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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
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.)

PART B

STATE OF OKLAHOMA } S.S.
CLEVELAND COUNTY }

FILED
NOV 20 2018

In the office of the
Court Clerk MARILYN WILLIAMS

**THE STATE'S RESPONSE AND OBJECTION TO DEFENDANT PURDUE'S
MOTION TO COMPEL AND BRIEF IN SUPPORT**

There has perhaps never been a corporate representative who more thoroughly prepared for a deposition in the history of the state court practice in the State of Oklahoma than Jessica Hawkins. Ms. Hawkins is the director of prevention services at the Oklahoma Department of Mental Health and Substance Abuse Services ("ODMHSAS"). Ms Hawkins spends much of her professional time dealing with substance abuse issues including those related to the opioid crisis.

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.

**NOTICE TO TAKE VIDEOTAPED DEPOSITION OF
CORPORATE REPRESENTATIVE PURSUANT TO
SECTION 3230(C)(5) OF THE DISCOVERY CODE**

To: **Corporate Representative
State of Oklahoma**

Via Email

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Please take notice that, pursuant to OKLA. STAT. TIT. 12 § 3230(C), Purdue Pharma L.P., Purdue Pharma, Inc., and the Purdue Frederick Company (collectively, "Purdue") will by agreement take the deposition upon oral examination of one or more corporate representative(s) of Plaintiff the State of Oklahoma (the "State") on the matters described on **Exhibit A** on **October 25, 2018, starting at 9:00 AM**, and continuing as needed **October 26, 2018, starting at 9:00 AM**, at the offices of Whitten Burrage, 512 North Broadway Avenue, Suite 300, Oklahoma City, OK 73102. The parties have agreed that where there is a reasonable and good faith basis to request additional time at the close of one day of deposition testimony, the deposition can continue on another date that is agreeable to the parties.

This deposition is to be used as evidence in the trial of the above action, and the deposition will be taken before an officer authorized by law to administer oaths. It will be recorded by stenographic means and will be videotaped, and it will continue from day to day until completed.

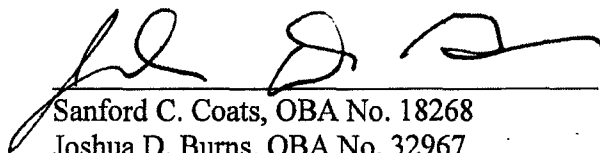
Pursuant to OKLA. STAT. TIT. 12, § 3230(C)(5), the State is hereby notified of its obligation to designate one or more officers, directors, managing agents, or other persons who consent to testify on the State's behalf about all matters embraced in the "Description of Matters

on Which Examination is Requested” that is attached as **Exhibit A** pursuant to the parties’ agreements during the meet-and-confer process.

PLEASE TAKE FURTHER NOTICE that each such officer, director, managing agent, or other person produced by the State to testify under OKLA. STAT. TIT. 12, § 3230(C)(5) has an affirmative duty to have first reviewed all documents, reports, and other matters known or reasonably available to the State, along with speaking to all potential witnesses known or reasonably available to the State, in order to provide informed and binding answers at the deposition.

DATED: October 10, 2018.

Respectfully submitted,



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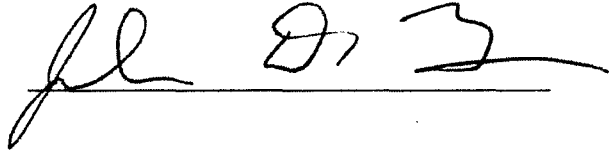
*Counsel for Purdue Pharma L.P.,
Purdue Pharma Inc., and The Purdue
Frederick Company Inc..*

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of October 2018, I caused a true and correct copy of the following:

NOTICE TO TAKE VIDEOTAPED DEPOSITION OF CORPORATE REPRESENTATIVE PURSUANT TO SECTION 3230(C)(5) OF THE DISCOVERY CODE

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

A handwritten signature in black ink, consisting of stylized initials and a surname, is written above a horizontal line. The signature appears to be "JL B. S.".

SERVICE LIST

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Attorneys for Defendants Cephalon, Inc., Teva Pharmaceuticals USA, Inc., Watson Laboratories, Inc., Actavis LLC, and Actavis Pharma, Inc. f/k/a/ Watson Pharma, Inc.

EXHIBIT A

DESCRIPTION OF MATTERS ON WHICH THE STATE WILL DESIGNATE ITS WITNESS

1. Abatement: All actions You¹ have taken, as well as all actions that You considered but did not take, during the relevant time period to address, counter, abate, and/or reverse what You allege in Your Complaint to be the opioid epidemic, including the staffing and resources that You spent doing so, any steps You have taken to educate physicians and other healthcare providers and facilities about opioid medications, any treatment programs for opioid addiction, and any regulatory and law enforcement steps to detect and prevent the misuse of opioid medications (both legal and illicit opioids, including heroin and fentanyl).
2. Topic 6: Communications between You and members of Your community regarding opioid abuse.
3. Topic 11: The consideration, development, and formation of the Oklahoma Commission on Opioid Abuse and all comments, notes, submissions, testimony, draft papers, actions taken, and actions considered but not taken—including any proposed legislation and drafts of proposed legislation—during the Relevant Time Period, by the Oklahoma Commission on Opioid Abuse to address the abuse of prescription or illegal opioids.
 - a. The State designates this witness on this topic at a “high level” and will designate one or more witnesses on the remainder of the topic.
4. Topic 12: Federal or private grants applied for and/or received on a state or local level by Oklahoma entities during the Relevant Time Period, including but not limited to law enforcement and rehabilitation facilities, related in any way to securing funds to address the abuse of prescription or illegal opioids.
5. Topic 15: Steps You have taken to identify each individual alleged to have developed an addiction to or to have abused Prescription Opioids during the Relevant Time Period.
6. September 19 topic: The standards, practices, and procedures during the Relevant Time Period for the use of opioid medications and opioid alternative medications for persons in the care and custody of State healthcare facilities, including hospitals, teaching hospitals, psychiatric facilities, university hospitals, medical schools, nursing schools, pharmacy schools, clinics, and emergency rooms.
 - a. The State designates this witness on this topic with respect to psychiatric facilities and will designate one or more witnesses on the remainder of the topic.
7. September 20 topic: The standards, practices, and procedures during the Relevant Time Period of the diagnosis and treatment of pain that have been taught and applied in State healthcare facilities, including hospitals, teaching hospitals, psychiatric facilities,

¹ Unless otherwise defined herein, capitalized terms shall have the meanings assigned to them in Purdue’s January 12, 2018 discovery requests to the State.

university hospitals, medical schools, nursing schools, pharmacy schools, clinics, and emergency rooms.

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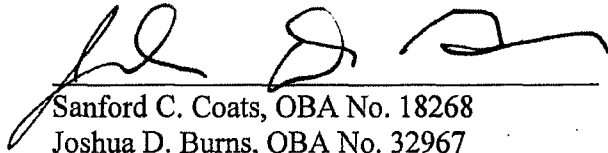
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DATED: October 10, 2018.

Respectfully submitted,



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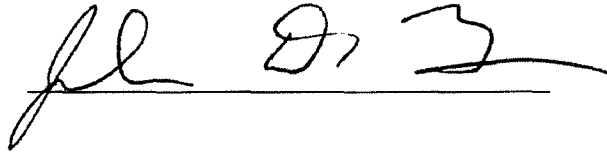
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 - a. The State designates this witness on this topic with respect to psychiatric facilities and will designate one or more witnesses on the remainder of the topic.
7. September 20 topic: The standards, practices, and procedures during the Relevant Time Period of the diagnosis and treatment of pain that have been taught and applied in State healthcare facilities, including hospitals, teaching hospitals, psychiatric facilities,

¹ Unless otherwise defined herein, capitalized terms shall have the meanings assigned to them in Purdue’s January 12, 2018 discovery requests to the State.

university hospitals, medical schools, nursing schools, pharmacy schools, clinics, and emergency rooms.

- a. The State designates this witness on this topic with respect to psychiatric facilities and will designate one or more witnesses on the remainder of the topic.

EXHIBIT D

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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, 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.

VIDEOTAPED DEPOSITION OF
ANETTA HARRELL, PHARM.D.
TAKEN ON BEHALF OF THE DEFENDANTS
ON NOVEMBER 1, 2018, BEGINNING AT 9:15 A.M.
IN OKLAHOMA CITY, OKLAHOMA

VIDEOTAPED BY: Gabe Pack
REPORTED BY: D. Luke Epps, CSR, RPR
PAGES 1 - 245

APPEARANCES

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STIPULATIONS

1
2
3 It is hereby stipulated and agreed by and
4 between the parties hereto, through their
5 respective attorneys, that the deposition of
6 Anetta Harrell, Pharm.D., may be taken on behalf
7 of the Defendants on November 1, 2018, at
8 Whitten Burrage, 512 North Broadway, Suite 300,
9 Oklahoma City, Oklahoma, 73102, by D. Luke Epps,
10 Certified Shorthand Reporter within and for the
11 State of Oklahoma, pursuant to the Oklahoma
12 Discovery Code and pursuant to subpoena.
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1 THE VIDEOGRAPHER: This is the
2 videotaped deposition of Anetta Louise Harrell
3 in the matter of State of Oklahoma, et al. vs.
4 Purdue Pharma, et al. This deposition is being
5 held at 512 North Broadway in Oklahoma City
6 Oklahoma on November 1, 2018. We are on the
7 record at 9:15 a.m. Will counsel please state
8 your appearances for the record?

9 MR. HALL: Nathan Hall for the witness
10 and for the State of Oklahoma.

11 MR. CUTLER: Winn Cutler with Nix
12 Patterson for the witness and the state.

13 MS. CHURCHMAN: Brooke Churchman with
14 Nix Patterson.

15 MR. MERKLEY: Nick Merkley of Gable
16 Gotwals on behalf of the Teva Defendants.

17 MR. TAM: Jonathan Tam with Dechert for
18 Purdue.

19 MR. EHSAN: Houman Ehsan on behalf of
20 Johnson & Johnson and Janssen defendants.

21 MS. WADDLE: Jessica Waddle on behalf of
22 Johnson & Johnson and Janssen.

23 MR. KINNEY: David Kinney with Odom &
24 Sparks on behalf of the same defendants.

25 MS. FISCHER: Amy Sherry Fischer for

1 Johnson & Johnson and Janssen.

2 THE VIDEOGRAPHER: The court reporter
3 will now swear in the witness.

4 WHEREUPON,

5 ANETTA HARRELL, PHARM.D.,
6 having been first duly sworn, deposes and says
7 in reply to the questions propounded as follows,
8 to-wit:

9 EXAMINATION

10 BY MR. EHSAN:

11 Q Good morning, Dr. Harrell.

12 A Good morning.

13 Q Let me introduce myself on the record.
14 My name is Houman Ehsan. I'm an attorney
15 representing Johnson & Johnson and Janssen in
16 this matter. Thank you for being here with us
17 today. Have you ever been deposed before?

18 A No.

19 Q Okay. So let me just go over some
20 preliminary rules if that's okay.

21 A Okay.

22 Q I would ask that if you don't mind just
23 to speak up a little bit because I'm barely
24 hearing you, and I'm assuming others at the end
25 of the table may have a little harder time

Page 9

1 THE WITNESS: It's in the packet. These
2 are the standing agenda items. We received the
3 most current FDA updates.

4 Q (BY MR. EHSAN) Do you have an opinion
5 as to whether -- or what is your understanding
6 as to why you got these FDA updates?

7 MR. HALL: Object to the form.

8 THE WITNESS: It was part of the
9 agendas. I don't have an opinion.

10 Q (BY MR. EHSAN) Did you find them
11 helpful in staying abreast of the latest
12 information related to certain medications?

13 MR. HALL: Object to the form.

14 THE WITNESS: Yes.

15 Q (BY MR. EHSAN) Okay. You can put that
16 one aside. I promise you we're not going to go
17 through every minute or every --

18 A We'll be here a while.

19 Q You were present quite a bit, so that
20 does -- that does make you potentially have to
21 go through more, but we're trying to be
22 selective here. Dr. Harrell, I've handed you
23 what's been marked as Exhibit 14. It's another
24 board minute, November of 2010. There's a -- if
25 you look at the third page of this document,

1 there's, like, I don't know if it's Google Maps
2 or some other kind of map, but there seems to be
3 a street map attached to this. This is what I
4 had asked earlier, whether or not your locations
5 were consistent over time. Did you have a
6 recollection of anything changing here or is
7 this just the Oklahoma Health Care Authority
8 moving locations?

9 (Defendant's Exhibit 14 marked for
10 identification.)

11 A They had to move locations.

12 Q Do you know why they had to move
13 locations?

14 A I think it was the lease -- they had to
15 move to this location for a temporary meeting.

16 Q So it was handy to have a map of where
17 you had to go?

18 A Yeah. They wanted to make sure we
19 didn't get lost.

20 Q So on this occasion, the meeting was in
21 a different location; is that correct?

22 A Yes. This is when we moved to this
23 other location.

24 Q And did you stay permanently at this
25 location?

1 MR. EHSAN: You've got it. Okay. It
2 may be the one I wanted to use before.

3 MS. WADDLE: Okay.

4 Q (BY MR. EHSAN) Okay. I've handed you
5 what's been marked Exhibit 21. Sorry. Yes,
6 this is a bigger one. This meeting may have
7 gone a little long.

8 (Defendant's Exhibit 21 marked for
9 identification.)

10 A 2016.

11 Q We're in 2016, so --

12 A Moved up three years.

13 Q So, again, we've now moved on to a new
14 cover art. It's gotten fancier, I guess, but
15 it's still the meeting packet for July 13, 2016;
16 is that correct?

17 A That's correct.

18 Q And now this one says 4:00 p.m. Is
19 there a reason why the time changed?

20 A So they -- Oklahoma Health Care
21 Authority moved to this location, and we had to
22 change the times to 4:00 p.m. because of the
23 building security.

24 Q Okay. So this is the third and
25 permanent location of the --

1 A Yeah. This is their permanent location.

2 Q And the meeting times changed from 6:00
3 p.m. to 4:00 p.m.?

4 A Right.

5 Q Did they send out any calendar invites
6 for this one or have you just got to be in the
7 know to know?

8 A No. It's in the paper format that they
9 give you your schedule and then they send an
10 email reminder that we're going to a new
11 location.

12 Q It's an emergency. If they're going to
13 send you an email reminder, what email would
14 they have sent it to you?

15 A Our work email.

16 Q Does that --

17 A They have a group distribution, the
18 College of Pharmacy. They would send us out
19 reminders.

20 Q And did that ping to your personal email
21 account or did you have --

22 A It's a work email account.

23 Q That's at St. Anthony's Hospital?

24 A Yes.

25 Q Do you have a sense of how often they

1 regulatory agency?

2 MR. HALL: Object to the form.

3 THE WITNESS: I don't recall.

4 Q (BY MR. EHSAN) Dr. Harrell, I'm going
5 to hand you what's been marked as Exhibit 22.
6 This is the packet from -- bearing the title
7 Wednesday, September 14, 2016, beginning at 4:00
8 p.m. I think that's consistent with our
9 understanding that the meetings were moved to
10 4:00 p.m.

11 (Defendant's Exhibit 22 marked for
12 identification.)

13 A Yes.

14 Q If you move to Appendix A, last four,
15 0800, you'll see it attaches the minutes of the
16 meeting and the roll for July 13, 2016, and
17 Anetta Harrell, Pharm.D., is marked as present.
18 Do you see that?

19 A Yes.

20 Q If you don't mind going to page --
21 Appendix B, which begins at page 10820.

22 A Okay.

23 Q You see on that page there's a big
24 colorful pie chart that says "Prior
25 Authorization Activity Report: August 2016"?

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CERTIFICATE

I, D. LUKE EPPS, Certified Shorthand Reporter, do hereby certify that the witness was by me first duly sworn to testify the truth, the whole truth and nothing but the truth, in the case aforesaid; taken in shorthand and thereafter transcribed; that the same was taken, pursuant to stipulations hereinbefore set out; that I am not an attorney for nor relative of any of said parties or otherwise interested in the event of said action; and that the transcript is a full, true, and accurate record of the proceeding.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 6th day of November, 2018.

<%824,Signature%>

D. Luke Epps, CSR, RPR

CSR No. 1841



EXHIBIT E

1 IN THE DISTRICT COURT OF CLEVELAND COUNTY
2 STATE OF OKLAHOMA

3 STATE OF OKLAHOMA, ex rel.,
4 MIKE HUNTER,
5 ATTORNEY GENERAL OF OKLAHOMA,
6 Plaintiff,

Case Number
CJ-2017-816

6 VS.

- 7 (1) PURDUE PHARMA L.P. ;
8 (2) PURDUE PHARMA, INC. ;
9 (3) THE PURDUE FREDERICK COMPANY ;
10 (4) TEVA PHARMACEUTICALS USA, INC. ;
11 (5) CEPHALON, INC. ;
12 (6) JOHNSON & JOHNSON ;
13 (7) JANSSEN PHARMACEUTICALS, INC. ;
14 (8) ORTHO-McNEIL-JANSSEN
15 PHARMACEUTICALS, INC., f/k/a
16 JANSSEN PHARMACEUTICALS, INC. ;
17 (9) JANSSEN PHARMACEUTICA, INC.,
18 f/k/a JANSSEN PHARMACEUTICALS, INC. ;
19 (10) ALLERGAN, PLC, f/k/a WATSON
20 PHARMACEUTICALS, INC. ;
21 (11) WATSON LABORATORIES, INC. ;
22 (12) ACTAVIS, LLC; and
23 (13) ACTAVIS PHARMA, INC.,
24 f/k/a WATSON PHARMA, INC.,

25 Defendants.

17 VIDEO DEPOSITION OF PAUL LOUIS PRESLAR, D.O.
18 TAKEN ON BEHALF OF THE DEFENDANTS
19 ON NOVEMBER 2, 2018, BEGINNING AT 9:07 A.M.
20 IN OKLAHOMA CITY, OKLAHOMA

21 Reported by: Cheryl D. Rylant, CSR, RPR
22 Video Technician: Gabe Pack

23 PAGES 1 - 233

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PROCEEDINGS

1
2 VIDEO TECHNICIAN: This is the videotaped 09:00
3 deposition of Dr. Paul Preslar, in the matter of the 09:07
4 State of Oklahoma, et al., versus Purdue 09:08
5 Pharma, et al.
6 This deposition is being held at 512 North 09:08
7 Broadway, in Oklahoma City, Oklahoma, on 09:08
8 November 2nd, 2018. 09:08
9 We are on the record at 9:08 a.m. 09:08
10 Will Counsel please state your appearances 09:08
11 for the record. 09:08
12 MR. HALL: Nathan Hall, from Nix Patterson, 09:08
13 for the witness and for the State of Oklahoma. 09:08
14 MR. CUTLER: Winn Cutler, with Nix 09:08
15 Patterson, for the witness and the State. 09:08
16 MS. CHURCHMAN: Brooke Churchman, with Nix 09:08
17 Patterson.
18 MR. CURRAN: Jeff Curran for Teva.
19 MR. TAM: Jonathan Tam, from Dechert, for
20 Purdue.
21 MR. EHSAN: Houman Ehsan, for Janssen and
22 Johnson & Johnson Defendants.
23 MS. WADDLE: Jessica Waddle, for Johnson &
24 Johnson and Janssen.
25 MR. KINNEY: David Kinney, with Odom &

1 Sparks, for the same Defendants.

2 MS. FISCHER: Amy Sherry Fischer, for
3 Janssen and Johnson & Johnson Defendants.

4 VIDEO TECHNICIAN: The court reporter will
5 now swear in the witness.

6 (Oath administered.)

7 PAUL LOUIS PRESLAR, D.O.,
8 having been duly sworn, testifies as follows: 09:08

9 DIRECT EXAMINATION 09:08

10 By Mr. Ehsan: 09:08

11 Q. Good morning, Dr. Preslar. How are you? 09:08

12 A. Good. 09:08

13 Q. I introduced myself off the record, but let 09:08
14 me introduce myself again. My name is Houman Ehsan, 09:09
15 and I represent Janssen and Johnson & Johnson, and I 09:09
16 will be taking your deposition today. 09:09

17 Doctor, have you ever had your deposition taken 09:09
18 before? 09:09

19 A. Once. 09:09

20 Q. Can you just tell me in what context that 09:09
21 was? 09:09

22 A. It was an oil and gas case. 09:09

23 Q. Were you a fact witness or an expert witness? 09:09

24 A. Fact witness. 09:09

25 Q. Even though you've been deposed before, let 09:09

1 Q. (By Mr. Ehsan) I'm going to hand you what's 11:00
2 been marked as Exhibit 32. This one is Drug 11:00
3 Utilization Review Board, Wednesday, March 11, 2009, 11:01
4 6 p.m. 11:01
5 Was there -- just I want you to take a look. Does
6 that look like -- looks consistent with a package you 11:01
7 may receive in advance of a meeting? 11:01
8 A. Yes. 11:01
9 Q. This one also has a 6 p.m. start time. Was 11:01
10 there a particular point in time where the meetings 11:01
11 were held at 6 p.m.? 11:01
12 A. Yes. 11:01
13 Q. And that changed to 4 p.m. at some time in 11:01
14 the fu -- in an -- an interval? 11:01
15 A. About one to two years ago. Two years ago, 11:01
16 I think. 11:01
17 Q. And why was that? 11:01
18 A. I don't know. 11:01
19 Q. If you look, again, in Appendix A, on the 11:01
20 page ending in Bates stamp 0313. Do you see, Doctor, 11:01
21 that these are the minutes from the meeting of 11:01
22 February 11, 2009? 11:01
23 A. 0313? 11:02
24 Q. That's correct. 11:02
25 A. (Indicating). 11:02

1 documents entitled "Drug Utilization Review Board," 11:31
2 date of Wednesday, September 8, 2010, 6 p.m. Do you 11:32
3 see that, Doctor? 11:32
4 A. Yes. 11:32
5 Q. This, again, would be similar to one of the 11:32
6 packets that you might receive in connection with a 11:32
7 meeting of the DUR? 11:32
8 A. Yes. 11:32
9 Q. I note on the first inside page of this 11:32
10 there's a map of, it looks like a group of buildings. 11:32
11 Do you see that, Doctor? 11:32
12 A. Yes. 11:32
13 Q. Do you have an understanding or recollection 11:32
14 of why this particular one included a detailed map of 11:32
15 some buildings? 11:32
16 A. Yes. 11:32
17 Q. And what is your understanding? 11:32
18 A. They changed the meeting location to the 11:32
19 College of Pharmacy building on the OU campus for 11:32
20 this particular meeting. 11:32
21 Q. So the packet would include directions on how 11:32
22 to get to the new meeting place, correct? 11:32
23 A. Correct. 11:32
24 Q. If you look at the page that ends in Bates 11:32
25 stamps 5264. The meeting minutes of July 14, 2010 11:32

1 marked for identification, was made part of the
2 record.) 11:37

3 Doctor, you have in front of you what's been 11:37
4 previously marked as Exhibit 14. This is a packet 11:37
5 with a titled "Drug Utilization Review Board" and 11:37
6 date, November 10th, 2010. Do you see that, Doctor? 11:37

7 A. Yes. 11:37

8 Q. And this, again, appears to be a packet that 11:37
9 would have been sent to you in connection with a DUR 11:37
10 meeting? 11:37

11 A. Yes. 11:37

12 Q. Now, this one, on the third page, has, yet, a 11:37
13 different map, I think, of a different location. But 11:37
14 I wanted to confirm with you why there's a map in 11:37
15 this particular packet? 11:37

16 MR. HALL: Object to the form. Is that a 11:37
17 question? 11:38

18 Q. (By Mr. Ehsan) Yes. Doctor, could you tell 11:38
19 me why, if you -- if you know, there's a map on the 11:38
20 third page of this document? 11:38

21 A. Because I believe this meeting was held at 11:38
22 Shepherd Mall. 11:38

23 Q. Is Shepherd Mall a shopping mall? 11:38

24 A. Correct, a government -- it's a shopping mall 11:38
25 by name, but there's government buildings there. And 11:38

1 CERTIFICATE

2 I, Cheryl D. Rylant, Certified Shorthand
3 Reporter, certify that the above-named witness was
4 sworn, that the deposition was taken in shorthand
5 and thereafter transcribed; that it is true and
6 correct; and that it was taken on November 2, 2018,
7 in Oklahoma City, county of Oklahoma, state of
8 Oklahoma, pursuant to Subpoena and the Oklahoma
9 Rules of Civil Procedure and under the stipulations
10 set out, and that I am not an attorney for nor
11 relative of any of said parties or otherwise
12 interested in the event of said action.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 and official seal this 6th day of November, 2018.

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16
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21 <%824,Signature%>

22 CHERYL D. RYLANT, CSR, RPR

23 Certificate No. 1448
24
25

EXHIBIT F

1 IN THE DISTRICT COURT OF CLEVELAND COUNTY
2 STATE OF OKLAHOMA
3

4 STATE OF OKLAHOMA, ex rel.,
MIKE HUNTER,
5 ATTORNEY GENERAL OF OKLAHOMA,
6 Plaintiff,

VS.

Case Number

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

CJ-2017-816

18
19 Videotaped Deposition of JAMES PATRICK OSBORNE,
PHARM.D., taken at 512 North Broadway, Oklahoma
20 City, Oklahoma, commencing at 9:10 A.M.,
21 Wednesday, November 7, 2018, before Cheryl D.
22 Rylant, CSR, RPR.
23

24 JOB No. 3105472
25 PAGES 1 - 239

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16 On behalf of the Janssen, Johnson & Johnson

17 Defendants:

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18 On behalf of the Purdue Defendants:

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20 Also Present:

21 Gabe Pack, Video Technician

22

23

24

25

1 PROCEEDINGS

2 VIDEO TECHNICIAN: This is the videotaped
3 deposition of James Osborne, in the matter of State
4 of Oklahoma, et al., versus Purdue Pharma, et al. 09:09

5 This deposition is being held at 512 North 09:09
6 Broadway, in Oklahoma City, Oklahoma, on 09:10
7 November 7th, 2018. We are on the record at 09:10
8 9:10 a.m. 09:10

9 Will counsel please state your appearances 09:10
10 for the record? 09:10

11 MS. CHURCHMAN: Brooke Churchman, with Nix
12 Patterson, on behalf of the Witness and the State.

13 MR. LEONOUidakis: Ross Leonoudakis, Nix
14 Patterson.

15 MR. BURNS: Josh Burns, Crowe & Dunlevy,
16 for the Purdue Defendants.

17 MS. STANTON: Britta Stanton, Lynn, Pinker,
18 Cox & Hurst, for Purdue.

19 MR. EHSAN: Houman Ehsan, O'Melveny &
20 Myers, on behalf of Janssen and Johnson & Johnson
21 Defendants.

22 MS. WADDLE: Jessica Waddle, O'Melveny &
23 Myers, on behalf of the same Defendants.

24 MR. KINNEY: David Kinney, Odom & Sparks,
25 on behalf of the same Defendants.

1 MS. QUINN: Ashley Quinn, Gable Gotwals, on
2 behalf of Teva.

3 VIDEO TECHNICIAN: The court reporter will
4 now swear in the witness. 09:10
5 (Oath administered.) 09:10
6 JAMES PATRICK OSBORNE, Pharm.D., 09:10
7 having been duly sworn, testifies as follows: 09:10
8 DIRECT EXAMINATION 09:10
9 By Mr. Ehsan: 09:10
10 Q. Good morning, Dr. Osborne. How are you? 09:10
11 A. Great. Good morning. 09:10
12 Q. I introduced myself off the record, but let 09:10
13 me introduce you -- myself again on the record. My 09:10
14 name is Houman Ehsan, and I represent Janssen and 09:11
15 Johnson & Johnson in this litigation. Thank you for 09:11
16 being here today.
17 You brought some documents -- or one document with 09:11
18 you, but which occurs to be a -- which happens to be 09:11
19 an original, so I'm going to wait to mark that until 09:11
20 later. 09:11
21 A. Okay. 09:11
22 Q. But let me just go over some -- some general 09:11
23 background instructions. Have you ever been deposed 09:11
24 before? 09:11
25 A. No. 09:11

1 Q. And that suggests that if you have a pain 01:10
2 contract, you have to submit that with a prior 01:10
3 authorization. Is that a fair assessment? 01:10
4 A. That's how I interpret it, yes. 01:10
5 Q. And it goes on to say, "Requests outside the 01:10
6 plan outlined in the contract will not be approved." 01:10
7 Did I read that correctly? 01:10
8 A. Yes. 01:10
9 Q. If you, then, go to the next page, which ends 01:10
10 in Bates stamp 3890, do you see, like the year we 01:10
11 discussed before the break, there's a breakdown of 01:10
12 the cost of -- of opioid analgesics for the calendar 01:10
13 2012 [sic]? Do you see that, Doctor? 01:10
14 A. The calendar year 2014? 01:10
15 Q. Two -- I'm sorry. 2014. 01:10
16 A. Yes. 01:10
17 Q. And then, below that, there's some 01:10
18 demographic data. 01:11
19 A. Yes. 01:11
20 Q. And then, on the next page, there's some 01:11
21 prescriber demographics identified; is that correct? 01:11
22 A. Yes. 01:11
23 Q. Then, below that, there's, again, a pie chart 01:11
24 describing prior authorization status of petition 01:11
25 opioid analgesics. Do you see that? 01:11

1 A. Yes. 01:11

2 Q. And this time it, again, identifies 01:11

3 approximately 6 percent of prior authorization 01:11

4 requests were denied. Do you see that? 01:11

5 A. Yeah. 01:11

6 Q. And 57 percent were approved, correct? 01:11

7 A. Yes. 01:11

8 Q. And 37 were incomplete? 01:11

9 A. Correct. 01:11

10 Q. And then the next page -- on the next page, 01:11

11 there's a heading entitled "Opioid Analgesic 01:11

12 Utilization Trends." Do you see that? 01:11

13 A. I do. 01:11

14 Q. And the -- not the first paragraph, but the 01:11

15 first sentence that's by itself, it states, "The 01:12

16 phases of medication affected are outlined in the 01:12

17 list below." In parenthesis, "Of note, hydrocodone 01:12

18 became a Schedule II medication 10/6/14." 01:12

19 Do you see that? 01:12

20 A. I do. 01:12

21 Q. And do you have an understanding that 01:12

22 hydrocodone was rescheduled in 2014 to be a 01:12

23 Schedule II drug? 01:12

24 MS. CHURCHMAN: Objection. 01:12

25 THE WITNESS: I didn't have -- I didn't 01:12

1 Q. If you go to the page bearing the last four 01:36
2 8690, about halfway through possibly, Appendix L. 01:36
3 Let me know when you're there. 01:36
4 A. I'm there. 01:36
5 Q. Go to the next page. There's a document that 01:36
6 bears Calendar Year 2015 Annual Review of Opioid 01:36
7 Analgesics, and then there's a series of medications. 01:36
8 Do you see that? 01:36
9 A. I do. 01:36
10 Q. Would this be consistent with the prior 01:36
11 annual reviews of opioid medications that we've 01:36
12 discussed the Board undertook in its -- in 01:37
13 discharging its duties? 01:37
14 A. I'm sorry, I missed the question. 01:37
15 Q. Sure. Sorry. 01:37
16 Does this -- is this calendar year 2015 annual 01:37
17 review consistent with other annual reviews we've 01:37
18 discussed in connection with the Board review of 01:37
19 opioid analgesic class of medication on an annual 01:37
20 basis? 01:37
21 A. Yeah, it -- 01:37
22 MS. CHURCHMAN: Objection. 01:37
23 THE WITNESS: -- appears. It appears to 01:37
24 be, from what I'm looking at, yes. 01:37
25 Q. (By Mr. Ehsan) Do you see, again, that 01:37

1 there's a chart that identifies the various tiers of 01:37
2 the opioid medications? 01:37
3 A. I do. 01:37
4 Q. And, again, there's a description of what 01:37
5 each tier means and the requirements for -- for 01:37
6 pre -- for approval criteria for tiers 2, 3 and 01:37
7 Special PAs. Do you see those? 01:38
8 A. Yes. 01:38
9 Q. If you go forward two pages, to the one that 01:38
10 ends in Bates stamp 8694. 01:38
11 (Reporter clarification.)
12 Q. (By Mr. Ehsan) Do you see there is a chart 01:38
13 compare -- comparing calendar year 2014 to 2015 in 01:38
14 terms of utilization of opioids? 01:38
15 A. I do, yes. 01:38
16 Q. And on the next page, there are demographics 01:38
17 associated with the utilization of opioids. Do you 01:38
18 see that? 01:38
19 A. I do. 01:38
20 Q. And below it, there's prescriber 01:38
21 demographics; is that correct? 01:38
22 A. Yes. 01:38
23 Q. Going on to the next page, there's a 01:38
24 discussion of prior authorization of opioid 01:39
25 analgesics and a pie chart that notes that about 01:39

1 8 percent of opioid analgesic prior authorizations 01:39
2 were denied in calendar year 2015. Do you see that? 01:39
3 A. Yes. 01:39
4 Q. Do you remember receiving this information 01:39
5 related to the 2015 opioid analgesic review? 01:39
6 A. I don't remember it specifically, no. 01:39
7 Q. Would it be fair to say that, based on this 01:39
8 information, the Board was -- strike that. 01:39
9 This material, would it have been presented to the 01:39
10 Board, or would it have just been included in your 01:39
11 packet for you to read at your leisure? 01:39
12 A. It would have been -- both. It would -- we 01:39
13 would have received the packet, and there would have 01:39
14 been a presentation during the meeting. 01:39
15 Q. So it would be fair to say that the Board was 01:40
16 presented with the information contained in this 01:40
17 annual review? 01:40
18 A. Again, not having specific recollection of 01:40
19 this being presented, that was the general procedure 01:40
20 at the Board. 01:40
21 Q. If you go to the bottom of that page, there's 01:40
22 an "Opioid Analgesic Utilization Trend" section. Do 01:40
23 you see that? 01:40
24 A. Yes. 01:40
25 Q. And on the last sentence, there's a reference 01:40

1 physician demographics, correct? 02:18

2 A. Yes. 02:18

3 Q. And I'm assuming -- well, you can correct me 02:18

4 if I'm wrong -- like before, this would be a 02:18

5 presentation given to the Board; is that correct? 02:18

6 A. Correct. 02:18

7 Q. And if you go to the page -- well, the bottom 02:18

8 of the page ending in 723, which is the current page 02:19

9 you're on, it says, "Prior authorization of opioid 02:19

10 analgesic and MAT medications." Do you see that? 02:19

11 A. I do. 02:19

12 Q. And then the pie chart on the following page, 02:19

13 it has the title "Status of Petition." Do you see 02:19

14 that? 02:19

15 A. Yes. 02:19

16 Q. And this time, approximately 9 percent of the 02:19

17 prior authorization requests were denied, correct? 02:19

18 A. Correct. 02:19

19 Q. And 60 percent were approved, correct? 02:19

20 A. Yes. 02:19

21 Q. There's also a "Market Update" section, 02:19

22 which, again, begins with "anticipated patent 02:19

23 expirations." Do you see that? 02:19

24 A. Yes. 02:19

25 Q. Then if you flip to the next page, it 02:19

1 identifies new drug approvals. Do you see that? 02:19

2 A. I do. 02:19

3 Q. As well as new indications apparently for 02:19

4 drugs that are already approved. Do you see that? 02:19

5 A. Yes. 02:19

6 Q. And then there's a section about drug 02:19

7 updates, correct? 02:19

8 A. Yes. 02:19

9 Q. And guidance -- guideline recommendations, 02:19

10 correct? 02:19

11 A. Yes. 02:19

12 Q. And then, follow that, on the next page, 02:19

13 there are FDA updates, correct? 02:20

14 A. Yes. 02:20

15 Q. So would it be fair to say that -- well, 02:20

16 after that, there's a news section, correct? 02:20

17 A. Yes. 02:20

18 Q. And on the following page, there's a pipeline 02:20

19 section, correct? 02:20

20 A. Yes. 02:20

21 Q. And that one seems to identify -- identify 02:20

22 drugs that are not yet approved but may be in the 02:20

23 pipeline for approval; is that correct? 02:20

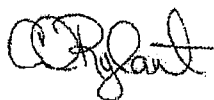
24 A. That's how I understand it, yes. 02:20

25 Q. So would you say that this presentation was a 02:20

CERTIFICATE

I, Cheryl D. Rylant, Certified Shorthand Reporter, certify that the above-named witness was sworn, that the deposition was taken in shorthand and thereafter transcribed; that it is true and correct; and that it was taken on November 7, 2018, in Oklahoma City, county of Oklahoma, state of Oklahoma, pursuant to Notice and the Oklahoma Rules of Civil Procedure and under the stipulations set out, and that I am not an attorney for nor relative of any of said parties or otherwise interested in the event of said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 9th day of November, 2018.



CHERYL D. RYLANT, CSR, RPR

Certificate No. 1448