



IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.,)
MIKE HUNTER,)
ATTORNEY GENERAL OF OKLAHOMA,)

Plaintiff,)

vs.)

Case No. CJ-2017-816
Judge Thad Balkman

- (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.)

STATE OF OKLAHOMA } S.S.
CLEVELAND COUNTY }

FILED

AUG 22 2018

In the office of the
Court Clerk MARILYN WILLIAMS

**THE STATE'S EMERGENCY MOTION TO SHOW CAUSE FOR JANSSEN'S
INTENTIONAL DISREGARD OF COURT ORDER AND FAILURE TO PROVIDE
WITNESS AS ORDERED BY THE COURT**

Like Purdue, Janssen has just demonstrated its complete disrespect and disregard for the Orders of this Court. On August 21, Janssen boldly proclaimed in writing that it will not comply with Judge Balkman's August 10, 2018 Order from the Bench requiring Janssen to provide a witness for the deposition noticed before August 30. See Exhibit A. Instead, Janssen claims this witness is not available *until October*. For the State to comply with this Court's Scheduling Order

and proceed to trial May 28, 2019, the Court must order Janssen to comply with the Court's Orders and the Oklahoma Discovery Code and must sanction Janssen for non-compliance. Janssen apparently has no intention of doing so on its own. The State cannot wait until October to start taking depositions *it noticed in May*, as Janssen now suggests the State must do. It will not work.

Janssen's Counsel's letter regarding the hearing on August 10 is aggressively cute in the manner in which it cherry picks certain statements from the hearing. *See id.* The letter, however, makes no mention of the Court's Order from the Bench that all depositions previously noticed, argued and ruled upon by Judge Hetherington must take place as noticed on or before August 30, 2018. *See Exhibit C at 55:12-20; 57:21-23.* Nor does Janssen's letter cite any statement or objection made by Janssen or its Counsel at the August 10 hearing regarding this Order. Janssen was at the hearing and was silent on this issue. Further, to the extent that did not already constitute waiver and the Court's Order was not enough, Janssen did not file a motion to quash this deposition by the deadline under the standing order of this Court for discovery motions. The deadline to file such a motion was last Friday in anticipation of the August 31 hearing regarding any depositions noticed *after* August 30. Janssen filed no motions to quash related to those depositions and has therefore further waived any arguments regarding their scope.

The history of this notice is set forth below and is very similar to the timeline at issue in the State's Emergency Motion as to Purdue:

- The State first noticed this deposition on April 2, 2018, for the deposition to occur on April 10th— Janssen refused to appear (*See Plaintiff's Second Motion to Compel Discovery, April 5, 2018*).
- Janssen moved to quash. Judge Hetherington ruled that the deposition could go forward in a narrow capacity than the State originally noticed it, so, on May 4, 2018, the State re-noticed the deposition as ordered by Judge Hetherington for the deposition to occur on May 30th.
- On May 14, Janssen provided that the noticed date "will not work," but that a witness

should be available the week of June 11 or June 18. As a compromise, the State suggested the deposition occur on June 8th. Janssen would not agree.

- On May 25, the State re-noticed the deposition for a third time as Janssen still had not provided an agreed date. The State noticed the deposition to occur June 11—during the time-frame Janssen indicated a witness could be available.
- Once again, however, Janssen would not agree to put up a witness on the noticed date, instead responding that a witness would be available for deposition in Oklahoma City on June 21, 2018.
- On May 31, the State re-noticed the deposition for a fourth time, scheduling the deposition for the exact date and location requested by Janssen.
- Janssen then consented to the fraudulent removal of the case before the deposition could go forward.
- On August 6, 2018, immediately after Remand, the State re-noticed the deposition for a fifth time to take place on August 28th (See Exhibit D).
- Janssen never responded in any way and it did not file a Motion to Quash.
- During the hearing on August 10, 2018, the Court ordered: “Those depositions that were noticed before the removal that went through the process where you all presented arguments and that Judge Hetherington ruled on, I’m going to decide that those are not void, that they should proceed; that *all those before August 30th should go ahead. I’m going to instruct the parties to move forward with those.*” (emphasis added) (Exhibit C at 55:12-20).
- The Court further confirmed: “*Those that were previously noticed and argued and ruled upon by Judge Hetherington and that will take place between now and August 30th, go ahead and do those.*” (*Id.* at 57:21-23) (emphasis added).
- *Janssen did not object, comment or complain in any way about the Court’s Order. To the contrary, Janssen said nothing. Silence is a waiver and, thus, Janssen waived any challenge to the Court’s Order.*
- Under the Court’s standing discovery orders, even if Janssen could still move to quash either deposition again, it had to file such a motion by Friday, August 17, 2018. It did not file a motion. Thus, while any repeated motion to quash would have been dubious, Janssen’s failure to file it constitutes a waiver of any challenge to the date, time or location of the deposition.

Janssen, like Purdue, is delaying this deposition to attempt to avoid this trial. Janssen tried to force the State to actually go to the MDL by consenting to a fraudulent removal. That did not

work. And now, facing a trial, Janssen is trying to buy time. Janssen claims it will not make this witness available until *October 10*. See Exhibit A. Coincidentally, Janssen is driving this deposition closer and closer to the recently revised deposition schedule set forth by the MDL court in its most recent case management order. See Exhibit B. Undoubtedly, the next thing the State will see from Janssen will be another cute letter suggesting that the State *must* coordinate with the parties in the MDL regarding the scheduling and taking of this deposition. No matter how many times Janssen, or any Defendant, loses its various bids to force this case and this Court into the jurisdiction of the MDL, Janssen continues to try to do so. Why? The State has said it at every hearing: delay. Janssen is trying to control this Court and this docket. If the Court does not enforce the rules, its Scheduling Order, and the scheduling of depositions thereunder, then the rules and the Scheduling Order are meaningless. Which is exactly what Janssen wants. As explained in the State's similar motion against Purdue, such open and blatant disregard for this Court and the judicial process simply cannot be tolerated.¹

Even ignoring everything that happened with respect to this deposition notice prior to removal, as soon as this case was remanded, the State served the notice for this deposition on August 6 for the deposition to occur on August 28. Exhibit D. At no point since then has Janssen contested this deposition notice. At no point has Janssen filed a motion to quash or for a protective order as required under the Oklahoma Discovery Code. At no point did Janssen object to or contest the Court's specific ruling regarding this deposition at the August 10 hearing that it proceed as noticed. Janssen has no basis under the rules for not appearing on August 28 and providing sworn testimony for the topic noticed on that date. As the Court ordered, the parties can address the remaining topics that were noticed to occur after August 30 at the hearing on August 31. But, the

¹ The State hereby incorporates by reference its Emergency Motion to Show Cause for Purdue's Intentional Disregard of Two Court Orders and Failure to Provide Witness as Ordered by the Court, dated August 20, 2018.

State must be permitted to immediately proceed with the deposition as noticed for August 28.

For all the same reasons as set forth in Plaintiff's Emergency Motion to Show Cause for Purdue's Intentional Disregard of Two Court Orders and Failure to Provide Witness as Ordered by the Court, the Court should grant this Motion as to Janssen and Order that Janssen:

- (1) Appear at the location designated in the notice on August 28 for the deposition noticed by the State on that date;
- (2) Show cause as to why it should not be held in contempt for violating the Court's Order regarding this deposition; and
- (3) Failing to show cause, should have its defenses stricken for repeated discovery abuse.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing was emailed on August 21, 2018 to:

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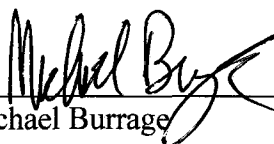
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EXHIBIT A

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File Number:
427,892-297

August 21, 2018

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VIA E-MAIL

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Michael Burrage
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Re: **State of Oklahoma v. Purdue Pharma L.P., et al., No. CJ-2017-816**

Dear Reggie and Mike:

On August 6, the State noticed a 12 O.S. § 3230(C)(5) deposition for August 28, 2018 regarding Janssen's efforts to "address, fight, or abate the opioid crisis." As you know, the State did not contact us first to determine whether August 28 would work for Janssen's counsel and witness. It does not. Two days later, on August 8, the State served an additional 41 corporate representative notices on Janssen. These notices would require Janssen's counsel and witnesses to appear in Oklahoma on 41 separate days between September 21, 2018 and December 5, 2018.

We were, however, pleased to hear Mr. Beckworth's acknowledgment at the Court's August 10 status conference that although "this list of deposition notices ... goes on forever," "the length and number is due to the fact that" the State "listed the topics discreetly." Tr., 8/10/18 at 34:19-21. Mr. Beckworth went on to indicate, "I do not think and I would hope that one witness can testify on multiple topics, and that'll cut down the number." *Id.* at 34:21-23. This will be true of the Janssen's witness on the following topics:

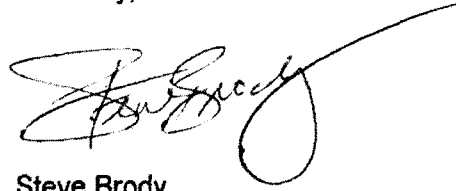
- All actions and efforts previously taken, currently under way, and actions planned and expected to take place in the future which seek to address, fight or abate the opioid crisis.
- Research conducted, funded, directed and/or influenced by You, in whole or in part, related to opioid risks and/or efficacy.
- Your scientific support for Your marketing statements and representations regarding the risks and benefits of opioids.
- Your research conducted, funded, directed and/or influenced, in whole or in part, related to pseudoaddiction.

- Your scientific support for Your marketing statements and representations regarding pseudoaddiction.
- Your use and/or establishment of any opioid abuse and diversion program You established and implemented to identify Healthcare Professionals' and/or pharmacies' potential abuse or diversion of opioids.
- Amounts spent by You on research and development for opioids.
- Your use of clinical trial companies regarding opioids and/or pain management.
- Clinical trials funded, sponsored, and/or conducted by You regarding opioids and/or pain management.
- All opioids manufactured, owned, contemplated, developed, and/or in-development by You including the nature of each such opioid, its intended use, and the stage of development of each (e.g. released to market, in development, abandoned).
- All drugs for opioid use disorder manufactured, owned, contemplated, developed, and/or in-development by You including the nature of each such opioid use disorder drug, its intended use, the stage of development of each (e.g. released to market, in development, abandoned), and profits earned by You from the sale of any such drug in Oklahoma.
- All drugs for the treatment of opioid overdose manufactured, owned, contemplated, developed, and/or in-development by You including the nature of each such opioid overdose drug, its intended use, the stage of development of each (e.g. released to market, in development, abandoned), and profits earned by You from the sale of any such drug in Oklahoma.
- Policies, practices, and procedures regarding complaints You received related to addiction or abuse of Your opioids in Oklahoma.

Our witness is available on October 10 and, if necessary, October 11, 2018, in Oklahoma City. We trust this will provide the State with enough time to prepare for the deposition despite the fact that certain of the topics were originally noticed for later dates (including four that were noticed for November). Please confirm whether these dates will work for the State's counsel.

Thank you for your attention to the foregoing.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Brody", with a large, sweeping flourish extending to the right.

Steve Brody
for O'MELVENY & MYERS LLP

cc: Counsel of Record

EXHIBIT B

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION)	CASE NO. 1:17-MD-2804
OPIATE LITIGATION)	
)	JUDGE POLSTER
)	
)	<u>CASE MANAGEMENT ORDER NO. 7</u>
)	<u>SETTING NEW DEADLINES FOR</u>
)	<u>TRACK ONE CASES</u>

This Court earlier set case management deadlines in connection with the “Track One Cases.” *See* CMO-1 at 6-8 (docket no. 232). The parties unanimously requested extension of those deadlines and submitted various proposed schedules. Having reviewed those proposals, the Court now enters the following amended case management schedule.

August 31, 2018 – The parties shall exchange lists of initial fact witness depositions. If the parties agree, depositions may proceed immediately. As much as possible, however, depositions shall be taken of witnesses only after relevant documents have been produced. Thus, the majority of depositions shall occur between October 25, 2018 and January 25, 2019.

October 25, 2018 – For all parties *except* retail pharmacy defendants: (1) production of documents shall be substantially complete; and (2) traditional 30(b)(6) depositions shall be substantially complete (i.e., 30(b)(6) depositions concerning discovery-related issues, such as types and location of documents and databases).

November 9, 2018 – For retail pharmacy defendants: (1) production of documents shall be substantially complete; and (2) traditional 30(b)(6) depositions shall be substantially complete (i.e.,

30(b)(6) depositions concerning discovery-related issues, such as types and location of documents and databases).

January 25, 2019 – all 30(b)(6) and fact depositions shall be completed.

February 8, 2019 – Plaintiffs shall serve expert reports and, for each expert, provide two proposed deposition dates between **February 18 and March 15, 2019**.

March 26, 2019 – Defendants shall serve expert reports and, for each expert, provide two proposed deposition dates between **April 8 and May 3, 2019**.

May 13, 2019, 4:00 p.m. – Deadline for *Daubert* and dispositive motions.

June 10, 2019, 4:00 p.m. – Deadline for responses to *Daubert* and dispositive motions.

July 1, 2019, 4:00 p.m. – Deadline for replies in support of *Daubert* and dispositive motions.

July 16, 2019 – Hearings on *Daubert* and dispositive motions, or as otherwise set by the Court, if necessary.

August 22, 2019, 12:00 noon – Final Pretrial Hearing.

September 3, 2019 – Trial.

In a separate order, the Court will set deadlines for motions in limine, deposition designations, jury instructions, jury questionnaire, and other pretrial submissions.

IT IS SO ORDERED.

/s/ Dan Aaron Polster

DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE

Dated: August 13, 2018

EXHIBIT C

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IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.,)
MIKE HUNTER)
ATTORNEY GENERAL OF OKLAHOMA,)

Plaintiff,)

vs.)

Case No. CJ-2017-816

- (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.)

TRANSCRIPT OF PROCEEDINGS
HAD ON AUGUST 10, 2018
AT THE CLEVELAND COUNTY COURTHOUSE
BEFORE THE HONORABLE THAD BALKMAN
DISTRICT JUDGE
AND WILLIAM C. HETHERINGTON, JR.
RETIRED ACTIVE JUDGE AND SPECIAL DISCOVERY MASTER

REPORTED BY: ANGELA THAGARD, CSR, RPR

1 **APPEARANCES:**
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2 **JANSSEN PHARMACEUTICA, INC.; JANSSEN PHARMACEUTICALS, INC.; AND**
3 **JOHNSON & JOHNSON:**

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21 **ACTAVIS LLC; ACTAVIS PHARMA, INC.; AND WATSON LABORATORIES,**
22 **INC.:**

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**ON BEHALF OF TEVA PHARMACEUTICALS USA, INC.; CEPHALON, INC.;
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P R O C E E D I N G S

1
2 THE COURT: Good morning. I understand we have some
3 that will join us by telephone. We're going to conference in
4 those. I have an e-mail that Kim Jones sent from Odom Sparks.
5 Is everybody that wants to be here that's not here going to
6 connect through this number?

7 MR. SPARKS: It's my understanding.

8 THE COURT: Okay. We'll use this phone because I
9 think it'll be easier for Angie to hear.

10 (Brief pause.)

11 THE COURT: Good morning. This is Judge Thad Balkman
12 in Cleveland County. Is anybody else on the call?

13 MR. BRODY: Hi. Good morning, Judge Balkman. This
14 is Steve Brody.

15 THE COURT: Okay. Good morning, Mr. Brody.

16 MR. SPARKS: That may be it. I'm not sure.

17 THE COURT: Okay. If others join the call, I'm sure
18 they can announce themselves.

19 What I thought I would do, instead of just going around
20 the room like we've done in the past and having people enter
21 appearances, if you have something you would like to say, we'll
22 just ask you at that time to state your name and which party
23 you represent.

24 I want to welcome everybody here. I know some of you
25 traveled great distances, and I appreciate that. And that's

1 plan it internally.

2 THE COURT: I hate to say this, but as long as you
3 need.

4 MR. ODOM: Okay. Thank you, Judge.

5 THE COURT: You don't have to take me up on it,
6 though.

7 We're going to take a break, just give you a chance to go
8 to the bathroom, whatever you need to do. Let's be back here
9 at 12:20.

10 (A recess was taken, after which the following
11 transpired in open court, all parties present:)

12 THE COURT: All right. Here's what I think we will
13 do. Those depositions that were noticed before the removal
14 that went through the process where you all presented arguments
15 and that Judge Hetherington ruled on, I'm going to decide that
16 those are not void, that they should proceed; that all those
17 before August 30th should go ahead. I'm going to instruct the
18 parties to move forward with those. All others that were
19 pending will be void and will have to be taken up again as if
20 new.

21 Previously, I had stated that I wanted you to come back
22 here on August 30th, and I think we said at 1:00 -- or maybe
23 10:00 or 11:00. I'm going to move that to 1:00 p.m. on the
24 30th, because there's obviously a lot of discovery issues that
25 the parties need to sort through and probably will be

1 influenced by my decision on the bifurcation motion.

2 Judge Hetherington will be available Friday, the 31st, in
3 the morning. So I'm trying to make it easy where you're here
4 the afternoon of the 30th and again the morning of the 31st.
5 And so all discovery matters -- well, any pending motions, but
6 particularly the process that was discussed. I think Judge
7 Burrage and the defendants talked about it and Mr. Coats had
8 talked about they had submitted things prior to the removal.
9 You'll have an opportunity to discuss those and argue those
10 with Judge Hetherington at that time.

11 Just for planning purposes, I want to give you some dates
12 that will be available. Again, you don't have to use them all,
13 but just if you want to have these dates on your calendars in
14 case you need to take up matters related to discovery with
15 Judge Hetherington or with me.

16 September 20th and October 18th, I think I've previously
17 given you those dates, but if not, I am now.

18 Also, November 29th, December 20th, January 17th, February
19 14th. That's Valentine's Day. That's not a good day to be
20 here, but maybe we'll have more love for each other that day.
21 March 14th, April 11th, and I believe there's a status
22 conference May 16th.

23 MR. COATS: So these are before your Honor?

24 THE COURT: Yes. These would be before me, or Judge
25 Hetherington will also be available. But I'm making myself

1 available those days for this case. If we need more, you can
2 always ask. Hopefully, you don't need more, you need less.

3 MR. COATS: At 9:00 or 10:00?

4 THE COURT: Yeah, 9:00. That's fine.

5 All right. Any other announcements or questions by
6 counsel?

7 Yes, Mr. Beckworth?

8 MR. BECKWORTH: Your Honor, just for clarification,
9 Mr. Duck and I were trying to figure out what you said when you
10 said void. So for these depositions, do you mean that there'll
11 be motion practice on them or we need to reissue them or --

12 THE COURT: I think you'll need to reissue them. You
13 will have to reissue those.

14 MR. BECKWORTH: And I want to make sure the Court's
15 aware. We reissued those after the remand order.

16 THE COURT: Okay. So if you've already done that,
17 then I'm not suggesting you have to re -- as long as it was
18 done after the remand.

19 MR. BECKWORTH: Yes, sir, they were. But we will not
20 be having a hearing on those like we requested or --

21 THE COURT: Those that were previously noticed and
22 argued and ruled upon by Judge Hetherington and that will take
23 place between now and August 30th, go ahead and do those.

24 MR. BECKWORTH: And then the ones that we reissued,
25 which were most of the ones on the board, will we be having a

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IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.,)
MIKE HUNTER)
ATTORNEY GENERAL OF OKLAHOMA,)

Plaintiff,)

vs.)

Case No. CJ-2017-816

- (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.)

CERTIFICATE OF THE COURT REPORTER

I, Angela Thagard, Certified Shorthand Reporter and
Official Court Reporter for Cleveland County, do hereby certify
that the foregoing transcript in the above-styled case is a

1 true, correct, and complete transcript of my shorthand notes of
2 the proceedings in said cause.

3 I further certify that I am neither related to nor
4 attorney for any interested party nor otherwise interested in
5 the event of said action.

6 Dated this 11th day of August, 2018.

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ANGELA THAGARD, CSR, RPR

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EXHIBIT D

**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

**NOTICE FOR 3230(C)(5) VIDEOTAPED DEPOSITION OF CORPORATE
REPRESENTATIVE(S) OF J&J DEFENDANTS**

TO:

VIA email

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COUNSEL FOR THE J&J DEFENDANTS

Please take notice that, on the date and at the time indicated below, Plaintiff will take the deposition(s) upon oral examination of the corporate representative(s) of Defendant, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (collectively, the "J&J Defendants") in accordance with 12 O.S. §3230(C)(5). The J&J Defendants shall designate one or more officers, directors, managing agents, or other persons who consent to testify on the J&J Defendants' behalf regarding the subject matters identified in Appendix A.

The oral and video deposition(s) will occur as follows:

DATE	TIME	LOCATION
August 28, 2018	9:00 a.m.	511 Couch Drive Suite 100 Oklahoma City, Oklahoma 73102

Said depositions are to be used as evidence in the trial of the above cause, the same to be taken before a qualified reporter and shall be recorded by videotape. Said depositions when so taken and returned according to law may be used as evidence in the trial of this cause and the

taking of the same will be adjourned and continue from day-to-day until completed, at the same place until it is completed.

PLEASE TAKE FURTHER NOTICE that each such officer, agent or other person produced by the J&J Defendants to so testify under 12 O.S. §3230(C)(5) has an affirmative duty to have first reviewed all documents, reports, and other matters known or reasonably available to the J&J Defendants, along with all potential witnesses known or reasonable available to the J&J Defendant in order to provide informed binding answers at the deposition(s).

Dated: August 6, 2018

/s/ Michael Burrage

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing was emailed on August 6, 2018 to:

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/s/ Michael Burrage _____
Michael Burrage

Appendix A

The matters on which examination is requested are itemized below. The J&J Defendants must designate persons to testify as to each subject of testimony. This designation must be delivered to Plaintiff prior to or at the commencement of the taking of the deposition. *See* 12 O.S. §3230(C)(5).

1. All actions and efforts previously taken, currently under way, and actions planned and expected to take place in the future which seek to address, fight or abate the opioid crisis.