



IN THE DISTRICT COURT OF CLEVELAND COUNTY, STATE OF OKLAHOMA } S.S.
 STATE OF OKLAHOMA }
 CLEVELAND COUNTY }

FILED

OCT 03 2018

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

In the office of the
 Court Clerk MARILYN WILLIAMS

Plaintiff,)

Case No. CJ-2017-816

vs.)

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.)

ORDER OF SPECIAL DISCOVERY MASTER

Now on this 3rd day of October, 2018, the above and entitled matter came on for hearing on the State's Motion to Show Cause Re: Purdue's Non-Compliance with the undersigned's April 4, 2018 discovery Order, and, State's Second Motion to Show Cause for Non-Compliance Re: Rhodes Pharma Information.

More specifically, State refers to a lack of compliance with orders entered relevant to RFPs 1, 2, & 14. Defendant Purdue argues that RFP 14 is not included in this motion and they were not allowed a response thereto, however, in light of the fact that these specific requests have been thoroughly argued and responded to at earlier hearings, this Order will relate to all three.

The undersigned's April 4, 2018 Order Sustained the State's motion to compel as it related to RFP 1, "... To the extent production shall include any information about public, nonpublic or confidential governmental investigations or regulatory actions pertaining to any Defendants' that have been produced previously in any other case;". As to RFP 2 & 14, production was Ordered compelled with no restrictions and objections thereto overruled.

Having heard argument of counsel and reviewed the documentary evidence that has now been produced and sealed documentary evidence produced to the undersigned in-camera, it does appear there has been a lack of production of a lot of documentation that is readily available to Defendants to include documents from other State case files, criminal proceedings, quarterly board reports, joint venture agreements and "partnering efforts" evidencing

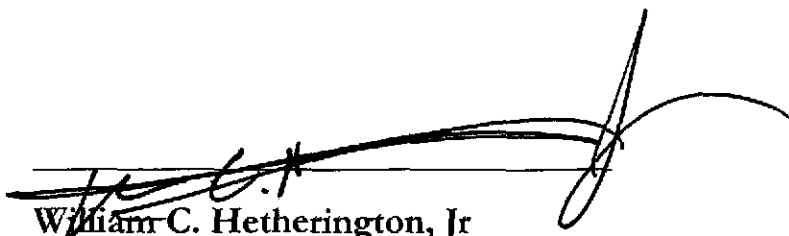
important promotional initiatives, and documents like Distribution and Supply Agreements specifically relevant to branded and unbranded distribution and marketing supply chain processes. These documents appear to be easily producible even under the "rolling production" process agreed to in this case.

A review of the discovery record to date supports State's argument that there has been, up to now, no reference or testimony regarding Rhodes Pharma or Rhodes Technologies which clearly appears from the evidence to fall within the definition of an "Affiliate" about which production is required. It appears from deposition testimony (Keith Darragh), and others (Lisa Miller) as argued by the State, there are witnesses with knowledge that was withheld and/or were less than candid during their depositions.

State's motions do not seek specific affirmative relief in the form of indirect contempt or civil coercive sanction. The motions merely request Defendant should be ordered to show cause why it should not be held in contempt, and be ordered to immediately supplement all discovery responses.

Therefore, while I support the Rolling Production process, by this Order I Order Purdue to supplement production regarding RFPs 1, 2 & 14 as soon as practically possible. Under the circumstances a thirty-day period for complete supplementation is not unreasonable and is Ordered. Further, in light of evidence I now have received for the first time indicating possible withholding of compelled evidence, I do admonish all parties and warn of possible future consideration of affirmative sanction requests if I should receive evidence in the future supporting intentional withholding of relevant and/or previously ordered documentation.

IT IS SO ORDERED this 3rd day of October, 2018.



William C. Hetherington, Jr

Special Discovery Master