



IN THE DISTRICT COURT OF CLEVELAND COUNTY  
STATE OF OKLAHOMA

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

vs. §

(1) PURDUE PHARMA L.P.; §  
(2) PURDUE PHARMA, INC.; §  
(3) THE PURDUE FREDERICK COMPANY; §  
(4) TEVA PHARMACEUTICALS USA, INC.; §  
(5) CEPHALON, INC.; §  
(6) JOHNSON & JOHNSON; §  
(7) JANSSEN PHARMACEUTICALS, INC.; §  
(8) ORTHO-McNEIL-JANSSEN §  
PHARMACEUTICALS, INC., n/k/a §  
JANSSEN PHARMACEUTICALS, INC.; §  
(9) JANSSEN PHARMACEUTICA, INC., §  
n/k/a JANSSEN PHARMACEUTICALS, INC.; §  
(10) ALLERGAN, PLC, f/k/a ACTAVIS PLC, §  
f/k/a ACTAVIS, INC., f/k/a WATSON §  
PHARMACEUTICALS, INC.; §  
(11) WATSON LABORATORIES, INC.; §  
(12) ACTAVIS LLC; and §  
(13) ACTAVIS PHARMA, INC., §  
f/k/a WATSON PHARMA, INC., §  
Defendants. §

STATE OF OKLAHOMA } S.S.  
CLEVELAND COUNTY }

FILED

APR 17 2018

In the office of the  
Court Clerk MARILYN WILLIAMS

Case No. CJ-2017-816  
JURY TRIAL DEMANDED

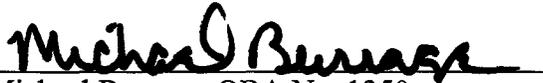
**NOTICE TO TAKE VIDEO DEPOSITION**

PLEASE TAKE NOTICE THAT, pursuant to 12 Okla. Stat. §2004.1 and §3230 of the Oklahoma Discovery Code, the Plaintiff will take the video deposition of **STEPHEN A. IVES** on the **18th day of April 2018, beginning at 9:00 a.m.** at the following location:

Law offices of WHITTEN BURRAGE  
512 North Broadway Avenue, Suite 300  
Oklahoma City, OK 73102

Said deposition will be taken before an officer authorized to administer oaths of the laws of the State of Oklahoma. The examination may be adjourned from time to time and may continue from day to day until completed. You are invited to attend and cross-examine.

DATED this 9<sup>th</sup> day of April 2018.



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Email: gcoffee@glenncoffee.com

**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the above and foregoing was mailed and emailed on April 9, 2018 to:

Sanford C. Coats  
Cullen D. Sweeney  
CROWE & DUNLEVY, P.C.  
Braniff Building  
324 N. Robinson Ave., Ste. 100  
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Steven A. Reed  
Harvey Bartle IV  
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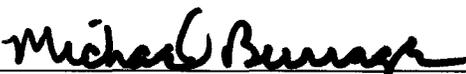
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Los Angeles, CA 90071

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O'MELVENY & MYERS LLP  
1625 Eye Street NW  
Washington, DC 20006

  
Michael Burrage



GREETINGS:

YOU ARE HEREBY COMMANDED on behalf of Plaintiff in the above-captioned case, to appear for oral deposition on April 18, 2018 at 9:00 a.m. at the law offices of Whitten Burrage at 512 N. Broadway, Suite 300, Oklahoma City, OK 73102. The deposition testimony will be reported by a duly authorized court reporter and certified videographer.

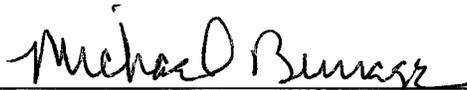
You are further advised that other parties to the action in which this subpoena has been issued have the right to be present at the time of such deposition.

This subpoena is authorized pursuant to 12 O.S. § 2004.1 and all parties to this case are being given notice of the issuance of this subpoena.

The provisions of 12 O.S. § 2004.1(C), relating to your protection as a person subject to a subpoena, and 12 O.S. § 2004.1(D) & (E), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

HEREOF FAIL NOT, UNDER PENALTY OF LAW.

DATED: April 9<sup>th</sup>, 2018.



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**ATTORNEYS FOR PLAINTIFF**

Oklahoma Session Law, 2010 O.S.L. 50, 2004.1 (c), (d), (e)

SECTION 2. AMENDATORY 12 O.S. 2001, Section 2004.1, as last amended by Section 5, Chapter 12, O.S.L. 2007 (12 O.S. Supp. 2009, Section 2004.1), is amended to read as follows:

Section 2004.1.

C. PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

1. A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney, or both, in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

2. a. A person commanded to produce and permit inspection, copying, testing or sampling of designated books, papers, documents, electronically stored information or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

b. Subject to paragraph 2 of subsection D of this section, a person commanded to produce and permit inspection, copying, testing or sampling or any party may, within fourteen (14) days after service of the subpoena or before the time specified for compliance if such time is less than fourteen (14) days after service, serve written objection to inspection, or copying, testing or sampling of any or all of the designated materials or of the premises, or to producing electronically stored information in the form or forms requested. An objection that all or a portion of the requested material will or should be withheld on a claim that it is privileged or subject to protection as trial preparation materials shall be made within this time period and in accordance with subsection D of this section. If the objection is made by the witness, the witness shall serve the objection on all parties; if objection is made by a party, the party shall serve the objection on the witness and all other parties. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. For failure to object in a timely fashion, the court may assess reasonable costs and attorney fees or take any other action it deems proper; however, a privilege or the protection for trial preparation materials shall not be waived solely for a failure to timely object under this section. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

3. a. On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

- (1) fails to allow reasonable time for compliance,
- (2) requires a person to travel to a place beyond the limits allowed under paragraph 3 of subsection A of this section,
- (3) requires disclosure of privileged or other protected matter and no exception or waiver applies,
- (4) subjects a person to undue burden, or
- (5) requires production of books, papers, documents or tangible things that fall outside the scope of discovery permitted by Section 3226 of this title.

b. If a subpoena:

- (1) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (2) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena. However, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

D. DUTIES IN RESPONDING TO SUBPOENA.

1. a. A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- b. If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena shall produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.
- c. A person responding to a subpoena is not required to produce the same electronically stored information in more than one form.
- d. A person responding to a subpoena is not required to provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. If such showing is made, the court may order discovery from such sources if the requesting party shows good cause, considering the limitations of subparagraph c of

paragraph 2 of subsection B of Section 3226 of this title. The court may specify conditions for the discovery.

2. a. When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

b. If information is produced in response to a subpoena that is subject to a claim or privilege or of protection as trial preparation material, the person making the claim may notify any party that received the information of the claim and the basis for such claim. After being notified, a party shall promptly return, sequester, or destroy the specified information and any copies the party has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, such shall take reasonable steps to retrieve the information. The person who produced the information shall preserve the information until the claim is resolved. This mechanism is procedural only and does not alter the standards governing whether the information is privileged or subject to protection as trial preparation material or whether such privilege or protection has been waived.

#### E. CONTEMPT.

Failure by any person without adequate excuse to obey a subpoena served upon him or her may be deemed a contempt of the court from which the subpoena issued.

**PROOF OF SERVICE**

The undersigned hereby certifies that this Subpoena was served by personal service on the 9<sup>th</sup> day of April, 2018.

I declare under penalty of perjury under the laws of the State of Oklahoma that the foregoing information contained in this Proof of Service is true and correct.

Dated: 4/9/2018

  
Print Name: Brandon D. Pierson

Subscribed and sworn to this 9<sup>th</sup> day of April 2018.

  
NOTARY PUBLIC

My Commission No.: 15000505

My Commission Expires: 1/20/19

