



FILED
SUPREME COURT
STATE OF OKLAHOMA

JUN 13 2019

JOHN D. HADDEN
CLERK

STATE OF OKLAHOMA } S.S.
CLEVELAND COUNTY }

FILED

JUN 13 2019

In the office of the
Court Clerk MARILYN WILLIAMS

Supreme Court
Case No. 117994
(Cons. w/ 117,995)

Cleveland County
Case No. CJ-17-816

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,)

-and-)

TEVA PHARMACEUTICALS USA, INC., CEPHALON, INC.,)
JOHNSON & JOHNSON, JANSSEN PHARMACEUTICALS,)
INC., ORTHO-MCNEIL-JANSSEN PHARMACEUTICAL,)
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.)

CITY OF OKLAHOMA CITY, CITY OF LAWTON, CITY OF)
ENDI, CITY OF MIDWEST CITY, AND CITY OF BROKEN)
ARROW,)

Appellees/Real Parties in Interest.)

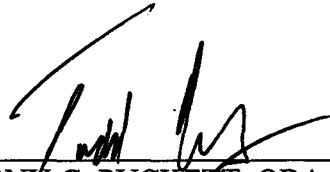
RESPONSE TO PETITION IN ERROR

Is appellee willing to participate in an attempted settlement of the appeal by predecisional conference under Rule 1.250?

___ YES X NO

Attach as exhibit "A" appellee's statement of the case *not to exceed one 8 1/2" x 11" double spaced page* if not clearly set out by appellant in petition in error.

DATE: June 13, 2019.



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CERTIFICATE OF MAILING TO ALL PARTIES AND COURT CLERK

I hereby certify that a true and correct copy of the Response to Petition in Error was mailed this 13th day of June, 2019 by depositing it in the U.S. Mail, postage prepaid or by electronic mail to:

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I further certify that a copy of the Response to the Petition in Error was mailed to, or filed in, the Office of the Cleveland County Court Clerk on the 13th day of June, 2019.



TODD A. COURT

Exhibit A – Statement of the Case

The State of Oklahoma and the Purdue Defendants (“Purdue”) requested for the District Court to approve a settlement by entering a Consent Judgment prepared by the parties memorializing the terms of a settlement. At a hearing, the parties explained the terms of the Consent Judgment to the District Court in order to gain its approval. The State’s counsel stated: “Then there is a \$12.5 million payment by Purdue. And what that is being set up to do is to fund claims of cities and counties that are political subdivisions here *if they choose to participate*. That money will be put into a fund. We’re working on an allocation method for that. If a city or county comes in, who has a claim, *and they decide to – or elect to participate and take that funding*, they’ll have to sign the release that is here before you, and then their claims, whatever they have against the Purdue released entities will be gone. *But that will be their election.*” (emphasis added). At the hearing, Purdue did not contest that a city or county must elect to participate in the fund in order for a city or county to release its claims against Purdue.

After Appellees moved to intervene to have the Consent Judgment clarified or modified due to ambiguous language, Purdue had a second chance to inform Judge Balkman that according to Purdue, the Consent Judgment released the claims of the non-party cities and counties even if they did not elect to participate in the fund. Purdue stood silent for a second time. Purdue complains about due process, but it had multiple chances to address the District Court regarding the effect of the Consent Judgment on the claims of the cities and counties, and Purdue said nothing. Consequently, the District Court clarified the terms of the Consent Judgment to be consistent with the representations made to the District Court by the parties. The District Court possessed the term-time power to amend the Consent Judgment. The Order that Purdue is attempting to appeal is also not a final appealable order, which will be addressed separately by a motion to dismiss the appeal.