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*Attorneys for the Utah Division of Consumer Protection*

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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**, 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.**

**REQUEST FOR APPROVAL FROM  
THE PRESIDING OFFICER TO  
DEPOSE PARTIES AND NON-  
PARTIES**

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

**DCP Case No. 107102**

The Utah Division of Consumer Protection, by and through undersigned counsel, and pursuant to Utah Admin. Code R151-4-502, R151-4-505 and R151-4-514, respectfully requests approval from the Presiding Officer to notice depositions of Richard Sackler, Kathe Sackler, and Purdue's Chief Executive Officer Craig Landau. In addition, the Division seeks permission to subpoena for deposition Purdue's former Chief Executive Officers John Stewart, Mark Timney and Michael Friedman. The subpoenas are attached hereto for signature.

### **RELEVANT PROCEDURAL HISTORY**

1. On March 8, 2019, the Division filed a Notice of Agency Action in the above entitled adversary proceeding. After holding a prehearing conference on April 23, 2019, the Presiding Officer on April 23, 2019, entered a Scheduling Order.
2. The Scheduling Order called for the parties to make a good faith effort to agree upon a schedule of interviews and depositions. The Scheduling Order also required the parties to complete discovery by August 28, 2019.
3. On July 16, 2019, the Division contacted counsel for the Sacklers and alerted them that the Division needed to depose Richard and Kathe Sackler.
4. On July 16, 2019, the Division contacted counsel for Purdue and alerted them that the Division needed to depose Chief Executive Officer ("CEO") Craig Landau. In addition, the Division advised Purdue it would be seeking to depose former CEOs John Stewart, Mark Timney and Michael Friedman. The Division also contacted counsel on record in a pending Massachusetts action for Messrs. Landau, Stewart and Timney.
5. Division counsel seeks permission from the Presiding Officer to serve the appended deposition notices and subpoenas.

## **DISCUSSION**

As set forth in Utah Admin. Code R151-4-502(1), a party may obtain discovery regarding any matter that is: (1) not privileged; (2) is relevant to the subject matter involved in the proceeding; and (3) relates to a claim or defense of the party seeking discovery or another party. Utah Admin. Code R151-4-602 (2)(d) allows a party to seek a deposition if a witness will be unavailable to testify at the hearing.

Each of the witnesses has information relevant to the Division's claims. Richard and Kathe Sackler are parties, directed the misconduct, and benefitted from the misconduct. Mr. Landau is the present CEO of Purdue, and Messrs. Stewart, Timney and Friedman are the former CEOs of Purdue. Each has first-hand knowledge of Purdue's operations, including Purdue's misconduct in Utah described in both the Citation and the Division's Initial Disclosures.

The Division's Request seeks to elicit needed deposition testimony that will be used to prosecute the Division's claims during the October hearing. None of the testimony sought is cumulative or duplicative, as each witness has significant personal knowledge of critical facts and events. For the foregoing reasons, the Division respectfully requests that the Presiding Officer grant permission to allow the Division to notice the depositions of parties Richard Sackler, Kathe Sackler and CEO Landau, and to serve subpoenas on the former CEOs Timney, Friedman and Stewart.

DATED this 18th day of July, 2019.

SEAN D. REYES  
UTAH ATTORNEY GENERAL

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## CERTIFICATE OF SERVICE

I certify that on July 18th, 2019 I served the foregoing on the parties of record in this proceeding as set forth below:

By electronic mail:

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Dated this 18<sup>th</sup> day of July, 2019.

*/s/Susan L. Burke*