



IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED
SUPREME COURT
STATE OF OKLAHOMA

MAY 24 2019

JOHN D. HADDEN
CLERK

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

Plaintiff,)

v.)

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

Defendants/Appellants,)

-and-)

TEVA PHARMACEUTICALS USA, INC., CEPHALON, INC.,)
JOHNSON & JOHNSON, JANSSEN PHARMACEUTICALS,)
INC., ORTHO-McNEIL-JANSSEN PHARMACEUTICALS,)
INC., n/k/a JANSSEN PHARMACEUTICALS, INC.,)
JANSSEN PHARMACEUTICA, INC., n/k/a JANSSEN)
PHARMACEUTICALS, INC., ALLERGAN, PLC, f/k/a)
ACTAVIS PLC, f/k/a ACTAVIS, INC., f/k/a WATSON)
PHARMACEUTICALS, INC., WATSON LABORATORIES,)
INC., ACTAVIS LLC, and ACTAVIS PHARMA, INC., f/k/a)
WATSON PHARMA, INC.,)

Defendants,)

v.)

CITY OF OKLAHOMA CITY, CITY OF LAWTON, CITY OF)
ENID, CITY OF MIDWEST CITY, AND CITY OF BROKEN)
ARROW,)

Appellees/Real Parties in Interest.)

Sup. Ct. Case #

117994

Cleveland County
Case No. CJ-2017-816

STATE OF OKLAHOMA }
CLEVELAND COUNTY } S.S.

FILED

MAY 24 2019

In the office of the
Court Clerk MARILYN WILLIAMS

PETITION IN ERROR

- X PETITION IN ERROR
- AMENDED OR SUPPLEMENTAL PETITION
- CROSS PETITION
- COUNTER-PETITION
- DATE FIRST PETITION IN ERROR FILED:

I. TRIAL COURT HISTORY

COURT/TRIBUNAL: District Court
COUNTY: Cleveland
CASE NO.: CJ-2017-816
JUDGE: Honorable Thad Balkman
NATURE OF CASE: State action asserting that opioid manufacturers created a public nuisance through their marketing and sale of opioid medications

NAME OF PARTY OR PARTIES FILING THIS PETITION IN ERROR:

PURDUE PHARMA, L.P., PURDUE PHARMA, INC., and THE PURDUE FREDERICK COMPANY, INC.

THE APPEAL IS BROUGHT FROM:

- Judgment, Decree or Final order of District Court.
- Appeal from order granting summary judgment or motion to dismiss where motion filed after October 1, 1993 (Accelerated procedure under Rule 1.36).
- Appeal from Revocation of Driver's License (Rule 1.21(b)).
- Final Order of Other Tribunal.
(Specify Corporation Commission, Insurance Department, Tax Commission, Court of Tax Review, Banking Board or Banking Commissioner, etc. _____)
- Interlocutory Order Appealable by Right.
- Other

II. TIMELINESS OF APPEAL

1. Date judgment, decree or order appealed was filed: April 25, 2019
2. *If decision was taken under advisement*, date judgment, decree or order was mailed to parties:
3. Does the judgment or order on appeal dispose of *all* claims by and against *all* parties?
 Yes No

If not, did district court direct entry of judgment in accordance with 12 O.S. 2001, § 994. Yes No

When was this done?
4. If the judgment or order is not a final disposition, is it appealable because it is an Interlocutory Order Appealable by Right? Yes No
5. If none of the above applies, what is the *specific* statutory basis for determining the judgment or order is appealable? Post-judgment final order. 12 O.S. §953; *Central Plastics Co. v. Barton Indus., Inc.*, 1991 OK 103, 818 P.2d 900. The Consent Judgment

it purports to clarify/modify contains the functional equivalent of a 12 O.S. §994(A) certification (§10.7).

6. Were any post-trial motions filed? NA

Type

Date Filed

Date Disposed

7. This Petition is filed by:

Delivery to Clerk, or

Mailing to Clerk by U.S. Certified Mail Return Receipt Requested on _____ (date)

III. RELATED OR PRIOR APPEALS

List all prior appeals involving same parties or same trial court proceeding:

Sup. Ct. Case No. 117,831 (original action, jurisdiction declined).

Concurrently filed appeal herein (case number not yet known) for Appellants against Comanche County.

List all related appeals involving same issues:

Concurrently filed appeal herein (case number not yet known) for Appellants against Comanche County.

IV. SETTLEMENT CONFERENCE

Is appellant willing to participate in an attempted settlement of the appeal by predecisional conference under Rule 1.250? Yes No

V. RECORD ON APPEAL

A Transcript will be ordered.

No Transcript will be ordered because no record was made and/or no transcript will be necessary for this appeal.

A Narrative Statement will be filed regarding the Closing Argument portion of the jury trial, which was not transcribed or reported.

Record is concurrently filed as required by Rule 1.34 (Driver's License Appeals, etc.) or Rule 1.36 (Summary judgments and motions to dismiss granted)

VI. JUDGMENT, DECREE OR ORDER APPEALED – EXHIBIT "A"

A certified copy of the Order Regarding Consent Judgment as to The Purdue Defendants and Denying City of Oklahoma City's, City of Lawton's, City of Enid's, City of Midwest City's and City of Broken Arrow's Amended Joint Motion to Intervene as Moot, filed April 25, 2019, is attached as Exhibit A.

VII. SUMMARY OF CASE – EXHIBIT "B"

A brief summary of the case is attached hereto as Exhibit B.

VIII. ISSUES RAISED ON APPEAL – EXHIBIT "C"

The issues proposed to be raised on appeal are attached hereto as Exhibit C.

IX. NAME OF COUNSEL OR PARTY IF PRO SE

ATTORNEYS FOR APPELLANTS

SANFORD C. COATS, OBA #18268
HARVEY D. ELLIS, OBA #2694
JOSHUA D. BURNS, OBA #32967
CROWE & DUNLEVY
A Professional Corporation
Braniff Building
324 North Robinson Avenue, Suite 100
Oklahoma City, Oklahoma 73102
(405) 235-7700
(405) 239-6651 (Facsimile)
sandy.coats@crowedunlevy.com
harvey.ellis@crowedunlevy.com
joshua.burns@crowedunlevy.com

ATTORNEYS FOR APPELLEES

TONY G. PUCKETT, OBA #13336
TODD A. COURT, OBA #19438
MACKENZIE L. SMITH, OBA# 33273
COLE MCLANAHAN, OBA #33566
MCAFEЕ & TAFT
10th Floor, Two Leadership Square
211 N. Robinson Avenue
Oklahoma City, OK 73102
(405) 235-9621
tony.puckett@mcafeetaft.com
todd.court@mcafeetaft.com
mackenzie.smith@mcafeetaft.com
cole.mclanahan@mcafeetaft.com

MATTHEW J. SILL, OBA #21547
HARRISON C. LUJAN, OBA #30154
KATIE GRIFFIN, OBA #30829
FULMER SILL LAW GROUP
P.O. Box 2448
1101 N. Broadway Ave., Suite 102
Oklahoma City, OK 73103
(405) 510-0077
msill@fulmersill.com
hlujan@fulmersill.com
kgriffin@fulmersill.com

DATE: May 24, 2019.

Verified by:



SANFORD C. COATS, OBA #18268

HARVEY D. ELLIS, OBA #2694
JOSHUA D. BURNS, OBA #32967
CROWE & DUNLEVY
A Professional Corporation
Braniff Building

324 North Robinson Avenue, Suite 100
Oklahoma City, Oklahoma 73102
(405) 235-7700
(405) 239-6651 (Facsimile)
sandy.coats@crowedunlevy.com
harvey.ellis@crowedunlevy.com
joshua.burns@crowedunlevy.com

**ATTORNEYS FOR APPELLANTS PURDUE
PHARMA, L.P., PURDUE PHARMA, INC. AND
THE PURDUE FREDERICK COMPANY, INC.**

X. CERTIFICATE OF MAILING TO ALL PARTIES

I hereby certify that a true and correct copy of the Petition in Error was mailed this 24th day of May, 2019, by depositing it in the U.S. Mail, postage prepaid, to:

WHITTEN BURRAGE
Michael Burrage
Reggie Whitten
512 N. Broadway Avenue, Suite 300
Oklahoma City, OK 73102
mburrage@whittenburrage.com
rwhitten@whittenburrage.com
Counsel for Plaintiff the State of Oklahoma

NIX, PATTERSON & ROACH, LLP
Bradley E. Beckworth
Jeffrey J. Angelovich
Lloyd "Trey" Nolan Duck, III
Andrew Pate
Lisa Baldwin
Brooke A. Churchman
Nathan B. Hall
512 N. Broadway Ave., Suite 200
Oklahoma City, OK 73102
bbeckworth@nixlaw.com
jangelovich@npraustin.com
tduck@nixlaw.com
dpate@nixlaw.com
lbaldwin@nixlaw.com
bchurchman@nixlaw.com
nhall@nixlaw.com
Counsel for Plaintiff the State of Oklahoma

ODOM, SPARKS & JONES PLLC
Benjamin H. Odom

OKLAHOMA OFFICE OF THE ATTORNEY
GENERAL
Mike Hunter
Abby Dillsaver
Ethan A. Shaner
313 NE 21st St
Oklahoma City, OK 73105
abby.dillsaver@oag.ok.gov
ethan.shaner@oag.ok.gov
Counsel for Plaintiff the State of Oklahoma

NIX, PATTERSON & ROACH, LLP
Robert Winn Cutler
Ross Leonoudakis
Cody Hill
3600 North Capital of Texas Highway
Suite B350
Austin, TX 78746
winncutler@nixlaw.com
rossl@nixlaw.com
codyhill@nixlaw.com
Counsel for Plaintiff the State of Oklahoma

GLENN COFFEE & ASSOCIATES, PLLC
Glenn Coffee
915 N. Robinson Ave.
Oklahoma City, OK 73102
gcoffee@glenncoffee.com
Counsel for Plaintiff the State of Oklahoma

John H. Sparks
Michael W. Ridgeway
David L. Kinney
HiPoint Office Building
2500 McGee Drive Ste. 140
Oklahoma City, OK 73072
odomb@odomsparks.com
sparksj@odomsparks.com
ridgewaym@odomsparks.com
kinneyd@odomsparks.com
*Counsel for Defendants Janssen
Pharmaceuticals, Inc., Johnson & Johnson,
Janssen Pharmaceutica, Inc. n/k/a/ Janssen
Pharmaceuticals, Inc., and Ortho-McNeil-
Janssen Pharmaceuticals, Inc. n/k/a/
Janssen Pharmaceuticals, Inc., and Ortho-
McNeil-Janssen Pharmaceuticals, Inc.
n/k/a/ Janssen Pharmaceuticals, Inc.*

O'MELVENY & MYERS LLP
Charles C. Lifland
Wallace Moore Allan
Sabrina H. Strong
400 S. Hope Street
Los Angeles, CA 90071
clifland@omm.com
tallan@omm.com
sstrong@omm.com
*Counsel for Defendants Janssen
Pharmaceuticals, Inc., Johnson & Johnson,
Janssen Pharmaceutica, Inc. n/k/a/ Janssen
Pharmaceuticals, Inc., and Ortho-McNeil-
Janssen Pharmaceuticals, Inc. n/k/a/
Janssen Pharmaceuticals, Inc.*

GABLEGOTWALS
Robert G. McCampbell
Nicholas V. Merkley
Leasa M. Stewart
Jeffrey A. Curran
Kyle D. Evans
Ashley E. Quinn
One Leadership Square, 15th Fl.
211 North Robinson
Oklahoma City, OK 73102
RMcCampbell@Gablelaw.com

FOLIART, HUFF, OTTAWAY & BOTTOM
Larry D. Ottaway
Amy Sherry Fischer
Andrew Bowman
Jordyn L. Cartmell
Kaitlyn Dunn
201 Robert S. Kerr Avenue, 12th Floor
Oklahoma City, OK 73102
larryottaway@oklahomacounsel.com
amyfischer@oklahomacounsel.com
andrewbowman@oklahomacounsel.com
jordyncartmell@oklahomacounsel.com
kaitlyndunn@oklahomacounsel.com
*Counsel for Defendants Johnson & Johnson,
Janssen Pharmaceuticals, Inc., Janssen
Pharmaceutica, Inc. n/k/a Janssen
Pharmaceuticals, Inc., and Ortho-McNeil-
Janssen Pharmaceuticals, Inc. n/k/a/ Janssen
Pharmaceuticals, Inc., and Ortho-McNeil-
Janssen Pharmaceuticals, Inc. n/k/a/ Janssen
Pharmaceuticals, Inc.*

O'MELVENY & MYERS LLP
Stephen D. Brody
David K. Roberts
1625 Eye Street NW
Washington, DC 20006
sbrody@omm.com
droberts2@omm.com
*Counsel for Defendants Janssen
Pharmaceuticals, Inc., Johnson & Johnson,
Janssen Pharmaceutica, Inc. n/k/a/ Janssen
Pharmaceuticals, Inc., and Ortho-McNeil-
Janssen Pharmaceuticals, Inc. n/k/a/ Janssen
Pharmaceuticals, Inc., and Ortho-McNeil-
Janssen Pharmaceuticals, Inc. n/k/a/ Janssen
Pharmaceuticals, Inc.*

MORGAN, LEWIS & BOCKIUS LLP
Steven A. Reed
Harvey Bartle IV
Mark A. Fiore
Rebecca Hillyer
Evan K. Jacobs
1701 Market Street
Philadelphia, PA 19103

NMerkley@Gablelaw.com
LStewart@Gblelaw.com
JCurran@gablelaw.com
KEvans@gablelaw.com
AQuinn@Gablelaw.com
*Counsel for Defendants Cephalon, Inc.,
Teva Pharmaceuticals USA, Inc., Watson
Laboratories, Inc., Actavis LLC, and
Actavis Pharma, Inc. f/k/a/ Watson
Pharma, Inc.*

MORGAN, LEWIS & BOCKIUS LLP
Collie T. James, IV
600 Anton Blvd., Suite 1800
Costa Mesa, CA 92626
collie.james@morganlewis.com
*Counsel for Defendants Cephalon, Inc.,
Teva Pharmaceuticals USA, Inc., Watson
Laboratories, Inc., Actavis LLC, and
Actavis Pharma, Inc. f/k/a/ Watson
Pharma, Inc.*

MORGAN, LEWIS & BOCKIUS LLP
Steven A. Luxton
1111 Pennsylvania Ave., NW
Washington, DC 20004
steven.luxton@morganlewis.com
*Counsel for Defendants Cephalon, Inc.,
Teva Pharmaceuticals USA, Inc., Watson
Laboratories, Inc., Actavis LLC, and
Actavis Pharma, Inc. f/k/a/ Watson
Pharma, Inc.*

MCAFEE & TAFT
Tony G. Puckett
Todd A. Court
Mackenzie L. Smith
Cole McLanahan
10th Floor, Two Leadership Square
211 N. Robinson Avenue
Oklahoma City, OK 73102
tony.puckett@mcafeetaft.com
todd.court@mcafeetaft.com
mackenzie.smith@mcafeetaft.com
cole.mclanahan@mcafeetaft.com
Attorneys for Appellees/Real Parties in

steven.reed@morganlewis.com
harvey.bartle@morganlewis.com
mark.fiore@morganlewis.com
rebeccahillyer@morganlewis.com
evan.jacobs@morganlewis.com
*Counsel for Defendants Cephalon, Inc., Teva
Pharmaceuticals USA, Inc., Watson
Laboratories, Inc., Actavis LLC, and Actavis
Pharma, Inc. f/k/a/ Watson Pharma, Inc.*

MORGAN, LEWIS & BOCKIUS LLP
Brian M. Ercole
Melissa M. Coates
Martha A. Leibell
200 S. Biscayne Blvd., Suite 5300
Miami, FL 33131
brian.ercole@morganlewis.com
melissa.coates@morganlewis.com
martha.leibell@morganlewis.com
*Counsel for Defendants Cephalon, Inc., Teva
Pharmaceuticals USA, Inc., Watson
Laboratories, Inc., Actavis LLC, and Actavis
Pharma, Inc. f/k/a/ Watson Pharma, Inc.*

MORGAN, LEWIS & BOCKIUS LLP
Tinos Diamantatos
77 W. Wacker Dr.
Chicago, IL 60601
tinios.diamantatos@morganlewis.com
*Counsel for Defendants Cephalon, Inc., Teva
Pharmaceuticals USA, Inc., Watson
Laboratories, Inc., Actavis LLC, and Actavis
Pharma, Inc. f/k/a/ Watson Pharma, Inc.*

MORGAN, LEWIS & BOCKIUS LLP
Nancy L. Patterson
1000 Louisiana Street, Suite 4000
Houston, TX 77002
nancy.patterson@morganlewis.com
*Counsel for Defendants Cephalon, Inc., Teva
Pharmaceuticals USA, Inc., Watson
Laboratories, Inc., Actavis LLC, and Actavis
Pharma, Inc. f/k/a/ Watson Pharma, Inc.*

FULMER SILL LAW GROUP
Matthew J. Sill

*Interest City of Oklahoma City, City of
Lawton, City of Enid, City of Midwest City,
and City of Broken Arrow*

Harrison C. Lujan
Katie Griffin
P.O. Box 2448
1101 N. Broadway Ave., Suite 102
Oklahoma City, OK 73103
msill@fulmersill.com
hlujan@fulmersill.com
kgriffin@fulmersill.com
*Attorneys for Appellees/Real Parties in Interest
City of Oklahoma City, City of Lawton, City of
Enid, City of Midwest City, and City of Broken
Arrow*

I further certify that a copy of the Petition in Error was mailed to or filed in the Office of the Court Clerk of the District Court of Cleveland County on the 24th day of May, 2019:

Marilyn Williams
Cleveland County Court Clerk
Cleveland County Courthouse
200 S. Peters Ave.
Norman, Oklahoma 73069



A handwritten signature in black ink, appearing to read "Santa B. Bled", is written over a horizontal line.



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
Judge Thad Balkman

- (1) PURDUE PHARMA L.P.;)
- (2) PURDUE PHARMA, INC.;)
- (3) THE PURDUE FREDERICK COMPANY;)
- (4) TEVA PHARMACEUTICALS USA, INC.;)
- (5) CEPHALON, INC.;)
- (6) JOHNSON & JOHNSON;)
- (7) JANSSEN PHARMACEUTICALS, INC;)
- (8) ORTHO-McNEIL-JANSSEN)
- PHARMACEUTICALS, INC., n/k/a)
- JANSSEN PHARMACEUTICALS)
- (9) JANSSEN PHARMACEUTICA, INC.,)
- n/k/a JANSSEN PHARMACEUTICALS, INC.;)
- (10) ALLERGAN, PLC, f/k/a ACTAVIS PLC,)
- f/k/a ACTAVIS, INC., f/k/a WATSON)
- PHARMACEUTICALS, INC.;)
- (11) WATSON LABORATORIES, INC.;)
- (12) ACTAVIS LLC; and)
- (13) ACTAVIS PHARMA, INC.,)
- f/k/a WATSON PHARMA, INC.,)

Defendants.)

STATE OF OKLAHOMA } S.S.
CLEVELAND COUNTY }

FILED

APR 25 2019

In the office of the
Court Clerk MARILYN WILLIAMS

**ORDER REGARDING
CONSENT JUDGMENT AS TO THE PURDUE DEFENDANTS
AND DENYING
CITY OF OKLAHOMA CITY'S, CITY OF LAWTON'S, CITY OF ENID'S,
CITY OF MIDWEST CITY'S AND CITY OF BROKEN ARROW'S
AMENDED JOINT MOTION TO INTERVENE AS MOOT**

This matter comes before the Court upon the "City of Oklahoma City's, City of Lawton's, City of Enid's, City of Midwest City's and City of Broken Arrow's Amended Joint Motion to Intervene" filed April 2, 2019¹ ("Oklahoma City Motion to Intervene"). Upon

¹ The cities of Enid, Lawton, Midwest City and Oklahoma City filed an initial "Joint Motion to Intervene" on April 1, 2019.

review of the Oklahoma City Motion to Intervene and the responses in opposition filed by (a) Plaintiff, State of Oklahoma, ex rel., Mike Hunter, Attorney General of Oklahoma, on April 17, 2019 (“Plaintiff State Response”), and (b) the Defendants, Purdue Pharma, L.P., Purdue Pharma Inc., and The Purdue Frederick Company Inc., on April 18, 2019 (“Purdue Defendants Response”), and pursuant to Rule 4(h) of the Rules for the District Courts of Oklahoma, the Court finds and holds as follows:²

1. The cities of Broken Arrow, Enid, Lawton, Midwest City and Oklahoma City, whether individually or collectively (the “Putative Intervenors”), are not parties to, bound by, or otherwise subject to the terms of the “Consent Judgment as to the Purdue Defendants” entered by this Court on March 26, 2019.

2. A Putative Intervenor – or any other Oklahoma political subdivision – is not a party to, bound by, or otherwise subject to the terms of the March 26, 2019, Consent Judgment unless it elects, for itself, to opt-in to the March 26, 2019, Consent Judgment pursuant to the terms prescribed by the March 26, 2019, Consent Judgment.³ The Oklahoma City Motion to Intervene is denied as moot.

² The Court would note that no other named Defendants filed a response to the Oklahoma City Motion to Intervene.

³ The Court would note that neither the Plaintiff State Response nor the Purdue Defendants Response advocates for a contrary reading of the March 26, 2019, Consent Judgment.

IT IS SO ORDERED this 25th day of April, 2019


THAD BALKMAN, District Judge

CERTIFICATE OF SERVICE

This is to certify that on the 25th day of April, 2019, a true and correct copy of the above and foregoing instrument was emailed to the following:

Michael Burrage
Reggie Whitten

Mike Hunter
Attorney General for State of OK
Abby Dillsaver
Ethan Shaner

Bradley Beckworth
Jeffrey Angelovich

Glenn Coffee

Attorneys for Plaintiff

John H. Sparks
Benjamin H. Odom

Charles C. Lifland
Jennifer Cardelus

Stephen Brody

Attorneys for Defendants Johnson & Johnson, Janssen

Sanford C. Coats

Sheila Birnbaum
Mark S. Cheffo
Hayden A. Coleman
Paul LaFata

Patrick J. Fitzgerald
R. Ryan Stoll

Attorneys for Defendants Purdue Pharma

Robert G. McCampbell
Travis V. Jett

Steven A. Reed
Harvey Bartle IV
Jeremy A. Menkowitz

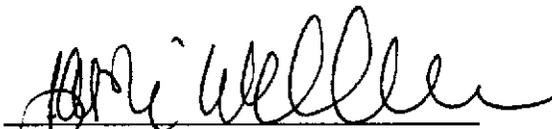
Brian Ercole

Attorneys for Defendants Cephalon Inc., Teva Pharmaceuticals

Todd Court

Matthew Sill

Attorneys for Movants


Jami Welbourne, Secretary/Bailiff

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT AND COMPLETE COPY OF THE INSTRUMENT HEREWITH SET OUT AS IT APPEARS ON RECORD IN THE COURT CLERK'S OFFICE OF CLEVELAND COUNTY, OKLAHOMA. WITNESS MY HAND AND SEAL THIS: 23 DAY OF May, 2019
MARILYN WILLIAMS COURT CLERK
BY Darlene Stewart DEPUTY

EXHIBIT “B” -- SUMMARY OF THE CASE

This action was brought by the State of Oklahoma (the “State”) against thirteen pharmaceutical companies, including the Appellants (“Purdue”), alleging that these manufacturers fraudulently marketed their opioid medications in Oklahoma. According to the State, this marketing led to widespread opioid abuse which, in turn, caused the State to incur a broad array of damages, including healthcare expenses and law enforcement and criminal justice expenses, *inter alia*. The State also sought broad injunctive and equitable relief to ameliorate alleged harm throughout the state. On March 26, 2019, Purdue and the State entered into a Settlement Agreement, and the district court entered a detailed Consent Judgment dismissing Purdue from this case with prejudice. The claims against the remaining manufacturers are proceeding to trial. On April 1, 2019, nonparties City of Oklahoma City, City of Lawton, City of Enid, City of Midwest City, and City of Broken Arrow (“Nonparty Cities”) filed a joint motion to intervene (as amended on April 2, 2019), in the case in order to either “clarify” or “modify” the Consent Judgment. Both the Appellants and the State filed separate responses objecting to the intervention by the Nonparty Cities. The only issue before the district court on the Nonparty Cities’ motion to intervene was procedural in nature -- whether to permit the movants to intervene in the case in order to address the scope of the Consent Judgment. Accordingly, neither the State nor Purdue briefed or argued the substance of the scope of the Consent Judgment because this issue was not before the trial court. Nevertheless, on April 25, 2019, the district court entered an order purporting to clarify the March 26, 2019 Consent Judgment—i.e., determining the Nonparty Cities’ underlying claim on which they sought to intervene—and denied the motion to intervene as “moot.” Appellants appeal the substantive disposition of the Nonparty Cities’ motion to intervene as beyond the trial court’s authority, procedurally improper under 12 O.S. §2024, and a denial of procedural due process.

EXHIBIT "C" -- ISSUES TO BE RAISED ON APPEAL

1. Whether the lower court erred as a matter of law and exercised unauthorized jurisdiction where:
 - a. Appellants/Defendants ("Purdue") and the State entered a Settlement Agreement under which the lower court entered a Consent Judgment dismissing the State's claims against Purdue with prejudice;
 - b. Nonparty Appellees ("Nonparty Cities") filed a procedural motion to intervene to allow them to assert a claim to clarify or modify the Consent Judgment's terms;
 - c. The only issue before the trial court was whether the Nonparty Cities' Motion to Intervene should be granted, and both the State and Purdue opposed the Motion to Intervene; and
 - d. The trial court instead reached and determined the substantive underlying issue on which the Nonparty Cities sought to intervene and denied the motion to intervene as "moot."

2. Whether the lower court erred in determining that each Nonparty City—"or any other Oklahoma political subdivision—is not a party to, bound by, or otherwise subject to the terms of" the Consent Judgment "unless it elects, for itself, to opt-in to" the Consent Judgment, where the plain language of the Consent Judgment and applicable law demonstrates that the "Releasers" include "the State and the Attorney General and/or any political subdivision of the State on whose behalf the Attorney General possesses, or obtains, the authority to bind."