



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

AUG 19 2019

In the office of the
Court Clerk MARILYN WILLIAMS

**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**

AMENDED ORDER

Non-party CBS News, a division of CBS Broadcasting Inc (“CBS News”), intervened in this action for the limited purpose of seeking an order unsealing portions of the judicial record in this case. Specifically, CBS News moved to unseal documents related to the marketing, sales, and promotions of opioids (“the Requested Documents”) by defendants Teva Pharmaceuticals USA, Inc. and Cephalon Inc. and related companies (collectively “the Teva defendants”).

The Teva defendants responded to the CBS News motion on August 6, 2019. They informed the Court they had no objection to unsealing the Requested Documents, except for one document they denominated as the 2005 “Supply & Distribution Agreement” between Purdue Pharma, LP and Watson Pharma Inc (“the Supply and Distribution Agreement”). Teva requests that the Supply & Distribution Agreement remain sealed. Purdue Pharma, LP and Johnson & Johnson and Janssen Pharmaceuticals Inc. also responded on August 6, taking no position with respect to the unsealing of the Requested Documents. The State of Oklahoma responded on August 9, 2019, that it has no objection to the unsealing of the records specified in the motion. Both CBS News and the Teva defendants recited that they did not know for certain whether one of the documents listed by CBS News (Ex. 70 [TEVA_OK 00107392-TEVA_OK 00107461], identified as a “70-page Actiq 2003 Marketing Plan” in Teva Pharmaceuticals USA, Inc.,

Cephalon, Inc., Watson Laboratories, Inc., Actavis LLC, And Actavis Pharma, Inc. F/K/A Watson Pharma, Inc.'s Company Records Stipulation No. 1) had been filed in the case and thus become a part of the judicial record.

Upon consideration of CBS News's motion and the responses thereto, the Court ORDERS that the motion is GRANTED in part with respect to the uncontested documents. Accordingly, the Cleveland County Court Clerk is directed immediately to unseal and make available to CBS News, the following documents (including attached or related exhibits):

- Cephalon Motion for Partial Summary, filed February 26, 2019.
- TEVA Motion for Partial Summary Judgment, filed March 15, 2019.
- The State of Oklahoma's Response in Opposition to Cephalon's Motion for Partial Summary Judgment, filed March 18, 2019.
- The State of Oklahoma's Response in Opposition to TEVA's Motion for Partial Summary Judgment, filed April 2, 2019.
- TEVA's Reply in Support of Motion for Partial Summary Judgment, filed April 9, 2019.
- The State of Oklahoma's Sur-Reply in Opposition to TEVA's Motion for Partial Summary Judgment, filed April 10, 2019.
- TEVA/Cephalon Motion for Summary Judgment, sealed version filed April 23, 2019, redacted version filed May 2, 2019.
- TEVA/Cephalon Motion for Summary Judgment Exhibit Nos. 19–20, 37–40, 42–46, 49, 52–59, 61–62, and 76, filed under seal on May 2, 2019.
- The State of Oklahoma's Response in Opposition to TEVA/Cephalon's Motion for Summary Judgment, filed May 3, 2019.
- TEVA/Cephalon Reply to Motion for Summary Judgment, filed May 9, 2019.

The Court will conduct a hearing at 3:00 pm on Monday, August 19, 2019 to determine (1) whether to unseal the 2005 "Supply & Distribution Agreement" between Purdue Pharma, LP and Watson Pharma Inc. that the Teva defendants request remain sealed; and (2) the extent to which transcripts of the hearings on the foregoing motions may be unsealed. At that time, the Court will

also consider any evidence or other information provided by the parties to determine whether Ex. 70 was made a part of the public record in this case, in which case it should be unsealed.

IT IS SO ORDERED this 19 day of August, 2019.

A handwritten signature in black ink, appearing to read "Thad Balkman", written over a horizontal line.

THAD BALKMAN
DISTRICT JUDGE

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