



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 } S.S.  
STATE OF OKLAHOMA }  
CLEVELAND COUNTY }

**FILED**

JUN 07 2019

In the office of the  
Court Clerk MARILYN WILLIAMS

**DEFENDANTS JANSSEN PHARMACEUTICALS, INC. AND JOHNSON AND  
JOHNSON'S MOTION TO STRIKE AND MOTION FOR ORDER PROHIBITING  
COUNSEL FROM MAKING FACTUAL ASSERTIONS COUCHED AS QUESTIONS**

Defendants Janssen Pharmaceuticals, Inc. ("Janssen")<sup>1</sup> and Johnson & Johnson ("J&J"; together, "Defendants") hereby move to strike certain testimony from the June 5, 2019 trial transcript involving the State's unfounded assertion that Defendants "pulled the plug" on the *Growing Pains* website. Defendants also move for an order prohibiting counsel from making unsupported factual assertions couched as questions for the remainder of trial. The trial record is littered with examples of State's counsel misusing witness questioning as a platform for making "speeches" laden with factual assertions. The *Growing Pains* questioning encapsulates the unfairness of this practice. The State recklessly asserted that Defendants had taken the website down, but the error message that appeared on the site indicated a common, easily resolvable server error (that appears to have been resolved) rather than removal of the site. This Court should grant

<sup>1</sup> "Janssen" also refers to Janssen Pharmaceuticals, Inc.'s predecessors, Ortho-McNeil-Janssen Pharmaceuticals, Inc. and Janssen Pharmaceutica, Inc.

this motion and put a stop to speculative sideshows that confuse the issues and prejudice Defendants.

## I. BACKGROUND AND ARGUMENT

Few rules are as fundamental to the fairness of a trial as the requirement that any facts asserted by counsel have evidentiary support. Oklahoma courts have long held that “questions assum[ing] facts which were not in evidence” may be “improper.” *Odell v. State*, 94 Okla. Crim. 159, 161, 232 P.2d 158, 161 (1951). Even in the comparatively freewheeling context of closing argument, an attorney may not “bolster his argument by implications which are unsupported by competent evidence[.]” *Green v. State*, 1980 OK CR 34, 611 P.2d 262, 265. For good reason. The injection of facts unsupported by evidence violates due process by denying the opposing party a “fair opportunity to examine, criticize and refute” the basis for the allegations. *C. P. v. State*, 1977 OK CR 148, 562 P.2d 939, 942.

The State’s questioning makes a mockery of those principles. Time and again, its lawyers have engaged in longwinded “speechifying in the form of a question,” Ex. B, June 3, 2019 Trial Tr. at 15:1-3, untethered to evidence.

A line of questioning in the redirect examination of Kimberly Deem-Eshleman on June 5, 2019 is representative. There, counsel for the State asserted that Defendants had “pulled the plug” on the *Growing Pains* website:

Q. Well, you were asked if the Judge could look at the documents that had been provided to the Court, and read them, and understand what had been done. You didn’t have to go over every one of them. Do you recall that?

A. Okay.

Q. Okay. Well, the *Growing Pains* website was launched. Right?

A. It was.

Q. And isn’t it true that on Wednesday of this week after this trial began, you all pulled the plug with the American Chronic Pain Association, and it is nowhere to be found?

A. I was not aware of that.

Q. Hmm. Okay. But you all didn't target kids, did you, ma'am?

A. No.

Q. Okay.

A. And the American Chronic Pain Association, this was on their website. We had no say in the development of that, and so this being pulled down, we did not know.

Ex. C, June 5, 2019 Trial Tr. 77:7-78:1. The State never introduced evidence supporting its assertion. As it turns out, it appears no one “pulled the plug” on the *Growing Pains* website; it simply had a server-data storage error. Here is the error message the GrowingPains.org website displayed on June 5, 2019:

6/5/2019

The transaction log for database 'GrowingPains' is full due to 'LOG\_BACKUP'.

Server Error in '/' Application.

*The transaction log for database 'GrowingPains' is full due to 'LOG\_BACKUP'.*

Description: An unhandled exception occurred during the execution of the current web request. Please review the stack trace for more information about the error and where it originated in the code.

Exception Details: System.Data.SqlClient.SqlException: The transaction log for database 'GrowingPains' is full due to 'LOG\_BACKUP'.

Source Error:

An unhandled exception was generated during the execution of the current web request. Information regarding the origin and location of the exception can be identified using the exception stack trace below.

Stack Trace:

Ex. A, Goshorn Decl. Ex. 2. That message indicates a “Server Error” and says nothing about site content being removed. As detailed in the attached declaration of Joshua Goshorn, the “LOG\_BACKUP” error merely “relates to the fact that there is not enough data storage to continue to add to the transactions log.” Ex. A, Goshorn Decl. ¶5. By contrast, if the website had been taken down, “then the website would not be discoverable on the world-wide-web and the more common error code of HTTP 404 would be displayed in the browser.” *Id.* ¶6. Significantly, it would only have taken the State a quick Google search to determine that the error message did not mean that the site had been removed. *Id.* ¶¶7-8. The top search results for “log\_backup error” indicate that it is a common server error that can be resolved in various ways, including by increasing storage space. *Id.* ¶9. None of the top results suggests that the error message means the website was taken down. *Id.* As of the evening of June 6, 2019, the Growing Pains website was accessible again, indicating that necessary maintenance may have been performed by the

American Chronic Pain Association, which owns the site. *Id.* ¶¶3, 6; Ex. B, June 5, 2019 Trial Tr. 77:24-78:1.

The *Growing Pains* exchange sums up the problems with the State’s improper questioning-by-speech. The State made a factual assertion under the guise of asking a question. It turned out to be false—recklessly so. Never having been provided evidence supporting the State’s claim, though, Defendants were limited in their ability to uncover the truth through cross-examination.

The trial testimony based on the State’s false assertion about the *Growing Pains* website should be stricken from the record. But further relief is needed. This Court has sustained several objections to the State’s improper questioning in the form of speeches that make factual assertions.<sup>2</sup> Yet the State persists in the practice, and it has serious consequences for the fairness of this proceeding. It confuses the issues and violates Defendants’ due process right to “examine, criticize and refute,” *C. P.*, 562 P.2d at 942, the State’s evidence. The publicity and televising of this case magnifies these concerns. It is said a lie gets halfway around the world while the truth is still putting on its shoes. Here, the State’s misstatement about *Growing Pains* was broadcast worldwide before any evidence supporting the claim—there was none, because the claim was false—had materialized. The Court should put an end to these misleading and improper distractions and enter an order prohibiting counsel from repeating such conduct.

## II. CONCLUSION

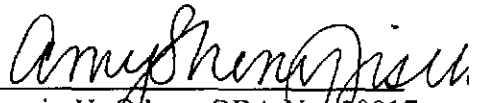
The Court should grant this motion and (i) strike lines 77:7-78:1 of the June 5, 2019 trial transcript and (ii) enter an order prohibiting counsel from making unsupported factual assertions couched as questions.

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<sup>2</sup> *See, e.g.*, Ex. D, May 30, 2019 AM Trial Tr. at 143:5, May 30, 2019 PM Trial Tr. at 65:24-25, 73:6; Ex. E, May 31, 2019 AM Trial Tr. at 26:16, 30:6-7, 70:3, May 31, 2019 PM Trial Tr. at 70:2, 81:2; Ex. B, June 3, 2019 AM Trial Tr. at 70:22, June 3, 2019 PM Trial Tr. at 15:4-5, 74:18, 95:4-6.

Dated: June 7, 2019

Respectfully submitted,

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**CERTIFICATE OF MAILING**

Pursuant to OKLA. STAT. tit. 12, § 2005(D), this is to certify on June 7, 2019, a true and correct copy of the above and foregoing has been served via email to the following:

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JANSSEN PHARMACEUTICALS, INC.,  
AND ORTHO-MCNEIL-JANSSEN  
PHARMACEUTICALS, INC. N/K/A/  
JANSSEN PHARMACEUTICALS, INC.**

# **EXHIBIT A**

**IN THE DISTRICT COURT OF CLEVELAND COUNTY  
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel.,  
MIKE HUNTER,  
ATTORNEY GENERAL OF OKLAHOMA,  
Plaintiff,  
vs.  
PURDUE PHARMA L.P., et al.,  
Defendants.

Case No. CJ-2017-816

Honorable Thad Balkman

**DECLARATION OF JOSHUA GOSHORN**

I, Joshua Goshorn, declare and state:

1. My educational background includes a Bachelor of Science in Computer Engineering in 2000, a Master of Science in Electrical and Computer Engineering with emphasis in Communications Theory and Systems in 2005, and a Candidate of Philosophy (C.Phil) degree in Electrical and Computer Engineering (also known as Ph.D. Candidate) with emphasis in Communications Theory and Systems in 2009, all from the University of California, San Diego. I was elevated to the level of Senior Member of the Institute for Electronics and Electrical Engineering (IEEE) in 2008, and I am a member of the Communications Society, the Signal Processing Society and the Computer Society of the IEEE. My Ph.D. research focused on optimizing performance in wireless sensor networks. I have authored or co-authored multiple published technical papers in international conferences, co-authored a book chapter, presented my work at technical conferences and given invited lectures at universities, all in the area of communications, computer networks, embedded systems, digital signal processing and sensor networks.

2. I am the presently the founder, CEO and Principal Consultant of JLG Technologies, Inc., an engineering consultancy, specializing in research and development of communications systems, digital signal processing systems, and internet protocol (IP) connected computer networks, implemented in embedded software and hardware systems. I have been in this role since January 2000, performing consulting services for start-up companies as well as for larger publicly traded companies. I have worked on dozens of projects in the design and development of software application and system architectures of communications systems and computer networks. The majority of software applications I have developed have been in systems that interact with other software applications over a communications system/computer network, such as Internet Protocol (IP) network to implement computer network server and client programs. Many of the applications that I have developed contain interactions with relational databases as well as the development of web applications. In addition to technical development, for the last 11 years I provided technical analyses of technologies for intellectual property litigation. I have been retained as an expert for analyzing software source code in over 80 intellectual property matters, including patent litigation and trade secret matters, and have spent thousands of hours analyzing source code files. A list of projects that I have worked on in both for technical product development and in support of intellectual property matters are listed in the appendix of my CV attached herein as Exhibit 1.

3. I have reviewed Exhibit 2, which I understand to be a true and correct copy of an error message displayed by the [www.GrowingPains.org](http://www.GrowingPains.org) website on Wednesday, June 5, 2019. The error message states "The transaction log for database 'GrowingPains' is full due to 'LOG\_BACKUP'." This is the same error message that I received when I visited the [www.GrowingPains.org](http://www.GrowingPains.org) website on Thursday, June 6, 2019. While in the process of writing this declaration, it appears that the error message of Exhibit 2 is no longer displayed when visiting [www.GrowingPains.org](http://www.GrowingPains.org).

4. A website on the World Wide Web supplies web pages and associated content to web browsers that display the websites to a user. The website is hosted on computer servers that

are connected to the public internet. The computer servers run the software that displays web pages and their content to users. Often websites need to store data, which is stored in a database on database servers. The error message in Exhibit 2 does not indicate that the [www.GrowingPains.org](http://www.GrowingPains.org) website is “down.” Instead, the error message in Exhibit 2 indicates that the amount of data storage allowed on the domain-hosting platform is insufficient to continue to interact with the database.

5. More specifically, when a user visits the website, the computer servers interact with the database servers to, for example, retrieve information to display the web pages. These interactions with the database are saved in a transaction log file. This transaction log file continues to expand as users continue to visit the website. The error that is displayed in Exhibit 2 relates to the fact that there is not enough data storage to continue to add to the transactions log. Instead of displaying the web page content as usual, [www.GrowingPains.org](http://www.GrowingPains.org) is displaying an error message that there is not enough data storage space to add another transaction to the log file.

6. If the [www.GrowingPains.org](http://www.GrowingPains.org) website had been taken down, then the website would not be discoverable on the world-wide-web and the more common error code of HTTP 404 would be displayed in the browser. The fact that the error message of Exhibit 2 is no longer displayed when visiting [www.GrowingPains.org](http://www.GrowingPains.org) indicates that maintenance was performed on the web hosting platform such that there is now sufficient data storage on the hosting platform to continue to interact with the database servers and to add to the transaction log file.

7. It would have been a simple matter for any user to determine the cause of the error message in Exhibit 2. Explanations for this error message are publicly available and easily accessible on the Internet. For instance, I searched Google for the phrase “log\_backup error.” The results on the first page described it as a common error with some straightforward solutions. The second result was <https://stackoverflow.com/questions/21228688/the-transaction-log-for-database-is-full-due-to-log-backup-in-a-shared-host/21235001>. One of the responses in this forum indicates that it is a “database issue,” and that “shrinking the database could work.”

Another suggests “call[ing] your hosting company and either have them set up regular log backups or set the recovery model to simple.” A true and correct copy of a printout from this site is attached as Exhibit 3.

8. Likewise, the fifth result, [https://jwcooney.com/2018/02/19/sql-server-error-fixing-the-transaction-log-for-database-is-full-due-to-log\\_backup/](https://jwcooney.com/2018/02/19/sql-server-error-fixing-the-transaction-log-for-database-is-full-due-to-log_backup/), explained that the error indicates either that “The physical drive on which your database files reside is running out of space,” or “Your database’s transaction log was set with a maximum file size that has been reached,” and can be fixed by increasing the size of the drive or changing the database’s settings. A true and correct copy of a printout from this website is attached as Exhibit 4.

9. All of these search results are available to the public through the Internet. Moreover, all of these results clearly suggested that the error indicates a common technical server problem that can be resolved. None of the websites that appeared on the first page of my search results indicated the “LOG\_BACKUP” server error message at [www.GrowingPains.org](http://www.GrowingPains.org) meant that the website had been taken down.

I declare under penalty of perjury under the laws of the State of Oklahoma that the foregoing is true and correct.

Executed on this 6th day of June 2019 at San Jose Del Cabo, Baja California Sur, Mexico.



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Joshua Goshorn

**GOSHORN DECLARATION**  
**EXHIBIT 1**

## Joshua L. Goshorn

M: +1-858-335-0748  
[joshua@jlgti.com](mailto:joshua@jlgti.com)

PO Box 3597  
Carmel-by-the-Sea, CA, 93921

### OVERVIEW

Consulting engineer with expertise in communications systems, signal processing and embedded systems. Design and development of a broad range of technologies in software and hardware for applications in telecommunications and multimedia networking. Expertise in digital video and voice communications systems over packet-based wireless and wireline computer networks. Have been retained as an expert in over 75 intellectual property litigation matters.

### AREAS OF EXPERTISE

#### **Multimedia Digital Signal Processing / Networking**

Video and image processing and compression. Video codecs: MPEG2, H.264 along with video communications protocols MPEG 2 Transport stream, DVB, ATSC and applications: set-top-boxes, Digital Televisions Video over IP (IPTV), satellite TV, Video on demand, Real-time streaming Protocol (RTSP), Video security and conditional access.

Audio processing and compression, audio codecs (G.7xx), echo cancelers, automatic gain controllers, Voice over IP (VoIP) and its protocols (SIP, H.323). Jitter buffers and PSTN interconnects (SS7, R2MF).

Multi-rate signal processing, filter design, sampling and sample-rate conversions, adaptive filters. FIR, IIR filter design, implementation and applications.

#### **Communications Systems**

Wired and wireless communications, including MAC, PHY development. QoS, admission control and routing algorithms. 802.11a,b,g,n, Cellular technologies (3GPP UMTS/WCDMA R99, HSDPA, HSUPA, HSPA+, LTE; 3GPP2 cmda2000), satellite communications.

Digital communication theory and applications, including error correction codes (reed-solomon, trellis coded modulation, concatenated codes, LDPC), digital modulation, information theory and applications.

Channel Access technologies, including Spread Spectrum (CDMA, DSSS) and OFDM.

Packet data networks. Internet Protocol communications (TCP/IP, UDP, RTP), network security (firewalls).

#### **Embedded Systems / Software Engineering**

Expertise in development of all areas of software systems development, from embedded software interfacing with hardware to enterprise software interfacing with databases and GUIs. Expertise in real-time software systems applied to computer networking or signal processing. Multi-threaded, multi-process applications, network programming, inter-process-communications. Expertise in C, C++, assembly language, Java, scripting as well as MATLAB and other simulation environments. Embedding applications on multiple hardware platforms including DSPs, FPGAs, application specific Systems-on-Chip (SoC) and multi-core platforms including ARM cores and applications specific hardware co-processors. Embedded Operating Systems included Linux, VxWorks, various RTOS, and smart-phone platforms iOS and Android. Hardware level design and analysis in RTL (VHDL, Verilog).

### PROFESSIONAL EXPERIENCE

#### **President/Co-founder**

**JLG Technologies, Inc.**

**Jan. 2000 - Present**

Technology consulting in complex software, hardware, communications and signal processing systems. Perform engineering consulting for start-up technology companies as well as for fast-moving core R&D groups of larger tech companies. Consulting clients in various sectors including telecommunications, software, defense and consumer electronics. Additional consulting includes due-diligence for investors and technical consulting for intellectual property litigation.

\* See list of consulting clients and projects appended for details.

### EDUCATION

#### **University of California, San Diego**

**C.Phil. Electrical and Computer Engineering, 2009**

\* Communications Theory and Systems - Ph.D. Candidate

#### **University of California, San Diego**

**M.S. Electrical and Computer Engineering, 2005**

\* Areas of Study: Communications Networks, Digital Signal Processing, Communication Theory

#### **University of California, San Diego**

**B.S. Electrical and Computer Engineering, 2000**

\* Areas of Study: Embedded systems, Signal Processing, Communications Systems

Senior Member, IEEE. Communications Society, Signal Processing Society, Computer Society

### ACADEMIC RESEARCH

Actively researching and in the areas of distributed computing, communications networks, computer vision, artificial intelligence systems, sensor networks and embedded systems. Have published multiple technical articles, co-authored a book chapter, been on the committees of technical conferences, given lectures at both universities and conferences. Have been visiting lecturer at the Naval Postgraduate School (NPS) in Artificial Intelligence Distributed Sensor Network Systems.

Collaborate with professors from NPS, Stanford, UCSD and UC Berkeley in research.

Local Arrangements Chair, Cognitive Systems with Interactive Sensors, 2007 (COGIS 07), Stanford, CA



## RECENT PUBLICATIONS:

J.Goshorn, "A Distributed Architecture for Object Tracking Across Intelligent Vision Sensor Network with Constrained Resources," PhD Forum, IEEE/ACM Intl. Conf. on Distributed Smart Cameras (ICDSC), 2009

R. Goshorn, J. Goshorn, D. Goshorn, and H. Aghajan, "Architecture for Cluster-based Automated Surveillance Network for Detecting and Tracking Multiple Persons." IEEE/ACM 1st Int. Conf. on Distributed Smart Cameras (ICDSC), Sept. 2007, Vienna, Austria

Rachel Goshorn, Deborah Goshorn, Joshua Goshorn, and Lawrence Goshorn. "Abnormal Behavior-Detection Using Sequential Syntactical Classification in a Network of Clustered." Workshop on Activity Monitoring by Multi-camera Surveillance Systems (AMMCSS), 2nd ACM/IEEE International Conference on Distributed Smart Cameras (ICDSC-08), September 2008, Stanford, California

Rachel E. Goshorn, Deborah E. Goshorn, Joshua L. Goshorn, and Lawrence A. Goshorn "Behavior Modeling for Detection, Identification, Prediction, and Reaction (DIPR) in AI Systems Solutions" for Journal of Ambient Intelligence and Smart Environments (JAISE), Springer Handbook, ISSN: 1876-1364 --- IOS Press. (Invited Chapter; Initial Draft Submitted September 2008; Final Draft submitted January 2009)

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## CONSULTING CLIENTS AND PROJECTS:

Joshua Goshorn  
JLG Technologies, Inc.  
Jan 2000 - Present

Client: Alston & Bird LLP (Sivantos) (defendant) v. Dr. Manchester  
Project: Testifying expert regarding remote hearing aid configuration system  
Description: Analysis of source code for remote programming of embedded hearing aid devices.  
Expert report on source code.  
Duration: March 2019 - present

Client: Baker Botts (Dish) v. Jadoo, Inc.  
Project: Consulting expert in patents related to graphics processors  
Description: Analysis of streaming video set top box source code  
Duration: March 2019 - present

Client: Durie Tangri (Microsoft Corporation) (defendant) v. Infernal Technology, LLC.  
Project: Consulting expert in patents related to graphics pixel shading algorithms  
Description: Analysis of video game graphics rendering algorithms  
Duration: March 2019 - present

Client: Quinn Emanuel, LLP (Nvidia Corp, Inc.) (defendant) v. ZiiLabs, Inc.  
Project: Consulting expert in patents related to graphics processors  
Description: Analysis of graphics processors source code  
Duration: June 2018 - present

Client: Kirkland and Ellis, LLP Samsung (defendant) v. BitMicro Inc.  
Project: Expert for source code analysis in source code of solid state storage drivers.  
Duration: June 2018 - present

Client: O'Melveny & Myers, LLP, Samsung (defendant) v. Tessera Advanced Techs. Inc.  
Project: Consulting expert in patents related to image processing and computer vision algorithms for cameras. Analyze source code for algorithm implementation.  
Duration: November 2017 - December 2018

Client: Quinn Emanuel, LLP (Sony, Inc.) v. FujiFilm, Inc.  
Project: Consulting expert in patents related to magnetic drive technologies  
Description: Analysis of drive software source code.  
Duration: November 2017 - July 2018

Client: Kirkland and Ellis, LLP (Motorola Solutions) v. Hytera Inc.

Project: Expert for source code analysis in source code of two way radios  
 Duration: June 2017 - October 2017

Client: Morrison & Foerster LLP (Nevro Corp) v. Boston Scientific Corp.  
 Project: Expert on multiple patents related to implantable embedded medical devices  
 Description: Analysis of implantable medical device software. Wrote expert report on Infringement. Gave testimony by deposition.  
 Duration: April 2017 - July 2018

Client: O'Melveny & Myers, LLP, Advanced Micro Devices (defendant) v. Zilabs Inc..  
 Project: Consulting expert in patents related to graphics processors architecture. Analyze source code for algorithm implementation.  
 Duration: March 2017 - August 2017

Client: Morrison & Foerster LLP (IP Bridge) v. TCL Communications Tech  
 Project: Expert on multiple patents related to 4G LTE technologies in mobile devices and base stations  
 Description: Analysis of UMTS LTE baseband software source code.  
 Duration: March 2017 - October 2017

Client: Alston & Bird, LLP (Nokia) v. Huawei  
 Project: Expert on multiple patents related to 4G LTE technologies in mobile devices and base stations  
 Description: Analysis of UMTS LTE baseband software source code.  
 Duration: January 2017 - August 2017

Client: Latham & Watkins, LLP (Amazon, Inc.) v. Eolas Technologies, Inc.  
 Project: Consulting expert in patents related to internet systems  
 Description: Analysis of internet systems software source code.  
 Duration: January 2017 - June 2017

Client: Quinn Emanuel, LLP (Google, Inc.) v. Eolas Technologies, Inc. Inc.  
 Project: Consulting expert in patents related to internet systems  
 Description: Analysis of internet systems software source code.  
 Duration: January 2017 - August 2017

Client: Quinn Emanuel, LLP (Fitbit, Inc.) v. Valencell Inc.  
 Project: Consulting expert in patents related to motion tracking  
 Description: Analysis of digital signal processing algorithms for motion tracking with accelerometers.  
 Duration: January 2017 - June 2017

Client: Kirkland and Ellis, LLP (IBM) v. Teraproc Inc.  
 Project: Expert for source code analysis in source code analysis for Trade Secret / Copyright matter for server load sharing software product.  
 Duration: November 2016 - February 2017

Client: Quinn Emanuel, LLP: CalTech, plaintiff v Broadcom  
 Project: Consulting expert in patents related to error correction codes (LDPC) in 802.11n/ac wireless networks  
 Description: Analysis of LDPC encoder and decoder implementations in hardware and software source code  
 Duration: December 2016 - present

Client: Quinn Emanuel, LLP (Samsung) v. Huawei  
 Project: Expert on multiple patents related to 4G LTE technologies in mobile devices and base stations  
 Description: Analysis of UMTS LTE baseband software source code.  
 Duration: November 2016 - present

Client: O'Melveny & Myers, LLP, Samsung (defendant) v. Image Processing Technologies LLC.  
 Project: Consulting expert in patents related to image processing and computer vision algorithms for cameras. Analyze source code for algorithm implementation.

Duration: September 2016 - September 2017  
 Client: Palo Alto Networks, Los Angeles Unified School District, Mobile Active Defense Inc  
 Project: Neutral expert hired by all parties to perform source code analysis for Trade Secret / Copyright matter.  
 Duration: July 2016 - October 2016  
 Client: Steptoe and Johnson, LLP (Raytheon) v. Cray  
 Project: Consulting expert in patents related to routing devices  
 Duration: July 2016 - September 2016  
 Client: Alston & Bird, LLP (ASUSTeK) defendant v. Avago  
 Project: Consulting expert in patents related to wireless communications and video processing  
 Duration: June 2016 - October 2016  
 Client: Quinn Emanuel, LLP (Samsung) defendant v. Evolved Wireless, LLC.  
 Project: Expert on multiple patents related to 4G LTE technologies in mobile devices and base stations  
 Duration: February 2016 - November 2017  
 California.  
 Client: White and Case (Wal-Mart Stores, Inc.) v. Eolas Technologies, Inc.  
 Project: Consulting expert in patents related to internet systems  
 Description: Analysis of internet systems software source code.  
 Duration: January 2016 - June 2017  
 Client: Quinn Emanuel, LLP (Dynamic Digital Depth Research Pty Ltd.) v. LG Electronics, Inc.  
 Project: Consulting expert in patents related to 2D to 3D conversion  
 Description: Analysis of 2D to 3D conversion software source code.  
 Duration: January 2016 - August 2017  
 Client: Quinn Emanuel, LLP: Samsung, defendant v Cellular Communications Equipment  
 Project: Consulting expert in patents related to UMTS cellular systems.  
 Duration: January 2016 - May 2016  
 Client: Winston & Strom (Cisco) v. Backflip Software  
 Project: Expert in analysis of unified messaging systems software.  
 Duration: October 2015 - September 2016  
 Client: Steptoe and Johnson, LLP (Raytheon) v. Sony  
 Project: Consulting expert in patents related to manufacturing of devices for digital cameras  
 Description: Analysis of hardware and software for semiconductor manufacturing processes  
 Duration: October 2015 - January 2016  
 Client: Quinn Emanuel, LLP (PerdiemCo LLC) v. Industrack et. al.  
 Project: Consulting expert in patents related to geo-tracking systems  
 Description: Analysis of geo-tracking software source code.  
 Duration: October 2015 - October 2017  
 Client: Quinn Emanuel, LLP (Proofpoint) v. Finjan  
 Project: Consulting expert in patents related to malware detection systems  
 Description: Analysis of distributed malware detection systems source code.  
 Duration: October 2015 - February 2016  
 Client: Perkins Coie (Goodix), defendant against Synaptics.  
 Project: Testifying Expert on patents involving embedded touch screen controllers with spread spectrum communications before the ITC. Report on invalidity. testimony at deposition and at ITC.  
 Duration: June 2015 - March 2016

Client: Winston & Strom (Google) v. Callwave Communications  
Project: Expert in analysis of Voice over IP software.  
Duration: June 2015 - September 2015

Client: Quinn Emanuel, LLP (Fortinet) v. FireEye  
Project: Consulting expert in patents related to malware detection systems  
Description: Analysis of distributed malware detection systems source code.  
Duration: June 2015 - August 2015

Client: O'Melveny & Myers, LLP (TPV), defendant against Hitachi.  
Project: Expert on multiple patents involving digital televisions before district court.  
Description: Performed analysis of DTV System on Chips source code and other technical documents.  
Duration: April 2015 - January 2016

Client: Kirkland and Ellis (Samsung) v. Nvidia  
Project: Consulting expert in graphics processing algorithms.  
Description: Analysis of source code for graphics processors  
Duration: December 2014 - April 2016

Client: McDermott Will & Emery: Rovi Corp, plaintiff v Netflix, Inc. (NDCa)  
Project: Consulting expert in streaming video on-demand systems  
Description: Analysis of source code for Netflix video on-demand systems.  
Duration: November 2014 - August 2015

Client: Quinn Emanuel, LLP: Samsung, defendant v Cellular Communications Equipment  
Project: Consulting expert in patents related to UMTS cellular systems, and IP firewall systems.  
Duration: October 2014 - present

Client: Quinn Emanuel, LLP: CalTech, plaintiff v Hughes Network Systems  
Project: Consulting expert in patents related to error correction codes (LDPC) in DVB-S2 satellite systems.  
Description: Analysis of LDPC encoder and decoder implementations in hardware and software source code  
Duration: October 2014 - March 2015

Project: Quinn Emanuel, LLP: MediaTek Inc., defendant against CSIRO  
Description: Consulting expert in patents related to OFDM 802.11 technologies.  
Duration: July 2014 - June 2015

Client: Gantz Mountain Intelligence Automation Systems, Inc.  
Project: Technical Advisor and Consultant  
Description: Intelligent sensor network start-up with applications in defense. Design and develop proprietary sensor nodes with wireless communications networking for intelligent situational awareness applications.  
Location: San Diego, CA  
Duration: June 2014 - October 2016

Client: Quinn Emanuel, LLP: MediaTek Inc., defendant against Palmchip. Corporation  
Project: Analyze hardware level (Verilog) source code projects to determine the original development of certain hardware products. Utilize third party source code analysis tools to check for copying.  
Duration: June 2014 - August 2015

Project: Akin Gump, LLP: AT&T Mobility, HTC, defendant against Adaptix Inc.  
Project: Expert on multiple patents related to 4G LTE technologies in mobile devices in N.D. California.  
Duration: May 2014 - October 2014

Client: Quinn Emanuel, LLP (Google defendant against Rockstar)  
Project: Consulting Expert on multiple patents related to internet technologies and mobile devices, including mapping software

Duration: October 2014 - December 2014

Client: Quinn Emanuel, LLP (Samsung defendant against Rockstar)  
Project: Consulting Expert on multiple patents related to internet technologies and mobile devices, including Firewall and network security technologies in E.D. Texas  
Duration: May 2014 - October 2014

Client: O'Melveny & Myers, LLP (Samsung defendant against NCKU)  
Project: Consulting Expert on patent involving camera image processing in E.D. Texas.  
Duration: May 2014 - July 2014

Client: K&L Gates, LLP (HP)  
Project: Testifying Expert on multiple patents involving network interface devices and interactions with host processors before district court (N. D. California)  
Description: Submitted expert report on non-infringement  
Duration: April 2014 - Sept 2014

Client: K&L Gates, LLP (SK Hynex)  
Project: Review technology regarding read channel detectors and error correction algorithms for disk controllers  
Duration: April 2014

Client: O'Melveny & Myers, LLP (Samsung defendant against Optical Devices)  
Project: Consulting Expert on multiple patents involving servo control algorithms for optical disk drive controllers before the ITC.  
Duration: January 2014 - July 2014

Client: Quinn Emanuel, LLP (MediaTek Inc. defendant against Optical Devices)  
Project: Consulting Expert on multiple patents involving servo control algorithms for optical disk drive controllers before the ITC.  
Duration: January 2014 - July 2014

Client: Perkins Coie, LLP (HTC)  
Project: Testifying Expert on multiple patents involving haptic effects in mobile phones before district court (Delaware)  
Description: Drafted and submitted declaration regarding Android source code involved in performing haptic feedback.  
Duration: January 2014

Client: Akin Gump, LLP (Lenovo)  
Project: Expert in patent litigation before superior court  
Description: Multiple patents involving storage and migration of user settings  
Duration: April 2014 - August 2015

Client: Google, Inc.  
Project: Retained as in expert on Google Voice, mobile technologies and the Android platform to perform analysis on patent portfolios.  
Duration: October 2013 - Present

Client: Morrison & Foerster, LLP (Kaiser Permanente)  
Project: Testifying Expert on trade secret matter before superior court  
Description: Distributed image management and processing software trade secret.  
Duration: Drafted and submitted declaration regarding image management and processing systems  
June 2013 - May 2014

Client: Quinn Emanuel, LLP (STMicroelectronics)  
Project: Consulting Expert on multiple patents before the ITC

**Description:** Consulting expert in matter involving signal processing of accelerometers and motion detection sensors.  
**Duration:** July 2013 - March 2014

**Client:** Quinn Emanuel, LLP, Steptoe & Johnson, LLP, Williams & Connolly, LLP (Samsung Electronics)  
**Project:** Consulting Expert on multiple patents involving 3G cellular communications and Mobile Phones before district court  
**Description:** Expert on litigation involving 3GPP WCDMA standards patents covering Release 99, HSDPA, HSUPA technologies, as well as mobile device user interface technologies, including gesture recognition and touch screen controllers.  
**Duration:** October 2012 - July 2014

**Client:** Vringo Inc.  
**Project:** Reviewed technical capabilities of a 3GPP network analyzer.  
**Duration:** January 2014

**Client:** Akin Gump, LLP (Lenovo)  
**Project:** Expert in patent litigation before superior court  
**Description:** Multiple patents involving storage and migration of user settings  
**Duration:** August 2013 - November 2013

**Client:** Morrison & Foerster, LLP (Joint defendants against FastVDO, including Paramount, Universal Studios, Disney, Netflix, Warner Bros., MGM, 20th Century Fox)  
**Project:** Consulting Expert on patents involving video compression before district court  
**Description:** Facilitate with matters of litigation involving video compression technologies.  
**Duration:** January 2013 - March 2014

**Client:** Quinn Emanuel, LLP (Joint defendants against MOSAID, representing defendants Marvell Semiconductor, Inc., CSR plc, Ralink Technology Corporation, Lexmark International, Inc., Canon Inc., and Canon U.S.A., Inc.)  
**Project:** Consulting Expert on multiple patents involving 802.11 wireless communications before district court.  
**Description:** Facilitate with matters of litigation involving communications theory and systems.  
**Duration:** October 2012 - July 2013

**Client:** O'Melveny & Myers, LLP (TPV, Vizio)  
**Project:** Expert on multiple patents involving digital televisions before district court.  
**Description:** Performed analysis of DTV System on Chips source code and other technical documents. Gave testimony by deposition.  
**Duration:** August 2012 - March 2013

**Client:** Quinn Emanuel, LLP (MediaTek, Ralink)  
**Project:** Consulting Expert on multiple patents involving wireless communications and video processing before ITC, including Barker codes for Direct Sequence Spread Spectrum and implementations of video codecs.  
**Description:** Perform analysis of wireless and video processing technologies and analysis of baseband processor source code.  
**Duration:** July 2012 - May 2013

**Client:** Perkins Coie, LLP (HTC)  
**Project:** Testifying Expert on multiple patents involving haptic effects in mobile phones before ITC  
**Description:** Expert in litigation haptic effects (i.e. vibrations) in mobile devices. Wrote expert report on validity and gave testimony by deposition.  
**Duration:** November 2012 - March 2013

**Client:** Ashurst, LLP (Samsung)  
**Project:** Consulting Expert on multiple patents involving 3G cellular communications and Mobile Phones before International court in Sydney, Australia.

Duration: July 2012 - December 2012

Client: Steptoe & Johnson, LLP (Motorola)  
Project: Expert on multiple patents involving haptic effects in mobile phones before ITC  
Description: Expert in litigation haptic effects (i.e. vibrations) in mobile devices.  
Duration: June 2012 - December 2012

Client: Gutride Safier, LLP  
Project: Perform due-dilligence on patent portfolio involving distributed software systems for attorneys.  
Duration: May 2012 - June 2012

Client: Davis Polk (Comcast)  
Project: Consulting Expert on multiple patents involving 3G cellular communications before district court  
Description: Expert in litigation involving CDMA 3G cellular communications, including standards creating by 3GPP2 governing the establishment of packet data connections over cdma2000 networks, specifically the Base Station Controller, PCF, PDSN and RADIUS functions.  
Duration: March 2012 - August 2012

Client: Quinn Emanuel, LLP, Steptoe & Johnson, LLP (Samsung Electronics)  
Project: Consulting Expert on multiple patents involving 3G cellular communications and Mobile Phones before ITC and district court  
Description: Expert on litigation involving 3GPP WCDMA standards patents covering Release 99, HSDPA, HSUPA technologies, as well as mobile device user interface technologies, including gesture recognition and touch screen controllers.  
Duration: March 2011 - December 2012

Client: Morrison & Foerster, LLP (Link-A-Media Devices Corporation)  
Project: Consulting Expert on patent litigation matter involving error correction codes in District Court of Del.  
Description: Expert in case involving channel equalization and detection and error correction codes for magnetic disk storage, including LDPC codes, Soft-Output Viterbi Algorithms (SOVA)  
Location: San Francisco, CA  
Duration: November, 2010 - October 2011

Client: Quinn Emanuel, LLP (Joint Defendants against RAMBUS, including defendants Broadcom Corp., MediaTek Inc.)  
Project: Consulting Expert on multiple patents involving high speed bus communications before ITC  
Description: Expert on litigation involving channel equalization for high speed communication bus  
Duration: February 2011 - September 2011

Client: Morrison & Foerster, LLP (DocMagic)  
Project: Expert on software copyright litigation in District Court  
Description: Performed a technical investigation including reviewing the software in preparation for deposition and writing expert reports regarding the original development of software.  
Duration: June, 2011 - August 2011

Client: Quinn Emanuel, LLP (Sony Corporation)  
Project: Consulting Expert on multiple patents involving Digital Televisions/ IPTIV before ITC and district courts.  
Description: Expert on litigation involving image processing, content protection and networking protocols for Digital Televisions as well as Internet/Protocol Television.  
Duration: June 2011 - August 2011

Client: Quinn Emanuel, LLP (Motorola Inc.)  
Project: Consulting Expert on multiple patents involving Cable Set-top-boxes before ITC and Southern District of Florida  
Description: Expert on litigation involving user interface generation and display of cable television systems.  
Location: New York, NY and San Francisco, CA  
Duration: March 2011 - November 2011

Client: Morrison & Foerster, LLP (Toshiba)  
Project: Software engineering expert for an acquisition transaction.  
Description: Performed a technical investigation including reviewing the software and hardware technology of a company targeted for acquisition and wrote an expert report with my findings. The technology included an electrical and mechanical currency counting and sorting system, including a plurality of distributed mechanical and electrical sensors.  
Duration: May, 2011 - July 2011

Client: Morrison & Foerster, LLP (Autodesk Corporation)  
Project: Expert on Color Correction Software Copyright litigation in District Court of Del.  
Description: Expert in case involving image processing for color correction other video effects software.  
Location: San Francisco, CA  
Duration: April, 2010 - November, 2010

Client: Quinn Emanuel, LLP (Sony Corporation)  
Project: Consulting Expert on multiple patents involving Digital Televisions before ITC  
Description: Expert on litigation involving image processing, content protection and networking protocols for Digital Televisions.  
Location: New York, NY and San Francisco, CA  
Duration: February 2010 - November 2010

Client: Morrison & Foerster, LLP (Funai Corporation)  
Project: Consulting Expert on Digital Television (DTV) patent litigation before ITC  
Description: Technical consultant on litigation of patent involving of the ATSC DTV protocol.  
Location: Palo Alto, CA  
Duration: October, 2009 - January, 2010

Client: Quinn Emanuel, LLP (Sony Corporation)  
Project: Consulting Expert on multiple patents involving Digital Televisions (Multiple district courts)  
Description: Expert on litigation involving physical layer communications systems focusing on error-correction codes (Reed-Solomon / Trellis Codes), image processing, content protection and networking protocols for Digital Televisions.  
Location: New York, NY and San Francisco, CA  
Duration: May 2009 - November 2009

Client: Morrison & Foerster, LLP (Sokkia Corporation)  
Project: Consulting Expert on Global Positioning System copyright litigation (District Court of Del)  
Description: Expert on dispute regarding surveying software utilizing GPS system.  
Location: New York, NY and Tokyo, Japan  
Duration: April 2009 - Present

Client: Morrison & Foerster, LLP (Funai Corporation)  
Project: Consulting Expert on Digital Television (DTV) patent litigation before ITC  
Description: Consulting expert on litigation of two patents, involving video scaling and parts of the ATSC protocol.  
Location: Los Angeles, CA  
Duration: December, 2007 - December, 2008

Client: Plantronics, Inc.  
Project: Wireless Voice Over IP headset design and development.  
Description: Worked directly for CTO on 'core-technology' R&D project. Involved in all aspects of creating VoIP earpiece that communicated over 802.11. Wrote the core VoIP software application, a multi-threaded application which integrated reSIProcate (SIP Stack) into embedded Linux application. Multiple board-bring up and driver development as multiple hardware platforms were tested. Audio driver (ALSA, OSS), WiFi driver mods, all application development. Architected a completely automated headset configuration system for the VoIP system. Successfully demonstrated and handed off project to core engineering.



Multiple other consulting projects along the way for CTO, including adaptive echo canceller development, NLMS FIR filter design and optimization, double talk state detection, PIC programming, and other projects, including prototyping a Android application on a touch screen mobile device.

Location: Santa Cruz, CA  
Duration: September, 2006 - March, 2008

Client: SkyClix, Inc.  
Project: Real-time music recognition service for mobile phones.  
Description: Lead engineer, hired by founders, to take 'napkin idea' to live service in under six months. Architected and implemented real-time enterprise software system for matching audio recorded from cell phones to live FM/AM radio streams. Interfaced with Tuner cards for sensing and processing FM radio signals as well as with an audio recognition engine. Distributed systems of Tuner cards, databases and recognition engines. All written in C/C++ on Linux servers. Worked with web-developer to integrate real-time system functions in to web-based GUI.

Location: San Diego, CA  
Duration: February, 2007 - October 2008

Client: Florentine Partners  
Project: Perform due-diligence on technology companies for potential investments.  
Description: Technical consulting to managing partner of hedge fund for potential investments in high-tech start up companies around the world, specializing in communications systems and computer networks.

Location: San Francisco, CA  
Duration: October, 2007 - September, 2008

Client: Verimatrix, Inc.  
Project: Conditional Access security technologies for IPTV systems.  
Description: Various projects for video over IP content protection firm. Implemented award winning video watermarking 'VideoMark' technologies (CONNECT most innovative product winner 2006). Software library for embedding an 'invisible' watermark as well as redundant parity symbols for error detection and correction. Created a custom Reed-solomon error correction code, implemented in C with a generic Galois field math library. Set up TI DM642 based set-top-box for VideoMark demonstration on customers (i3Micro). Was also involved in attempting to update h.264 video codecs for the integration of video watermark. Extensive image processing and algorithm development in MATLAB for development. Also wrote some network-wide automatic test software that would simulate STBs and exercise all functionality of Verimatrix's Video Encryption Server (this ran on Solaris server). Also implemented fail-safe redundancy to real-time video encryption server (also implemented in Solaris).

Location: San Diego, CA  
Duration: February 2005 - September 2006

Client: Raytheon  
Project: Counter IED Technologies / RF Jamming  
Description: Worked with team to design real-time radio-frequency detection, identification and jamming technologies. Designed DSP architecture and advanced RF signature detection and identification algorithms, as well as intelligent RF jamming. Tested and proven in Raytheon labs.

Duration: Sept 2005 - April 2006  
Location: Goleta, CA

Client: Visioneering, Inc.  
Project: Design and Developed IPTV prototype system on Texas Instruments' DaVinci Platform.  
Description: Developed TI DaVinci platform based IPTV prototype for video on demand system. Ported Helix media player to run on the ARM9 core within the embedded linux operating system. Created library for the ARM9 to utilize the C64+ DSP core to execute the audio

and video codecs. The final system would stream video on demand within the .mp4 container (H.264 video / AAC audio). Configured VOD server and created media container files for testing.

Location: Carlsbad, CA  
Duration: March 2006 - September, 2006

Client: CalAmp, Inc  
Project: DirectTV set-top-box RF control switch.  
Description: Lead engineer to create the DP44 4x4 RF satellite switch for EchoStar (Dish Networks). The switch connected 4 different satellite LNBs on one side to four different set-top-boxes on the other. Each LNB has two RF channels and each STB can listen to any of the LNBs' RF channels. The switch would listen to control commands and then control RF mixing ASICs to route the appropriate RF channel from the LNBs to the appropriate set-top-box. Also wrote power management software with short circuit and over-voltage detection, including soft turn-on of LNBs with PWM signals. Software written in C and assembly across two 8-bit Atmel microcontrollers (ATmega88, ATmega48)

Location: Oxnard, CA  
Duration: February 2006 - April 2006

Client: WelchAllyn  
Project: Wireless Heart Monitoring system.  
Description: Wireless card on an Atmel ARM9 processor with an integrated 802.11a/b/g card (from Freescale). Developed the bootloader, performed all board bring up, all peripheral drivers for the ARM9 (SPI, UART, SDRAM, Flash) and the port of the driver for compact flash interface to the wireless chip. Additionally, created manufacturing command line interface (CLI) for performing system diagnostics of all peripherals and in conjunction with a spectrum analyzer, would take the wireless card through RF calibration. CLI provided manufacturing configuration of card as well. Worked in debugging RF on card.

Location: San Diego, CA  
Duration: February 2005 - January 2006

Client: GDSS, Inc.  
Project: Wireless Telecommunications projects for developing countries, including wireless Voice over IP, Video over IP.  
Description: Architect/lead engineer of converged wireless voice over IP network. Was responsible for the RF planning of our wireless data networks, including both a TDMA/FDMA DECT system as well as and OFDM packet based networks. Also tested and prototyped with CDMA2000 EVDO system. Architected real time, multi-threaded, distributed streaming media servers running on Linux server platforms. Created proprietary packet protocol for increased network utilization between PSTN gateway and VoIP endpoint (telephone). Researched and developed (applied to my Masters thesis) resource management algorithms for wireless network utilization optimization while maintaining quality of services guarantees. Architected the embedded software for the VoIP endpoint (POTS interface) on embedded Linux platform, including RTP/UDP network transmissions for voice and TCP/IP transmissions for call control (H.323). Additionally, developed DSP algorithms on T1 C6204, including echo cancellers (G.168 compliant), G.723.1 speech codec, automatic gain controller. Prototype IP-based Video on Demand Server solution.

Location: San Diego, CA  
Duration: Jan 2000 - Jan 2005

**GOSHORN DECLARATION**  
**EXHIBIT 2**

## Server Error in '/' Application.

*The transaction log for database 'GrowingPains' is full due to 'LOG\_BACKUP'.*

**Description:** An unhandled exception occurred during the execution of the current web request. Please review the stack trace for more information about the error and where it originated in the code.

**Exception Details:** System.Data.SqlClient.SqlException: The transaction log for database 'GrowingPains' is full due to 'LOG\_BACKUP'.

**Source Error:**

An unhandled exception was generated during the execution of the current web request. Information regarding the origin and location of the exception can be identified using the exception stack trace below.

**Stack Trace:**

```
[SqlException (0x80131904): The transaction log for database 'GrowingPains' is full due to 'LOG_BACKUP'.]
  System.Data.SqlClient.SqlConnection.OnError(SqlException exception, Boolean breakConnection, Action`1 wrapCloseInAction) +2555926
  System.Data.SqlClient.SqlInternalConnection.OnError(SqlException exception, Boolean breakConnection, Action`1 wrapCloseInAction) +591
  System.Data.SqlClient.TdsParser.ThrowExceptionAndWarning(TdsParserStateObject stateObj, Boolean callerHasConnectionLock, Boolean async)
  System.Data.SqlClient.TdsParser.TryRun(RunBehavior runBehavior, SqlCommand cmdHandler, SqlDataReader dataStream, BulkCopySimpleResultSet
  System.Data.SqlClient.SqlCommand.FinishExecuteReader(SqlDataReader ds, RunBehavior runBehavior, String resetOptionsString, Boolean is
  System.Data.SqlClient.SqlCommand.RunExecuteReaderTds(CommandBehavior cmdBehavior, RunBehavior runBehavior, Boolean returnStream, Bool
  System.Data.SqlClient.SqlCommand.RunExecuteReader(CommandBehavior cmdBehavior, RunBehavior runBehavior, Boolean returnStream, String
  System.Data.SqlClient.SqlCommand.InternalExecuteNonQuery(TaskCompletionSource`1 completion, String methodName, Boolean sendToPipe, Int
  System.Data.SqlClient.SqlCommand.ExecuteNonQuery() +286
  System.Data.Mapping.Update.Internal.DynamicUpdateCommand.Execute(UpdateTranslator translator, EntityConnection connection, Dictionary
  System.Data.Mapping.Update.Internal.UpdateTranslator.Update(IEntityStateManager stateManager, IEntityAdapter adapter) +261

[UpdateException: An error occurred while updating the entries. See the inner exception for details.]
  System.Data.Mapping.Update.Internal.UpdateTranslator.Update(IEntityStateManager stateManager, IEntityAdapter adapter) +464
  System.Data.EntityClient.EntityAdapter.Update(IEntityStateManager entityCache) +141
  System.Data.Objects.ObjectContext.SaveChanges(SaveOptions options) +570
  System.Data.Entity.Internal.InternalContext.SaveChanges() +114

[DbUpdateException: An error occurred while updating the entries. See the inner exception for details.]
  System.Data.Entity.Internal.InternalContext.SaveChanges() +200
  System.Data.Entity.Internal.LazyInternalContext.SaveChanges() +33
  System.Data.Entity.DbContext.SaveChanges() +20
  ACPA_Growing_Pains_Front_End.Home.createTempUser(Guid guid) +656
  ACPA_Growing_Pains_Front_End.Home.Page_Load(Object sender, EventArgs e) +184
  System.Web.UI.Control.OnLoad(EventArgs e) +95
  System.Web.UI.Control.LoadRecursive() +59
  System.Web.UI.Control.LoadRecursive() +131
  System.Web.UI.Page.ProcessRequestMain(Boolean includeStagesBeforeAsyncPoint, Boolean includeStagesAfterAsyncPoint) +678
```

**Version Information:** Microsoft .NET Framework Version:4.0.30319; ASP.NET Version:4.7.3282.0

**GOSHORN DECLARATION**  
**EXHIBIT 3**

## "The transaction log for database is full due to 'LOG\_BACKUP'" in a shared host



58 I have an Asp.Net MVC 5 website with EntityFramework codefirst approach in a shared hosting plan. It uses the open source [WebbbsitePanel](#) for control panel and its SQL Server panel is somewhat limited. Today when I wanted to edit the database, I encountered this error:

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```
The transaction log for database 'db_name' is full due to 'LOG_BACKUP'
```

I searched around and found a lot of related answers like [this](#) and [this](#) or [this](#) but the problem is they suggest running a query on the database. I tried running

```
db.Database.ExecuteSqlCommand("ALTER DATABASE db_name SET RECOVERY SIMPLE;");
```

with the visual studio (on the HomeController ) but I get the following error:

```
System.Data.SqlClient.SqlException: ALTER DATABASE statement not allowed within multi-statement transaction.
```

How can I solve my problem? Should I contact the support team (which is a little poor for my host) or can I solve this myself?

asp.net    sql-server    asp.net-mvc  
database

asked Jan 20 '14 at 7:50



Alireza Noori

7,009 19 80 153

asp.net - "The transaction log for database is full due to 'LOG\_BACKUP'" in a shared host - Stack Overflow

Alireza Noori Jan 20 '14 at 10:22

Its a database issue, shrinking the database could work. Ask a DBA to help you on this. -

Shashank Chaturvedi Jan 20 '14 at 10:35

You must have opened a transaction somehow. I don't know, maybe EF does that automatically. You'd need to do some research on EF and transaction. Or, execute this from SSMS. Or, use raw ADO.NET.

Probably your hoster won't allow that statement anyway and they need to issue log backups more frequently. -  
usr Jan 20 '14 at 12:54

### 5 Answers

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Call your hosting company and either have them set up regular log backups or set the recovery model to simple. I'm sure you know what informs the choice, but I'll be explicit anyway. Set the recovery model to full if you need the ability to restore to an arbitrary point in time. Either way the database is misconfigured as is.

edited Nov 30 '14 at 5:37

answered Jan 20 '14 at 13:09



Ben Thul  
23.3k 3 27 49

Thank you. I wanted to do this myself but contacted them too and they've set up the recovery and ran a shrink on the DB. Also, I didn't need the recovery so I told them to set it to SIMPLE mode. -

Alireza Noori Jan 20 '14 at 14:48

- 1 This [MSDN page](#) explains how to set the recovery model to simple ! -  
shekhar Jul 29 '17 at 19:11

In Addition to Ben's Answer, You can try Below Queries as per your need

98

```
USE {database-name};
GO
-- Truncate the log by changing the d
ALTER DATABASE {database-name}
SET RECOVERY SIMPLE;
GO
-- Shrink the truncated log file to 1
DBCC SHRINKFILE ({database-file-name})
GO
-- Reset the database recovery model.
ALTER DATABASE {database-name}
SET RECOVERY FULL;
GO
```

### Update Credit @cema-sp

To find database file names use below query

```
select * from sys.database_files;
```

edited Aug 14 '17 at 21:23

answered Jun 6 '17 at 1:25



Mohit Dharmadhikari

1,504 1 11 20

- 6 Additional: to find {database-file-name}: select \* from sys.database\_files; – cema-sp Aug 14 '17 at 10:48

Is there a way this can be done on a sql server instance basis (so that it applies for all DBs) ? – nawfal Feb 16 '18 at 9:31

- 1 I can confirm this works a treat. Should be the accepted answer. – garrettendi May 11 '18 at 8:37
- 1 Thanks @Mohit Dharmadhikari; I tried many other things including allocating more disk space, and increasing the log file size, yet nothing worked until I shrunk the existing Log file first. – Johnny Sep 13 '18 at 14:10 ✓
- 1 I believe {database-file-name} would equate to the name column, for the row of the log, from this query:  
select \* from sys.database\_files  
– Bob Horn Feb 5 at 21:26



- 10 space, the message "transaction log for database XXXXXXXXXX is full due to 'LOG\_BACKUP'" will be returned when an update SQL statement fails. Check your disk space :)

answered Dec 28 '17 at 6:19



Hein Gous  
101 1 2

- 6 This error occurs because the transaction log becomes full due to LOG\_BACKUP. Therefore, you can't perform any action on this database, and in this case, the SQL Server Database Engine will raise a 9002 error.

To solve this issue you should do the following

- Take a Full database backup.
- Shrink the log file to reduce the physical file size.
- Create a LOG\_BACKUP.
- Create a LOG\_BACKUP Maintenance Plan to take backup logs frequently.

I wrote an article with all details regarding this error and how to solve it at [The transaction log for database 'SharePoint\\_Config' is full due to LOG\\_BACKUP](#)

edited Jun 11 '17 at 9:43

answered Jul 5 '16 at 1:26



Mohamed El-Qassas  
MVP  
507 7 21

- 4 Posting the error message as your answer isn't very helpful at all. Link-only answers are also frowned upon on StackOverflow. You should extract the relevant text from the link and quote it here. This is especially important in case the link dies in the future, as all links inevitably do. —

1 I got the same error but from a backend job (SSIS job). Upon checking the database's Log file growth setting, the log file was limited growth of 1GB. So what happened is when the job ran and it asked SQL server to allocate more log space, but the growth limit of the log declined caused the job to failed. I modified the log growth and set it to grow by 50MB and Unlimited Growth and the error went away.

answered Feb 8 '17 at 17:07



Andy  
16 4

**GOSHORN DECLARATION**  
**EXHIBIT 4**

Justin Cooney

- Web Development Tips and Examples -

[DATABASE](#), [PROGRAMMING](#), [SOFTWARE](#), [SQL](#), [SQL SERVER 2000](#), [SQL SERVER 2005](#), [SQL SERVER 2008](#), [SQL SERVER 2012](#), [SQL TIPS](#), [TRANSACTION-SQL](#), [TSQL](#)

# SQL Server Error: Fixing The Transaction Log for Database is Full Due to log\_backup

2018-02-19 2018-02-19 Justin Cooney



([https://jwcooney.com/2013/09/08/t-sql-programmatically-script-modified-stored-procedures/ms\\_sql/](https://jwcooney.com/2013/09/08/t-sql-programmatically-script-modified-stored-procedures/ms_sql/))

T-SQL

If you are working with SQL Server, you may see an ominous sounding error: **the transaction log for database {Your Database Name} is full due to log\_backup**

This error can be due to one of two things:

- 1) The physical drive on which your database files reside is running out of space
- 2) Your database's transaction log was set with a maximum file size that has been reached

Before doing anything else, you should check that the physical drive still has room. If it doesn't, you need to increase the size, or to move the log file to a drive that has more space.

If your physical drive has lots of room, you'll have to check the settings for your database's transaction log file. It's likely that a maximum file size was specified for the transaction log file, which is now the cause of the log errors. I've seen some solutions that you can use the **DBCC ShrinkFile** command to try to free up some space, **but I have not found this to be a useful solution**, and you will soon hit the same problem again.

## Step #1: Increase the Maximum Transaction Logs File Size

You won't be able to make any database changes until the transaction log file size setting is increased, so the first goal is to increase the size limit on your transaction log file. Our end goal is to set the Transaction log file growth to unlimited so this error won't happen again, but before you can do so, you need to alter the maximum file size settings so that you can make and save database changes.

As part of increasing the maximum file size, you'll need to know the physical name of the transaction log file on your system drive. You can find this out by running the following query in SSMS:

```
1 | USE YourDatabaseName
2 | GO
3 | select * from sys.database_files
```

In the results, look for the 'name' for the row entry that has a type\_desc of 'LOG'

Now that you have the log file name, run the below script to alter the file size of the log:

```
1 | ALTER DATABASE DatabaseName
2 | MODIFY FILE
3 | (NAME = DatabaseLogFileName,
4 | SIZE = 2000MB);
```

Make sure size is bigger than the current size. By default the size limit may have been set to 1GB, so this statement doubles the size to 2GB. Obviously you'll need to check if this is also the case for your transaction file size and update the statement to your needs.

## Step #2: Set the Transaction Logs File size to unlimited growth

Now that you have increased the maximum size of your database transaction log file, you'll once again be able to make changes. You can avoid seeing the transaction log file in future by making sure that the file is set to permit unlimited growth. Then only the size of your physical drive will be the limiting factor, and at the low price of hard drive space these days, that's not a bad idea.

The easiest way to set the transaction log file to allow unlimited growth is by managing the database properties in SSMS:

1. First log into the management console using an administrative account.
2. Then right-click on the database name and click **Properties**
3. In the properties window click on the **Files** option in the left hand navigational bar
4. Then in the main window look for the file type that is LOG, and **click the button inside the Autogrowth/Maxsize column**
5. Click the checkbox to **Enable Autogrowth**
6. Click **Ok** to save and apply your change.

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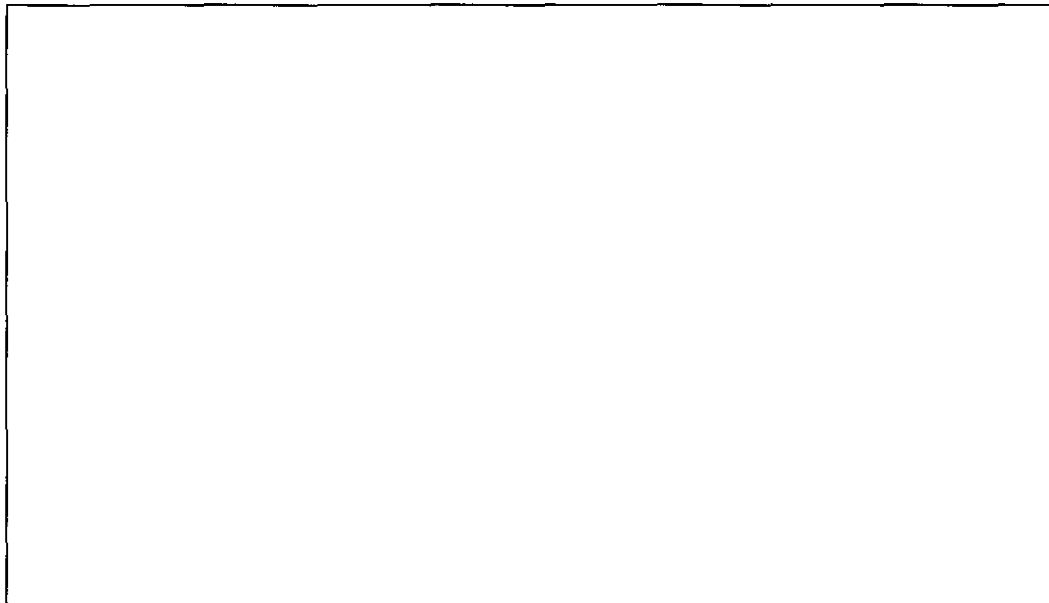
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Published by Justin Cooney

I am a Senior Applications Programmer / Analyst with years of experience developing enterprise solutions using the Microsoft technology stack including C#, VB.NET, ASP.NET, AJAX, IIS and SQL Server. I specialize in Web application development with a focus on building secure systems, integrating applications, and designing robust database structures. [View all posts by Justin Cooney](#)



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# **EXHIBIT B**



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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, )

VS

Case No. CJ-2017-816

(1) JOHNSON & JOHNSON; )  
(2) JANSSEN PHARMACEUTICALS, )  
INC.; )  
(3) ORTHO-MCNEIL-JANSSEN )  
PHARMACEUTICALS, INC., )  
n/k/a JANSSEN PHARMACEUTICALS; )  
(4) JANSSEN PHARMACEUTICA, INC. )  
n/k/a JANSSEN PHARMACEUTICALS, )  
INC.; )  
 )  
Defendants. )

**PORTIONS OF THE TRANSCRIPT ARE COVERED UNDER THE PROTECTIVE  
ORDER**

**TRANSCRIPT OF PROCEEDINGS  
HAD ON THE 3RD DAY OF JUNE, 2019 (MORNING SESSION)  
BEFORE THE HONORABLE  
THAD BALKMAN, DISTRICT JUDGE**

REPORTED BY: Tanya Burcham, CSR, RPR

1 Q. And you called it NeoPathways. Right?

2 A. NeoPathways was the educational campaign around this  
3 unbranded messaging.

4 Q. So you're setting it up right here. Create a need  
5 and when you launch your drug you will have the solution for  
6 that need. Right?

7 A. Again, this wasn't creating a need, this was  
8 addressing or educating on an unmet need in the marketplace at  
9 the time.

10 Q. Did we not have enough opioids at that time?

11 A. We still had an undertreatment of pain.

12 Q. Oh. That's interesting, because Oxy launches the  
13 end of 1995 and you launched Duragesic back in 1991, and we're  
14 in 2007. You've had thousands and thousands and thousands of  
15 sales reps calls, quote, educating physicians here in Oklahoma,  
16 and yet we still got mismanaged and undertreated pain. Right?

17 A. It appears that we did, yes.

18 Q. Hum.

19 MR. OTTAWAY: Objection to the speech again, Your  
20 Honor. If he would just ask questions we would get through  
21 this so much faster.

22 THE COURT: Objection sustained.

23 Q. (By Mr. Beckworth) If we turn to Unbranded Campaign  
24 Rollout. If you can turn to that page.

25 A. What page is that?

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IN THE DISTRICT COURT OF CLEVELAND COUNTY

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel., )  
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n/k/a JANSSEN PHARMACEUTICALS; )  
(4) JANSSEN PHARMACEUTICA, )  
INC., n/k/a JANSSEN )  
PHARMACEUTICALS, INC., )

Defendants. )

**PORTIONS OF TRANSCRIPT MAY BE COVERED UNDER PROTECTIVE ORDER  
TRANSCRIPT OF PROCEEDINGS  
HAD ON JUNE 3, 2019 (AFTERNOON SESSION)  
AT THE CLEVELAND COUNTY COURTHOUSE  
BEFORE THE HONORABLE THAD BALKMAN  
DISTRICT JUDGE**

REPORTED BY: ANGELA THAGARD, CSR, RPR

1 Wednesday. The exact same questions, only now, they're  
2 preceded by five lines of speechifying in the form of a  
3 question.

4 THE COURT: Mr. Beckworth, he does bring up a good  
5 point. It's getting cumulative. So I'd ask you to move on.

6 MR. BECKWORTH: Yes, sir.

7 Q (By Mr. Beckworth) We move to Page 15 on mine. It says:  
8 Execution Tip No. 3, call to action.

9 You there will with me?

10 A I am.

11 Q The goal is to create dialogue. Now, remember, you talked  
12 about dialogue a minute ago, right?

13 A Yes, dialogue --

14 Q Here, the goal is to create --

15 MR. OTTAWAY: Can she finish her answer statement?

16 MR. BECKWORTH: I think she did. I think she said  
17 dialogue.

18 MR. OTTAWAY: No, she didn't.

19 THE WITNESS: I said dialogue, but I was going to --

20 Q (By Mr. Beckworth) Well, go ahead, please. By all means.

21 A What it means here, is creating a dialogue between sales  
22 representative and the clinician so that there's a back and  
23 forth discussion that takes place.

24 Q Well, let's look at it. There's something there that's  
25 bigger than everything else and a different color. And what it

1 A As I stated, we've engaged with advocacy part first.

2 Q And in 1349, we looked at your funding of those kinds of  
3 groups, didn't we?

4 A Yes.

5 Q Okay. So pain patient advocacy was something you funded  
6 and you were engaged in, correct?

7 MR. OTTAWAY: Your Honor, we've now covered it  
8 before. We've covered it again, and now we're going back to  
9 summarize it yet again. I object to it. It's repetitive.

10 MR. BECKWORTH: Your Honor, I'm tying this directly  
11 to the White House report. I know they don't like it, but it's  
12 what happened. I think I'm entitled to ask the witness if  
13 what's stated in here is what they did.

14 MR. OTTAWAY: The speech is simply uncalled for. My  
15 objection is exactly what he just said. They've been over this  
16 multiple times, and all he's now trying to do is go over it  
17 again.

18 THE COURT: I'll sustain the objection.

19 Q (By Mr. Beckworth) Now, let's look at the next one. The  
20 opioid pharmaceutical manufacturing and supply chain industry.  
21 You see that one?

22 A I see that, yes.

23 Q One pharmaceutical company sponsored over 20,000  
24 educational events for physicians and others on managing pain  
25 with opioids, claiming their potential for addiction was low.

1 MR. OTTAWAY: It's a nice speech for the camera. It  
2 has nothing to do with my objection. The objection is, she has  
3 answered it.

4 THE COURT: And I sustained the objection because I  
5 believe this witness has answered in the affirmative to your  
6 question.

7 Q (By Mr. Beckworth) Let me ask you a question, ma'am.  
8 We've been here for a few days. I appreciate your patience  
9 with me. I don't envy you sitting on that stand. I don't  
10 think anybody would want to have to do it in a situation like  
11 this.

12 You're here on behalf of Janssen and Johnson & Johnson,  
13 right?

14 A I am.

15 Q You've worked there 27 years, right?

16 A I have.

17 Q Have you seen what's happened to Johnson & Johnson's stock  
18 price since this price started? Are you aware of the market  
19 capitalization that's been lost?

20 MR. OTTAWAY: Objection, your Honor. Relevance.  
21 Prejudice, and I don't think I have to say any more.

22 MR. BECKWORTH: May I respond?

23 THE COURT: Yes.

24 MR. BECKWORTH: I think it absolutely goes to bias of  
25 the 27-year employee about what's happening to this company. I

# **EXHIBIT C**

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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, )

VS

Case No. CJ-2017-816

(1) JOHNSON & JOHNSON; )  
(2) JANSSEN PHARMACEUTICALS, )  
INC.; )  
(3) ORTHO-MCNEIL-JANSSEN )  
PHARMACEUTICALS, INC., )  
n/k/a JANSSEN PHARMACEUTICALS; )  
(4) JANSSEN PHARMACEUTICA, INC. )  
n/k/a JANSSEN PHARMACEUTICALS, )  
INC.; )  
 )  
Defendants. )

**TRANSCRIPT OF PROCEEDINGS  
HAD ON THE 5TH DAY OF JUNE, 2019,  
BEFORE THE HONORABLE  
THAD BALKMAN, DISTRICT JUDGE**

REPORTED BY: Tanya Burcham, CSR, RPR



1 of the things you did and didn't do. Do you remember that?

2 A. Around what?

3 Q. Around all the questions you were just asked when  
4 these documents were just handed into the evidence?

5 A. I'm sorry, I don't want -- I don't know what your  
6 question is.

7 Q. Well, you were asked if the Judge could look at the  
8 documents that had been provided to the Court, and read them,  
9 and understand what had been done. You didn't have to go over  
10 every one of them. Do you recall that?

11 A. Okay.

12 Q. Okay. Well, the Growing Pains website was launched.  
13 Right?

14 A. It was.

15 Q. And isn't it true that on Wednesday of this week  
16 after this trial began, you all pulled the plug with the  
17 American Chronic Pain Association, and it is nowhere to be  
18 found?

19 A. I was not aware of that.

20 Q. Hmm. Okay. But you all didn't target kids, did  
21 you, ma'am?

22 A. No.

23 Q. Okay.

24 A. And the American Chronic Pain Association, this was  
25 on their website. We had no say in the development of that,

1 and so this being pulled down, we did not know.

2 Q. Until Wednesday?

3 A. We did not know. I did not know.

4 Q. Until Wednesday, when this trial began, Janssen's  
5 logo was on every single page on that website. Right?

6 A. Because we did provide funding in 2009 for that  
7 website.

8 Q. And this Prescribe Responsibly website, you all  
9 pulled the plug on that less than five weeks ago. Right?

10 A. Again, that was on the platform that was updated.

11 Q. But you didn't do it?

12 A. It was pulled down because the website was outdated.

13 Q. Well now because you were going to trial?

14 A. No, sir.

15 Q. Hmm. All right. Well, let's talk about your  
16 testimony from yesterday. You said you were a sales rep; is  
17 that right?

18 A. Yes.

19 Q. You were never a sales rep for Schedule II  
20 narcotics, though, were you?

21 A. I was not.

22 Q. All drugs are not the same. Right?

23 A. No. All drugs are not the same.

24 Q. You testified that people use sales reps across  
25 different therapeutic areas, and that most companies do that.

# **EXHIBIT D**

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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, )

vs. ) Case No. CJ-2017-816

(1) JOHNSON & JOHNSON; )  
(2) JANSSEN PHARMACEUTICALS, )  
INC.; )  
(3) ORTHO-McNEIL-JANSSEN )  
PHARMACEUTICALS, INC., )  
n/k/a JANSSEN PHARMACEUTICALS; )  
(4) JANSSEN PHARMACEUTICA, )  
INC., n/k/a JANSSEN )  
PHARMACEUTICALS, INC., )

Defendants. )

**PORTIONS OF TRANSCRIPT MAY BE COVERED UNDER PROTECTIVE ORDER  
TRANSCRIPT OF PROCEEDINGS  
HAD ON MAY 30, 2019 (MORNING SESSION)  
AT THE CLEVELAND COUNTY COURTHOUSE  
BEFORE THE HONORABLE THAD BALKMAN  
DISTRICT JUDGE**

REPORTED BY: ANGELA THAGARD, CSR, RPR

1 marketplace to convince them that something that had not been  
2 okay, was now okay.

3 MR. OTTAWAY: Excuse me, your Honor. That's not even  
4 a question. It's a speech.

5 THE COURT: Please rephrase.

6 Q (By Mr. Beckworth) You all convinced the -- you all  
7 convinced the doctors over the three to four years prior to  
8 this document that it was okay to prescribe Schedule II  
9 narcotics for everyday chronic pain. Something that previous  
10 to that had not been the norm?

11 MR. OTTAWAY: Objection, your Honor. She's testified  
12 she didn't know what happened in this timeframe. She's not a  
13 physician. She's looking at a document she's never seen  
14 before. Objection.

15 THE COURT: Overruled.

16 THE WITNESS: So what did -- what is your question?

17 Q (By Mr. Beckworth) You all marketed, influenced, educated  
18 to get acceptance of opioids by doctors to be used in a way  
19 that prior to 1996 and '97 had not been done?

20 MR. OTTAWAY: Same objection, your Honor.

21 THE COURT: Objection overruled.

22 THE WITNESS: Again, it sounds like you're telling me  
23 something. I don't know what your question is.

24 THE COURT: Isn't that true?

25 Q (By Mr. Beckworth) Judge Burrage is helping me. Isn't

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IN THE DISTRICT COURT OF CLEVELAND COUNTY  
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel., )  
MIKE HUNTER )  
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Case No. CJ-2017-816

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n/k/a JANSSEN PHARMACEUTICALS, )  
INC.; )  
 )  
Defendants. )

**PORTIONS OF THE TRANSCRIPT ARE COVERED UNDER THE PROTECTIVE  
ORDER**

**TRANSCRIPT OF PROCEEDINGS  
HAD ON THE 30TH DAY OF MAY, 2019 - AFTERNOON SESSION  
BEFORE THE HONORABLE  
THAD BALKMAN, DISTRICT JUDGE**

REPORTED BY: Tanya Burcham, CSR, RPR

1 Duragesic.

2 Q. Appropriate as taught by your sales reps?

3 A. Well, it's based on our label; it's based on, yes,  
4 appropriate physician.

5 Q. And on your marketing slogans. Right?

6 A. Again, the -- the promotion that you're having  
7 around your -- your drug specifically, your product, is based  
8 on your label.

9 Q. So let's look at that. Life Interrupted, that's  
10 one. Life Uninterrupted. Right? See that?

11 A. That was a marketing campaign, yes.

12 Q. And it says, In 2000, we conducted extensive market  
13 research to assess the effectiveness of our new promotional  
14 campaign. Right?

15 A. It says that, yes.

16 Q. Physicians overwhelmingly stated that the "Life,  
17 Interrupted" message was credible and compelling enough to  
18 cause them to prescribe Duragesic as a 1st choice for chronic  
19 pain. Do you see that?

20 A. I see that, yes.

21 Q. Now, words do matter in my opinion. I don't know if  
22 they will to everyone else. But let's focus in on that  
23 targeted word. Do you see the word becoming -- between  
24 "compelling enough"? And then there's something there, isn't  
25 there?

1           A.    Again, the intention of the sample program is to  
2 offer that initial trial for the patient.

3           MR. BECKWORTH:  Let's turn to the next page, Mike.

4           Q.    (By Mr. Beckworth)  Facts are stubborn things.

5           MR. OTTAWAY:  Your Honor, it's just a speech.

6           THE COURT:  Sustained.

7           Q.    (By Mr. Beckworth)  Tactical Review.  Incremental  
8 total prescriptions per month vary by speciality.  The program  
9 was analyzed over a six-month period.  Do you see that?

10          A.    I do.

11          Q.    And it shows you the incremental net prescriptions  
12 on the coupons based on where they went, primary care, pain  
13 specialist, oncologist and overall.  Do you see that?

14          A.    I see the graphic.

15          Q.    Okay.  You had a 13 to 1 return on investment.

16          MR. BECKWORTH:  Let's go back to the first page,  
17 Mike.

18                (By Mr. Beckworth)  So just on that one sample  
19 alone, with that targeted audience, that adds up to about 180  
20 for an investment of \$300,000, you could make 3.9 million.

21                That's what 13 times 300 is, isn't it?

22          A.    I'd have to get out the calculator.  I don't know.

23          Q.    Well, here you go.

24          MR. BECKWORTH:  May I approach, Your Honor?

25          THE COURT:  Yes, you may.



# **EXHIBIT E**

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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, )

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Case No. CJ-2017-816

(1) JOHNSON & JOHNSON; )  
(2) JANSSEN PHARMACEUTICALS, )  
INC.; )  
(3) ORTHO-McNEIL-JANSSEN )  
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(4) JANSSEN PHARMACEUTICA, )  
INC., n/k/a JANSSEN )  
PHARMACEUTICALS, INC., )

Defendants. )

**PORTIONS OF TRANSCRIPT MAY BE COVERED UNDER PROTECTIVE ORDER  
TRANSCRIPT OF PROCEEDINGS  
HAD ON MAY 31, 2019 (MORNING SESSION)  
AT THE CLEVELAND COUNTY COURTHOUSE  
BEFORE THE HONORABLE THAD BALKMAN  
DISTRICT JUDGE**

REPORTED BY: ANGELA THAGARD, CSR, RPR

1 what is best for that patient.

2 Q A doctor educated by you, in your own words, right?

3 A A doctor who's educated by a university, a doctor who's  
4 educated by the medical literature that's in the marketplace,  
5 the -- a doctor who is very well educated from multiple  
6 different sources.

7 Q If a doctor is very well educated from the university and  
8 sources, then why are you paying for reports, paying for  
9 studies and paying for Drue Diesselhorst to come into this  
10 state and talk to the doctor? Why are you doing that? Why not  
11 let our medical schools teach them?

12 MR. OTTAWAY: Excuse me, your Honor, that's a speech  
13 not a question.

14 Q (By Mr. Beckworth) Why not let --

15 MR. BECKWORTH: I'll withdraw it. Sorry, your Honor.

16 THE COURT: Sustained.

17 Q (By Mr. Beckworth) Why not let our medical schools do  
18 their job?

19 A Again, we talked about this yesterday. Oftentimes, after  
20 a physician has graduated from medical school, gone through  
21 residency, there's multiple changes that take place in the  
22 medical community, one being new drugs that come forward. And  
23 so they get that new information about new med patients from  
24 multiple different sources, one of which being our sales  
25 representatives.

1 A No.

2 MR. OTTAWAY: Again, a speech followed by a short  
3 question. If Mr. Beckworth needs to approach the board, I  
4 think that's fine, but when he's just asking general questions,  
5 I object to him being next to the witness.

6 THE COURT: Sustain the objection. Mr. Beckworth, go  
7 ahead.

8 Q (By Mr. Beckworth) Now, ma'am, there's the Milligan  
9 study. We see it there, correct?

10 A We do.

11 Q So let's go to the next one. This is January 10, 2003.  
12 It's 33, Line 102. And this is from Michael Hull, one of your  
13 sales reps here in Oklahoma. Here we go.

14 It says: Discussed with the doctor, chronic low back pain  
15 patients are perfect candidates for Duragesic.

16 And again we see right here: Stated that Duragesic will  
17 increase functionality and went over Milligan study. Do you  
18 see that?

19 A I see that.

20 Q Said: Doctor said he would try Duragesic more with these  
21 patients and went on to add that he has had good success with  
22 fibromyalgia patients on Duragesic, right?

23 A It says that, yes.

24 Q So right there we have your sales rep using the Milligan  
25 study and the doctor saying that he will try more Duragesic.

1 MR. OTTAWAY: That question is objected to for the  
2 reasons which are obvious. It's a speech, not a question.

3 THE COURT: Restate the question.

4 MR. BECKWORTH: Thank you, your Honor.

5 Q (By Mr. Beckworth) You were using these sale strategies  
6 to move doctors away from their fear of prescribing these  
7 narcotics, correct?

8 THE COURT: Objection overruled. Go ahead.

9 MR. OTTAWAY: I would also say it's been asked and  
10 answered about ten times.

11 THE COURT: Overruled.

12 MR. OTTAWAY: Thank you.

13 THE WITNESS: And I said no.

14 Q (By Mr. Beckworth) November -- sorry. February 4, 2004.  
15 This is on Page 65-274. Eric Thornhill in Oklahoma City. Do  
16 you see that?

17 It says: You have a patient with chronic lower back pain,  
18 waking at night, it's a breakthrough medicine that has  
19 neuropathic-associated pain. Do you see that?

20 A I see that.

21 Q Here we go. We see Simpson: After showing him Simpson,  
22 he asked if there had been longer studies. We went through  
23 Milligan, in which he was very impressed, especially with the  
24 SF36 scores.

25 Now, SF36 is a score about functionality, right?

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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, )

VS

Case No. CJ-2017-816

(1) JOHNSON & JOHNSON; )  
(2) JANSSEN PHARMACEUTICALS, )  
INC.; )  
(3) ORTHO-MCNEIL-JANSSEN )  
PHARMACEUTICALS, INC., )  
n/k/a JANSSEN PHARMACEUTICALS; )  
(4) JANSSEN PHARMACEUTICA, INC. )  
n/k/a JANSSEN PHARMACEUTICALS, )  
INC.; )  
Defendants. )

**PORTIONS OF THE TRANSCRIPT ARE COVERED UNDER THE PROTECTIVE  
ORDER**

**TRANSCRIPT OF PROCEEDINGS  
HAD ON THE 31ST DAY OF MAY, 2019 - (AFTERNOON SESSION)  
BEFORE THE HONORABLE  
THAD BALKMAN, DISTRICT JUDGE**

REPORTED BY: Tanya Burcham, CSR, RPR

1 THE WITNESS: And I apologize.

2 THE COURT: Sustained.

3 MR. OTTAWAY: Thank you.

4 Q. (By Mr. Beckworth) Let's go back to your book.  
5 Actually, I'm going to hand you something out of there that I  
6 haven't -- the pages.

7 MR. BECKWORTH: And Your Honor, I don't know if this  
8 one is in your book so I'm going to just give you this if I  
9 may.

10 Q. (By Mr. Beckworth) Okay. Ma'am, we'll just go down  
11 these one by one. This is from your sales call notes. What  
12 you have is exactly what's on the screen.

13 On May 29, 2002, we have a call note from a sales rep,  
14 Ms. Babbar in Oklahoma City. Do you remember over the last  
15 couple of days we talked about a word that Janssen used with  
16 respect to sales targets, that word influence. Remember we  
17 talked about that?

18 A. The word influence?

19 Q. Yes, ma'am.

20 A. We've talked about the word influence.

21 Q. Okay. So here is a sales rep here. It says,  
22 Continue to sell Dr. Bottomley on Procrit and Duragesic.

23 Do you see that?

24 A. Yes.

25 Q. Okay. It says, Even though he is just part time, he

1 would be appropriate.

2 THE COURT: Objection sustained.

3 Q. (By Mr. Beckworth) Ma'am, this is in 2004. Right?

4 A. It is. Yes.

5 Q. We are -- as we just looked at that graph, and you  
6 now as you look backwards, we were rapidly ascending to a  
7 crisis. Right?

8 A. It looked like there was abuse happening.

9 Q. Your folks told you in 2001, in Exhibit 35, that, We  
10 had a problem already and to be wary. Right?

11 MR. OTTAWAY: Objection. Misstates what's in the  
12 exhibit.

13 THE COURT: Sustained.

14 MR. BECKWORTH: Excuse me, Your Honor?

15 THE COURT: I sustained it.

16 Q. (By Mr. Beckworth) You saw in that document,  
17 Exhibit 35, your folks warning you there was a problem?

18 MR. OTTAWAY: It's the same question, Your Honor.  
19 Objection.

20 THE COURT: Please rephrase the question.

21 Q. (By Mr. Beckworth) You knew, in 2001, there was a  
22 problem?

23 A. You have to -- you've showed me so many documents.  
24 I don't know which document you're talking about, so...

25 Q. Ma'am, you ran point on tapentadol in 2009. Is it