:02.164)


15           A.     Yes, it was.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:02:04.154)




# **EXHIBIT B**

35569 OK v Janssen Video

 Moskowitz, Bruce (Vol. 01) - 12/12/2018

1 CLIP (RUNNING 00:01:15.965)

 260:17-261:20

**BM260-17** **4 SEGMENTS (RUNNING 00:01:15.965)**

**1. PAGE 260:17 TO 260:21 (RUNNING 00:00:18.634)**

17 Q. Did the company continue to track  
18 this data from the RADARS system and the  
19 other active surveillance resources that are  
20 described here going forward from the time of  
21 this presentation in 2007?

**2. PAGE 260:23 TO 260:23 (RUNNING 00:00:02.226)**

23 A. Yes, we did.

**3. PAGE 260:25 TO 261:03 (RUNNING 00:00:07.060)**

25 Q. And can you say in general terms  
00261:01 B. Moskowitz  
02 what the company saw as a result of that  
03 surveillance?

**4. PAGE 261:10 TO 261:20 (RUNNING 00:00:48.045)**

10 A. I was involved with contracting  
11 with RADARS -- RADARS and reviewing the  
12 reports. We reviewed the reports and we  
13 consistently saw that the abuse, misuse,  
14 diversion of Duragesic was at a very low  
15 level, certainly at a low level relative to  
16 other opioid compounds and remained so  
17 throughout that period of time. Later on, we  
18 used similar systems because we started with  
19 Tapentadol and learned the same low rates of  
20 abuse, misuse and diversion for Tapentadol.

**TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:01:15.965)**

# **EXHIBIT C**

35569 OK v Janssen Video

 Webster, Lynn (Vol. 01) - 02/28/2019

1 CLIP (RUNNING 00:00:59.970)

 BY MR. HOFFMAN: Now, ...

Webster501-1 1 SEGMENT (RUNNING 00:00:59.970)

1. PAGE 507:01 TO 507:22 (RUNNING 00:00:59.970)

00507:01 Q. BY MR. HOFFMAN: Now,  
02 plaintiffs' counsel did not share this with  
03 you earlier, but I'm going to read a quote  
04 from the State of Oklahoma's complaint in  
05 this case. It's called a petition. And I  
06 will read from Paragraph 62 of the State's  
07 petition.  
08 It reads, in part, "Like  
09 Dr. Portenoy, multiple defendants utilized  
10 Dr. Webster as a KOL, providing him with  
11 funding and consultant fees in exchange for  
12 spreading their misrepresentations regarding  
13 opioids and opioid use in general through  
14 CMEs and speeches."  
15 Were you aware that the State  
16 had made that allegation against you?  
17 A. No.  
18 Q. Do you believe that in exchange  
19 for consulting fees you have spread the  
20 misrepresentations of any defendants in this  
21 case?  
22 A. That's flatly wrong.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:00:59.970)

# **EXHIBIT D**

35569 OK v Janssen Video

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 Fishman, Scott (Vol. 01) - 02/26/2019

1 CLIP (RUNNING 00:00:23.101)

 IN THE DISTRICT COURT OF CLEVELAND COUNTY ...

FISHMAN98-11 2 SEGMENTS (RUNNING 00:00:23.101)

1. PAGE 98:11 TO 98:15 (RUNNING 00:00:13.261)

11 Q. In your mind, the importance of the key  
12 opinion leader was to educate other physicians on  
13 pain management or the use of opioids in the  
14 treatment of pain or other mechanisms for treating  
15 pain; correct?


2. PAGE 98:18 TO 98:20 (RUNNING 00:00:09.840)

18 THE WITNESS: Correct, independent of any  
19 of the wishes or needs of the pharmaceutical  
20 company.


TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:00:23.101)

# **EXHIBIT E**

35569 OK v Janssen Video

 Fishman, Scott (Vol. 01) - 02/26/2019

1 CLIP (RUNNING 00:02:28.204)

 When you were speaking at medical ...

FISHMAN 60-8

3 SEGMENTS (RUNNING 00:02:28.204)

1. PAGE 60:08 TO 60:14 (RUNNING 00:00:39.069)

08 Q. When you were speaking at medical  
09 education activities, symposia, lectures, and  
10 presenting education on pain treatment and pain  
11 management, was it your intention to influence the  
12 prescribing habits of the audience, particularly  
13 the healthcare providers that were able to  
14 prescribe controlled to -- narcotics?

2. PAGE 60:18 TO 61:16 (RUNNING 00:01:33.125)

18 THE WITNESS: It was my intention to help  
19 these providers, these clinicians, think through  
20 the prescribing decisions they needed to make and,  
21 you know, on both the side of not being afraid to  
22 use them when the benefits outweigh the risk, but  
23 also to be cautious about the risks and not use  
24 them when, you know, the treatment's worse than the  
25 disease. So it's really both sides, but at some  
00061:01 point it was education around how to responsibly  
02 use these medications.

03 BY MS. BALDWIN:

04 Q. But it was not your intention to influence  
05 prescribing habits in the sense of encouraging the  
06 audience members to prescribe more opioids; is that  
07 correct?

08 A. No, nor was it my intention for them to  
09 prescribe any specific opioid.

10 Q. Is it your understanding, though, that  
11 pharmaceutical companies paying, whether directly  
12 or indirectly, key opinion leaders to provide  
13 medical education, that they were intending that  
14 those lectures and speeches would increase the  
15 prescribing habits of physicians that were in the  
16 audience listening to those programs?

3. PAGE 61:20 TO 61:24 (RUNNING 00:00:16.010)

20 THE WITNESS: Again, I -- I don't know  
21 that they did or not. What I can tell you is that  
22 my belief was that pharmaceutical companies should,  
23 and I think do, recognize that it's of interest  
24 that these drugs are used safely and effectively.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:02:28.204)



# EXHIBIT F

