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

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 JOINDER IN PURDUE'S REQUEST TO THE PRESIDING OFFICER TO SEEK AN EXTENSION AND CONTINUANCE FROM THE EXECUTIVE DIRECTOR** **DCP Legal File No. CP-2019-005** **DCP Case No. 107102**

Respondent Richard Sackler (the "**Individual Respondent**") joins and adopts as his own the *Purdue Respondent's Request to the Presiding Officer Seek an Extension and Continuance from the Executive Director* ("**Request to the Presiding Officer**") filed by Respondents Purdue Pharma L.P., Purdue Pharma Inc. and The Purdue Frederick Company Inc. (collectively, "**Purdue**") pursuant to Department of Commerce Administrative Procedures Act Rule R141-4-

109(2)(c) and served on July 17, 2019, on the parties in this Administrative Action.

In addition to the bases articulated by Purdue in its Request to the Presiding Officer, the Individual Respondent further submits he filed a motion to dismiss for lack of personal jurisdiction as well as for failure to state a claim on April 10, 2019, and a hearing on the motion to dismiss was held on May 21, 2019. The Presiding Officer issued a decision denying the Individual Respondent's motion to dismiss on July 15, 2019, approximately fifty-five (55) days after the hearing. The Individual Respondent could not affirmatively participate in discovery until July 15, 2019, at the earliest because the Tribunal had not yet determined whether the Individual Respondent was subject to the jurisdiction of the Tribunal, and participating in discovery could have constituted sufficient participation in this proceeding so as to waive the Individual Respondent's defense of the lack of personal jurisdiction by this Tribunal.

Now that the Individual Respondent's motion to dismiss has been determined, the Individual Respondent is forced to conduct all of his discovery in only six (6) weeks. Six (6) weeks to conduct all discovery in a complex, technical case such as this constitutes the very "extenuating circumstances" contemplated by Rule 151-4-109(2)(c). Additionally, Purdue's Request to the Presiding Officer outlines that, even though Purdue served its discovery requests on May 28, 2019, it has yet to receive a single document from the Division. As the Division's case against the Individual Respondent is premised entirely on Purdue's alleged conduct, these documents are relevant for the Individual Respondent as well. Moreover, a delay of more than six (6) weeks for the Individual Respondent's own document requests to the Division would make it impossible to receive *any* discovery from the Division before the close of discovery.

As a further point, the Tribunal's *Order on Respondent Richard Sackler's and Kathe Sackler's Motion to Stay, Extend, or Continue Discovery*, issued on July 17, 2019 (the

"**Discovery Order**"), ordered the Individual Respondent to respond to the Division's discovery requests by July 31, 2019, just fourteen (14) days after the issuance of the Discovery Order. Fourteen (14) days to respond to discovery requests is yet another example of how the constricted deadlines in the Tribunal's *Scheduling Order and Notice of Hearing*, issued on April 23, 2019, present "extenuating circumstances" that deprive the Individual Respondent of his due process rights.

For the foregoing reasons, as well as those articulated by Purdue in its Request to the Presiding Officer, which are incorporated herein, the Individual Respondent submits that extenuating circumstances justify and require an extension of the fact and expert discovery period and a corresponding continuance of the administrative hearing of at least six months, moving the date the hearing must conclude to May 6, 2020 or later.

Dated: July 18, 2019

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CERTIFICATE OF SERVICE

I hereby certify that on this the 18th 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 electronic means and U.S. Mail and/or as more specifically designated below, to:

By first class mail, postage prepaid:

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Bruce Dibb, Administrative Law Judge
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