



IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.,)
 MIKE HUNTER,)
 ATTORNEY GENERAL OF OKLAHOMA,)
)
 Plaintiff,)
 vs.)
)
 (1) PURDUE PHARMA L.P.;)
 (2) PURDUE PHARMA, INC.;)
 (3) THE PURDUE FREDERICK COMPANY;)
 (4) TEVA PHARMACEUTICALS USA, INC.;)
 (5) CEPHALON, INC.;)
 (6) JOHNSON & JOHNSON;)
 (7) JANSSEN PHARMACEUTICALS, INC:)
 (8) ORTHO-McNEIL-JANSSEN)
 PHARMACEUTICALS, INC., n/k/a)
 JANSSEN PHARMACEUTICALS)
 (9) JANSSEN PHARMACEUTICA, INC.,)
 n/k/a JANSSEN PHARMACEUTICALS, INC.;)
 (10) ALLERGAN, PLC, f/k/a ACTAVIS PLC,)
 f/k/a ACTAVIS, INC., f/k/a WATSON)
 PHARMACEUTICALS, INC.;)
 (11) WATSON LABORATORIES, INC.;)
 (12) ACTAVIS LLC; and)
 (13) ACTAVIS PHARMA, INC.,)
 f/k/a WATSON PHARMA, INC.,)
 Defendants.)

Case No.: CJ-2017-816
Judge Thad Balkman

STATE OF OKLAHOMA } S.S.
 CLEVELAND COUNTY }
 FILED
 MAR 04 2019
 In the office of the
 Court Clerk MARILYN WILLIAMS

ORDER

The Defendants' filed a Motion for Continuance on February 28, 2019, seeking a continuance of all deadlines set forth in the Scheduling Orders (except the fact discovery deadline of March 15, 2019). The Defendants request is to extend all deadlines by 100 days and delay the trial date until September 16, 2019.

During a hearing with Discovery Master Judge Hetherington, counsel for Defendant Purdue made an oral motion seeking emergency relief from the March 1, 2019 deadline for Defendants to disclose information for expert witnesses. The undersigned judge heard arguments on the oral motion, including arguments from counsel for the State which was present via telephone. The oral motion was granted in so far as today's deadline for Defendants to disclose information for expert witnesses is extended until March 8, 2019.

A telephone conference was also held this day with counsel for all parties present and joining the call. By agreement of the parties, Defendants' Motion for Continuance will be heard March 8, 2019 at 3:30 pm.

In response to the Court's request, the State and the Defendants submitted briefs on the issue of severance and consolidation. The State has requested that this case be severed as to each of the three Defendant groups in anticipation of Defendant Purdue filing bankruptcy. The State has asked the Court to sever the case into three separate cases and then consolidate them back together for trial.

In the response briefs from the Defendants, they also argue for severance, but for very different reasons than the State. At least one of the Defendants – the Teva Defendants, filed a formal written motion for severance and separate trials, claiming misjoinder.

Because of this, the Court holds the State's request for severance and consolidation in abeyance and will address all of the issues of severance, consolidation, and misjoinder together.

The parties are ordered to submit written briefs on the issue of severance because of alleged misjoinder and may propose a trial plan in the event the Court grants severance of the claims. The deadline for the parties' briefs shall be March 22, 2019.

IT IS SO ORDERED this 1st day of March, 2019!

A handwritten signature in black ink, appearing to read "Thad Balkman", written over a horizontal line.

Thad Balkman, District Judge

CERTIFICATE OF SERVICE

This is to certify that on the 4th day of March, 2018, a true and correct copy of the above and foregoing instrument was emailed to the following:

Michael Burrage
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