



IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

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

Plaintiff,

v.

PURDUE PHARMA L.P., *et al.*,

Defendants.

Case No. CJ-2017-816

Judge Thad Balkman

STATE OF OKLAHOMA } S.S.
CLEVELAND COUNTY }

FILED

JUL 12 2019

In the office of the
Court Clerk MARILYN WILLIAMS

**DEFENDANTS JANSSEN PHARMACEUTICALS, INC. AND JOHNSON AND
JOHNSON'S OFFER OF PROOF FOR DEPOSITION TESTIMONY OF CINDY
HAMILTON-FAIN**

The Janssen¹ Defendants hereby submit the following offer of proof in response to the State's submission of certain portions of the deposition of Ms. Cindy Hamilton-Fain during their rebuttal case. This written offer of proof² is made pursuant to the Court's decision on July 12, 2019.

Dated: July 12, 2019

Respectfully submitted,

By: 

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¹ "Janssen" is Janssen Pharmaceuticals, Inc. and Johnson & Johnson, as well as Janssen's predecessors, Ortho-McNeil-Janssen Pharmaceuticals, Inc. and Janssen Pharmaceutica, Inc.

² Ex. A, Hamilton-Fain Dep. 222:2-223:8 (Feb. 19, 2019)

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Pharmaceuticals, Inc., and Ortho-McNeil-
Janssen Pharmaceuticals, Inc. n/k/a/
Janssen Pharmaceuticals, Inc.*

CERTIFICATE OF MAILING

Pursuant to OKLA. STAT. tit. 12, § 2005(D), this is to certify on July 12, 2019, a true and correct copy of the above and foregoing has been served via email to the following:

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ATTORNEYS FOR PLAINTIFF

A handwritten signature in black ink, appearing to read "Robert Winn Cutler", written over a horizontal line.

EXHIBIT A

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IN THE DISTRICT COURT IN AND FOR CLEVELAND COUNTY
STATE OF OKLAHOMA

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

-vs- Case No. CJ-2017-816

PURDUE PHARMA L.P.; PURDUE
PHARMA, INC.; THE PURDUE
FREDERICK COMPANY; TEVA
PHARMACEUTICALS USA, INC.;
CEPHALON, INC.; JOHNSON &
JOHNSON; JANSSEN PHARMACEUTICALS,
INC.; ORTHO-McNEIL-JANSSEN
PHARMACEUTICALS, INC., n/k/a
JANSSEN PHARMACEUTICALS, INC.;
JANSSEN PHARMACEUTICA, INC.
n/k/a JANSSEN PHARMACEUTICALS,
INC.; ALLERGEN, PLC f/k/a
ACTAVIS PLC, f/k/a ACTAVIS, INC.,
f/k/a ACTAVIS PLC, f/k/a ACTAVIS,
INC., f/k/a WATSON PHARMACEUTICALS,
INC.; WATSON LABORATORIES, INC.;
ACTAVIS LLC; and ACTAVIS PHARMA,
INC., f/k/a WATSON PHARMA, INC.

Defendants.

VIDEOTAPED DEPOSITION OF CINDY HAMILTON-FAIN
TAKEN ON BEHALF OF THE DEFENDANTS
ON FEBRUARY 19, 2019, BEGINNING AT 9:02 A.M.
IN LITTLE ROCK, ARKANSAS

REPORTED BY: Shannon S. Harwood, CSR, RPR
Pages 1- 240

1 A. Maybe 2006. 03:22p

2 Q. And do you recall who the person who you said 03:22p

3 showed up and opposed that effort, who that was? 03:22p

4 A. I don't specifically remember. 03:22p

5 Q. Do you know -- I think you mentioned Ortho- 03:22p

6 McNeil, which is a Janssen entity, correct? 03:22p

7 A. Right. 03:22p

8 Q. Do you know if he was a representative of 03:22p

9 Ortho-McNeil? Is what that what you understood him to 03:22p

10 be? 03:22p

11 A. Yes, that was my understanding. 03:22p

12 Q. And what kind of materials did he submit in 03:22p

13 support of his position that Tramadol should not be 03:22p

14 scheduled? 03:22p

15 MR. CUTLER: Object to the form. 03:22p

16 A. I can't recall specifically, but I want to say 03:22p

17 like the package insert and -- and I don't remember what 03:22p

18 else. I mean, like, statistics. 03:22p

19 Q. (By Mr. Bowman) Do you remember if there was 03:22p

20 any research or medical journals or articles submitted? 03:22p

21 MR. CUTLER: Object to the form. 03:23p

22 A. It's possible, but I don't remember. 03:23p

23 Q. (By Mr. Bowman) So who ultimately made that 03:23p

24 decision regarding the scheduling of Tramadol? 03:23p

25 A. The board. 03:23p

1 Q. And you disagreed with their decision at that 03:23p
2 time, I assume? 03:23p
3 A. Yes. 03:23p
4 Q. But it was ultimately their call, just like it 03:23p
5 is their call on these hearings that we talked about in 03:23p
6 disciplinary proceedings, correct? 03:23p
7 MR. CUTLER: Object to the form. 03:23p
8 A. Yes. 03:23p
9 Q. (By Mr. Bowman) And sometimes you disagreed 03:23p
10 with them on those findings as well, didn't you? 03:23p
11 A. Yes. 03:23p
12 Q. You mentioned stop gaps like the Prescription 03:23p
13 Monitoring Program that the board tries to implement to 03:23p
14 help stop the opioid crisis. Is -- did I hear you 03:23p
15 correctly earlier that you don't believe it should be 03:23p
16 mandatory for pharmacists to have to consult the 03:23p
17 Prescription Monitoring Program when prescribing 03:23p
18 opioids? 03:23p
19 MR. CUTLER: Object to the form. 03:23p
20 A. I agree. I don't think that they should have 03:23p
21 to check it every time. 03:23p
22 Q. (By Mr. Bowman) Have you ever been approached 03:24p
23 by a sales representative for a pharmaceutical 03:24p
24 manufacturer in your capacity as a dispensing 03:24p
25 pharmacist? 03:24p