



IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

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

Plaintiff,

STATE OF OKLAHOMA
CLEVELAND COUNTY } S.S.

Case No. CJ-2017-816

Honorable Thad Balkman

FILED

v.

PURDUE PHARMA L.P., et al.,

NOV 20 2018

Special Discovery Master

William C. Hetherington, Jr.

Defendants.

In the office of the
Court Clerk MARILYN WILLIAMS

**PURDUE’S OMNIBUS RESPONSE TO NON-PARTIES F.A.T.E., INC.’S AND
LAMPSTAND MEDIA, LLC’S MOTIONS TO QUASH SUBPOENAS DUCES TECUM**

Purdue Pharma L.P., Purdue Pharma Inc., and The Purdue Frederick Co. (collectively “Purdue”) files its Omnibus Response to Non-Parties F.A.T.E., Inc.’s – Fighting Addiction Through Education (“FATE”) and Lampstand Media, LLC’s (“Lampstand”) Motions to Quash (“Motions”) and respectfully shows the Court as follows:

I. INTRODUCTION

The Court should deny both FATE and Lampstand’s Motions to Quash in their entirety for the following reasons. *First*, Purdue’s discovery requests to FATE and its media production partner, Lampstand, are neither irrelevant nor overbroad. Indeed, the information Purdue seeks is directly relevant to the theories underlying the State’s claims in this litigation that strikingly mirror the statements made in FATE and Lampstand’s documentary, “Killing Pain.”¹ Created and advanced by the same attorneys leading the State’s litigation, the documentary “Killing Pain” is a product of FATE, Lampstand, and the State’s common and inseparable goal to

¹ The documentary “Killing Pain” can be viewed online at <https://www.killingpain.com/>. See also Exhibit E for episode overviews.

advance a comprehensive media campaign to the citizens of Oklahoma that attacks Purdue as the alleged cause of Oklahoma's opioid abuse epidemic. Filled with statements from the Attorney General Mike Hunter; one of the State's lead private counsel and founder of FATE, Reggie Whitten; and four of the State's designated experts in this case, it is no surprise that "Killing Pain" echoes the same allegations against Purdue as the State advances in this case. Such obvious affinity between the State and FATE is sufficient to support Purdue's request for information related to the creation, funding, and promotional efforts of FATE and Lampstand with respect to their production of "Killing Pain." Importantly, the requests are tailored to solicit relevant discovery relating to the State's designated experts and to determine the extent of the State's involvement in and sponsorship of the "Killing Pain" campaign targeting Oklahoma citizens.

Second, Purdue's discovery requests do not violate the First Amendment. And, FATE and Lampstand fail to provide any prima facie evidence to support the conclusory claim that Purdue's discovery requests invade their First-Amendment rights of association and freedom of speech. Neither FATE nor Lampstand should be entitled to impede Purdue's access to discovery based on blanket, unsubstantiated assertions of First Amendment violations.

Third, FATE and Lampstand's claim that the information sought can be obtained from other sources is misguided. Importantly, it is no excuse to the production of discoverable information that such information can be obtained elsewhere. Additionally, Purdue's subpoena is not limited to information that may be obtained from public sources, but rather includes specific requests for communications related to the creation of "Killing Pain," documents and information regarding the funding, marketing, and promotional efforts of FATE and Lampstand in relation to the documentary, and footage, script, and other unedited work involving the State's

designated experts and General Hunter—information that would not be available from public sources.

Fourth, contrary to FATE and Lampstand’s assertions, Purdue does not seek information for any purpose of harassment or intimidation. FATE, unlike the other entities and media outlets mentioned, is founded and run by private counsel for the State in this litigation. Such unique circumstances justify Purdue’s pursuit of information and communications directly from FATE and Lampstand rather than other organizations or media outlets that are clearly do not have these same affiliations.

Finally, the information Purdue seeks does not implicate the journalist’s privilege because Purdue is not requesting that Lampstand reveal any confidential sources. Moreover, Lampstand fails to provide any evidence as to how the materials requested warrant any privilege protections. Indeed, Lampstand even concedes that none of the information is, in fact, confidential.

II. BACKGROUND

Perhaps no other announcement reflects the relevance and depth of the integrated relationship between the State of Oklahoma and the FATE organization and its media partner Lampstand Media LLC like the following statements found on General Hunter’s official webpage, promoting the documentary:

“Attorney General Mike Hunter appears in multiple [Killing Pain] episodes to discuss the *state’s response and the lawsuit filed by his office last July*.

‘Killing Pain is a pioneering series that shines light on the tragic story of how our state got in this position and why we are close to ground zero in terms of the addiction epidemic,’ Attorney General Hunter said. *‘I encourage all Oklahomans watch this gripping documentary that covers the many tragic aspects of the crisis and how it impacts all of us.* Although the reality of the story is painful, the good news is, Oklahoma is rising to meet this challenge. State officials, business leaders and community organizers are tired of watching our families suffer and are stepping

up and doing something about it. *I appreciate Reggie Whitten and his organization, FATE, for presenting this project and Lampstand for the wonderful care and craftsmanship in which they took in producing it.*”²

The commercially-produced, seven-part series on the opioid predicament in Oklahoma was created by FATE and its media production partner, Lampstand, in association with the Brandon Whitten Institute, an institute created in the memory of Brandon Whitten, who was the son of Reggie Whitten, private counsel for the State. Indeed, each episode of “Killing Pain” includes interviews and statements from many of the individuals advancing and running the State’s case, including Mr. Whitten, Attorney General Mike Hunter, and four of the State’s experts in this litigation. For an entire episode entitled “How Did We Get Here?” (a dialogue led primarily by the State’s experts), FATE points to Purdue as the alleged culprit to blame for opioid abuse in Oklahoma. To no surprise, FATE parrots the same allegations advanced in this litigation regarding Purdue’s opioid marketing strategies. This episode alone demonstrates that FATE, through “Killing Pain,” is one of the State’s media arms in this litigation.

Notwithstanding their obvious inseparable agenda and alliance with the State’s action against Purdue, FATE and Lampstand seek to prevent any discovery into the creation and promotion of the “Killing Pain” documentary, claiming that the information sought is irrelevant to the issues in the case, is overly broad and unduly burdensome, implicates constitutional rights of freedom of speech and association, impinges on the journalist’s privilege, can be obtained from other sources, and is sought solely for purposes of harassment. But “Killing Pain” is far from irrelevant and the discovery of information related to the film certainly should not be off limits, as FATE and Lampstand wish, when it is a production stemming from the same team

² Exhibit A, “Killing Pain: Seven – Part Documentary Series Detailing the Origins of the Oklahoma Opioid Epidemic Now Available”, MICHAEL HUNTER OKLAHOMA ATTORNEY GENERAL, <http://www.oag.ok.gov/killing-pain-seven-part-documentary-series-detailing-the-origins-of-the-oklahoma-opioid-epidemic-now-available> (last visited November 18, 2018).

advancing this litigation against Purdue and other pharmaceutical companies. Indeed, the documentary “Killing Pain” is nothing short of a state-sponsored comprehensive media campaign purposefully directed at Oklahoma citizens and purposefully orchestrated to extend the State’s position in this case via social media. The Court should, therefore, permit discovery of the information requested in the October 24, 2018 subpoenas to FATE and Lampstand given their aligned campaign with the State.³

III. ARGUMENT AND AUTHORITY

“[P]arties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action.” 12 O.S. § 3226(B)(1)(a). Moreover, “it is not a ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.” *Id.* A party opposing discovery bears the burden to show “good cause” why the requested discovery should not be disclosed. *See YMCA of Okla. City v. Melon*, 1997 OK 81, at 15, 944 P.2d 304, 308-09. For the reasons stated below, FATE and Lampstand have failed to carry their burden in opposing Purdue’s discovery requests and, thus, their Motions should be denied.

A. Purdue’s Discovery Requests Are Neither Irrelevant Nor Overbroad.

FATE and Lampstand, with the help of the State, General Hunter, and the State’s private counsel, have no problem attacking the marketing and media campaigns fostered by Purdue in relation to opioid abuse, but cry foul when Purdue seeks to discover relevant information related to their state-endorsed media campaign, which targets the citizens of Oklahoma with state-sponsored propaganda against Purdue. If, as the State has contended in this case in seeking and obtaining a corporate representative deposition, Purdue’s media messages (*e.g.*, in the New York

³ Exhibit B, FATE Subpoena; Exhibit C, Lampstand Subpoena.

Times) are discoverable and relevant, so, too, are the media messages promoted and endorsed by the State. Indeed, “Killing Pain” is specifically endorsed and promoted by General Hunter, who has even carved out a special section on his official webpage dedicated to promoting the film, giving special recognition to FATE and Lampstand for their contributions in creating the film.⁴ Thus, neither FATE nor Lampstand can possibly claim that they are unrelated third-parties with limited involvement in the facts of this litigation. The State has clearly injected them into this litigation.

Moreover, the documentary is replete with several participants directly involved in the case. For example, not only does General Hunter promote the film, he and lead counsel for the State, Mr. Whitten make multiple appearances in the film. The film also features four of the State’s designated expert witnesses.

- Terri White – Commissioner, Oklahoma Department of Mental Health and Substance Abuse Services
- Dr. Jason Beaman – Chair of the Dept. of Psychiatry & Behavioral Sciences, OK State University
- Dr. Andrew Kolodny – Co-Director Opioid Policy Research, Brandeis University
- Julio I. Rojas, Ph.D. – Director, Execucare Program, OU School of Medicine⁵

Discovery into FATE’s and Lampstand’s communications with General Hunter, Mr. Whitten, the State’s experts, and other persons involved in the production of the film is clearly relevant to not only the credibility and theory of the State’s case, but are also to Purdue’s defenses, particularly in light of the fact that the State’s experts commented at length on Purdue’s opioid marketing strategies in the documentary. Indeed, many of the allegations in the film about Purdue parallel the same allegations made by the State in this litigation. There is, indisputably, a substantial overlap between the parties involved in this litigation and the persons participating in the documentary, so much so that neither FATE nor Lampstand can reasonably

⁴ Exhibit A.

⁵ Exhibit D, State’s Expert Witness List.

contend that their creation of “Killing Pain” and further involvement with the State has no relevance to the matters presented in this litigation. Nor can they reasonably argue that any such discovery will be unduly burdensome when they are so heavily involved with the State already (*e.g.*, the founder of FATE is lead counsel for the State).

In addition to the communications addressed above, Purdue is also entitled to discover information related to FATE’s organizational structure and funding sources (including funding sources for the creation of “Killing Pain”), and all payments made in connection with the production of the film as well as the marketing and promotional plans for the film. Such information is not overly broad and is clearly relevant to determine the extent of FATE’s affiliations with the State and the State’s designated experts. The same goes for Purdue’s requests to Lampstand seeking, among other things, information related to its marketing efforts and any payments to or from Lampstand in relation to the documentary and the unedited footage relating to the work contributed by the State’s experts in this litigation. Indeed, Purdue is entitled to seek such information given the extensive affiliation between the creators of “Killing Pain” and the lawyers running the State’s case, the integrated nature of the allegations set forth in this litigation and the documentary, the fact that four of the State’s designated experts in this case appear in more than half of the documentary’s episodes, and the fact that General Hunter, on his official website, specifically acknowledges its partnership with FATE and Lampstand in combating opioid abuse in Oklahoma.⁶

Indeed, Purdue has carefully crafted its requests to elicit only such information sufficient to show the extent and nature of the State’s (including its designated experts’) relationship with FATE and Lampstand and the extent of the State’s involvement with creating a media-campaign directed solely at the citizens of Oklahoma that specifically attacks Purdue on the same bases as

⁶ Exhibit A.

found in the State's pleadings. Discovery of the above information is essential to meaningful cross-examinations of both the State and its experts in this case and the exposure of potential biases that will directly impact Purdue's ability to defend itself in the litigation.

B. Purdue's Discovery Requests Do Not Violate the First Amendment.

Both FATE and Lampstand's First-Amendment privilege assertions ring hollow. To start, Purdue's subpoenas in no way seek to stop or limit First Amendment rights. Rather, Purdue merely seeks discovery of past statements and past associations relating to the documentary. But even if FATE and Lampstand's freedom of association rights are implicated, such associational rights under the First Amendment are not absolute. *In re Motor Fuel Temperature Sales Practices Litig.*, 707 F. Supp. 2d 1145, 1152 (D. Kan. 2010). Indeed, a party opposing discovery based on freedom of association grounds must make a prima facie showing that demonstrates "an objectively reasonable probability that compelled disclosure will chill associational rights, *i.e.* that disclosure will deter membership due to fears of threats, harassment or reprisal from either government officials or private parties which may affect members' physical well-being, political activities or economic interests." *Id.* at 1153. Such showing must be supported by "objective and articulable" facts and not mere conclusory statements. *Id.* at 1159.

Here, FATE and Lampstand fail to make any prima facie showing that the subpoena infringes on its First Amendment associational rights. *See In re Motor Fuel Temperature Sales Practices Litig.*, 641 F.3d 470, 489 (10th Cir. 2011); *In re First Nat'l Bank*, 701 F.2d 115, 118 (10th Cir. 1983) (noting that the party asserting rights under the First Amendment must first provide evidence of a prima facie case of infringement of those rights; after which, the burden shifts to the requesting party to show a material need for the information requested). FATE and Lampstand must do more than make naked assertions of infringement or base their rights on

“theoretical, slippery slope” arguments. *See* Motion at 5. Rather, FATE and Lampstand must provide some specific proof that compliance with the subpoena would contravene their First Amendment rights. *N.Y. State NOW v. Terry*, 886 F.2d 1339, 1355 (2d Cir. 1989) (“Absent a more specific explanation of the consequences of compliance with discovery, defendants failed to make the required initial showing of potential first amendment infringement.”). FATE and Lampstand have failed to do so and thus cannot carry their burden of proof in opposing the requested discovery on First Amendment grounds.

C. Purdue’s Discovery Requests Are Not Limited to Information That May Be Obtained from Public Sources.

That discovery may be obtained from other sources does not excuse FATE or Lampstand from producing relevant documents in their possession, custody, or control. Further, the information Purdue seeks is not limited to information that may be obtained from publicly available sources. For example, Purdue clearly seeks communications between FATE representatives, Lampstand representatives, any state employees, employees in the Attorney General’s office, and any of the individuals who participated in the creation and development of the documentary. Additionally, Purdue seeks information related to both FATE’s and Lampstand’s marketing, promotional efforts, and funding—information that typically would not be available from public sources. Finally, Purdue’s requests seek unedited footage and other works of individuals that will be testifying in this case—information that would only be in the possession of FATE or Lampstand.

Importantly, FATE and Lampstand must carry their burden in showing why the specific information requested is not discoverable. It is simply not enough for FATE and Lampstand to state generally that “the factual information contained in the film comes from public sources[.]”⁷

⁷ *See* FATE’s Mot. at 5; Lampstand Mot. at 6.

Such a generic statement does not provide Purdue with enough information to determine which of the documents or information requested is available via public sources.

D. The information requested is not being sought for purposes of harassment.

FATE and Lampstand both assert that Purdue's discovery requests single out their organization for no other purpose but to harass and intimidate FATE's founder, Mr. Whitten. That Purdue is seeking information from FATE and Lampstand rather than any other media outlets does not mean that Purdue is harassing FATE or Lampstand. None of the other media outlets such as CBS, HBO, PBS, BBC, Time, Netflix, and the Oklahoman are founded or run by the same lawyers that are leading this litigation, nor do any of these outlets appear to be directly endorsed and promoted by the State. FATE and Lampstand clearly ignore these two salient points. It seems clear that Purdue would necessarily focus its discovery efforts towards media outlets directly affiliated and heavily endorsed by the State and its lead counsel in this case. Such efforts are completely justified and do not evidence any attempt by Purdue to intimidate or harass FATE or Lampstand.

E. Purdue's Discovery Requests Do Not Implicate the Journalist's Privilege, Nor Has Lampstand Shown That Any Such Privilege Is Applicable.

Lampstand asserts that the information sought by Purdue is protected by the journalist's privilege. Lampstand's privilege assertion is simply unavailing. *First*, Lampstand has provided no substantive proof that its actions warrant privilege protection. Indeed, Lampstand has not even shown that it is a "journalist" as that term is defined under the applicable statute. Journalist under the statute means "any person who is a reporter, photographer, editor, commentator, journalist, correspondent, announcer, or other individual regularly engaged in obtaining, writing, reviewing, editing, or otherwise preparing news for any newspaper, periodical, press association, newspaper syndicate, wire service, radio or television station, or other news service." 12 O.S. §

2506(A)(7). Journalist also includes “[a]ny individual employed by any such news service in the performance of any of the above-mentioned activities shall be deemed to be regularly engaged in such activities.” *Id.* But the term does not include “any governmental entity or individual employed thereby engaged in official governmental information activities.” *Id.*

Here, Lampstand makes no effort to show it is a journalist *regularly* engaged in obtaining, writing, reviewing, editing, or preparing news for any newspaper, periodical, press association, newspaper syndicate, wire service, radio or television station or other news service. But more importantly, based on the close affiliations between FATE and other State officials, including General Hunter, in developing this film, Purdue has reason to believe that Lampstand’s production of “Killing Pain” was partly funded and sponsored by the State government, therefore exempting Lampstand’s purported journalist activities from privilege protection. *Id.*

Second, to be clear, Purdue is not requesting that Lampstand reveal any confidential sources. In *Silkwood v. Kerr-McGee Corp.*, the court found that the privilege was applicable to protect the agreements that the reporter made to keep the sources of his investigation confidential. 563 F.2d 433, 1977 U.S. App. LEXIS 11434 (10th Cir. Okla. Sept. 23, 1977). Here, Lampstand makes no claims that the information sought by Purdue is confidential. In fact, Lampstand states the opposite, claiming that “the underlying factual information contained in the film comes from various public sources, including studies on the opioid epidemic, published statistics from various medical journals, and government publications.”⁸ Accordingly, unlike the reporter in *Silkwood*, Lampstand has absolutely no real purpose in withholding any sources and other information it gathered in relation to the production of “Killing Pain.” In essence, Lampstand’s only complaint is not that the source of information relied on in the documentary is confidential, but that Lampstand would be inconvenienced if made to reveal such sources.

⁸ Lampstand Mot. at 6.

Inconvenience, however, is not the test. As the Supreme Court stated in *Branzburg v. Hayes*, the reporter's privilege is conditional, not absolute. 408 U.S. 665, 702, 92 S. Ct. 2646, 2667 (1972).

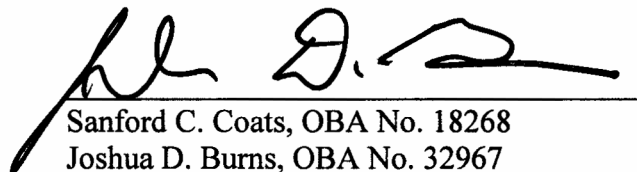
At bottom, Purdue is entitled to the information requested related to Lampstand's production of "Killing Pain" because it is relevant to the central issues in this case and it specifically involves allegations and statements made against Purdue. Furthermore, Purdue is entitled to discovery of the unedited work of the State's experts who will be testifying in this case. Absent any claims that the information is confidential, Lampstand's privilege assertion is simply a red herring. Moreover, to the extent any of the information is covered by the journalist privilege, Lampstand bears the burden in identifying the specific information covered by the privilege. Lampstand has not done so.

IV. CONCLUSION

The discovery requested in the subpoenas to FATE and its media production partner, Lampstand, regarding a state-sponsored documentary on opioid abuse is clearly relevant to the claims and defenses set forth in this case. Accordingly, Purdue respectfully requests that the Court deny FATE and Lampstand's Motions to Quash and grant any further relief to Purdue to which it may be entitled.

Date: November 20, 2018

Respectfully submitted,



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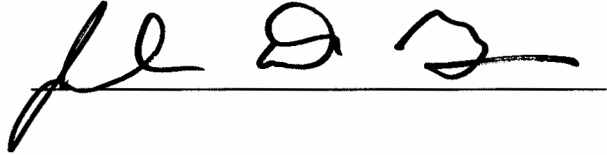
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CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2018, I caused a true and correct copy of the following:

**PURDUE'S OMNIBUS RESPONSE TO NON-PARTIES F.A.T.E., INC'S AND
LAMPSTAND MEDIA, LLC'S MOTIONS TO QUASH SUBPOENA DUCES TECUM**

to be served via email upon the counsel of record listed on the attached Service List.

A handwritten signature in black ink, appearing to be 'pdisbennett', is written above a horizontal line.

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Exhibit A



Home (/)

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Citizen Resources (/citizenresources)

Opinions (/opinions)

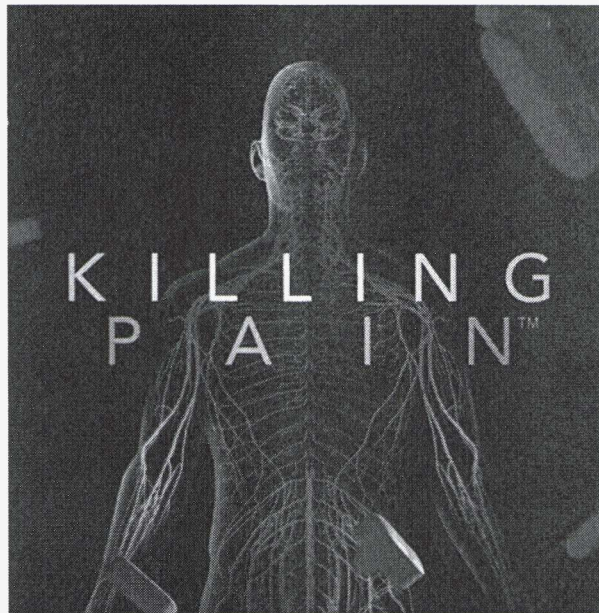
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Killing Pain: Seven – Part Documentary Series Detailing the Origins of the Oklahoma Opioid Epidemic Now Available



Killing Pain, a seven part documentary series chronicling the state's opioid addiction epidemic launched this week and is available to view, free of charge, on [\(https://www.killingpain.com/\)](https://www.killingpain.com/)[\(https://www.killingpain.com/\)](https://www.killingpain.com/) [\(https://www.killingpain.com/\)](https://www.killingpain.com/).

OKLAHOMA CITY – Killing Pain, a seven part documentary series chronicling the state's opioid addiction epidemic launched this week and is available to view, free of charge, on [\(http://links.govdelivery.com:80/track?type=click&enid=ZWFzPTEmbWFpbGluZ2lkPTlwMTgwODMwLjk0MjYzNTMxJm1lc3NhZ2VpZD1NREhUFJELUJVTc0vMDE4MDgzMC45NDI2MzUzMSZkYhttps://www.killingpain.com/\)](http://links.govdelivery.com:80/track?type=click&enid=ZWFzPTEmbWFpbGluZ2lkPTlwMTgwODMwLjk0MjYzNTMxJm1lc3NhZ2VpZD1NREhUFJELUJVTc0vMDE4MDgzMC45NDI2MzUzMSZkYhttps://www.killingpain.com/) [\(https://www.killingpain.com/\)](https://www.killingpain.com/).

The in-depth documentary explores the public health crisis in Oklahoma from its origin to steps the state is currently taking to stem the epidemic. The series is presented by Fighting Addiction Through Education (FATE) and produced by Lampstand Media.

The series also features personal stories of addiction, the economic cost of the crisis and the biology of addiction.

Attorney General Mike Hunter appears in multiple episodes to discuss the state's response and the lawsuit filed by his office last July.

"Killing Pain is a pioneering series that shines light on the tragic story of how our state got in this position and why we are close to ground zero in terms of the addiction epidemic," Attorney General Hunter said. "I encourage all Oklahomans watch this gripping documentary that covers the many tragic aspects of the crisis and how it impacts all of us. Although the reality of the story is painful, the good news is, Oklahoma is rising to meet this challenge. State officials, business leaders and community organizers are tired of watching our families suffer and are stepping up and doing something about it.

"I appreciate Reggie Whitten and his organization, FATE, for presenting this project and Lampstand for the wonderful care and craftsmanship in

which they took in producing it.”

Whitten, who is also a law partner at Whitten – Burrage, founded FATE after the tragic overdose death of his son, Brandon.

“This documentary is part of my ongoing personal mission to show Oklahomans this epidemic is real and it is on our doorstep,” Whitten said. “I also want people to know there is hope and there is help for those who are struggling. No parent should ever have to go through the pain and suffering of losing a child. There is not a day that goes by that I don’t think about Brandon. I want people to know his story and the thousands of other stories that are similar. The more people we can get to understand the realities of the crisis, the more lives of Oklahomans we will save.”

Other prominent Oklahomans interviewed for the series are U.S. Sen. James Lankford, Oklahoma County District Attorney David Prater, Commissioner for the Department of Mental Health and Substance Abuse Services Terri White and Assistant Clinical Professor and Chair of the Department of Psychiatry, Behavioral Sciences at Oklahoma State University-Center for Health Sciences Dr. Jason Beamon and more.

Founded in 2010, Lampstand ([http://links.govdelivery.com:80/track?](http://links.govdelivery.com:80/track?type=click&enid=ZWFzPTEmbWFpbGluZ2lkPTIwMTgwODMwLjk0MjYzNTMxJm1lc3NhZ2VpZD1NREItUFJELUJVTVC0yMDE4MDgzMC45NDI2MzUzMSZkY)

[type=click&enid=ZWFzPTEmbWFpbGluZ2lkPTIwMTgwODMwLjk0MjYzNTMxJm1lc3NhZ2VpZD1NREItUFJELUJVTVC0yMDE4MDgzMC45NDI2MzUzMSZkY](http://links.govdelivery.com:80/track?type=click&enid=ZWFzPTEmbWFpbGluZ2lkPTIwMTgwODMwLjk0MjYzNTMxJm1lc3NhZ2VpZD1NREItUFJELUJVTVC0yMDE4MDgzMC45NDI2MzUzMSZkY) tells powerful stories through film to move people to action and change the world around them. Lampstand works with a variety of clients from corporations to nonprofits, long form docs to social campaigns. The company’s work has been featured on Netflix, PBS, National Geographic and with client around the world in over 30 countries and on six continents.

FATE ([http://links.govdelivery.com:80/track?](http://links.govdelivery.com:80/track?type=click&enid=ZWFzPTEmbWFpbGluZ2lkPTIwMTgwODMwLjk0MjYzNTMxJm1lc3NhZ2VpZD1NREItUFJELUJVTVC0yMDE4MDgzMC45NDI2MzUzMSZkY)

[type=click&enid=ZWFzPTEmbWFpbGluZ2lkPTIwMTgwODMwLjk0MjYzNTMxJm1lc3NhZ2VpZD1NREItUFJELUJVTVC0yMDE4MDgzMC45NDI2MzUzMSZkY](http://links.govdelivery.com:80/track?type=click&enid=ZWFzPTEmbWFpbGluZ2lkPTIwMTgwODMwLjk0MjYzNTMxJm1lc3NhZ2VpZD1NREItUFJELUJVTVC0yMDE4MDgzMC45NDI2MzUzMSZkY) is a nonprofit educational outreach program that seeks to shed a light on the dangers of addiction and substance abuse in Oklahoma. FATE also focuses on motivational efforts to encourage individuals who are suffering from addiction to get help.



Attorney General Hunter sits for an interview during the making of Killing Pain. Attorney General Hunter appears in the documentary to discuss the state's reaction to the opioid epidemic and how the state is rising to meet the challenge.

Posted on Thu, August 30, 2018 by Alex Gerszewski filed under [opioid](#) ([/killing-pain-seven-part-documentary-series-detailing-the-origins-of-the-oklahoma-opioid-epidemic-now-available/Key/Tags/ContentID/6041587/ShowTags/opioid](#))

CONTACT THE OKLAHOMA ATTORNEY GENERAL'S OFFICE

Office of the Oklahoma Attorney General
313 NE 21st Street
Oklahoma City, OK 73105

CAREERS WITH THE OKLAHOMA ATTORNEY GENERAL'S OFFICE

Come [join the team \(/oag-careers\)](#) at the Oklahoma
Office of the Attorney General!

ADDITIONAL LEGAL RESOURCES

[US Constitution \(https://www.archives.gov/founding-docs\)](https://www.archives.gov/founding-docs)

[Oklahoma Constitution
\(http://www.oklegislature.gov/ok_constitution.aspx\)](http://www.oklegislature.gov/ok_constitution.aspx)

[Oklahoma Statutes](#)

Oklahoma City: (405) 521-3921
Tulsa: (918) 581-2885
Fax: (405) 521-6246

Employees (<https://mx.oag.ok.gov>)

(<http://www.oklegislature.gov/osStatuesTitle.aspx>)

Oklahoma State Courts Network
(<http://www.oscn.net/v4/>)

OK.gov (<http://www.ok.gov>) | Accessibility (https://www.ok.gov/about/accessibility_policy.html) | Policies (http://www.ok.gov/policy_disclaimers.html) |
State Agencies (<https://ok.gov/portal/agency.php>)

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Exhibit B

**IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA**

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

Plaintiff,

v.

PURDUE PHARMA L.P.; PURDUE
PHARMA, INC.; THE PURDUE
FREDERICK COMPANY; TEVA
PHARMACEUTICALS USA, INC.;
CEPHALON, INC.; JOHNSON &
JOHNSON; JANSSEN
PHARMACEUTICALS, INC.; ORTHO-
McNEIL-JANSSEN
PHARMACEUTICALS, INC., n/k/a
JANSSEN PHARMACEUTICALS, INC.;
JANSSEN PHARMACEUTICA, INC.,
n/k/a JANSSEN PHARMACEUTICALS,
INC.; ALLERGAN, PLC, f/k/a ACTAVIS
PLC, f/k/a ACTAVIS, INC., f/k/a
WATSON PHARMACEUTICALS, INC.;
WATSON LABORATORIES, INC.;
ACTAVIS LLC; and ACTAVIS PHARMA,
INC., f/k/a WATSON PHARMA, INC.,

Defendants.

Case No. CJ-2017-816

Honorable Thad Balkman

Special Discovery Master:
William C. Hetherington, Jr.

SUBPOENA DUCES TECUM

TO: F.A.T.E., Inc.
Fighting Addiction Through Education
1 NE 2nd Street, Suite 201
Oklahoma City, Oklahoma 73104

[X] YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below:

The documents to be produced are set forth on **Exhibit "A"** attached.

PLACE: Law Office of Crowe & Dunlevy, P.C., Braniff Building, 324 N. Robinson Ave., Ste 100, Oklahoma City, OK 73102, where the copying/inspecting will take place

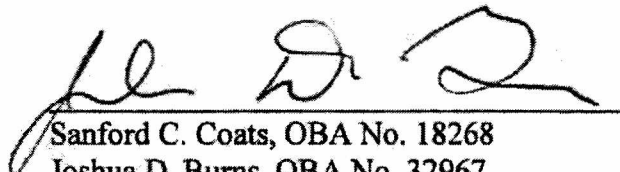
DATE AND TIME: November 14, 2018 at 9:00 a.m.

It is not necessary that you appear at the date, time, and location specified if the documents are mailed to the address noted herein by the specified date and time.

In order to allow objections to the production of documents and things to be filed, you should not produce them until the date specified in this subpoena, and if an objection is filed, until the court rules on the objection. Electronically stored information within the scope of this subpoena should be produced in readable printed form, in the English language, to accomplish the disclosure of the electronically stored information to Plaintiff and its counsel. Unless otherwise agreed, the person commanded to produce and permit inspection, copying, testing, or sampling or any party may, within 14 days after service of the subpoena, or before the time specified for compliance, if such time is less than 14 days after service, serve written objection to the inspection, copying, testing or sampling of any or all of the designated materials or to producing electronically stored information in the form(s) requested.

YOU ARE ORDERED NOT TO DESTROY, TRANSFER, OR OTHERWISE DISPOSE OF ANY RECORDS WHICH MAY BE RESPONSIVE TO THIS SUBPOENA.

Dated this 24th day of October, 2018.



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*Counsel for Purdue Pharma L.P.,
Purdue Pharma Inc., and The Purdue
Frederick Company Inc.*

EXHIBIT "A"

Fighting Addiction Through Education ("FATE") is required to produce and permit inspection and copying of documents and things in its possession, custody, or control that relate to the following categories of requests according to the following definitions and instructions.

Definitions

The following definitions apply to this Subpoena:

1. "Fighting Addiction Through Education," "FATE," "You" and/or "Your" refer to the non-profit corporation F.A.T.E., Inc. – Fighting Addiction Through Education, as well as any of its past and present affiliates, operating divisions, parent corporations, subsidiaries, directors, officers, agents, employees, representatives, and all predecessors in interest.
2. "Documents" shall be given the broadest meaning permitted under the Oklahoma Rules of Civil Procedure, and includes, without limitation, communications and electronically stored information.
3. "And" and "Or" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.
4. "All" or "any" shall mean "any and all."
5. "Including" shall not be construed as limiting any request, and shall mean "including without limitation."

Instructions

The following instructions apply to this Subpoena:


1. In responding to this subpoena, please furnish all information that is available to You or subject to Your control, including information in the possession, custody, or control of Your officers, directors, employees, representatives, consultants, agents, attorneys, accountants, or any person who has served in any such role at any time, as well as corporate parents, subsidiaries, affiliates, divisions, predecessor companies, or any joint venture to which You are a party.
2. If you cannot fully comply with any category of requested documents, comply to the maximum extent possible and explain: (a) what information you refuse to produce and (b) why full compliance is not possible. If you object to any request or subpart of a request, state with specificity the grounds for each such objection.

Documents to be Produced

1. All organizational charts for Fighting Addiction Through Education (“FATE”),
2. Documents sufficient to show who owns FATE.
3. All entity formation documents for FATE.
4. All communications between FATE and any employee, agent, or representative for the State of Oklahoma related to the documentary “Killing Pain.”
5. All communications between FATE and any of the individuals interviewed for, or considered for participation in, the documentary “Killing Pain.”
6. All documents related to the promotion, marketing, or distribution of the documentary “Killing Pain.”
7. All payments to or from FATE related to the documentary “Killing Pain.”
8. All documents concerning opioids and/or pain medication provided to or created by FATE in connection with the documentary “Killing Pain.”
9. All market research, focus groups, and other research, including through consultants or other outside resources, conducted in advance of the finalization of the documentary “Killing Pain.”
10. All documents, memoranda, and communications related to the inception, creation, and filming of the documentary “Killing Pain,” including but not limited to discussions of the sequence of the chapters and interviews in “Killing Pain, as well as the content and direction of the documentary.
11. All documentation of funding, including, without limitation, gifts, grants, fees, payments, or other remuneration received by FATE from the State of Oklahoma or any other entity since 1996.
12. All communications between FATE and any employee, agent, or representative for the State of Oklahoma related to opioids and/or pain medication.
13. All communications between FATE and employees and the Oklahoma Office of the Attorney General.
14. All documents, memoranda, messages, posts, groups, discussions, and communications related to any statement made on any social media accounts You control, including but not limited to Twitter (@KillingPainDoc; @WhatsYourFATE), Facebook (facebook.com/KillingPainDoc; facebook.com/WhatsYourFATE), Instagram (@Killingpaindoc), social networks, blogs, Internet bulletin boards, and similar forums or media, related to opioids and/or the documentary Killing Pain.

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of October, 2018, a true and correct copy of the foregoing Subpoena Duces Tecum was served via email upon the counsel of record listed on the attached Service List.



Joshua D. Burns

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Watson Pharma, Inc.*

Exhibit C

**IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA**

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

Plaintiff,

v.

PURDUE PHARMA L.P.; PURDUE
PHARMA, INC.; THE PURDUE
FREDERICK COMPANY; TEVA
PHARMACEUTICALS USA, INC.;
CEPHALON, INC.; JOHNSON &
JOHNSON; JANSSEN
PHARMACEUTICALS, INC.; ORTHO-
McNEIL-JANSSEN
PHARMACEUTICALS, INC., n/k/a
JANSSEN PHARMACEUTICALS, INC.;
JANSSEN PHARMACEUTICA, INC.,
n/k/a JANSSEN PHARMACEUTICALS,
INC.; ALLERGAN, PLC, f/k/a ACTAVIS
PLC, f/k/a ACTAVIS, INC., f/k/a
WATSON PHARMACEUTICALS, INC.;
WATSON LABORATORIES, INC.;
ACTAVIS LLC; and ACTAVIS PHARMA,
INC., f/k/a WATSON PHARMA, INC.,

Defendants.

Case No. CJ-2017-816

Honorable Thad Balkman

Special Discovery Master:
William C. Hetherington, Jr.

SUBPOENA DUCES TECUM

**TO: Lampstand Media LLC
2805 NW 16th Street
Oklahoma City, OK 73107**

[X] YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below:

The documents to be produced are set forth on **Exhibit "A"** attached.

PLACE: Law Office of Crowe & Dunlevy, P.C., Braniff Building, 324 N. Robinson Ave., Ste 100, Oklahoma City, OK 73102, where the copying/inspecting will take place

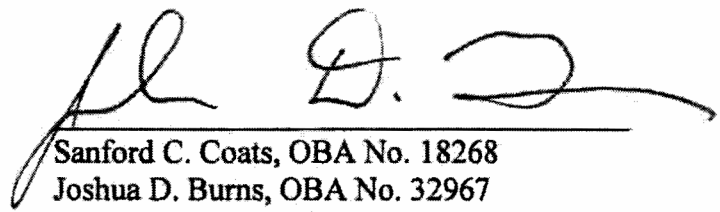
DATE AND TIME: November 14, 2018 at 9:00 a.m.

It is not necessary that you appear at the date, time, and location specified if the documents are mailed to the address noted herein by the specified date and time. .

In order to allow objections to the production of documents and things to be filed, you should not produce them until the date specified in this subpoena, and if an objection is filed, until the court rules on the objection. Electronically stored information within the scope of this subpoena should be produced in readable printed form, in the English language, to accomplish the disclosure of the electronically stored information to Plaintiff and its counsel. Unless otherwise agreed, the person commanded to produce and permit inspection, copying, testing, or sampling or any party may, within 14 days after service of the subpoena, or before the time specified for compliance, if such time is less than 14 days after service, serve written objection to the inspection, copying, testing or sampling of any or all of the designated materials or to producing electronically stored information in the form(s) requested.

YOU ARE ORDERED NOT TO DESTROY, TRANSFER, OR OTHERWISE DISPOSE OF ANY RECORDS WHICH MAY BE RESPONSIVE TO THIS SUBPOENA.

Dated this 24th day of October, 2018.



Sanford C. Coats, OBA No. 18268

Joshua D. Burns, OBA No. 32967

CROWE & DUNLEVY, P.C.

Braniff Building

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*Counsel for Purdue Pharma L.P.,
Purdue Pharma Inc., and The Purdue
Frederick Company Inc.*

EXHIBIT "A"

Lampstand Media LLC is required to produce and permit inspection and copying of documents and things in its possession, custody, or control that relate to the following categories of requests according to the following definitions and instructions.

Definitions

The following definitions apply to this Subpoena:

1. "Lampstand Media," "You" and/or "Your" refer to the limited liability company Lampstand Media LLC, as well as any of its past and present affiliates, operating divisions, parent corporations, subsidiaries, directors, officers, agents, employees, representatives, and all predecessors in interest.
2. "Documents" shall be given the broadest meaning permitted under the Oklahoma Rules of Civil Procedure, and includes, without limitation, communications and electronically stored information.
3. "And" and "Or" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.
4. "All" or "any" shall mean "any and all."
5. "Including" shall not be construed as limiting any request, and shall mean "including without limitation."

Instructions

The following instructions apply to this Subpoena:

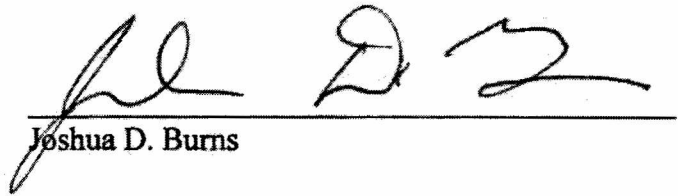
1. In responding to this subpoena, please furnish all information that is available to You or subject to Your control, including information in the possession, custody, or control of Your officers, directors, employees, representatives, consultants, agents, attorneys, accountants, or any person who has served in any such role at any time, as well as corporate parents, subsidiaries, affiliates, divisions, predecessor companies, or any joint venture to which You are a party.
2. If you cannot fully comply with any category of requested documents, comply to the maximum extent possible and explain: (a) what information you refuse to produce and (b) why full compliance is not possible. If you object to any request or subpart of a request, state with specificity the grounds for each such objection.

Documents to be Produced

1. All communications between You and/or your affiliates, members, and employees and any employee, agent, or representative for the State of Oklahoma related to the documentary "Killing Pain."
2. All communications between You and/or your affiliates, members, and employees and any of the individuals interviewed for, or considered for participation in, the documentary "Killing Pain."
3. All communications between You and/or your affiliates, members, and employees and any representative of Fighting Addiction Through Education (FATE) related to the documentary "Killing Pain."
4. All drafts of scripts, story boards, shooting scripts, and unedited footage generated during the production of the documentary "Killing Pain," whether used in the final cut of the documentary or not.
5. All payments to or from You and/or your affiliates, members, and employees related to the documentary "Killing Pain."
6. All documents concerning opioids and/or pain medication provided to or created by You and/or your affiliates, members, and employees in connection with the documentary "Killing Pain."
7. All market research, focus groups, and other research, including through consultants or other outside resources, conducted in advance of the finalization of the documentary "Killing Pain."
8. All documents, memoranda, and communications related to the inception, creation, and filming of the documentary "Killing Pain," including but not limited to discussions of the sequence of the chapters and interviews in "Killing Pain, as well as the content and direction of the documentary.
9. All documents related to Your efforts to promote, market, distribute, and publicize the documentary "Killing Pain."
10. All documents, memoranda, messages, posts, groups, discussions, and communications related to any statement made on any social media accounts You control, including but not limited to Twitter (@KillingPainDoc; @lampstandmedia), Facebook (facebook.com/KillingPainDoc), Instagram (@Killingpaindoc; @lampstand), social networks, blogs, Internet bulletin boards, websites, and similar forums or media, related to opioids and/or the documentary Killing Pain.

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of October, 2018, a true and correct copy of the foregoing Subpoena Duces Tecum was served via email upon the counsel of record listed on the attached Service List.



Joshua D. Burns

SERVICE LIST

WHITTEN BURRAGE

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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, 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. §

Case No. CJ-2017-816
JURY TRIAL DEMANDED

STATE'S EXPERT WITNESS LIST

Pursuant to the Court's Scheduling Order, the State of Oklahoma submits its Expert Witness List attached hereto as Exhibit 1.

Dated November 1, 2018

Respectfully submitted,

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EXHIBIT 1

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3. Dr. David Courtright
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5. Dr. John Duncan
6. Dr. Gil Fanicullo
7. Dr. Adrienne Fugh-Berman
8. Dr. James Gibson
9. Mr. Ty Griffith
10. Ms. Jessica Hawkins
11. Dr. Andrew Kolodny
12. Dr. Erin Krebs
13. Dr. Samuel Martin
14. Dr. Danesh Mazloomdoost
15. Dr. Bill McAllister
16. Mr. Gary Mendell
17. Dr. Lewis Nelson
18. Dr. Claire Nguyen
19. Dr. Mel Pohl
20. Dr. Julio Rojas
21. Dr. Chris Ruhm
22. Dr. Susan Sharp
23. Mr. Renzi Stone
24. Dr. Art Van Zee
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26. Commissioner Terri White

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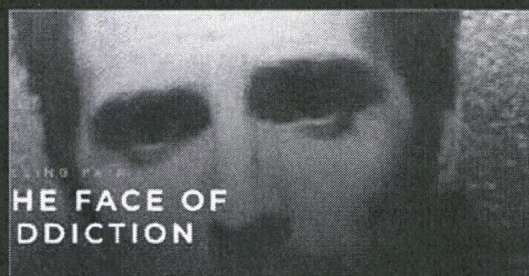
Exhibit E



KILLING PAIN
THE OPIOID EPIDEMIC

**PROLOGUE:
THE EPIDEMIC**

In the Prologue of the season premiere of Killing Pain, we frame the conversation around the opioid epidemic, from the incredulous stats of overdose rates, to an overview of the disease of addiction that fuels this epidemic, to an introduction of the personal toll.

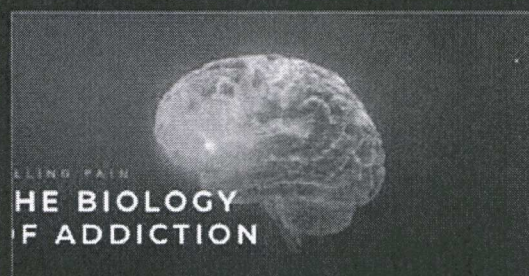


KILLING PAIN
THE FACE OF ADDICTION

EPISODE 1

**THE FACE OF
ADDICTION**

Meet John McGregor -- a quintessential Oklahoman. Born and raised in a loving family on a palomino horse ranch and member of a great church in Cleveland County.



KILLING PAIN
THE BIOLOGY OF ADDICTION

EPISODE 2

**THE BIOLOGY OF
ADDICTION**

Once we understand the science of how opioids alter the brain, we can begin to fight the stigma of addiction, prevent individuals from entering into this disease, and treat those who have this disease.



KILLING PAIN
HOW DID WE GET HERE?

EPISODE 3

**HOW DID WE GET
HERE?**

To end this epidemic we must know how it began. The opioid epidemic is unique compared to other drug epidemics.



KILLING PAIN
THE COST OF ADDICTION

EPISODE 4

**THE COST OF
ADDICTION**

John McGregor's addiction has become unrelenting. His constant deceit and theft to fuel his disease have left him estranged from his family. John is now living on the streets.



KILLING PAIN
TREATING ADDICTION

EPISODE 5

**TREATING
ADDICTION**

It is over a Cleveland County Jail phone call that John McGregor finally hits bottom. He hears his daughter on the phone while speaking to his mother during a weekly phone call. "I don't want to be like this," is his cry.