



IN THE DISTRICT COURT OF CLEVELAND COUNTY  
STATE OF OKLAHOMA

Document split into multiple parts

**PART E**

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

**SUMMARY JUDGMENT MOTION OF DEFENDANTS JOHNSON & JOHNSON AND  
JANSSEN PHARMACEUTICALS, INC. AND BRIEF IN SUPPORT**

**REDACTED VERSION**

THIS DOCUMENT WAS FILED IN ITS ENTIRETY APRIL 23, 2019,  
UNDER SEAL  
PER COURT ORDER DATED APRIL 16, 2018

STATE OF OKLAHOMA } S.S.  
CLEVELAND COUNTY }

**FILED**

APR 24 2019

In the office of the  
Court Clerk MARILYN WILLIAMS

# **EXHIBIT 34**

**Expected Expert Opinion Testimony of Bruce Bagley, Ph.D.**

**Subject Matter of Expected Testimony:**

1. All subjects discussed during his discovery deposition.
2. His education, knowledge, training, and experience in the field of illicit drug trafficking.

Dr. Bagley's professional qualifications and publications are set forth in detail in his Curriculum Vitae ("CV"), which is attached hereto.

3. His experience in the fields and subjects described in his CV, including his experience as a professor, his extensive publications regarding drug trafficking and organized crime, and his experience as a consultant for the United States and foreign governments, agencies, and other organizations.
4. The history of illicit drug trafficking into the United States and its role in the current opioid overdose crisis in the United States.
5. The various illicit drugs that are trafficked into or distributed within the United States, including heroin, fentanyl, cocaine, and carfentanil.
6. The origins, manufacturing processes, availability, prices, accessibility, dangers, potency, and other effects of the various illicit opioids that are trafficked into the United States, including heroin, fentanyl, and carfentanil.
7. The role of transnational organized crime groups from Mexico and Colombia in trafficking heroin, cocaine, fentanyl, and other illicit drugs into the United States.
8. The role of China-based individuals and entities in supplying illicit fentanyl and its precursors into the United States.

9. The drug routes employed by transnational organized crime groups to traffic illicit drugs into and through the United States, including heroin, fentanyl, cocaine, and carfentanil.
10. The drug routes employed by transnational organized crime groups to traffic illicit drugs into Oklahoma, including heroin, fentanyl, cocaine, and carfentanil.
11. The increasing supply of illicit opioids entering the United States in recent years, including heroin, fentanyl, and carfentanil.
12. The role of illegal online sales of illicit opioids, including fentanyl, in opioid-related public health issues.
13. The percentage of overdose deaths in recent years related to the supply of illicit drugs, including heroin, fentanyl, and carfentanil.
14. Law enforcement efforts to interdict illicit drugs, including heroin, fentanyl, cocaine, and carfentanil.
15. A discussion of his review of the records, testimony, and other evidence in this matter.
16. Dr. Bagley may present a rebuttal of evidence and/or opinions presented by plaintiff's experts to the extent that such evidence and/or opinions are unfounded or erroneous.
17. Dr. Bagley may also testify to any matters raised in deposition or in trial testimony within his expertise and knowledge.
18. As discovery is ongoing, Dr. Bagley reserves the right to supplement or amend these subjects as additional information becomes available.

**Findings and Opinions:**

1. All opinions expressed during his discovery deposition.

2. Illicit drugs, including heroin and fentanyl, have contributed to—and are driving—the current crisis of opioid overdoses and deaths in the United States. The United States Drug Enforcement Administration (“DEA”) found in its 2017 report that illicit fentanyl, in particular heroin laced with illicit fentanyl, is responsible for 30,000 deaths in the United States since 2013 and has been primarily responsible as the driver of opioid-related deaths from 2015 to the present.
3. The major sources of illicit drugs, such as heroin and fentanyl, are sources outside the United States that have filled a demand in the United States. Afghanistan produces over ninety percent of the world’s heroin supply. Mexico and Colombia are the principal suppliers of heroin into the U.S. market. According to a 2017 DEA report, more than ninety percent of the heroin analyzed by the Drug Enforcement Administration (“DEA”) came from Mexico. Around ten percent is exported from Colombia, according to a 2017 United Nations report. DEA’s 2018 report observed that China produces ninety percent of the world’s illicit fentanyl. Substantial and increasing amounts of illicit fentanyl (10% or more) come from China into the United States through Mexico.
4. Mexico has become a key source of heroin imported into the United State since the beginning of the 20<sup>th</sup> century. Colombia has emerged as a key source of heroin for the United States since the 1970s. Mexico and Colombia have been the principal sources of heroin for the United States in the 21<sup>st</sup> century. According to the DEA, the Sinaloa cartel alone has increased heroin imports into the United States by thirty percent between 2017 and 2018.

5. International drug cartels in Mexico and Colombia are supplying increasing volumes of illegal opioids into the United States. Mexico supplies both heroin and illicit fentanyl, while Colombia primarily supplies heroin and cocaine.
6. China-based individuals and entities are the principal source of illicitly manufactured fentanyl found in the illicit drug market. They have made the heroin supply far more dangerous by introducing illicit fentanyl, which is often used to lace heroin. Illicit fentanyl is also often found in cocaine. Since 2013, DEA reports have consistently indicated that illicit fentanyl is a major driver of the opioid overdose problems confronted by the United States.
7. As reported by the Office of National Drug Control Policy (“ONDCP”), China-based individuals and entities are supplying increasing volumes of illicit fentanyl and its precursors to the United States.
8. The addition of illicit fentanyl and carfentanil into the U.S. drug market has made the opioid overdose crisis far more dangerous and fatal.
9. The profitability of the illicit drug trafficking market has risen dramatically. The United States government estimates the profitability from illicit drug trafficking from Mexico alone to be \$19-39 billion per year, half of which is related to heroin and illicit fentanyl. Around eighty percent of profits from illicit drug trafficking into the United States are estimated to remain in the United States. The profits returned to Mexico are laundered through a variety of mechanisms, including the Mexican banking system, ATM machines, Western Union, and the physical export of dollars in containers from U.S. territory to Mexico.

10. Illicit fentanyl manufacturing takes place abroad primarily because state authorities in both China and Mexico do not effectively enforce legal prohibitions/restrictions on the manufacture of illicit fentanyl. Much of Chinese illicit fentanyl is smuggled directly through the U.S. mail system from China into the United States. An increasing percentage of illicit fentanyl is being produced in Mexican territory via imports of precursor chemicals from China that are then processed in Mexico. The principal organizations in Mexico involved in the fentanyl smuggling business are the Sinaloa cartel and the Cartel Jalisco Nueva Generación (“CJNG”), although a variety of smaller Mexican criminal organizations have also become deeply involved in fentanyl trafficking because of its profitability.
11. Illegal online sales, particularly via the dark web, have contributed to the increasing volumes of illicit opioids available in the United States.
12. Mexican drug cartels and other transnational organized crime groups employ drug routes passing through Oklahoma for distribution throughout the Midwest, and use Oklahoma City as a hub for distributing heroin, illicit fentanyl, and methamphetamine within and beyond Oklahoma.
13. Methamphetamine is a major illicit drug exported from Mexico across the U.S. border and into Oklahoma. The Sinaloa cartel is the principal source of illicit methamphetamine imports coming across the United States border and into Oklahoma. Mexican methamphetamine is often mixed with illicit fentanyl.
14. United States law enforcement responses along the border and throughout drug-trafficking routes from Mexico into the United States have had only limited

effectiveness, capturing an estimated ten to fifteen percent of the total volume of illicit drugs trafficked into U.S. territory.

15. U.S. law enforcement's actions have failed to control the smuggling of illicit opioids, including heroin and illicit fentanyl, into the United States. There has been a major surge in heroin and illicit fentanyl imports from Mexico into the United States since 2013.
16. According to DEA reports from 2014 through the present, U.S. law enforcement agencies' failures to interdict illicit opioids that originate outside the United States have been the major drivers behind the opioid overdose crises.
17. All of Dr. Bagley's opinions will be expressed to a reasonable degree of scientific certainty.
18. As discovery is not completed, Dr. Bagley reserves the right to review additional materials and amend or supplement his opinions.

**Summary of Grounds for Findings and Opinions:**

The aforementioned findings and opinions of Dr. Bagley are based on his extensive qualifications, knowledge, skill, training, and education; his analysis and application of the data contained in relevant professional literature, reports, and similar sources; his extensive consulting experience, as described in his CV; and his review of the records, testimony, and other evidence in this matter.

As discovery is ongoing, Dr. Bagley reserves the right to review and rely on additional evidence and testimony.

**Qualifications:**

Dr. Bagley's qualifications and publications are set forth in detail in his Curriculum Vitae, which is attached hereto as Exhibit A.



**Compensation:**

Dr. Bagley's time is billed at \$750 per hour.

**Prior Expert Testimony Within Preceding Four Years:**

1. Angelica Fajardo, Asylum - USCIS
2. Adolfo Rodriguez, Asylum - USCIS
3. Gustavo Andres Victoria, Immigration Court
4. Roberta Barrera-Moreno, A# 087-753-038, Immigration Court
5. Rogelio Leyva-Ortiz, Asylum - USCIS
6. Serguey Carlovich Merino, A# 098-730-537, Asylum - USCIS
7. Monica Maria Carvajal Muñoz, A# 087-962-480, A# 087-962-479, A# 087-962-481, Immigration Court
8. Rafael Ignacio Ramirez Jimenez, A#200-875-829, Homeland Security
9. Eider Rivera, Immigration Court
10. Jesus Maria Sanchez, A# 097-532-567, Homeland Security
11. Erick Liscano Querales, Asylum – USCIS
12. Luis Valderrama, A# 205-088-807, Asylum – USCIS
13. Valentina Chaparro, Asylum – USCIS
14. Herbert Veloza, A# 087-483-551, Asylum – USCIS
15. Raul Contreras Chavez, A# 202-114-767, Immigration Court
16. Erminia Luna Gonzales, Immigration Court
17. Adam Schwarts, Asylum – USCIS
18. Caicedor Paras, 08-CR-152-T-27MAP, U.S. District Court, Middle District of Florida
19. Alvaro Jose Lovera Osio, A#203-089-084, Homeland Security

20. Andrea Manrique Yaruro, Asylum – USCIS
21. Ricardo Martinelli Berrocal, Case 17-22197-Civ, Southern District of Florida
22. Juan Carlos Lopez Trujillo, Immigration Court
23. Ricardo Querales Cristalino, A#096-089-038, Homeland Security
24. Antonio Caballero, No. 12-48803-CA-02, 11th Judicial Circuit, Miami-Dade  
County
25. Berta Duarte Atunez, Immigration Court
26. Mireya Campos, Immigration Court
27. Juan Manuel Rojas Salazar, Passport AO743170, Asylum – USCIS
28. Mario Alberto Salina Ponce, Homeland Security
29. Juana Suarez, Asylum – USCIS
30. Heynner Fabian, Immigration Court
31. Luis Javier Cuellar, Homeland Security
32. Carlos Duque Gallego, Immigration Court
33. Alberto José Lovera Osio, A# 203089084, A# 203089085, Asylum – USCIS
34. Andrés Puentes – Posada and Carolina Vergara, A# 079191177, A# 079191178,  
Executive Office for Immigration, Miami, Florida
35. Alexander Ayala, A# 088179948, Asylum – USCIS
36. James Leger, A# 072029349, Asylum – USCIS
37. Carlos Alberto Rincón Diaz, A# 201-164-358, Asylum – USCIS
38. Roberto Marquez Díaz, A# 206-732-040, Immigration Court
39. Jhon Alexander Medina Pinzon, A# 206-827-254, Immigration Court
40. Anibal Caniz, Immigration Court

41. Rodney Montoya, Immigration Court
42. John Munar-Pelaez, A204-747-281, Immigration Court
43. Javier Estrada, A089-463-640, Immigration Court
44. Herbert Veloza, S1 07 Cr. 274, U.S District Court, Southern District of New York
45. Guillermo Perez Alzate, A# 088-181-485, Immigration Judge Orlando
46. Urrutia-Hurtado Henry, A# 206-548-833, Immigration Court, Miami, Florida
47. Carlos Alberto Rincon Diaz, A# 201-164-358, Immigration Court Miami, Florida
48. Zaydah Lechelle Barksdale, No. 16-20559-CR-SEITZ, Immigration Court,  
Miami, Florida
49. German Velasquez Camargo, Asylum
50. Wenceslado Caicedo Mosquera, No. A088-180-202, Immigration Court, Orlando,  
Florida

Member, Advisory Board, Center for Hemispheric Policy, UM, 2007- 2015.

Member, Executive Board, Center of Latin American Studies (CLAS), University of Miami, 2000-2015.

Academic Consultant, Office of National Drug Control Policy (ONDCP), Washington D.C., January 1998.

Academic Expert, "Hearing on U.S. Drug Certification Process" U.S. House of Representatives, Washington D.C., March 1998.

Academic Consultant, U.S.-Colombia Bilateral Relations Project, IEPRI, Universidad Nacional de Colombia (Bogotá) 1997.

Member, U.S. - Andean Foreign Policy Task Force, Universidad Javeriana (Bogotá), May 1997.

Member, Council on Foreign Relations, "Task Force on U.S. International Drug Control Policies," New York, 1997.

External Evaluator, International Relations Program, Instituto de Estudios Políticos y Relaciones Internacionales (IEPRI), Universidad Nacional de Colombia, Bogotá, 1996-1997.

Faculty Advisor, Journal of Latin American Affairs, GSIS, University of Miami, 1995-1997.

Academic Consultant, Policy Briefing for U.S. Ambassador Designate to Colombia, Mr. Kurt Kammen, December 1997.

Member, Advisory Board, The Journal of Latin American Affairs, Washington D.C., 1994-1997.

Program Chair, Latin American Studies Association, LASA '94, 1994.

Member, Advisory Board, Center for International Business and Research (CIBER), University of Miami, 1990-1993.

Member, Editorial Board, Journal of Interamerican Studies and World Affairs, University of Miami, Coral Gables, FL, 1991-1997.

Member, Inter-American Commission on Drug Policy, IOA and CILAS, USCD, 1990-1991.

Member, Academic Advisory Board, FLACSO Sede Quito, Quito, Ecuador, 1988-Present.

Member, International Task Force, The Miami Coalition For a Drug-Free Community, Miami, FL, 1988-1995.

Member, American Political Science Association (APSA)

Member, International Studies Association (ISA) and ISA South

Member, Latin American Studies Association (LASA)

Member, Southeast Conference on Latin American Studies (SECOLAS).

Member, Asociación Mexicana de Estudios Internacionales (AMEI).

Member, Association of North American Colombianistas.

Chair, Social Science Research Council, Dissertation Fellowship Selection Committee, Latin American region, 1982-1984.

24. Honors and Awards:

25. Post-Doctoral Fellowships:

Fulbright Professor, FLACSO, Quito, Ecuador, July-August 1987; July-August 1989; May-June 1991.

Project Director, Mexican National Security Project, Social Science Research Council Grants, 1988-1990.

Post Doctoral Fellowship, Tinker Foundation, 1982-1983.

Post Doctoral Fellowship, Tinker Foundation, (declined), 1978-1979.

26. Other Professional Activities (e.g. papers presented; performances; conference proceedings; seminar or conference panel member; catalogue work; etc.).

I participated in more than 40 professional conferences, seminars and other meeting during 2015 in the United State, Canada, Europe and Latin America and the Caribbean. A complete listing of these professional activities for 2015 is provided separately.

Other Professional Activities:

Visiting Lecturer at five Latin American Universities in 2015 (Los Andes (Bogota), ICESI (Cali), CIDE (México DF, MX), UANL (MX), FLACSO (Quito Ecuador), Colegio de la Frontera Norte (COLEF), Tijuana, MX).

#### TEACHING:

27. Teaching Awards Received:

None

28. Teaching Specialization (courses taught)

Over the last five years, I have regularly taught the following fivecourse:

Foreign Policy Analysis  
Drug Trafficking in the Americas  
National Security and U.S. Foreign Policy  
Doctoral Workshop  
U.S. Foreign Policy

During my twenty eight years of teaching at the University of Miami, I have also taught the following courses at the Undergraduate, M.A. and Ph.D. levels:

– U.S. Politics and Foreign Policy

- Foreign Policies of the Andean Republics
- Drug Trafficking in Mexico, Central America and the Caribbean
- Drug Trafficking in the Americas
- The State and the Political Power in Central America
- Inter American Relations
- U.S.-Latin American Relations
- U.S.-Mexican Relations
- U.S.-Colombian Relations
- Cuba and the United States
- Latin American History
- Civil-Military Relations and Democratic Transitions in Latin America
- Politics and Foreign Policies of the Central American Republics
- Soviet-Latin American Relations in Historical and Comparative Perspective
- Soviet Foreign Policy and the Third World
- The Political Economy of Latin American Development
- Agrarian Reform and Political Economy of Rural Development in Latin America
- Peasants, Guerrillas and Revolutionary Movements in Latin America
- Comparative Revolutions: Cuba, Mexico and Bolivia
- International Relations Theory
- Introduction to International Studies
- Introduction to American Foreign Policy
- Globalization and Change in World Politics
- IR Theory II (Post-Positivism)
- Comparative Politics

29. Thesis and Dissertation Advising/Post-doctoral student supervision (chairman or committee member; topic; student name; date):

In 2015 I currently direct 20 and am a member of seven INS Ph.D. dissertation and MA Thesis Committees (Names, topics and dates available.

I served as chair on two INS Undergraduate Honors Theses in 2015.

SERVICE:

30. University Committee and Administrative Responsibilities:

Member, UM Faculty Senate Committee on Salary, Rank and Conditions of Employment (CSRCE), 2011-2015

Chair, Department of International Studies, 2006- 13

Faculty sponsor of four UM student organizations: CANES International, STAND, INS GSA, Students for Democracy, 2007- 13.

Faculty mentor for two NSF undergraduates, NSF summer program at UM, 2010.

Coordinator, Osher Center (OLLI) speakers series on International Affairs, 2008, 2009, 2010, 2011, 2013, 2014, 2016.

Director, Andean Republics Interdisciplinary Research Group (IRG), CLAS, UM, 2010.

Director, Ill-Liberal Democracies Interdisciplinary Research Group (IRG), CLAS, UM, 2010.

Distinguished Speaker, Distinguished Speaker Series, CLAS (UM) and LACC (FIU), fall and spring 2010

Guest lecturer in School of Business, School of Communications and Department of Political Science, 2010

Co-Chair (with George Yudice), Latin American Studies Task Force, CAS/UM, 2008-09

Co-Chair (with Fred Frohock), INS/POL Merger Task force 2008-09

Director of Undergraduate Studies, Department of International Studies, University of Miami, January 2005 - present.

Director of Graduate Studies, Department of International Studies, 2005-2007.

Member, Advisory Board, Center for Hemispheric Policy (CHP), 2007- present

Member, Executive Committee, Center for Latin American Studies (CLAS), University of Miami, 2000-present.

INS Representative, College Council, College of Arts and Sciences (CAS), University of Miami, August 2005-2007.

Member, University Admissions Committee, University of Miami, 2004-2007.

Member, University of Miami Center of Latin American Studies Planning Committee, Sponsored by Dean Kanet (SIS) and Dean Subbaswamy (Arts and Sciences) 1998-1999.

Chair and member, "GSIS Undergraduate Curriculum Reform Committee," initiated by Interim Dean John Masterson, 1996-97.

Member, "GSIS Faculty Search Committee," 1997-98.

GSIS Representative; Graduate Faculty, University of Miami, 1991-1994.

Member, GSIS, University of Miami Bacardi Chair and Bacardi Awards Selection Committee, 1987-97.

31. Community Activities:

I frequently speak at high school and voluntary community activities in South Florida and beyond..

32. Media Activities

I made 70 newspaper, radio and TV interviews and talk show appearances in the United States and various Latin American countries in 2015.

# **EXHIBIT 35**



IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex reo.,  
MIKE HUNTER, ATTORNEY GENERAL  
OF OKLAHOMA,

Plaintiff,

vs.

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., a/k/a  
JANSSEN PHARMACEUTICALS, INC.;  
(9) JANSSEN PHARMACEUTICALS,  
INC., a/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.

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\*\* CONFIDENTIAL \*\*

DEPOSITION OF MELTON EDMINSTEN  
TAKEN ON BEHALF OF THE DEFENDANTS  
ON MARCH 12, 2019 AT 9:06 AM  
IN OKLAHOMA CITY, OKLAHOMA

REPORTED BY:

Jody Graham, CSR, RPR, RMR, CRR

Job No. 3188573

Pages 1 - 98



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# **EXHIBIT 36**

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IN THE DISTRICT COURT IN AND FOR CLEVELAND COUNTY  
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.,  
MIKE HUNTER, ATTORNEY GENERAL  
OF OKLAHOMA,  
Plaintiffs,

Case No. CJ-2017-816

-vs-  
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.; ALLERGEN, PLC f/k/a  
ACTAVIS PLC, f/k/a ACTAVIS, INC.,  
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.

VIDEOTAPED DEPOSITION OF CINDY HAMILTON-FAIN  
TAKEN ON BEHALF OF THE DEFENDANTS  
ON FEBRUARY 19, 2019, BEGINNING AT 9:02 A.M.  
IN LITTLE ROCK, ARKANSAS

REPORTED BY: Shannon S. Harwood, CSR, RPR  
Pages 1- 240

1 ordered and will begin keeping hydrocodone products plus 10:28a  
2 oxycodone products in secure locked area at night." 10:28a  
3 Do you have any specific recollection of this 10:28a  
4 particular break in or what was done with this pharmacy 10:28a  
5 after the fact? 10:28a  
6 MR. CUTLER: Object to the form. 10:28a  
7 A. No. 10:28a  
8 Q. (By Mr. Bowman) If you look at the amounts of 10:28a  
9 drugs that are listed at the bottom of the form, it 10:28a  
10 looks like all hydrocodone products and then Lortab. 10:28a  
11 What's your understanding of what's in Lortab? 10:29a  
12 A. Hydrocodone. 10:29a  
13 Q. And if -- I won't ask you to add up all those 10:29a  
14 tablet amounts over there on the right, but I did that 10:29a  
15 and it's roughly 3,000 total tablets. Does that look 10:29a  
16 correct to you? 10:29a  
17 MR. CUTLER: Object to the form. 10:29a  
18 A. Yes. 10:29a  
19 Q. (By Mr. Bowman) 3,232 to be exact is what I 10:29a  
20 got when I added those up. Is that -- would you 10:29a  
21 consider that a fairly significant loss during your time 10:29a  
22 as an inspector? 10:29a  
23 MR. CUTLER: Object to the form. 10:29a  
24 A. It's relative. 10:29a  
25 Q. (By Mr. Bowman) How so? 10:29a

1           A.    Some pharmacies have a thousand taken.  I've           10:29a  
2    had pharmacies have 500,000 taken.                           10:29a  
3           Q.    How often would those type of losses occur?           10:29a  
4           MR. CUTLER:  Object to the form.                       10:29a  
5           A.    Once or twice a year.                           10:29a  
6           Q.    (By Mr. Bowman)  You're talking the 500,000       10:29a  
7    taken at a time?   10:29a  
8           A.    Anything over 250,000.                           10:29a  
9           Q.    How often would these type of numbers -- would       10:30a  
10   you see these type of numbers as far as a loss or theft?       10:30a  
11           MR. CUTLER:  Object to the form.                       10:30a  
12           A.    Once or twice weekly.                           10:30a  
13           Q.    (By Mr. Bowman)  So fairly common occurrence       10:30a  
14   to have a night break-in where over a thousand tablets       10:30a  
15   are stolen in your experience as an inspector?               10:30a  
16           A.    Yes.   10:30a  
17           Q.    What other types of theft or loss -- under       10:30a  
18   that box number 10, it says night break-in.  We talked       10:30a  
19   about that.  What other types of theft or loss are you       10:30a  
20   aware of that occur in pharmacies?                           10:30a  
21           MR. CUTLER:  Object to the form.                       10:30a  
22           A.    There are several choices on the DEA 106 Form,       10:30a  
23   but some of the examples would be employee pilferage,       10:30a  
24   armed robbery, lost in transit.  Those are the ones I       10:30a  
25   can specifically remember.                                   10:31a

1 Q. (By Mr. Bowman) Any -- any one of those types 10:31a  
2 of loss or theft more common than the others in your 10:31a  
3 experience? 10:31a  
4 A. I really couldn't say how they ranked. 10:31a  
5 Q. I'm going to hand you Exhibit 4. 10:31a  
6 (Deposition Exhibit No. 4 was marked for 10:31a  
7 identification and made part of the record.) 10:31a  
8 Q. (By Ms. Bowman) This is another similar form. 10:31a  
9 It starts with a fax cover sheet and this one is dated 10:31a  
10 March 2nd, 2015, and says, "Attention: Chelsea Church." 10:31a  
11 That's the Ms. Church we discussed earlier, correct? 10:31a  
12 A. Correct. 10:31a  
13 Q. At this time in 2015 she was your subordinate, 10:31a  
14 correct? 10:31a  
15 A. That is correct. 10:31a  
16 Q. And that fax cover sheet in Exhibit 4 attaches 10:31a  
17 a DEA Form 106. This one looks a little different than 10:31a  
18 in that it's turned sideways and may be a little easier 10:32a  
19 to read. And this theft occurred in Marlow, Oklahoma, 10:32a  
20 correct? 10:32a  
21 A. Yes. 10:32a  
22 Q. Do you recall this specifically in 2015? 10:32a  
23 A. Yes. 10:32a  
24 Q. What do you recall about this theft? 10:32a  
25 A. The husband of Shelly Mitchell was the 10:32a