



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 } S.S.  
CLEVELAND COUNTY } Case No. CJ-2017-816

FILED

vs. )  
FEB 01 2019 ) TO BE HEARD BY  
JUDGE HETHERINGTON

PURDUE PHARMA L.P., et al, )  
In the office of the  
Defendants. Court Clerk MARILYN WILLIAMS

**PURDUE'S MOTION TO COMPEL PLAINTIFF STATE  
OF OKLAHOMA TO PROVIDE ITS EXPERT DISCLOSURES**

This is a straightforward motion to compel Plaintiff the State of Oklahoma (the "State") to fully provide its expert disclosures as required by this Court's September 11, 2018, Amended Scheduling Order. The State has provided the curriculum vitae ("CV") of its testifying expert witness, Dr. John Duncan, in an attempt to satisfy this Order. But this effort failed as Dr. Duncan's CV is incomplete. Contrary to the State's argument that "y'all can ask [Dr. Duncan] questions all about his CV, experiences, and publications in his deposition[.]" it should be compelled to fully respond as previously ordered.<sup>1</sup>

**ARGUMENT AND AUTHORITIES**

Oklahoma's Discovery Code provides that parties are entitled to discovery "regarding any matter, not privileged, which is relevant to any party's claim or defense, reasonably calculated to lead to the discovery of admissible evidence and proportional to the needs of the case[.]" 12 O.S. § 3226(B)(1)(a).

<sup>1</sup> Purdue's counsel tried to resolve this dispute without the Court's assistance, but the State's counsel indicated this information could only be obtained through Dr. Duncan's deposition. See email between counsel hereto attached as Ex. 1.

Specifically, the Court here ordered the State to “disclose information for expert witnesses set forth in 12 O.S. § 3226(B)(4)(a)(3) by : December 21, 2018.” September 11, 2018, Amended Scheduling Order. This disclosure requires, in part, that the State provide:

the subject matter on which each expert witness is expected to testify; the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion; ***the qualifications of each expert witness, including a list of all publications authored by the expert witness*** within the preceding ten (10) years; the compensation to be paid to the expert witness for the testimony and preparation for the testimony; and a listing of any other cases in which the expert witness has testified as an expert at trial or by deposition within the preceding four (4) years.

12 O.S. § 3226(B)(4)(a)(3) (emphasis added). An expert’s qualifications undeniably include his professional presentations and all awarded grants in his field of expertise because this information is indicative of his qualifications.

Here, Dr. Duncan’s CV is clearly deficient because there is a gap between 2006 and 2014 where Dr. Duncan’s presentations are listed.<sup>2</sup> And some presentations are not included at all. In fact, Dr. Duncan presented *Curing Opioidophobia* at the College of Medicine in Oklahoma City, Oklahoma, on March 23, 2015, but this presentation is noticeably absent from his CV.<sup>3</sup> Moreover, Dr. Duncan’s listed Journals, Articles, and Book Chapters and Vocational Articles are nonexistent since 2005 and 2002 respectively. It seems highly unlikely that Dr. Duncan has published nothing in the past fourteen years, yet he is a university professor and purportedly a qualified expert.

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<sup>2</sup> Dr. Duncan’s 38 page CV is not attached as an exhibit, but Purdue will certainly provide a copy if the Court so desires.

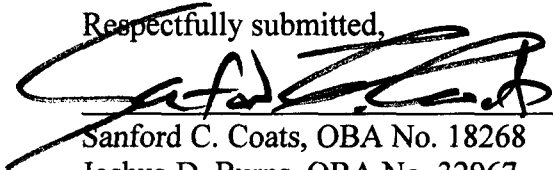
<sup>3</sup> An Internet search of “Dr. John Duncan” resulted in this presentation title, date, and location. <https://www.oumedicine.com/docs/default-source/AD-Psychiatry-Forms/march-2015.pdf?sfvrsn=0>

## CONCLUSION

Pursuant to 12 O.S. § 3237(A), Purdue respectfully requests that the Court issue an order compelling the State to appropriately provide its expert disclosures. This response should include substantive answers listing all of Dr. Duncan's qualifications, to include his publications, presentations, and awarded grants.

Date: January 31, 2019

Respectfully submitted,



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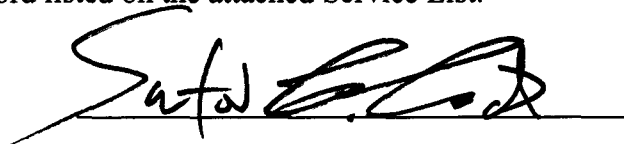
*Counsel for Purdue Pharma L.P.,  
Purdue Pharma Inc., and The Purdue  
Frederick Company Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 31st day of January, 2019, I caused a true and correct copy of the following:

**PURDUE'S MOTION TO COMPEL PLAINTIFF STATE  
OF OKLAHOMA TO PROVIDE ITS EXPERT DISCLOSURES**

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

A handwritten signature in black ink, appearing to read "Eric Wolf Pinker", written over a horizontal line.

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## Sanford C. Coats

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**From:** Trey Duck <tduck@nixlaw.com>  
**Sent:** Tuesday, January 29, 2019 3:57 PM  
**To:** Tam, Jonathan; Drew Pate  
**Cc:** Wolff, Bert; LaFata, Paul; Sanford C. Coats; Joshua Burns; Brad Beckworth  
**Subject:** Re: OK v. Purdue -- Dr. Duncan's CV

Jonathan, y'all can ask him questions all about his CV, experiences, and publications in his deposition. As you know, that is the primary expert discovery mechanism in Oklahoma. There is no requirement I am aware of that requires a party to produce copies of all publications of an expert witness, much less speaking presentations and grants. Rather, the applicable rule requires "a list of all publications authored."

If you think I am wrong about this, can you please point me to the authority you are relying on?

Thanks,

Trey Duck



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**Subject:** RE: OK v. Purdue -- Dr. Duncan's CV

Trey,

Thanks for sending the revised CV. However, it still appears to be incomplete in some respects. For example, in Dr. Duncan's list of presentations, there is a gap between 2006 and 2014. As another example, the following presentation from Dr. Duncan in 2015 is not included: "Curing Opioidophobia", Patients, Physicians and Society I, March 23, 2015, College of Medicine, BSEB, Oklahoma City, OK. Please provide an updated and complete CV.



Further, can you please produce the following presentations listed in Dr. Duncan's CV?

Medical and Academic Presentations

4. Duncan, J. L. (Author & Presenter), Human Behavior I, "Neurobiology of Addiction and Psychopharmacology of Non-Therapeutic Drug Use," OUHSC Department of Psychiatry, College of Medicine, OKC. (March 21, 2016).
17. "Diversion of Pharmaceutical Drugs," OUHSC College of Medicine, Oklahoma City, Oklahoma, February 22, 2006.
35. "Effective Prescribing of Opioids for Chronic Pain," Oklahoma Primary Care Association. February 2005.
38. "Effects of Chronic Methamphetamine Abuse," Oklahoma State Court of Appeals. Oklahoma City, Oklahoma. November 2004
52. "Prescribing Opioids for the Treatment of Chronic Pain," Eastern Oklahoma Medical Association Conference. Muskogee, Oklahoma. December 2003.
53. "Chronic Pain as a Neurological Disease," Northeastern Oklahoma Medical Association. December 2003.
56. "Pseudoephedrine, the Precursor of Methamphetamine," Oklahoma Wholesale Marketer's Association Conference. Tulsa, Oklahoma. September 2003.
63. "Chronic Pain and the Use of Opioid Therapy," Southwest Medical Center, Continuing Medical Education, invited presentation. Oklahoma City, Oklahoma. June 28, 2003.
64. "The Drug Threat in Oklahoma," Tulsa Veterinary Medical Association. Tulsa, Oklahoma. June 2003.
66. "Oklahoma's Drug Threat," 2003 governor's Health and Safety Conference. Shangri La, Oklahoma. May 2003.
67. "The Deeper Social Impact of Drug Abuse in Oklahoma," Oklahoma Municipal Judges conference, Continuing Legal Education. April 2003.
68. "Opioid Therapy in the Treatment of Chronic Pain," Oklahoma Spine Hospital Continuing Medical Education. March 26, 2003.
70. "Pharmaceutical Diversion and Spotting the Drug-Seeker: A Course in Differential Diagnosis," Invited Presentation. University of Oklahoma Health Sciences Center, College of Medicine. Oklahoma City, Oklahoma. February 26, 2003.
72. "Psychopharmacology of Addiction: The Psychoneurophysiological Model," Invited Presentation. Oklahoma State Department of Mental Health and Substance Abuse Services, "Annual Substance Abuse conference." Tulsa, Oklahoma. January 30, 2003.
73. "Differential Diagnosis of Drug-Seeking Behavior," Invited Presentation. Oklahoma State Board of Pharmacy, "Pharmacy Law Seminar," Oklahoma City, Oklahoma. December 1, 2002.
74. "Ethical Considerations in Chronic Pain Management," Invited Presentation. Oklahoma Association of Health Care Employees. Oklahoma City, Oklahoma. November 22, 2002.
75. "Methamphetamine Psychosis and The Drug-Induced Onset of ParanoidSchizophrenia: New Research Perspectives," Invited Presentation. (Category 1 CME) Departmental Teaching Conference. Department of Psychiatry and Behavioral Sciences. University of Oklahoma Health Sciences Center, College of Medicine, Oklahoma City, Oklahoma. October 23, 2002.
76. "The Problem with Opioids." Invited Presentation (Category 2 CME). Southwest Oklahoma Physician's Association. Lawton, Oklahoma. September 24, 2002.
77. "Methamphetamine and the Community: An Emerging Multidisciplinary Challenge." Invited Presentation. Oklahoma Municipal League. Tulsa, Oklahoma. September 19, 2002.

78. "Issues in Treating Patients for Chronic Pain." Invited Presentation. Oklahoma Pain Management Society. Oklahoma City, Oklahoma. September 10, 2002.
79. "Meth Psychosis: Oklahoma's Emerging Threat." Invited Presentation (Category 1 CME) Departmental Teaching Conference. Department of Psychiatry and Behavioral Sciences. University of Oklahoma Health Sciences Center, College of Medicine, Oklahoma City, Oklahoma. September 5, 2002.
81. "Methamphetamine Psychosis: A New Disease?" Invited presentation. (Category 1 CME) Hillcrest Memorial Hospital, Tulsa, Oklahoma. August 16, 2002.
82. "Curing Opioidophobia: Prescribing Opioids for the Treatment of Chronic Pain in a More Permissive Regulatory Environment." Invited presentation. (Category 1 CME) Jackson Memorial Hospital, Altus, Oklahoma. August 6, 2002.
85. "The Psychopharmacological Characteristics of Opioid Addiction," Invited presentation. Human Behavior I lecture series, University of Oklahoma Health Sciences Center, College of Medicine, Oklahoma City, Oklahoma. May 1, 2002.
86. "Chronic Pain and the Drug Seeker: New Strategies for Effective Management of Dual-Diagnosed Patients," Invited presentation, Tulsa Orthopedic Physician's Association, Tulsa, Oklahoma. April 25, 2002.
88. "Unmasking the Drug Seeker: Confronting Pharmaceutical Diversion," Invited presentation. Human Behavior I lecture series, University of Oklahoma Health Sciences Center, College of Medicine, Oklahoma City, Oklahoma. April 3, 2002.
96. "Curing Opioidophobia: Prescribing Opioids for the Treatment of Chronic Pain in a More Permissive Regulatory Environment." Invited presentation. Northwest Oklahoma Physician's Association, Guymon, Oklahoma. September 25, 2001.
97. "History, Current Trends and Philosophical Underpinnings of Opioid Regulation." Invited Paper. 12th Annual Clinical Meeting, American Academy of Pain Management. Arlington, Virginia. September 6-9, 2001.
98. "Oxycontin® in Oklahoma: Issues and Answers Regarding Its' Abuse Potential in Oklahoma." Invited presentation. Oklahoma Health Care Authority: Drug Utilization Review Board meeting. August 14, 2001.
100. "Curing Opioidophobia: Prescribing Opioids for the Treatment of Chronic Pain in a More Permissive Regulatory Environment." Invited presentation. Oklahoma Osteopathic Physician's Association, Tulsa, Oklahoma. July 24, 2001
104. "Curing Opioidophobia: A Doctor's Survival Kit," Invited Presentation. Sponsored by Cameron University and accredited as Continuing Medical Education. Elk City Regional Hospital, Elk City, Oklahoma. June, 19, 2001.
106. "Avoiding Problems in Pain Management through Effective Differential Diagnosis of Drug Seeking Behavior," Invited Presentation. The University of Oklahoma Health Sciences Center, College of Medicine, Department of Family Medicine and the Irwin H. Brown Office of Continuing Medical Education: 4<sup>th</sup> Annual Primary Care Update 2001. Oklahoma City, Oklahoma. May 2, 2001.
107. "Pharmaceutical Drug Diversion," Invited Presentation, Northeastern Oklahoma Veterinarian's Association, Claremore, Oklahoma. April 19, 2001.
108. "Seeking Behavior." Invited presentation, Human Behavior I, University of Oklahoma Health Sciences Center, College of Medicine, Department of Psychiatry and Behavioral Sciences. April 4, 2001.
110. "A Doctor's Survival Kit: Prescribing Pain Medications in a More Permissive Regulatory Environment." Shawnee, Oklahoma Country Club. Approved for Continuing Medical Education credit by the University of Oklahoma Health Sciences Center. March 22, 2001.
111. "Curing Opioidophobia: Prescribing Opioids for the Treatment of Chronic Pain in a More Permissive Regulatory Environment." Stillwater Country Club, Stillwater, Oklahoma. Approved for Continuing Medical Education credit by the University of Oklahoma Health Sciences Center. March 6, 2001.

114. "Chaos, Dynamic Systems and the Deep Social Impact of Methamphetamine Abuse in Oklahoma." Oklahoma Sociological Association, annual conference, University of Oklahoma, Norman, Oklahoma. November 10, 2000.
115. "Prescribing Opioids for the Treatment of Chronic Pain." Enid Country Club, Enid, Oklahoma. Approved as Continuing Medical Education Credit through the University of Oklahoma Health Sciences Center. November 9, 2000.
116. "Confronting Opioidophobia: A guide to the Use of Opioids for Pain Management." Grady County Memorial Hospital, Chickasha, Oklahoma. Approved as Continuing Medical Education Credit through the University of Oklahoma Health Sciences Center. October 16, 2000.
121. "Pain Management Using Opioids." Approved as Continuing Medical Education Credit through the University of Oklahoma Health Sciences Center. Oklahoma City, Oklahoma. July 20, 2000.
122. "Pain Management Using Opioids." Approved as Continuing Medical Education Credit through the University of Oklahoma Health Sciences Center. Tulsa, Oklahoma. July 20, 2000.
127. "Dynamic Systems and Patterns of Drug Abuse." Oklahoma Sociological Association, annual conference, University of Oklahoma, Tulsa, Oklahoma. June 15, 2000.
128. "Dealing with the Fear of Using Opioids for Treating Pain." Ada Country Club, Ada, Oklahoma. Approved as Continuing Medical Education Credit through the University of Oklahoma Health Sciences Center. May, 30, 2000.
129. "Opioid Prescribing." Ardmore Medical Association, Ardmore, Oklahoma. Approved as Continuing Medical Education Credit through the University of Oklahoma Health Sciences Center. May 17, 2000.
152. "Differentially Diagnosing Drug Seeking Behavior," Human Behavior I, University of Oklahoma Health Sciences Center. April 16, 1996.
153. "Dentistry and the Problem of Drug Diversion," University of Oklahoma Health Sciences Center, College of Dentistry, Oklahoma City, Oklahoma. March 15, 1996.
154. "Pharmacy Law and Drug Diversion," University of Oklahoma Health Sciences Center, College of Pharmacy, Oklahoma City, Oklahoma. October 12, 1995.
155. "How to Spot Drug Seekers," Human Behavior I, University of Oklahoma Health Sciences Center, College of Medicine, Oklahoma City, Oklahoma. May 15, 1995.
156. "Dentistry and Drugs: How to Avoid Problems When Prescribing Controlled Substances," University of Oklahoma Health Sciences Center, College of Dentistry, Oklahoma City, Oklahoma. March 2, 1995.
157. "Pharmacy Law and Dangerous Drugs," University of Oklahoma Health Sciences Center, College of Pharmacy, October 3, 1994.
158. "Human Behavior and Drug Abuse," University of Oklahoma Health Sciences Center, College of Medicine, Oklahoma City, Oklahoma. May 1, 1994.
159. "A Dentists Guide to Staying Out of Trouble with the Narcs," University of Oklahoma Health Sciences Center, College of Dentistry, Oklahoma City, Oklahoma. March 24, 1994.

Please also produce the grant documents and the work resulting from the following grants:

Grant Support

1. 2006 – "Developing and Enhancing Prescription Drug Monitoring Laws," U.S. Department of Justice, Office of Justice Programs, Rodgers Grant, \$259,820.
2. 2004 – "Prescription Monitoring Program," U.S. Department of Justice, Rodgers Grant. \$350,000.

We ask that you produce all of these materials by February 5.

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We're looking into it and will report back. Thanks.

Trey Duck



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**Subject:** OK v. Purdue -- Dr. Duncan's CV

Hi Drew and Trey,

It appears that the CV provided for the State's expert, Dr. John Duncan, is incomplete or is not current in many respects. For example, his academic and teaching awards; special appointments; books and monographs; journals, articles, and book chapters; book reviews; vocational support; grant support; medical and academic presentations; and vocational presentations all predate 2007. And though he has been an Assistant Professor at OU from 2007 to the present day, his list of university courses taught ends in 2007. Please provide us with a current and complete CV for Dr. Duncan by January 15, 2019.

Our review of Dr. Duncan's disclosure remains ongoing and we raise this particular issue without waiver of our right to raise additional issues at a later time.

Thanks for your cooperation,  
Jonathan

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