



IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

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

Plaintiff,)

v.)

PURDUE PHARMA, L.P., PURDUE PHARMA, INC., and)
THE PURDUE FREDERICK COMPANY, INC.,)

Defendants/Appellants/ Cross-Appellees/Counter-Appellees,)

-and-)

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., ALLERGAN, PLC, 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,)

v.)

COMANCHE COUNTY,)

Appellee/Real Party in Interest/Cross-Appellant/Counter-)
Appellant.)

STATE OF OKLAHOMA } S.S.
CLEVELAND COUNTY }

FILED

JUL 11 2019

In the office of the
Court Clerk MARILYN WILLIAMS

Sup. Ct. Case No. 117,994
(Cons. with 117,995)

Cleveland County
Case No. CJ-2017-816

RESPONSE TO CROSS/COUNTER PETITION IN ERROR

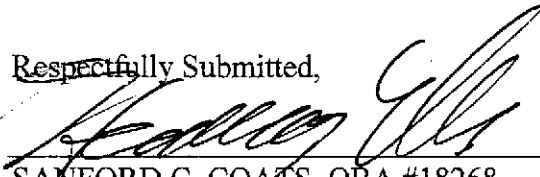
Are Cross-Appellees/Counter-Appellees willing to participate in an attempted settlement of the appeal by predecisional conference under Rule 1.250?

___ YES ___ X NO

Attach as Exhibit "A" Cross-Appellees/Counter-Appellees' Statement of the Case not to exceed one 8 1/2" x 11" double-spaced page if not clearly set out by Cross-Appellant/Counter-Appellant in Petition in Error.

In accelerated appeals from orders granting motion for summary judgment or motion to dismiss only Appellees shall also file concurrently with response any supplement to record on accelerated appeal. See Rule 1.36.

DATE: July 11, 2019.

Respectfully Submitted,


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PURDUE FREDERICK COMPANY, INC.**

CERTIFICATE OF MAILING TO ALL PARTIES AND COURT CLERK

I hereby certify that a true and correct copy of the Response to Cross/Counter Petition in Error was mailed this 11th day of July, 2019, by depositing it in the U.S. Mail, postage prepaid, to:

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I further certify that a copy of the Response to Cross/Counter Petition in Error was mailed to, or filed in, the Court Clerk of the District Court of Cleveland County on the 11th day of July, 2019.

Marilyn Williams
Cleveland County Court Clerk
Cleveland County Courthouse
200 S. Peters Ave.
Norman, Oklahoma 73069



EXHIBIT "A" – SUMMARY OF THE CASE

This action was brought by the State of Oklahoma (the "State") against thirteen pharmaceutical companies, including Appellants ("Purdue"), alleging that these manufacturers fraudulently marketed their opioid medications in Oklahoma. The State claimed that this marketing led to widespread opioid abuse which, in turn, caused the State to incur a broad array of damages, including healthcare expenses and law enforcement and criminal justice expenses, *inter alia*. The State also sought broad injunctive and equitable relief to ameliorate alleged harm throughout the state. On March 26, 2019, Purdue and the State entered into a Settlement Agreement, and the district court entered a detailed Consent Judgment dismissing Purdue from this case with prejudice. The claims against the remaining manufacturers are in trial. On April 15, 2019 nonparty Comanche County — Counter-Appellant herein — moved to intervene, asserting that the Consent Judgment was unclear as to its applicability to political subdivisions, and seeking to assert an independent claim against Purdue, among other things. Both Purdue and the State filed separate responses objecting to intervention. The only issue before the district court was procedural -- whether to permit Comanche County to intervene. Rather than determine that issue, the district court purported to clarify or modify the Consent Judgment with respect to its impact on political subdivisions, and denied Comanche County's motion to intervene as "moot." Purdue appealed that disposition as procedurally improper and a denial of due process. While Purdue disagrees with Comanche County that requirements for intervention were satisfied, the parties are in agreement that the district court erred by failing to resolve the only motion that was then before it — *i.e.*, Comanche County's motion to intervene.