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and Kathe Sackler*

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**BEFORE THE DIVISION OF CONSUMER PROTECTION  
OF THE UTAH DEPARTMENT OF COMMERCE**

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**IN THE MATTER OF:**

**PURDUE PHARMA L.P., a Delaware  
limited partnership; PURDUE  
PHARMA INC., a New York  
Corporation; THE PURDUE  
FREDERICK COMPANY INC., a  
Delaware corporation; RICHARD  
SACKLER, M.D., individually and as an  
owner, officer, director, member,  
principal, manager, and/or key employee  
of the above named entities; and  
KATHE SACKLER, M.D., individually  
and as an owner, officer, director,  
member, principal, manager, and/or key  
employee of the above named entities;**

**Respondents.**

**MOTION FOR EXPEDITED  
CONSIDERATION OF RESPONDENTS  
RICHARD SACKLER'S AND KATHE  
SACKLER'S MOTION TO STAY,  
EXTEND, OR CONTINUE DISCOVERY  
UNTIL THE MOTION TO DISMISS  
HAS BEEN DECIDED**

**DCP Legal File No. CP-2019-005**

**DCP Case No. 107102**

The Individual Respondents move for expedited briefing and disposition (the “**Motion for Expedited Consideration**”) of their concurrently filed *Motion to Stay, Extend, or Continue Discovery until the Motion to Dismiss Has Been Decided* (the “**Motion to Stay**”).<sup>1</sup>

As further outlined in the Motion to Stay, the Tribunal entered a *Scheduling Order and Notice of Hearing* (the “**Scheduling Order**”) on April 23, 2019. The Scheduling Order provides that initial expert reports are due this Friday, July 12, 2019. The Individual Respondents, however, have not participated in fact discovery because the Individual Respondents filed a Motion to Dismiss the Division’s Notice of Agency Action and Citation (the “**Motion to Dismiss**”) on April 9, 2019, asserting, *inter alia*, that the Utah Division of Consumer Protection (the “**Division**”) and this Tribunal lacked personal jurisdiction over the Individual Respondents, which Motion to Dismiss has not been decided by the Tribunal.

The Department of Commerce Administrative Procedures Act Rule (“**APA Rule**”) R151-4-303 allows ten (10) days for a party to oppose of motion and five (5) days for the movant to file a reply. Therefore, the normal briefing scheduling under APA Rule R151-4-303 for the Motion would not occur until *after* the July 12, 2019 deadline to disclose experts. Accordingly, cause exists to grant expedited consideration, so the Individual Respondents will not be in violation of the Scheduling Order while waiting for the briefing to complete and a decision on

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<sup>1</sup> The “**Individual Respondents**” are Richard Sackler and Kathe Sackler. The Individual Respondents object to the Division’s attempt to assert personal jurisdiction over them and the adjudication of the Division’s claims in this Administrative Action. Both violate the Individual Respondents’ constitutional due process rights, among others. The Individual Respondents have moved to dismiss this Administrative Action on that basis and others set forth in (1) the Individual Respondents’ Motion to Dismiss and supporting memorandum of law and affidavits, and (2) Purdue’s Response to the Citation and its Motion to Dismiss and supporting papers, which the Individual Respondents have incorporated and adopted. By filing this Motion for Expedited Consideration, the Individual Respondents specifically preserve those arguments, seek to preserve all their rights, are not making a general appearance in these proceedings and do not consent to the jurisdiction of this Tribunal or the Utah Division of Consumer Protection.

the Motion. Furthermore, to the extent the Tribunal believes briefing on the Motion would benefit the Tribunal, the Individual Respondents request the Tribunal to provisionally grant the Motion to Stay, pending this Tribunal's final decision on the Motion to Stay.

Accordingly, the Individual Respondents move the Tribunal to grant the relief requested herein.

Dated this 10th day of July, 2019.

COHNE KINGHORN, P.C.

/s/ Patrick E. Johnson

Paul T. Moxley

Hal L. Reiser

Patrick E. Johnson

*Attorneys for Respondents Richard Sackler,  
M.D. and Kathe Sackler, M.D.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 10th day of July, 2019, I served the above-captioned document on the parties of record in this proceeding set forth below by delivering a copy thereof by hand-delivery, U.S. Mail, electronic means and/or as more specifically designated below, to:

By hand-delivery and first class mail, postage prepaid:

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Salt Lake City, UT 84114-6701

Utah Division of Consumer Protection  
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Salt Lake City, UT 84114-6704

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