

DEPARTMENT OF COMMERCE  
Heber M. Wells Building, 2<sup>ND</sup> Floor  
160 EAST 300 SOUTH  
SALT LAKE CITY, UTAH 84114

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

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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**, 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.

**ORDER ON RESPONDENTS RICHARD SACKLER'S AND KATHE SACKLER'S MOTION TO STAY, EXTEND, OR CONTINUE DISCOVERY**

Case No. **CP-2019-005**

DCP Case No. 107102

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On July 10, 2019, Richard Sackler and Kathe Sackler (the "Sacklers" or "Sackler Respondents") filed "Respondents Richard Sackler's and Kathe Sackler's Motion to Stay, Extend, or Continue Discovery until the Motion to Dismiss Has Been Decided (the "Stay Motion"). The Sackler Respondents filed concurrently a motion for expedited consideration of the Stay Motion. On July 12, 2019, the Division of Consumer Protection ("Division") filed its memorandum in opposition to the Stay Motion.

On July 15, 2019, this Tribunal issued its decision on the Sacklers' Motion to Dismiss.

As indicated by the Sackler Respondents, the administrative rules applicable in these proceedings do not permit parties to delay filing a responsive pleading pending the determination of a

motion to dismiss. On this basis, they filed their responsive pleading stating that they objected to the Division's claims of personal jurisdiction over them. This jurisdictional matter has now been determined for the purposes of this administrative proceeding.

Nevertheless, U.A.C. R151-4-109(1) provides that an extension of time may be granted where there is good cause for granting the extension. Notwithstanding the Division's objection, a brief extension of time for the Sackler Respondents to comply with the U.A.C. R151-4-504 expert witness disclosures will not work a significant hardship upon the Division and is not inappropriate, particularly where the Sackler Respondents filed their Stay Motion prior to the July 12, 2019 cutoff date for expert disclosures, and this Tribunal had not yet ruled on the Sacklers' Motion to Dismiss.

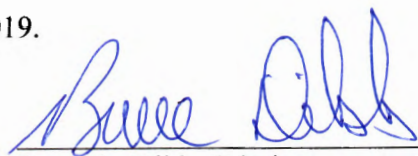
As to discovery presently outstanding, which is the subject of the May 17, 2019 Stipulation Regarding Respondent Richard Sackler's and Respondent Kathe Sackler's Objection to Division's Request to Serve Discovery (the "Discovery Stipulation"), the pleadings of the parties regarding the Stay Motion do not indicate the outcome of any meet and confer activities of the parties, which were to have taken place in the absence of a ruling on the Sacklers' Motion to Dismiss within ten days of the May 21, 2019 Motion to Dismiss argument.

Based on the Sacklers' Stay Motion, and for good cause shown,

**IT IS HEREBY ORDERED** that

1. Richard Sackler and Kathe Sackler shall have until and including Monday, July 22, 2019, to comply with the provisions of U.A.C. R151-4-504 regarding expert witnesses;
2. Unless the Sacker Respondents and the Division have met and conferred, and agreed to a time for the production of any outstanding discovery, responses to the discovery that are the subject of the Discovery Stipulation shall be served by July 31, 2019.
3. The Sacklers shall otherwise comply with the April 23, 2019 Scheduling Order issued in this proceeding.

Dated this 17<sup>th</sup> day of July, 2019.

A handwritten signature in blue ink, appearing to read "Bruce Dobb", written over a horizontal line.

Bruce L. Dobb, Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 17<sup>TH</sup> day of July, 2019, I served the foregoing on the parties of record in this proceeding by delivering a copy by electronic means to:

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/s/ Nathaniel Gallegos