



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

JUN 26 2019

In the office of the
Court Clerk MARILYN WILLIAMS

Stipulation

Plaintiff, State of Oklahoma ex rel. Mike Hunter, Attorney General of Oklahoma (“Plaintiff”), and Defendants, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen, Pharmaceuticals, Inc., N/K/A Janssen Pharmaceuticals, Inc. (“Defendants”), stipulate and agree as follows:

1. The State called its second-to-last witness, Terri White, on June 25, 2019, and the parties anticipate that her examination will conclude on June 26, 2019. The State’s only remaining witness, Drue Diesselhorst, is not available to testify immediately after Ms. White’s examination due to longstanding vacation plans between June 21 and June 30, 2019. Aside from Ms. Diesselhorst’s testimony, the State intends to conclude its case-in-chief at the close of Ms. White’s testimony on June 26, 2019.

2. On June 21, 2019, the Court ordered that, in order to allow Ms. Diesselhorst’s testimony while accommodating her vacation plans: (1) the State will be allowed to keep its case open after Ms. White’s testimony; (2) Defendants will begin presenting their defense case at that


time, while the State's case remains open; and (3) the State will be permitted to call Ms. Diesselhorst out-of-turn during Defendants' presentation of their defense case, at a time convenient to her.

3. The State will rest its case-in-chief following Ms. Diesselhorst's out-of-turn testimony.

4. In a bench trial, "the earliest possible time" a defendant may move for judgment is "when the plaintiff has introduced all of his proof and rested." *Margaret Blair Tr. v. Blair*, 216 OK CIV APP 47, ¶ 12, 378 P.3d 65, 71 (emphasis omitted). Because the State will not finish presenting its proof and rest its case until Ms. Diesselhorst's out-of-turn examination concludes, Defendants will not move for judgment until that time.

5. In light of the Court's June 21, 2019 order, and to promote a timely conclusion of these proceedings, Defendants will begin presenting their defense case following Ms. White's testimony—before the State closes its case-in-chief, and before Defendants make their motion for judgment. In doing so, Defendants preserve and do not waive, infringe, or otherwise forfeit any substantive or procedural rights, including, but not limited to, their right to move for judgment at the close of the State's evidence, their right to have the merits of their motion for judgment decided exclusively on the evidence presented in the State's case-in-chief, their right to recall any witnesses necessary to rebut Ms. Diesselhorst's testimony, their right to object to any unfair prejudice arising from Ms. Diesselhorst's out-of-turn testimony, and any other substantive or procedural right they would enjoy if the State were to rest its case before Defendants' presentation of their defense.

IT IS SO ORDERED this 26th day of June, 2019.



CHAD BALKMAN, District Judge

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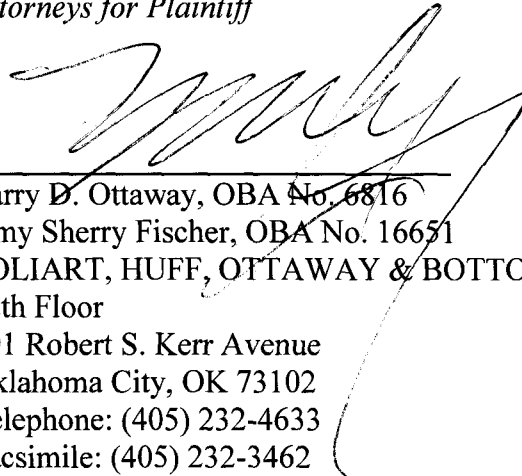
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