



**FILED**  
**SUPREME COURT**  
**STATE OF OKLAHOMA**

**IN THE SUPREME COURT OF THE STATE OF OKLAHOMA**

JUN 13 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. )

COMANCHE COUNTY, )

Appellee/Real Party in Interest. )

Case No. 117,994  
(cons. w/ 117, 995)

Cleveland County  
Case No. CJ-2017-816

STATE OF OKLAHOMA } S.S.  
CLEVELAND COUNTY }

**FILED**

JUN 17 2019

In the office of the  
Court Clerk MARILYN WILLIAMS

**RESPONSE TO PETITION IN ERROR**

Is appellee willing to participate in an attempted settlement of the appeal by predecisional conference under Rule 1.250?


\_\_\_\_\_ YES  X  NO

Attach as exhibit "A" appellee's statement of the case *not to exceed one 8/12" x 11" double spaced page* if not clearly set out by appellant in petition in error.

In accelerated appeals from orders granting motion for summary judgment or motion to dismiss **only** appellee shall either file the counter-designation of record, if any, with the response to the petition in error, or shall also file concurrently with response any supplement to record on accelerated appeal. See Rule 1.36(e)(1) and (2).

DATE: June 13, 2019

Verified by: \_\_\_\_\_

  
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**CERTIFICATE OF MAILING TO ALL PARTIES AND  
COURT CLERK**

I hereby certify that a true and correct copy of the Response to Petition in Error was mailed this 13th day of June, 2019, by depositing it in the U.S. Mail, postage prepaid, to:

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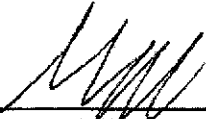
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I further certify that a copy of the Response to Petition in Error was mailed to, or filed in, the Office of the Court Clerk for the District Court of Cleveland County on the 13th day of June, 2019.

  
\_\_\_\_\_  
Matthew J. Sill

## EXHIBIT "A" – STATEMENT OF THE CASE

On March 26, 2019, Purdue Pharma, et al. ("Purdue") and the State of Oklahoma ("State") entered into a Settlement Agreement, and the district court entered a Consent Judgment, stipulated as a non-appealable final order that dismissed Purdue from this case with prejudice. At a hearing, the parties explained the terms of the Consent Judgment to the Court in order to gain its approval. The State's counsel stated: "Then there is a \$12.5 million payment by Purdue. And what that is being set up to do is to fund claims of cities and counties that are political subdivisions here *if they choose to participate*... If a city or county comes in, who has a claim, *and they decide to -- or elect to participate and take that funding*, they'll have to sign the release that is here before you, and then their claims, whatever they have against the Purdue released entities will be gone. *But that will be their election.*" (emphasis added). Purdue did not contest that a city or county must elect to participate in the fund in order to release its claims against Purdue.

Thereafter, on April 15, 2019, nonparty Comanche County moved to intervene in the case because the Consent Judgment substantially impaired its rights and the disposition of the State's case would extinguish the ability to pursue its own claims. Among the arguments in its Response, Purdue argued for the first time that the Consent Judgment had released all claims of Comanche County (and all other cities and counties in Oklahoma). On May 21, 2019, the district court entered an order that clarified the terms of the Consent Judgment to be consistent with the representations made to the Court by the parties. However, the district court erroneously applied a standard of law and analysis to the merits of the Motion to Intervene that is addressed by Comanche County in a separate appeal.