



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; )
- (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. )

Case No. CJ-2017-816  
Judge Thad Balkman

Special Master:  
William Hetherington

STATE OF OKLAHOMA }  
CLEVELAND COUNTY } S.S.

FILED

MAY 04 2018

In the office of the  
Court Clerk MARILYN WILLIAMS

THE STATE'S OPPOSITION TO PURDUE'S  
MOTION TO QUASH AND MOTION FOR A  
PROTECTIVE ORDER IN RESPONSE TO THE  
STATE'S 3230(C)(5) DEPOSITION NOTICE

## I. INTRODUCTION

On April 9, 2018, the State served Purdue with a § 3230(C)(5) deposition notice requesting corporate testimony on four basic matters: (1) Purdue's ownership structure; (2) Purdue's financials; (3) Purdue's distributions of revenue and profits to owners in the past five years; and (4) the policies and procedures related to distributions of revenue and profits to owners. As has happened with every deposition requested by the State in this case, Purdue refused to provide a witness on the topic as noticed.

Instead, Purdue claimed that the notice seeks irrelevant information and that it needed more time to respond. Following a meet and confer, the State understood that, while the Court would need to resolve the scope of the deposition, Purdue had agreed to put up a witness on May 21, 2018. Purdue's Motion to Quash and For Protective Order ("Motion")—filed *after* the meet and confer—says as much. Mot. at 7 ("Purdue . . . proposes a new deposition date of May 21, 2018."). However, when the State reached out to confirm this understanding on May 3<sup>rd</sup>, Purdue's counsel responded that it had not agreed to May 21<sup>st</sup> and would not agree to a firm date prior to the Court's ruling on the instant Motion because "[t]he scope of the topics will certainly affect how much time is needed to prepare a witness." Exhibit A. But Purdue was aware of the scope issue when it filed its Motion and asked for May 21, 2018 as a deposition date—indeed, *Purdue's Motion specifically references it*. Mot. at 7 ("On April 19, 2018, the parties met and conferred about the scope of the notice and timing of the deposition."). Purdue's blatant gamesmanship should not be allowed. For this reason and those set forth below, Purdue's Motion should be denied in its entirety, and Purdue should be required to produce a witness on May 21, 2018—*the date Purdue proposes in its Motion*—prepared to testify on the State's topic as noticed.

Regarding the scope of the deposition, Purdue fails to show good cause to modify the State's noticed topic in any way. *See YWCA of Oklahoma City v. Melson*, 1997 OK 81, ¶ 15, 944 P.2d 304 (The Oklahoma Discovery Code "*shifts the burden* of showing 'good cause' to the party who *opposes* discovery." (emphasis in original)). Purdue first seeks to quash the portion of the deposition notice regarding distributions to owners and the policies and procedures related to distributions on the sole basis that such information "is not relevant." However, Purdue's argument misstates the law in Oklahoma and ignores the specific claims at issue in this case. Not only is the State of Oklahoma entitled to discover who is profiting from the greatest public health crisis ever inflicted upon it, the jury is entitled to consider such information in calculating a punitive damages award under Oklahoma law. This information is plainly relevant, and Purdue identifies no other basis for prohibiting its discovery.

Likewise, Purdue fails to show good cause for a protective order on the two other matters in the notice. Purdue's only alleged basis for a protective order allowing it to provide documents in lieu of deposition testimony on its finances is that it would prefer to do it that way. But the Discovery Code allows the party seeking discovery to decide the methods it wants to use to do so, and the State seeks a deposition. Further, during the meet and confer the State made clear that, to the extent Purdue produces documents that narrow or obviate the need for certain questions during the deposition, then it can do so, but the State cannot forego the deposition entirely without seeing any such documents. Similarly, Purdue's attempt to limit examination on ownership structure to the past five years is unsupported. As this Court has previously held, Purdue's false marketing scheme dates back to May 1996. *See* Joint Motion to Dismiss at 26; Order dated Dec. 6, 2017 (denying Joint Motion to Dismiss). Purdue's fraudulent marketing scheme created the opioid epidemic, and the State needs to know who was doing what, and in what capacity, in furtherance

of that scheme in order to effectively pursue discovery. Purdue makes no allegation that providing ownership information prior to five years ago would cause it any undue burden. Purdue cannot avoid a properly-noticed deposition on relevant information simply because it does not want to put up a witness.

Purdue has not shown the good cause required to quash or alter the State's deposition notice. Accordingly, Purdue's Motion should be denied in its entirety and the deposition ordered to proceed on May 21, 2018.

## **II. LEGAL STANDARD**

"Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party." 12 O.S. §3226(B)(1). As Purdue states in its Motion, relevant discovery is simply that which "*might* lead to the disclosure of admissible evidence." Mot. at 4 (emphasis added) (quoting *Stone v. Coleman*, 1976 OK 182, ¶ 4, 557 P.2d 904). In Oklahoma, the burden of showing "good cause" is on the party opposing discovery. *YWCA*, 1997 OK 81, ¶ 15 (citing 12 O.S. § 3226(C)).

## **III. ARGUMENT**

Purdue must show good cause to quash or modify the State's deposition notice and it has not done so. Purdue's distributions to its owners and its financial condition are, at a minimum, expressly relevant to the punitive damages relief pled by the State. Likewise, Purdue's ownership structure is relevant back to at least 1996 when the fraudulent marketing scheme giving rise to the opioid addiction epidemic began. There is no allegation from Purdue that these topics are otherwise

objectionable. Accordingly, the State is entitled to pursue these topics through any manner of discovery, including deposition testimony.

**a. Purdue Has Not Shown Good Cause to Quash the Deposition as to Information Related to Distributions to Its Owners.**

Purdue wrongly asserts that information related to distributions of revenue and/or profits to its owners is not relevant to this case. As an initial matter, the State of Oklahoma is entitled to know who is profiting and by how much from the opioid addiction epidemic killing its citizens and draining its coffers. This information goes at least to issues related to damages and motive. And it is especially important that the State be allowed to question Purdue on this topic because Purdue is a privately held company with no transparency into such information.

Moreover, this information is expressly relevant to the State's punitive damages claim. In determining a punitive damages award, the jury may consider the following factors:

1. The seriousness of the hazard to the public arising from [Defendant]'s misconduct;
2. ***The profitability of the misconduct to [Defendant];***
3. How long the conduct lasted and whether it is likely to continue;
4. Whether there were attempts to conceal the misconduct;
5. How aware [Defendant] was of the conduct and its consequences and how aware [Defendant] was of the hazard and of its excessiveness;
6. The attitude and conduct of [Defendant] upon finding out about the misconduct/hazard;
7. ***The financial condition of [Defendant];***
8. The number and level of employees involved in causing or concealing the misconduct.

OUIJA 5.9 (emphasis added); 23 O.S. § 9.1. Information regarding distributions by Purdue to its owners is direct evidence of “the profitability of the misconduct” and the “financial condition” of Purdue. And it is *relevant* to nearly every other factor. *See* 12 O.S. § 2401 (“Relevant evidence” means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.”). For example, if Purdue is distributing substantial profits from opioid sales to its

owners, it would tend to make it more likely that the misconduct generating these profits will continue, that Purdue would attempt to conceal this misconduct, that Purdue's attitude was to maintain profits despite its misconduct, and that numerous high-level Purdue employees were involved in the misconduct. Therefore, the State's deposition notice as it relates to distributions is relevant and proper.

Purdue's claim to the contrary is based on one readily distinguishable Oklahoma case. *See* Mot. at 5 (citing *Jones Packing Co. v. Caldwell*, 1973 OK 53, 510 P.2d 683). As an initial matter, *Jones* was decided under a fundamentally different discovery standard that was repealed over 35 years ago. Purdue specifically cites *Jones* for the proposition that "a party seeking discovery 'is not entitled to the discovery as a matter of right,' but 'must show good cause.'" *Id.* But this is exactly the opposite of how Oklahoma's Discovery Code works today:

The Oklahoma Discovery Code, 12 O.S. 1991 §§ 3226 *et seq.*, was enacted in 1982. Its provisions *replaced* the earlier § 548. The text of § 3226(B)(1) introduced a broader discovery scope. Its language did *not* cast the "good cause" requirement upon the party *seeking* discovery, but allowed disclosure demands to be "otherwise limited by order of the court in accordance with the Oklahoma Discovery Code." Discovery limitations are found in subsection (C) of 12 O.S. 1991 § 3226. That provision *shifts the burden* of showing "good cause" to the party who *opposes* discovery.

*YWCA*, 1997 OK 81, ¶¶ 14–15 (emphasis in original). Because *Jones* was decided under a discovery standard in complete conflict with the standard applicable to this Motion, applying *Jones* here is particularly inappropriate.

Discovery standard aside, the facts in *Jones* make it an inapt comparison. The discovery request in *Jones* was much broader than the request here, calling for "all Federal and State tax returns . . . and '[a]ll corporate books, corporate records and minutes of the directors, officers and stockholders of [defendant].'" *Jones*, 1973 OK 53, ¶ 1. More importantly, there is no indication that punitive damages were at issue in *Jones*, and the plaintiff failed to identify how the requested

discovery related to an issue relevant to the case. *Id.*, ¶ 3. Here, the deposition notice is narrow and particular, punitive damages are at issue in the case, and, as the State identifies above, distributions to owners are relevant to the issue of a punitive damages award. Accordingly, the matter of distributions to owners is decidedly relevant, and Purdue points to no other basis for quashing the deposition as to that matter.

**b. Purdue Has Not Shown Good Cause to Avoid Any Portion of the Noticed Deposition Topic by Producing Documents.**

Purdue next argues that it should be allowed to produce a financial document rather than put up a witness to testify to its financials as the State requests. While Purdue is welcome to produce a *pro forma* financial document, doing so does not excuse Purdue from providing the requested oral testimony. The discovery rules specifically allow the State to obtain relevant discovery by deposition, production of documents, or both:

*Parties may obtain discovery regarding any matter that is relevant to any party's claim or defense by one or more of the following methods: Depositions upon oral examination or written questions; written interrogatories; production of documents or things . . . Except as provided in this section or unless the court orders otherwise under this section, the frequency of use of these methods is not limited.*

12 O.S. § 3226 (emphasis added). Here, the State has elected to pursue relevant financial discovery by deposition. Purdue does not dispute that its financial information is relevant and acknowledges that it “can identify and prepare a corporate witness on this topic.” Mot. at 6, n.1. Accordingly, Purdue is not entitled to dictate how the State pursues discovery or avoid such discovery by offering to provide a self-serving alternative—in this instance, a document likely to be drafted by counsel and without much of the information the State seeks.

Purdue cannot avoid relevant discovery requests by claiming that they may lead to an objectionable question either. The idea that an entire examination topic should be foreclosed based on the possibility that an objectionable question may arise, Mot. at 8 (regarding Purdue’s “financial

health” and “financial status”), finds no support in Purdue’s Motion or Oklahoma law. “[D]iscovery procedures are broad and, with certain limitations, it is not necessary that questions be limited to those which would be admissible in court.” *Unit Rig & Equip. Co. v. East*, 1973 OK 100, ¶ 4, 514 P.2d 396 (internal citations omitted). Accordingly, Purdue can object to questions it believes call for opinion testimony in the deposition, but its Motion as it relates to financial information should be denied.

**c. Purdue Has Not Shown Good Cause to Limit the Deposition to Ownership Information Only in the Last Five Years**

Finally, Purdue incorrectly argues that its ownership structure is only relevant for the past five years. Relevant discovery includes information that “might lead to the disclosure of admissible evidence.” Mot. at 4 (quoting *Stone*, 1976 OK 182, ¶ 4). As this Court has acknowledged, the relevant time period for Purdue’s fraudulent marketing campaign, which underlies this entire case and set off the opioid addiction epidemic now killing Oklahomans, began in May 1996. Therefore, in order to effectively seek admissible evidence from Purdue regarding its fraudulent marketing campaign, the State must be able to identify who at Purdue was responsible for what going back to 1996. Purdue previously attempted to dismiss certain State claims going back to 1996 based on its statute of limitations defense, and the Court rejected that argument. *See* Joint Motion to Dismiss at 26; Order dated Dec. 6, 2017 (denying Joint Motion to Dismiss). Purdue’s attempt to limit this topic to five years is arbitrary, and it would kneecap the State’s ability to identify admissible evidence from over 15 years of the relevant time period.

On the other hand, Purdue makes no showing whatsoever that preparing a corporate witness on ownership structure back to 1996 would create any undue burden. Therefore, Purdue’s attempt to limit the deposition notice to five years in regard to ownership structure is unsupported by good cause and should be denied.



#### IV. CONCLUSION

For the reasons herein, the State respectfully requests that the Court deny Purdue's Motion and compel Purdue to produce a prepared corporate designee for the topic contained in the State's notice on May 21, 2018.

Dated: May 4, 2018



---

Michael Burrage, OBA No. 1350  
Reggie Whitten, OBA No. 9576  
WHITTEN BURRAGE  
512 N. Broadway Avenue, Suite 300  
Oklahoma City, OK 73102  
Telephone: (405) 516-7800  
Facsimile: (405) 516-7859  
Emails: mburrage@whittenburrage.com  
rwhitten@whittenburrage.com

Mike Hunter, OBA No. 4503  
ATTORNEY GENERAL FOR  
THE STATE OF OKLAHOMA  
Abby Dillsaver, OBA No. 20675  
GENERAL COUNSEL TO  
THE ATTORNEY GENERAL  
Ethan A. Shaner, OBA No. 30916  
DEPUTY GENERAL COUNSEL  
313 N.E. 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
Telephone: (405) 521-3921  
Facsimile: (405) 521-6246  
Emails: abby.dillsaver@oag.ok.gov  
ethan.shaner@oag.ok.gov

Bradley E. Beckworth, OBA No. 19982  
Jeffrey J. Angelovich, OBA No. 19981  
Trey Duck, OBA No. 33347  
Drew Pate, *pro hac vice*  
NIX, PATTERSON & ROACH, LLP  
512 N. Broadway Avenue, Suite 200  
Oklahoma City, OK 73102  
Telephone: (405) 516-7800  
Facsimile: (405) 516-7859  
Emails: bbeckworth@nixlaw.com  
jangelovich@npraustin.com

Glenn Coffee, OBA No. 14563  
GLENN COFFEE & ASSOCIATES, PLLC  
915 N. Robinson Ave.  
Oklahoma City, OK 73102  
Telephone: (405) 601-1616  
Email: gcoffee@glenncoffee.com

**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the above and foregoing was emailed and mailed on May 4, 2018 to:

Sanford C. Coats  
Cullen D. Sweeney  
Joshua D. Burns  
CROWE & DUNLEVY, P.C.  
Braniff Building  
324 N. Robinson Ave., Ste. 100  
Oklahoma City, OK 73102

Sheila Birnbaum  
Mark S. Cheffo  
Hayden A. Coleman  
Paul A. LaFata  
QUINN EMANUEL URQUHART & SULLIVAN, LLP  
51 Madison Avenue, 22nd Floor  
New York, New York 10010

Patrick J. Fitzgerald  
R. Ryan Stoll  
SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP  
155 North Wacker Drive, Suite 2700  
Chicago, Illinois 60606

Robert G. McCampbell  
Travis J. Jett  
Nicholas Merkle  
GABLEGOTWALS  
One Leadership Square, 15th Floor  
211 North Robinson  
Oklahoma City, OK 73102-7255

Steven A. Reed  
Harvey Bartle IV  
Jeremy A. Menkowitz  
MORGAN, LEWIS & BOCKIUS LLP  
1701 Market Street  
Philadelphia, PA 19103-2921

Brian M. Ercole  
MORGAN, LEWIS & BOCKIUS LLP  
200 S. Biscayne Blvd., Suite 5300  
Miami, FL 33131  
Benjamin H. Odom, OBA No. 10917  
John H. Sparks, OBA No. 15661  
ODOM, SPARKS & JONES PLLC  
HiPoint Office Building  
2500 McGee Drive Ste. 140  
Oklahoma City, OK 73072

David K. Roberts  
O'Melveny & Meyers LLP  
400 S. Hope Street  
Los Angeles CA 90071

Charles C. Lifland  
Jennifer D. Cardelus  
O'MELVENY & MYERS LLP  
400 S. Hope Street  
Los Angeles, CA 90071

Stephen D. Brody  
O'MELVENY & MYERS LLP  
1625 Eye Street NW  
Washington, DC 20006

Jonathan S. Tam  
QUINN EMANUEL URGUHART &  
SULLIVAN, LLP  
50 California Street  
San Francisco, CA 94111

  
Michael Burrage

# Exhibit A

**Subject:** RE: State of Oklahoma v Purdue et al - 3230(C)(5) Notice to Purdue

**Date:** Thursday, May 3, 2018 at 5:22:16 PM Central Daylight Time

**From:** Paul LaFata

**To:** Winn Cutler

**CC:** Drew Pate, odomb@odomsparks.com, 'John Sparks', Lifland, Charles, Cardelús, Jen, Roberts, David K. (DC), sandy.coats@crowedunlevy.com, 'Cullen D. Sweeney', Mark Cheffo, Hayden Coleman, ryan.stoll@skadden.com, 'Robert McCampbell', tjett@gablelaw.com, 'Ashley Quinn', nmerkley@gablelaw.com, steven.reed@morganlewis.com, Harvey Bartle, brian.ercole@morganlewis.com, Brody, Steve, abby.dillsaver@oag.ok.gov, ethan.shaner@oag.ok.gov, mburrage@whittenburrage.com, rwhitten@whittenburrage.com, Brad Beckworth, Trey Duck, Lisa Baldwin, Ross Leonoudakis, gcoffee@glenncoffee.com, Maria Gomez, Cynthia Norman

Good afternoon Winn,

Thank you for writing. In the meet and confer, Purdue sought to reach agreement on the scope of this deposition request, and the State at that time was not open to compromise. As a result, Purdue had to move to quash the deposition and seek a protective order. The scope of the topics will certainly affect how much time is needed to prepare a witness. That said, if the State is open minded to reaching agreement on the scope, then we are also willing to do that and talk dates. Absent that, we will need guidance from the Court on the scope of the topics before a firm date can be agreed to.

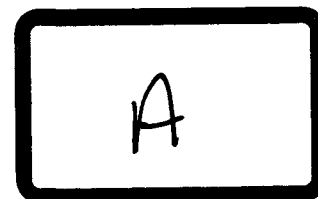
Thank you very much,  
Paul

**Paul LaFata**

*Associate*

**Quinn Emanuel Urquhart & Sullivan, LLP**

51 Madison Avenue, 22nd Floor  
New York, NY 10010  
212-849-7502 Direct  
212-849-7000 Main Office Number  
212-849-7100 FAX  
[paullafata@quinnemanuel.com](mailto:paullafata@quinnemanuel.com)  
[www.quinnemanuel.com](http://www.quinnemanuel.com)



NOTICE: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

**From:** Winn Cutler [mailto:winncutler@nixlaw.com]

**Sent:** Thursday, May 03, 2018 4:50 PM

**To:** Paul LaFata <paullafata@quinnemanuel.com>

**Cc:** Drew Pate <dpate@nixlaw.com>; odomb@odomsparks.com; 'John Sparks' <sparksj@odomsparks.com>; Lifland, Charles <clifland@omm.com>; Cardelús, Jen <jcardelus@omm.com>; Roberts, David K. (DC) <drobot2@omm.com>; sandy.coats@crowedunlevy.com; 'Cullen D. Sweeney' <cullen.sweeney@crowedunlevy.com>; Mark Cheffo <markcheffo@quinnemanuel.com>; Hayden Coleman <haydencoleman@quinnemanuel.com>; ryan.stoll@skadden.com; 'Robert McCampbell'

<rmccampbell@gablelaw.com>; tjett@gablelaw.com; 'Ashley Quinn' <aquinn@gablelaw.com>; nmerkley@gablelaw.com; steven.reed@morganlewis.com; Harvey Bartle <harvey.bartle@morganlewis.com>; brian.ercole@morganlewis.com; Brody, Steve <sbrody@omm.com>; abby.dillsaver@oag.ok.gov; ethan.shaner@oag.ok.gov; mburrage@whittenburrage.com; rwhitten@whittenburrage.com; Brad Beckworth <bbeckworth@nixlaw.com>; Trey Duck <tduck@nixlaw.com>; Lisa Baldwin <lbaldwin@nixlaw.com>; Ross Leonoudakis <rossl@nixlaw.com>; gcoffee@glenncoffee.com; Maria Gomez <mgomez@nixlaw.com>; Cynthia Norman <cnorman@whittenburrage.com>  
**Subject:** Re: State of Oklahoma v Purdue et al - 3230(C)(5) Notice to Purdue

Paul,

Following up on my email below. Please let us know.

Thanks,

Winn Cutler  
Nix, Patterson & Roach, LLP  
[winncutler@nixlaw.com](mailto:winncutler@nixlaw.com)

---

**From:** Winn Cutler <[winncutler@nixlaw.com](mailto:winncutler@nixlaw.com)>  
**Date:** Wednesday, May 2, 2018 at 6:20 PM  
**To:** Paul LaFata <[paullafata@quinnemanuel.com](mailto:paullafata@quinnemanuel.com)>  
**Cc:** Drew Pate <[dpate@nixlaw.com](mailto:dpate@nixlaw.com)>, "odomb@odomsparks.com" <[odomb@odomsparks.com](mailto:odomb@odomsparks.com)>, 'John Sparks' <[sparksj@odomsparks.com](mailto:sparksj@odomsparks.com)>, "Lifland, Charles" <[clifland@omm.com](mailto:clifland@omm.com)>, "Cardelús, Jen" <[jcardelus@omm.com](mailto:jcardelus@omm.com)>, "Roberts, David K. (DC)" <[droberts2@omm.com](mailto:droberts2@omm.com)>, "sandy.coats@crowedunlevy.com" <[sandy.coats@crowedunlevy.com](mailto:sandy.coats@crowedunlevy.com)>, "Cullen D. Sweeney" <[cullen.sweeney@crowedunlevy.com](mailto:cullen.sweeney@crowedunlevy.com)>, Mark Cheffo <[markcheffo@quinnemanuel.com](mailto:markcheffo@quinnemanuel.com)>, Hayden Coleman <[haydencoleman@quinnemanuel.com](mailto:haydencoleman@quinnemanuel.com)>, "ryan.stoll@skadden.com" <[ryan.stoll@skadden.com](mailto:ryan.stoll@skadden.com)>, 'Robert McCampbell' <[rmccampbell@gablelaw.com](mailto:rmccampbell@gablelaw.com)>, "tjett@gablelaw.com" <[tjett@gablelaw.com](mailto:tjett@gablelaw.com)>, 'Ashley Quinn' <[aquinn@gablelaw.com](mailto:aquinn@gablelaw.com)>, "nmerkley@gablelaw.com" <[nmerkley@gablelaw.com](mailto:nmerkley@gablelaw.com)>, "steven.reed@morganlewis.com" <[steven.reed@morganlewis.com](mailto:steven.reed@morganlewis.com)>, Harvey Bartle <[harvey.bartle@morganlewis.com](mailto:harvey.bartle@morganlewis.com)>, "brian.ercole@morganlewis.com" <[brian.ercole@morganlewis.com](mailto:brian.ercole@morganlewis.com)>, "Brody, Steve" <[sbrody@omm.com](mailto:sbrody@omm.com)>, "abby.dillsaver@oag.ok.gov" <[abby.dillsaver@oag.ok.gov](mailto:abby.dillsaver@oag.ok.gov)>, "ethan.shaner@oag.ok.gov" <[ethan.shaner@oag.ok.gov](mailto:ethan.shaner@oag.ok.gov)>, "mburrage@whittenburrage.com" <[mburrage@whittenburrage.com](mailto:mburrage@whittenburrage.com)>, "rwhitten@whittenburrage.com" <[rwhitten@whittenburrage.com](mailto:rwhitten@whittenburrage.com)>, Brad Beckworth <[bbeckworth@nixlaw.com](mailto:bbeckworth@nixlaw.com)>, Trey Duck <[tduck@nixlaw.com](mailto:tduck@nixlaw.com)>, Lisa Baldwin <[lbaldwin@nixlaw.com](mailto:lbaldwin@nixlaw.com)>, Ross Leonoudakis <[rossl@nixlaw.com](mailto:rossl@nixlaw.com)>, "gcoffee@glenncoffee.com" <[gcoffee@glenncoffee.com](mailto:gcoffee@glenncoffee.com)>, Maria Gomez <[mgomez@nixlaw.com](mailto:mgomez@nixlaw.com)>, Cynthia Norman <[cnorman@whittenburrage.com](mailto:cnorman@whittenburrage.com)>  
**Subject:** State of Oklahoma v Purdue et al - 3230(C)(5) Notice to Purdue

Paul,

It is the State's understanding from the meet and confer and Purdue's Motion to Quash that, while the scope of the deposition is subject to the Court's ruling on Purdue's Motion to Quash, Purdue will put up a witness on May 21 in response to the State's April 9 deposition notice. Please confirm.

Thanks,

Winn Cutler  
Nix, Patterson & Roach, LLP  
[winncutler@nixlaw.com](mailto:winncutler@nixlaw.com)