



STATE OF OKLAHOMA } S.S.
CLEVELAND COUNTY }

IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

FILED
APR 11 2018

In the office of the
Court Clerk MARILYN WILLIAMS

STATE OF OKLAHOMA, ex rel.)
MIKE HUNTER, ATTORNEY GENERAL)
OF OKLAHOMA,)
)
Plaintiff,)
)
VS.)
)
PURDUE PHARM, L.P., ET AL.)
)
Defendants.)

Case No. CJ-2017-816
Judge Thad Balkman
Special Master: William
Hetherington

**DEFENDANTS JOHNSON & JOHNSON, INC., JANSSEN PHARMACEUTICALS, INC.,
ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC., AND JANSSEN
PHARMACEUTICA, INC.'S OBJECTION TO OR, IN THE ALTERNATIVE, MOTION
TO AMEND SPECIAL MASTER'S ORDER ON THE STATE'S MOTION TO COMPEL**

Defendants Johnson & Johnson, Inc., Janssen Pharmaceuticals, Inc.,¹ Ortho-McNeil-
Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (collectively "Janssen"), hereby
respectfully submit this objection to or, in the alternative, motion to amend the April 4, 2018
Order of the Special Discovery Master ("Order") on the State's motion to compel.

The Order is improper and should be reversed or modified to the extent that it purports to
address issues or require discovery from Janssen on matters that were not raised by the State's

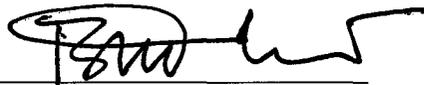
¹ Janssen manufactured and marketed three opioid medications subject to the State's Petition: Duragesic, a highly-potent opioid pain reliever administered via transdermal patch and indicated only for pain severe enough to require around-the-clock opioid treatment and for which alternative treatment options are inadequate; Nucynta, an immediate-release opioid indicated for moderate to severe acute pain; and Nucynta ER, an extended-release, long-acting formulation of Nucynta, first approved by the FDA in 2011. The State reimbursed only 2,100 prescriptions for those medications—or an average of 210 per year—between 2007 and 2017. Defendant Johnson & Johnson is a holding company that has never manufactured or marketed any opioid medication.

motion to compel. The motion did not articulate any specific failure by Janssen to comply with Plaintiff's discovery requests. And on several issues, Janssen and the State reached agreements and understandings regarding the scope of Janssen's production. As evidenced by the transcript of the March 29, 2018 conference the Special Master conducted, there was little dispute between Janssen and the State. There is, of course, no justification for the Special Master to decide issues not before him as to Janssen's productions. Although there may be disputes in the future as to Janssen's document productions, Janssen is optimistic that, as has been the case previously, the parties can work out their differences in the meet-and-confer process and discovery can proceed expeditiously. In the interim, however, the Order should be reversed or modified to the extent that it purports to address issues or require discovery from Janssen on matters that were not raised by the State's motion to compel. Even the issue of "cloned" discovery was not ripe, as Janssen is producing information referring to nationwide activities that was produced in other litigation and at this time is only carving out irrelevant material that is easily identifiable, do[es] not require a separate review process, and will not prolong the production of the remaining material," an approach that the State previously indicated was acceptable. Mot. to Compel at 10-11.

To the extent that the Order is not amended in this fashion, then for the reasons set out here and in the Purdue Defendants' concurrently filed objection to the Order, which Janssen hereby joins and incorporates by reference, the Order should nonetheless be reversed.

Dated: April 11, 2018

Respectfully submitted,

By: 

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CERTIFICATE OF MAILING

Pursuant to Okla. Stat. tit. 12, § 2005(D), this is to certify on April 11th, 2018, a true and correct copy of the above and foregoing has been served via the United State Postal Service, First Class postage prepaid, to the following:

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