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PART 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., *et al.*,

Defendants.

Case No. CJ-2017-816

Judge Thad Balkman

CONFIDENTIAL
EXHIBIT D
FILED UNDER SEAL
PURSUANT TO
PROTECTIVE ORDER
DATED APRIL 16, 2018

**DEFENDANT JANSSEN'S OBJECTION TO THE SPECIAL DISCOVERY
MASTER'S ORDER ON DEFENDANT JANSSEN'S MOTION TO COMPEL
RESPONSES TO ITS THIRD SET OF INTERROGATORIES**

EXHIBIT D
SEALED PER COURT ORDER
DATED APRIL 16, 2018,
THAD BALKMAN DISTRICT JUDGE

-CONFIDENTIAL-
TO BE FILED ONLY UNDER SEAL

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

PURDUE PHARMA L.P., et al,

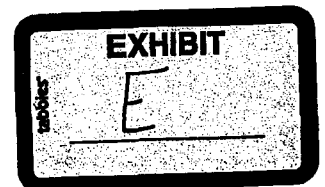
Defendants.

**DEFENDANT JANSSEN PHARMACEUTICALS, INC.'S FIRST SET OF REQUESTS
FOR PRODUCTION OF DOCUMENTS FROM PLAINTIFF**

Pursuant to 12 O.S. § 3234, Defendant Janssen Pharmaceuticals, Inc. ("Janssen") requests that the Plaintiff State of Oklahoma ("the State") respond to Janssen within 30 days to this request to produce the below-described documents which are in the State's possession, custody, or control.

INSTRUCTIONS

1. Unless otherwise set forth, the documents requested include all documents created within the Relevant Time Period and continuing through the date of this request.
2. The documents requested shall be produced as they are kept in the usual course of business or shall be organized and labeled to correspond with the categories in the request.
3. You should produce electronically stored information ("ESI") and hardcopy documents in a single-page TIFF-image format with extracted or OCR text and associated metadata—a standard format in e-discovery—known as TIFF-plus. Produce electronic spreadsheets (e.g., Excel), electronic presentations (e.g., PowerPoint), desktop databases (e.g., Access), and audio or video multimedia in native format with a slip sheet identifying Bates labels and confidentiality designations.



4. These requests are directed toward all documents known or available to the State, including records and documents in its custody or control or available to it upon reasonable inquiry. Your response must state, with respect to each item or category, that inspection and related activities shall be permitted, unless the request is objected to, in which event you must state your reasons for objecting. If you object to part of an item or category, specify the part.

5. This request is continuing in character, and Janssen requests that you amend or supplement your response in accordance with the Oklahoma Rules of Civil Procedure if you obtain new or additional information.

6. If any document is withheld for any reason, including but not limited to any alleged claim of privilege, confidentiality, or trade secret, or for any other reason or objection, provide a description of the document being withheld which includes the following:

- a. The date of the document;
- b. The author of the document;
- c. The recipient of the document;
- d. All persons to whom copies of the document have been furnished;
- e. The subject matter of the document;
- f. The file in which the document is kept in the normal course of business;
- g. The current custodian of the document; and
- h. The nature of the privilege or other reason for not producing the document and sufficient description of the facts surrounding the contents of the document to justify withholding the document under said privilege or reason.

7. Where you have a good faith doubt as to the meaning or intended scope of a request, and your sole objection would be to its vagueness, please contact counsel for Janssen in advance of asserting an unnecessary objection. The undersigned counsel will provide additional clarification or explanation as needed.

DEFINITIONS

1. "Claim" is any request for payment or reimbursement.
2. The term "chronic pain" is used herein consistent with the meaning of "non-cancer related pain" or "long term pain" as those terms are used in the Complaint, e.g., ¶¶3, 22, 51, 67, 122.
3. "Communication(s)" is any unilateral, bilateral, or multilateral assertion, disclosure, statement, conduct, transfer, or exchange of information or opinion, including omissions, however made, whether oral, written, telephonic, photographic, or electronic.
4. "Complaint" refers to your Original Petition filed June 30, 2017, and exhibits, as well as any subsequent amendments.
5. "Defendants" are the individual Defendants named in the Complaint.
6. "Document(s)" is used in the broadest sense permissible under 12 O.S. § 3234(A)(1), and includes without limitation "writings," "recordings," "photographs," "original[s]," "duplicate[s]," "image[s]," and "record[s]," as those terms are set forth in 12 O.S. § 3001.
7. The term "document(s)" includes all drafts and all copies that differ in any respect from the original; information stored in, or accessible through, computer or other information retrieval systems (including any computer archives or back-up systems), together with instructions and all other materials necessary to use or interpret such data compilations; all other Electronically

Stored Information; and the file-folder, labeled-box, or notebook containing the document, as well as any index, table of contents, list, or summaries that serve to organize, identify, or reference the document.

8. “Drug Utilization Review Board” is used herein consistent with its meaning in Section 317:1-3-3.1 of the Oklahoma Administrative Code.

9. “Educational Activity” refers to publications, programs, continuing medical education, or other forms of communicating unbranded, educational information about Opioids or treatment of chronic pain.

10. “Electronically Stored Information” is used in the broadest sense permissible by the Oklahoma Rules of Civil Procedure and includes without limitation all electronic data (including active data, archival data, backup data, backup tapes, distributed data, electronic mail, forensic copies, metadata, and residual data) stored in any medium from which information can be obtained.

11. The term “employee” includes all current and former employees, independent contractors, and individuals performing work as temporary employees.

12. “Healthcare Professional(s),” “Health Care Provider(s)” or “HCP(s)” is any person who prescribes, administers, or dispenses any Relevant Medication or Medication Assisted Treatment to any person or animal.

13. “Key Opinion Leader(s)” or “KOL(s)” is used herein consistent with its meaning in the Complaint, ¶58.

14. “Medication Assisted Treatment” is the use of medications with counseling and behavioral therapies to treat substance abuse disorders and prevent Opioid overdose.

15. “Medical Necessity” has the same meaning as defined in Section 317:30-3-1(f) of the Oklahoma Administrative Code.

16. "Oklahoma Agency" or "Oklahoma Agencies" collectively refers to any State entity involved in regulating, monitoring, approving, reimbursing, or prosecuting the prescription, dispensing, purchase, sale, use, or abuse of controlled substances in Oklahoma, including, but not limited to, the Oklahoma Office of the Governor, Oklahoma Legislature, Oklahoma Office of the Attorney General, Oklahoma Department of Corrections, Oklahoma Department of Public Safety, Oklahoma State Department of Health, Oklahoma State Bureau of Investigation, Oklahoma Bureau of Narcotics and Dangerous Drugs Control, Oklahoma Department of Mental Health and Substance Abuse Services, Oklahoma Health Care Authority, Oklahoma State Board of Dentistry, Oklahoma State Board of Medical Licensure and Supervision, Oklahoma State Board of Nursing, Oklahoma State Board of Pharmacy, Oklahoma State Board of Veterinary Medical Examiners, Oklahoma Workers' Compensation Commission, Office of the Medical Examiner of the State of Oklahoma, and their respective predecessors, supervisory and subordinate organizations, and current or former employees.

17. "Opioid(s)" refers to FDA-approved pain-reducing medications consisting of natural or synthetic chemicals that bind to receptors in a patient's brain or body to produce an analgesic effect.

18. "Patient(s)" is any human being to whom an Opioid is prescribed or dispensed.

19. "Person(s)" is any natural or legal person.

20. Pharmacy and Therapeutics Committee ("P & T Committee") or formulary committee means any committee, group, board, person or persons with responsibility for determining which drugs will be placed on any prescription drug formulary created, developed or utilized by the State of Oklahoma or any Program, the conditions and terms under which the State of Oklahoma or any Program will authorize purchase of, coverage of, or reimbursement for those

drugs, who can prescribe specific drugs, policies and procedures regarding drug use (including pharmacy policies and procedures, standard order sets, and clinical guidelines), quality assurance activities (e.g., drug utilization review/drug usage evaluation/medication usage evaluation), adverse drug reactions/medication errors, dealing with product shortages, and/or education in drug use.

21. "Prior Authorization" is any program that implements scope, utilization, or product based controls for drugs or medications.

22. "Program(s)" is every program administered by an Oklahoma Agency that reviews, authorizes, and determines the conditions for payment or reimbursement for Opioids, including, but not limited to, the Oklahoma Medicaid Program, as administered by the Oklahoma Health Care Authority, and the Oklahoma Workers Compensation Commission.

23. "Relevant Time Period" means January 1, 2007 to the present, or such other time period as the parties may later agree or the Court determines should apply to each side's discovery requests in this action.

24. "Relevant Medication(s)" includes any and all drugs, branded or generic, consisting of natural or synthetic chemicals that bind to opioid receptors in a Patient's brain or body to produce an analgesic effect, whether or not listed in the Complaint, including, but not limited to, codeine, fentanyl, hydrocodone, hydromorphone, methadone, morphine, oxycodone, oxymorphone, tapentadol, and tramadol.

25. "Third-Party Group(s)" is used herein consistent with its meaning in the Complaint, including any "seemingly unaffiliated and impartial organizations to promote opioid use." Complaint, ¶¶58, 63, 72.

26. "Vendor" means any third-party claims administrator, pharmacy benefit manager, HCP, or person involved in overseeing, administering, or monitoring any Program.

27. "You," "Your," "State," "Oklahoma," and "Plaintiff" refer to the sovereign State of Oklahoma and all its departments, agencies, and instrumentalities, including current and former employees, any Vendor, and other persons or entities acting on the State's behalf.

28. The words "and" and "or" shall be construed conjunctively as well as disjunctively, whichever makes the request more inclusive.

29. "Any" includes "all" and vice versa.

30. "Each" includes "every" and vice versa.

31. The term "including shall be construed to mean "including but not limited to."

32. The singular of each word includes its plural and vice versa.

DOCUMENTS REQUESTED

1. All Documents, Communications, and Claims identified, referred to, or relied upon in Your answers to Interrogatories served by any Defendant.

2. All minutes, transcripts, agendas, notes, monographs, dossiers, analyses, or other documents relating to meetings of the Drug Utilization Review Board or any P & T Committee, formulary committee, or other equivalent committee(s) or group(s) acting on Your behalf regarding any of the Relevant Medications, including any document containing a discussion relating to (a) the formulary status of the Relevant Medications, (b) restrictions on the purchase, coverage, reimbursement, utilization, use, or prescription of the Relevant Medications, or (c) the safety, efficacy, economic, or other concerns related to any of the Relevant Medications.

3. All Communications with physicians, providers, Health Care Providers, plan sponsors, Medicaid beneficiaries, beneficiaries of any Program, or pharmacies relating to the Relevant Medications.

4. All Documents and Communications concerning statistics relating to addiction, abuse, or overdose relating to the Relevant Medications in the State of Oklahoma, including but not limited to Documents and Communications relating to any evaluation, assessment, analysis, modeling, or review of any financial or economic impact associated with addiction, abuse, or overdose relating to the Relevant Medications.

5. All Documents and Communications relating to any educational efforts You or anyone acting on Your behalf sponsored or engaged in pertaining to the Relevant Medications.

6. Participant level claims data showing the full Medicaid or other Program claims history for prescription medications and other health care services submitted to Medicaid or any other Program, whether reimbursed or not, for all patients who received a prescription for any Relevant Medication, including data sufficient to show the price, Medicaid or other Program payments, co-payments, deductibles, rebates, discounts or any other offsets or adjustments to the price paid by You for any Relevant Medication.

7. All Documents and Communications with or relating to any Key Opinion Leader or Third-Party Group whom You claim communicated or consulted with, or was organized, retained, contracted, sponsored, funded, or controlled, in whole or in part, by any Defendant, including but not limited to the Key Opinion Leaders and Third-Party Groups identified in the Complaint.

8. All Documents and Communications concerning Opioids and misuse, diversion, abuse, addiction, overdose, or death, including Communications and Documents provided or made

available by the State of Oklahoma, the Oklahoma Attorney General, or any Oklahoma Agency or Program to any Person, Patient, or Health Care Provider that discuss substance abuse, diversion, prescribing practices, prescription safety, Opioids, or the treatment of pain, including but not limited to any Documents or Communications for which you provided grants, sponsorships, or other funding.

9. All Documents and Communications relating to Your investigation and/or enforcement of violations of laws governing the marketing of Relevant Medications and/or the use, prescribing, or request for reimbursement for prescriptions for any Relevant Medication, including documents sufficient to identify any Person arrested, indicted, charged, fined, or otherwise penalized for any activity related to the use, prescribing or request for reimbursement of any Relevant Medication.

Dated: January 12, 2018

By: /s/ Charles C. Lifland/

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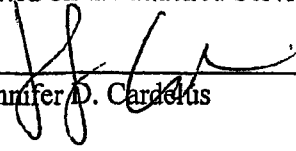
CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of January 2018, I caused a true and correct copy of the following:

**DEFENDANT JANSSEN PHARMACEUTICALS, INC.'S FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS FROM PLAINTIFF**

to be served by U.S. mail upon the counsel of record listed on the attached Service List.

/s/


Jennifer D. Cardelus

SERVICE LIST

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Sent: Wednesday, January 30, 2019 10:24 AM
To: Drew Pate
Cc: mike.hunter@oag.ok.gov; abby.dillsaver@oag.ok.gov; ethan.shaner@oag.ok.gov; mburrage@whittenburrage.com; rwhitten@whittenburrage.com; rparrish@whittenburrage.com; Brad Beckworth; Jeff Angelovich; Trey Duck; Lisa Baldwin; gcoffee@glenncoffee.com; Winn Cutler; Brittany Kellogg; Nathan Hall; Brooke Churchman; Ross Leonoudakis; Ben Odum; John Sparks; Michael Ridgeway; David Kinney; Kimberlee Jones; Alyssa Kirkham; Lifland, Charles; Cardelús, Jen; Allan, Tad; Strong, Sabrina H.; Brody, Steve; Roberts, David K. (DC); sandy.coats@crowedunlevy.com; joshua.burns@crowedunlevy.com; sheila.birnbaum@dechert.com; mark.cheffo@dechert.com; hayden.coleman@dechert.com; paul.lafata@dechert.com; jonathan.tam@dechert.com; lindsay.zanello@dechert.com; erik.snapp@dechert.com; bert.wolff@dechert.com; jae.lee@dechert.com; william.oxley@dechert.com; hope.freiwald@dechert.com; will.sachse@dechert.com; chelsea.nichols@dechert.com; cory.ward@dechert.com; megghan.kelly@dechert.com; rhoff@wiggins.com; nmerkley@gablelaw.com; aquinn@gablelaw.com; tjett@gablelaw.com; rmccampbell@gablelaw.com; rebecca.hillyer@morganlewis.com; steven.reed@morganlewis.com; harvey.bartle@morganlewis.com; brian.ercole@morganlewis.com; melissa.coates@morganlewis.com; martha.leibell@morganlewis.com; Waddle, Jessica L.; cnorman@whittenburrage.com; Amanda Thompson; pedmonds@gablelaw.com; mwaller@gablelaw.com; suzanne.green@crowedunlevy.com; Ehsan, Houman; Rodriguez, Esteban; Lucas, Amy R.; Galin, Ross B.; Bumgardner, Debbie; Tongco, Desirae Krislie C.; mark.fiore@morganlewis.com; larryottaway@oklahomacounsel.com; amyfischer@oklahomacounsel.com; lynnecooper@oklahomacounsel.com; kaceystanley@oklahomacounsel.com; duanejohnson@oklahomacounsel.com; andrewbowman@oklahomacounsel.com; jordyncartmell@oklahomacounsel.com; stevenjohnson@oklahomacounsel.com; epinker@lynnllp.com; tcox@lynnllp.com; eryan@lynnllp.com; sbrown@lynnllp.com; benjamin.mcananey@dechert.com; maracuser.gonzalez@dechert.com; Barker, Jeffrey A.; jnewsome@lynnllp.com; jeisenberg@lynnllp.com; rgarcia@lynnllp.com; rherman@lynnllp.com; shardy@lynnllp.com; Leigh, Daniel
Subject: RE: State of Oklahoma ex rel. Hunter v. Purdue Pharma L.P. et al., No. CJ-2017-816

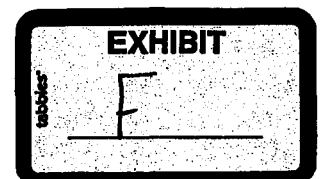
Drew,

Thank you for taking the time to meet and confer with us on Thursday regarding Janssen's First Requests for Admission and Third Set of Interrogatories.

Following our meet and confer, we are narrowing our RFA No. 3 and Interrogatory No. 22 as follows, in an effort to arrive at a compromise with the State regarding these discovery requests:

RFA No. 3: "Admit that the State of Oklahoma reimbursed Claims for Opioid prescriptions that were written by Doctors and submitted for reimbursement while the State of Oklahoma was aware that the Doctor was subject to a pending civil, criminal, or administrative proceeding or subject to an investigation for their Prescribing Behaviors."

Interrogatory No. 22: "Identify all Claims for reimbursement of Opioid prescriptions, if any, that were denied by You after they were written by a Doctor who was subject to a civil, criminal, or administrative proceeding or subject to investigation, the existence of which is public record or not privileged or confidential, for their Prescribing Behaviors."



Please let us know by noon tomorrow whether you intend to stand on your objections or whether you will withdraw them and respond to these discovery requests as we propose to modify them above based on our meet and confer.

Regards,

Dan

O'Melveny

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From: Franklin, Daniel J. <dfranklin@omm.com>

Sent: Wednesday, January 23, 2019 9:03 PM

To: Drew Pate <dpate@nixlaw.com>

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Subject: Re: State of Oklahoma ex rel. Hunter v. Purdue Pharma L.P. et al., No. CJ-2017-816

Thanks, Drew. Tomorrow at 5 pm Eastern works. We can use the following conference line:

Dial-in: 866.285.2458
Passcode: 123456#
One-touch: 866.285.2458,,123456#

Regards,
Dan

On Jan 23, 2019, at 7:41 PM, Drew Pate <dpate@nixlaw.com> wrote:

Dan,

I am available to discuss the items in your letter tomorrow afternoon. Does 5pm eastern work?

Thanks,

Drew

Drew Pate
<[image001.jpg](#)>
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Subject: State of Oklahoma ex rel. Hunter v. Purdue Pharma L.P. et al., No. CJ-2017-816

Dear Counsel,

Please see the attached letter.

Regards,

Dan

O'Melveny

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GENERAL OBJECTIONS

1. By responding to Defendant's Requests, the State concedes neither the relevance nor admissibility of any information provided or documents or other materials produced in response to such Requests. The production of information or documents or other materials in response to any specific Request does not constitute an admission that such information is probative of any particular issue in this case. Such production or response means only that, subject to all conditions and objections set forth herein and following a reasonably diligent investigation of reasonably accessible and non-privileged information, the State believes the information provided is responsive to the Request.

2. The State objects that much of the Requests sought are premature and, as such, provides the responses set forth herein solely based upon information presently known to and within the possession, custody or control of the State. Discovery is ongoing in this action. Subsequent discovery, information produced by Defendant or the other named Defendants in this litigation, investigation, expert discovery, third-party discovery, depositions and further analysis may result in additions to, changes or modifications in, and/or variations from the responses and objections set forth herein. Accordingly, the State specifically and expressly reserves the right to supplement, amend and/or revise the responses and objections set forth herein in due course and in accordance with 12 OKLA. STAT. §3226.

3. The State objects to Defendant's Requests as ambiguous, overly broad, disproportionate to the needs of the case, seeking to impose a burden on the State that exceeds what is permissible under Oklahoma law, seeking information protected from disclosure by privilege and/or the work product doctrine, and calling for information that is not in the possession, custody or control of and is not reasonably accessible to the State. To the extent the State can and does provide a response to any Request, the State's response is based on the information known to

and within the possession, custody and control of the State following a reasonably diligent investigation.

4. The State objects to Defendant's Requests as seeking information within Defendant's possession, custody or control. Specifically, Defendant monitors and tracks healthcare providers' prescribing practices and is aware of the providers who prescribe its medications. Indeed, Defendant utilizes such information to strategically determine which doctors to attack with its sales force and what sales tactics to deploy and is aware of the identity of Oklahoma doctors receiving communications made, sponsored, and/or supported by Defendant.

5. The State objects to Defendant's Requests to the extent they attempt to suggest or assume the elements of any of the State's causes of action or otherwise seek to impose any burden(s) or element(s) of proof that do not exist under or that are inconsistent with Oklahoma law.

6. The State objects to Defendant's Requests as seeking confidential and sensitive information protected from disclosure under both State and federal statutes, rules, regulations. Specifically, the State objects to Defendant's Requests as seeking protected health information prohibited from disclosure under the Health Insurance Portability and Accountability Act ("HIPAA"), 42 C.F.R. Part 2, and other State and federal statutes, rules, and regulations.

7. The State objects to Defendant's Requests as seeking information regarding health care providers that the Court has held to be outside of the scope of proper discovery. *See* October 10, 2018 Order.

8. The State further objects to the Defendant's Requests as calling for information regarding ongoing investigations or confidential criminal investigatory files that the Court has held to be outside of the scope of proper discovery. *See* October 22, 2018 Order; December 3, 2018 Order; December 20, 2018 Order.

OBJECTIONS TO DEFINITIONS

1. The State objects to Defendant's Definition Number 1 of the term "Claim" as vague, overbroad, ambiguous, unduly burdensome, disproportionate to the needs of the case, unreasonable, irrelevant and unworkable. "[A]ny request for payment or reimbursement" encompasses an infinitely unlimited amount of information that has no bearing whatsoever on the parties to this action or the claims or defenses asserted in this action. Based on the claims and defenses at issue in this case, the State will reasonably interpret the term "claim" to mean a request for payment or reimbursement submitted to the Oklahoma Health Care Authority pursuant to Oklahoma's Medicaid Program as related to the claims and defenses at issue in this litigation.

2. The State objects to Defendant's Definition Number 2 of the term "Communication(s)" as vague, ambiguous, unduly burdensome, disproportionate to the needs of the case, unreasonable, unworkable and seeking to impose a burden upon the State beyond what is permissible under Oklahoma law. Specifically, the State objects to the terms "conduct" and "omissions" in Defendant's purported Definition Number 3. The State will reasonably interpret the term "communication(s)" to mean the transmittal of information between two or more persons, whether spoken or written.

3. The State objects to Defendant's Definition Number 3 of the term "Doctor(s)". Defendant's proposed definition is overly broad, irrelevant to the claims and defenses at issue, unduly burdensome and disproportionate to the needs of the case in that the definition is not limited in any way to the State of Oklahoma or any particular time period. The State will reasonably construe the use of these terms to mean doctors who provided medical or health care services in the State of Oklahoma to citizens—not "animals"—in the State of Oklahoma from the relevant time period as ordered by the Court to the date Defendant's Requests were served.

4. The State objects to Defendant's Definition Number 4 of the term "Identify" as overly broad, irrelevant to the claims and defenses at issue, unduly burdensome, disproportionate to the needs of the case, and seeking to impose a burden upon the State beyond what is permissible under Oklahoma law and in violation of the Court's October 10, 2018 Order.

5. The State objects to Defendant's Definition Number 5 of the terms "Oklahoma Agency" or "Oklahoma Agencies" as overly broad, unduly burdensome, irrelevant to the claims and defenses in this action, disproportionate to the needs of the case, and improperly calling for information that is not in the possession, custody or control of the State. The State will reasonably construe the terms "Oklahoma Agency" or "Oklahoma Agencies" to mean agencies of the State of Oklahoma represented in this action and over whom the State of Oklahoma, through the Office of the Attorney General, maintains sufficient control to allow the State to have reasonable access to and possession of responsive information maintained by the agency.

6. The State objects to Defendant's Definition Number 6 of the term "Opioid(s)" as misleading because of its use of the terms "FDA-approved" and "pain-reducing" and because it is defined without regard to any of the pharmaceutical products or drugs at issue in this case. The State will reasonably construe the terms "Opioid(s)" to mean the opioid medications or drugs related to the claims and defenses at issue in this litigation.

7. The State objects to Defendant's Definition Number 7 of the term "Patient(s)." This definition—"any human being to whom an Opioid is prescribed or dispensed"—is overly broad, unduly burdensome, irrelevant to the claims and defenses at issue in this action and disproportionate to the needs of the case on its face because it lacks any geographical or temporal limitation that has any bearing on this case, and could be construed to seek information outside the State's possession, custody, or control. The State will reasonably construe the term "patient" to

mean an individual who was prescribed an Opioid in the State of Oklahoma from the relevant time period as ordered by the Court to the date Defendant's Requests were served.

8. The State objects to Defendant's Definition Number 9 of the term "Prescribing Behaviors" as vague, ambiguous, overly broad, unduly burdensome, irrelevant to the claims and defenses at issue in this action, and disproportionate to the needs of the case. The State will reasonably interpret the term "Prescribing Behaviors" to relate to investigation or prosecution by the State of Oklahoma of a doctor licensed in Oklahoma related to opioids during the relevant time period as ordered by the Court.

9. The State objects to Defendant's Definition Number 11 of the terms "You," "Your," "State," "Oklahoma," and "Plaintiff" as overly broad, unduly burdensome, disproportionate to the needs of the case, seeking to impose a burden upon the State that exceeds what is permitted under Oklahoma law, and calling for information that is not within the State's possession, custody or control because the definition attempts to require the State to not simply respond on its own behalf, but also on behalf of "all its departments, agencies, and instrumentalities" without regard for whether the State represents such entities in this litigation and maintains sufficient control over such entities to enable the State to have reasonable access to or possession, custody or control of such entities' records. The State will respond on behalf of the State and those State agencies represented in this litigation and over which the State, through the Office of the Attorney General, maintains sufficient control to allow the State to have reasonable access to and possession of responsive information maintained by the agency.

RESPONSES AND OBJECTIONS TO REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Admit that You cannot Identify any Oklahoma Doctors who were misled about the risks or benefits of prescription Opioid medications by any Communication made, sponsored, or supported by Janssen.

RESPONSE:

The State incorporates its general objections and objections to Defendant's instructions and definitions above, including the State's objections to Defendant's definition of the terms "You," "Identify", "Doctor", "Opioid", and "Communication", as if fully set forth herein.

The State further objects to this Request because it is a premature attempt to force the State to marshal all of its evidence before required or appropriate under the Oklahoma Code of Civil Procedure or the Court's scheduling Order.

The State objects to this Request as seeking information within Defendant's possession, custody or control. Specifically, Defendant monitors and tracks healthcare providers' prescribing practices and is aware of the providers who prescribe its medications. Indeed, Defendant utilizes such information to strategically determine which doctors to attack with its sales force and what sales tactics to deploy and is aware of the identity of Oklahoma doctors receiving communications made, sponsored, and/or supported by Defendant.

The State objects to this Request to the extent it attempts to suggest or assume the elements of any of the State's causes of action or otherwise seeks to impose any burden(s) or element(s) of proof that do not exist under or that are inconsistent with Oklahoma law. Specifically, the State objects to this Request to the extent it suggests or assumes Defendant must have made a misrepresentation directly to an Oklahoma doctor to be liable for the State's claims under the Oklahoma Medicaid False Claims Act.

The State objects to this Request as it seeks information regarding healthcare providers that the Court has held to be outside of the scope of proper discovery. *See* October 10, 2018, Order (order by Judge Hetherington denying Defendants' motion to compel); December 4, 2018, Order (order by Judge Balkman affirming October 10 order).

Subject to and without waiving the foregoing objections (including those incorporated into this response), the State responds as follows:

Denied.

REQUEST FOR ADMISSION NO. 2: Admit that You cannot Identify any Oklahoma Doctors who were unable to accurately counsel their patients about the risks or benefits of prescription Opioid medications as a result of any Communication made, sponsored, or supported by Janssen.

RESPONSE:

The State incorporates its general objections and objections to Defendant's instructions and definitions above, including the State's objections to Defendant's definition of the terms "You", "Identify", "Doctor", "Opioid", and "Communication", as if fully set forth herein.

See objections and response to Request for Admission No. 1 above, which are hereby incorporated by this reference as if fully set forth herein.

The State further objects to this Request as it seeks information regarding healthcare providers that the Court has held to be outside of the scope of proper discovery. *See* October 10, 2018, Order (order by Judge Hetherington denying Defendants' motion to compel); December 4, 2018, Order (order by Judge Balkman affirming October 10 order).

Subject to and without waiving the foregoing objections (including those incorporated into this response), the State responds as follows:

Denied.

REQUEST FOR ADMISSION NO. 3: Admit that, for every Doctor who has been investigated or prosecuted by the State of Oklahoma for their Prescribing Behaviors, You reimbursed Claims for Opioid prescriptions that were written by that Doctor and submitted for reimbursement while such investigation or prosecution was ongoing.

RESPONSE:

The State incorporates its general objections and objections to Defendant's instructions and definitions above, including the State's objections to Defendant's definition of the terms "You," "Doctor", "Opioid", "Claim", and "Prescribing Behaviors", as if fully set forth herein.

See objections and response to Request for Admission No. 1 above, which are hereby incorporated by this reference as if fully set forth herein.

The State further objects to this Request as calling for information, in violation of the Court's orders, regarding ongoing investigations or confidential investigatory files that the Court has held to be outside of the scope of proper discovery. *See* October 22, 2018, Order; December 3, 2018, Order; December 20, 2018, Order.

DATED: January 29, 2019

Respectfully submitted,

/s/ Michael Burrage

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing was emailed on January 29, 2019 to:

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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,

v.

PURDUE PHARMA L.P., *et al.*,

Defendants.

Case No. CJ-2017-816

Judge Thad Balkman

William C. Hetherington
Special Discovery Master

DEFENDANT JANSSEN'S THIRD SET OF INTERROGATORIES TO PLAINTIFF

Pursuant to 12 O.S. § 3233, Defendants Johnson & Johnson and Janssen Pharmaceuticals, Inc. ("Janssen") submit the following interrogatories to the Plaintiff State of Oklahoma ("the State"). You are required to answer each interrogatory separately and fully under oath, and to serve a copy of the answers upon counsel for Janssen within 30 days of service of these interrogatories.

INSTRUCTIONS

1. These interrogatories are directed toward all knowledge or information known or available to the State, including knowledge or information in the possession, custody, or control of the State's employees, agents, investigators, consultants, representatives, attorneys (subject to any otherwise applicable privileges), or any other person or entity within the State's control, or available to it upon reasonable inquiry. Where interrogatories cannot be answered in full, they shall be answered as completely as possible, and incomplete answers shall be accompanied by a specification of the reasons for the incompleteness of the answer and of whatever knowledge,

information, or belief You possess with respect to each unanswered or incompletely answered interrogatory, including an identification or description of all other sources of more complete or accurate information.

2. Pursuant to 12 O.S. § 3226(E), these interrogatories shall be deemed continuing so as to require amended answers if You obtain information on the basis of which You know that any response made was incorrect when made or, although correct when made, is no longer true.

3. As to every interrogatory which You fail to answer in whole or in part on the ground that the information sought involves a document or oral communication which You contend to be privileged or otherwise protected from disclosure, state in detail:

- a. the portion of the interrogatory to which the response is claimed to be privileged;
- b. the identification of the document, as defined below;
- c. the general subject matter of the document or communication;
- d. the author and all recipients of any document, and the persons involved in any oral communication;
- e. the identity of any other persons having knowledge of the document or communication involved;
- f. the nature of the privilege claimed; and
- g. every fact on which You base the claim of privilege or that the information need not be disclosed.

4. Each Interrogatory relates to the Relevant Time Period unless otherwise specified.

5. Where You have a good faith doubt as to the meaning or intended scope of an interrogatory, and Your sole objection would be to its vagueness, please contact counsel for

Janssen in advance of asserting an unnecessary objection. The undersigned counsel will provide additional clarification or explanation as needed.

6. If You answer an Interrogatory by reference to Documents from which the answer may be derived or ascertained, please: (i) describe the Documents or things to be provided in sufficient detail to permit the location and ascertainment of the answer, including any document production number; (ii) provide any relevant compilations, abstracts, or summaries of the Documents or things in Your possession, custody, or control; (3) state the identity of the file or files in which each such Document or thing is or was found; and (4) produce the Documents or things for inspection and copying.

DEFINITIONS

1. "Claim" is any request for payment or reimbursement.
2. "Communication(s)" is any unilateral, bilateral, or multilateral assertion, disclosure, statement, conduct, transfer, or exchange of information or opinion, including omissions, however made, whether oral, written, telephonic, photographic, or electronic.
3. "Doctor(s)" refers to any healthcare provider who is authorized to prescribe any controlled substance in Schedule II-V.
4. "Identify" with respect to individuals shall mean, and shall require You to identify specific individuals by name.
5. "Oklahoma Agency" or "Oklahoma Agencies" collectively refers to any State entity involved in regulating, monitoring, approving, reimbursing, or prosecuting the prescription, dispensing, purchase, sale, use, or abuse of controlled substances in Oklahoma, including, but not limited to, the Oklahoma Office of the Governor, Oklahoma Legislature, Oklahoma Office of the Attorney General, Oklahoma Department of Corrections, Oklahoma Department of Public Safety,

Oklahoma State Department of Health, Oklahoma State Bureau of Investigation, Oklahoma Bureau of Narcotics and Dangerous Drugs Control, Oklahoma Department of Mental Health and Substance Abuse Services, Oklahoma Health Care Authority, Oklahoma State Board of Dentistry, Oklahoma State Board of Medical Licensure and Supervision, Oklahoma State Board of Nursing, Oklahoma State Board of Pharmacy, Oklahoma State Board of Veterinary Medical Examiners, Oklahoma Workers' Compensation Commission, Office of the Medical Examiner of the State of Oklahoma, University of Oklahoma College of Pharmacy, and their respective predecessors, supervisory and subordinate organizations, and current or former employees.

6. "Opioid(s)" refers to FDA-approved pain-reducing medications consisting of natural or synthetic chemicals that bind to receptors in a patient's brain or body to produce an analgesic effect.

7. "Patient(s)" is any human being to whom an Opioid is prescribed or dispensed.

8. "Person(s)" is any natural or legal person.

9. "Prescribing Behaviors" refers to a Doctor's compliance, or lack of compliance, with all federal and state laws and regulations pertaining to the prescribing of controlled substances.

10. "Relevant Time Period" means May 1, 1996 to the present, per the Discovery Master's Order of April 4, 2018.

11. "You," "Your," "State," "Oklahoma," and "Plaintiff" refer to the sovereign State of Oklahoma and all its departments, agencies, and instrumentalities, including current and former employees, any Vendor, and other persons or entities acting on the State's behalf.

12. The words "and" and "or" shall be construed conjunctively as well as disjunctively, whichever makes the request more inclusive.

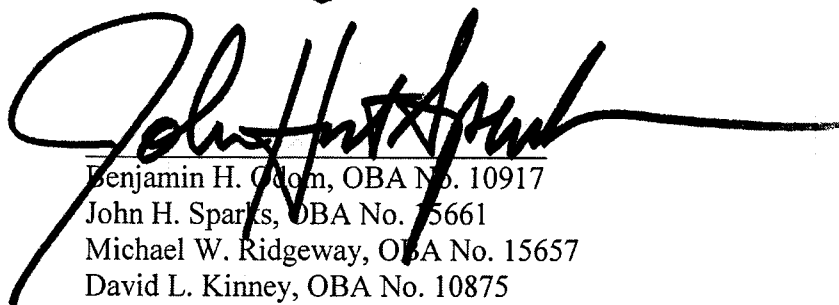
13. "Any" includes "all" and vice versa.
14. "Each" includes "every" and vice versa.
15. The term "including" shall be construed to mean "including but not limited to."
16. The singular of each word includes its plural and vice versa.

INTERROGATORIES

20. To the extent Your response to Request for Admission No. 1 is anything other than an unqualified admission, Identify all Oklahoma Doctors who were misled, and for each, the specific Janssen Communication(s) that misled the Doctor.

21. To the extent Your response to Request for Admission No. 2 is anything other than an unqualified admission, Identify all Oklahoma Doctors who were unable to accurately counsel their patients about the risks or benefits of prescription Opioid medications as a result of any Communication made, sponsored, or supported by Janssen.

22. To the extent Your response to Request for Admission No. 3 is anything other than an unqualified admission, Identify all Claims for reimbursement of Opioid prescriptions that were denied by You after they were written by a Doctor who was under investigation or prosecution for their Prescribing Behaviors.



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CERTIFICATE OF MAILING

Pursuant to Okla. Stat. tit. 12, § 2005(D), and by agreement of the parties this is to certify on December 10th, 2018, a true and correct copy of the above and foregoing has been served via electronic mail, to the following:

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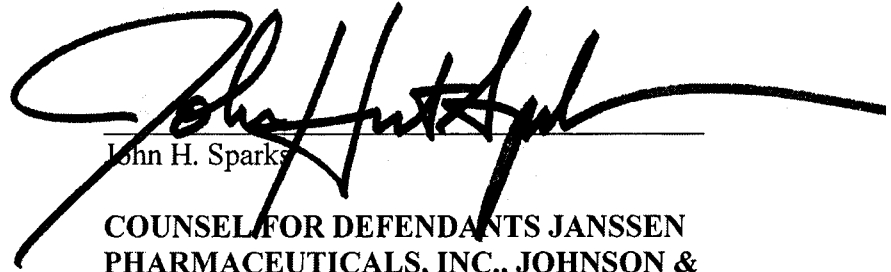
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A large, stylized handwritten signature in black ink, appearing to read "John H. Sparks", is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John H. Sparks

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