



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
MAY 24 2019

In the office of the
Court Clerk MARILYN WILLIAMS

ORDER OF SPECIAL DISCOVERY MASTER

NOW, on this 24th day of May, 2018, the above and entitled matter comes on for ruling by the undersigned having heard argument thereon on May 10, 2019.

Argument was heard regarding State's request to De-designate Alleged Confidential Documents so designated by Janssen Pharmaceuticals, Inc., and Johnson & Johnson (collectively J&J) under the Protective Order. The following findings and Orders are entered:

State argues J&J has marked as confidential under the Amended Protective Order essentially a blanket designation of all pre-July 2016 documents, citing confidential/proprietary

concerns. State argues public interest outweighs any privacy concerns and that J&J has failed to demonstrate a confidential nature to the pre-July 2016 documents at issue.

State has included in its brief and attached four illustrative or representative examples argued as a sampling of the documents showing no information prohibited from disclosure that discloses confidential research, trade secrets, medical information, personal identification information, tax information, or personnel/employment records of non-parties.

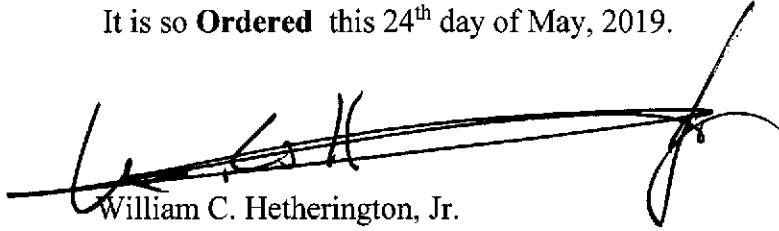
State includes: 1. The Media Outreach to Children slideshow portion that list the accomplishments through "Media Outreach" to its "Targets" that includes "Youth"; 2. The Multidisciplinary Partnerships Influencers Mapping which is a chart identifying sources of KOLs on local, regional, and national levels in both the public and private sectors area state argues it demonstrates the collaboration efforts with the physicians/individuals who conduct research, write articles, or speak on their behalf, with the goal to cultivate and manage their interactions with these individuals; 3. The Advocacy Launch Plan. This advocacy plan is argued to be a collaborative plan put in place to influence and shape State and Federal healthcare policy and "intervene when patient access to our products is jeopardized." The slides further describe the partner relationships and meeting strategies; 4. The Benefit Risk Assessment which is a report created by Interactive Forums, Inc. for Janssen Scientific Affairs, LLC, to evaluate the feasibility, implications and support for the clinical and commercial development of Nucynta. Part "B" is entitled "Current Scientific Evidence on the Benefits and Risks of Opioid Therapy for Chronic Pain". The entire Assessment presentation was the result of an outside nine-member "Advisory Board's" findings and report to Janssen (Included review of Section 6.26 "Confidentiality" provision of the January 15, 2015 Depomed, Inc. Asset Purchase Agreement).

J&J argues in response that this Motion is without merit as there is a legal process State must follow to challenge the designation of confidentiality as to any document so designated under the Protective Order. J&J contends each of these four representative documents contains confidential commercial information and that the undersigned has already ruled in a previous de-designation motion that Exhibit 17, 18, and 25 to J&J's Motion were like type confidential and protected under the Order. J&J argues the four documents attached to this motion are the same type information and should be protected, and the undersigned has previously ruled pre-2016 documents containing confidential business information were also entitled to protection rejecting State's argument that these documents lost protective status because Janssen divested the bulk of its opioid business in 2016. (It really appears to be 2015)

First, I once again **find** the fact that Janssen divested itself of the bulk of its opioid products as alleged in 2016 does not in and of itself cause pre-2016 documents to lose their protected character. The issue I have with this motion is that as J&J argues, it is a "blanket" type request for the undersigned to make a finding that all pre-2016 documents designated as protected should lose that status based upon a sampling of four challenged documents. This would require me to rule without the opportunity to individually evaluate the content and character of each challenged document not included in the motion. State's request is for an order to De-Designate the rest of J&J designated documents based solely upon the argument that it is the public's right to know. The result is no individual document evaluation balancing the right to

public access against J&J's legal right to document protection that contains confidential research, trade secrets, medical information, personal identification information, tax information, or personnel/employment records of non-parties. Sate's blanket request is **Overruled** but the motion is **Sustained** as to de-designation of "Media Outreach to Children" slideshow portions, the "Multidisciplinary Partnerships Influencers Mapping Chart", the "Advocacy Launch Plan" and the "Benefit/Risk Assessment of Opioid Therapy for Chronic Pain" Advisory Board Meeting forum presentation.

It is so **Ordered** this 24th day of May, 2019.

A handwritten signature in black ink, appearing to read 'W. C. Hetherington, Jr.', written over a horizontal line. The signature is stylized and extends across the width of the line.

William C. Hetherington, Jr.

Special Discovery Master