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Attorneys for Respondent Richard Sackler

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

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.

**RESPONDENT RICHARD SACKLER'S
MOTION FOR LEAVE TO FILE
UNDER SEAL**

DCP Legal File No. CP-2019-005

DCP Case No. 107102

Respondent Richard Sackler,¹ through counsel, moves for leave to file an expert report under seal because the expert report includes material and information that has been designated as Confidential or Highly Confidential pursuant to the Protective Order in this proceeding. This motion is filed under compulsion: The Court's April 23, 2019 Order requires compliance with Department of Commerce Administrative Procedures Act Rule 151-4-504(1) by July 12, 2019, Richard Sackler's Motion to Dismiss and Expedited Motion to Stay, Extend or Continue Discovery—either of which, if granted, would relieve him of the obligation to proceed—remain *sub judice*. Accordingly, subject to the express reservation of all jurisdictional and other defenses, and in an abundance of caution, Richard Sackler requests permission to file the aforementioned expert report under seal. Because the deadline for disclosing expert reports is July 12, 2019, Richard Sackler respectfully requests expedited consideration of this Motion.

Richard Sackler, therefore, moves the Presiding Officer to grant this Motion for Leave to File Under Seal and permit Richard Sackler to file his expert report under seal.

Dated this 12th day of July, 2019.

¹ Richard Sackler objects to the Division's attempt to assert personal jurisdiction over him and the adjudication of the Division's claims in this Administrative Action. Both violate Richard Sackler's constitutional due process rights, among others. Richard Sackler has moved to dismiss this Administrative Action on that basis and others set forth in (1) Richard Sackler's Motion to Dismiss and supporting memorandum of law and affidavits ("**Motion to Dismiss**"), and (2) Purdue's Response to the Citation and its Motion to Dismiss and supporting papers, which the Individual Respondent has incorporated and adopted. By filing this Motion for Leave to File Under Seal, Richard Sackler specifically preserves those arguments, seeks to preserve all his rights, is not making a general appearance in these proceedings and does not consent to the jurisdiction of this Tribunal or the Utah Division of Consumer Protection.

COHNE KINGHORN, P.C.

/s/ Patrick E. Johnson

Paul T. Moxley

Hal L. Reiser

Patrick E. Johnson

Attorneys for Respondent Richard Sackler

CERTIFICATE OF SERVICE

I hereby certify that on this the 12th 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:

Utah Department of Commerce
Bruce Dibb, Administrative Law Judge
160 East 300 South, 2ndFloor
PO Box 146701
Salt Lake City, UT 84114-6701

Utah Division of Consumer Protection
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PO Box 146704
Salt Lake City, UT 84114-6704

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/s/ Patrick E. Johnson

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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.

**[PROPOSED] ORDER GRANTING
RESPONDENT RICHARD SACKLER'S
MOTION FOR LEAVE TO FILE
UNDER SEAL**

DCP Legal File No. CP-2019-005

DCP Case No. 107102

On July 12, 2019, Respondent Richard Sackler sought leave to file the disclosures called for by Department of Commerce Administrative Procedures Act Rule 151-4-504 under seal, as they include material that has been designated as Confidential or Highly Confidential pursuant to the Protective Order. Because the Scheduling Order and Notice of Hearing sets the deadline for these disclosures on July 12, 2019, the Individual Respondent also sought expedited consideration of the Motion.

Based on Richard Sackler's Motion, and for good cause shown, IT IS HEREBY ORDERED that Richard Sackler's Motion is GRANTED.

Dated this 12th day of July, 2019.

Bruce L. Dibb, Administrative Law Judge