



IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA } S.S.
CLEVELAND COUNTY }
FILED In The
Office of the Court Clerk

MAR 12 2019

In the office of the
Court Clerk MARILYN WILLIAMS

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

Plaintiff,)

v.)

PURDUE PHARMA L.P.; PURDUE PHARMA)
INC.; THE PURDUE FREDERICK COMPANY,)
INC.; 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

Special Discovery Master
Hetherington

**JANSSEN'S RESPONSE TO THE STATE'S MOTION TO QUASH JANSSEN'S
NOTICE OF DEPOSITION OF DEMETRA ASHLEY**

Janssen respectfully submits to the Special Discovery Master this response to the State's motion to quash Janssen's cross-notice of deposition of Demetra Ashley.

Ms. Ashley is the head of the office within the Drug Enforcement Agency that regulates pharmaceutical opioids, and therefore she is an important witness in this case. As a federal employee who is not available via other means, it is vitally important than her deposition proceed on Friday, as noticed. It is clear why the State wants to prevent her from testifying: her testimony would fly in the face of the State's efforts to pin the blame for all opioid-related issues in

Oklahoma on three manufacturers. The State's challenges to Ms. Ashley's deposition notice are frivolous and do not withstand scrutiny.

First, the deposition cross-notice was timely. The State admits that it received notice of Ms. Ashley's deposition on March 6, 2019—nine days before the deposition date of March 15, 2019. Because the State received *three times* the three-day notice period required by Oklahoma statute, it cannot argue that it had insufficient notice of the deposition. For the same reason, the State's reliance on the Court's February 26, 2019 Order, is misplaced, as the Order addressed a cross-notice that was served less than three days before the deposition date.

Second, there is no requirement in this case that one side clear dates for third-party depositions with the other side in advance. Indeed, the State has noticed *dozens of depositions* across the country, on arbitrarily chosen dates, without making any effort to coordinate dates with defendants. The State's own behavior therefore undermines the accuracy (and sincerity) of its arguments on this point.

Third, there is nothing in the Oklahoma rules that prohibits cross-notices for depositions, and this is no different than any other third-party cross-notice.

Finally, there is no question that Ms. Ashley's testimony will be directly relevant to the issues in this case. The State cannot argue "prejudice" simply because Ms. Ashley's testimony would contradict the State's claim that three manufacturers are entirely responsible and should be held solely liable for all opioid-related issues in Oklahoma.

For the foregoing reasons, Janssen respectfully requests that Your Honor deny the State's motion to quash the notice of Ms. Ashley's deposition.

Respectfully submitted,

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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 March 12, 2019, a true and correct copy of the above and foregoing has been served via electronic mail, to the following:

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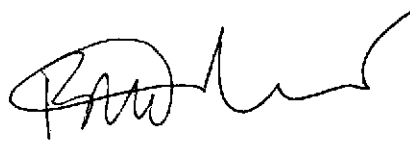
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