

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

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**, 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 DISCOVERY MATTERS

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

DCP Case No. 107102

On July 11, 2019, counsel for Purdue transmitted an email to the parties and the administrative law judge seeking clarification regarding the filing of expert reports, and whether the parties were to comply with R151-4-512(1)(b).

On July 18, 2019 the Division filed a Request for Approval from the Presiding Officer to Depose Parties and Non-Parties (the "Deposition Request"). The Division submitted with the Deposition Request subpoenas for taking depositions of John Stewart (for August 19, 2019), Mark Timney (for August 20, 2019) and Michael Friedman (for August 21, 2019), asserting that each deponent is a former CEO of Purdue.

On July 18, 2018, counsel for Purdue transmitted an email to the parties and to the administrative law judge seeking the opportunity to have until and including July 25, 2019 in which to file a formal objection to the taking of the depositions of Stewart, Timney and Friedman.

ANALYSIS

U.A.C. R151-4-512(1)(b) provides that, unless otherwise ordered by the presiding officer, “a party may not file . . . any of the expert witness disclosures required by R151-504, but shall file only the original certificate of service stating that the disclosures have been served on the other parties and the date of service.” Present compliance with this procedure would not preclude the presiding officer from issuing an order in the future directing the parties to file the expert reports with the presiding officer, but compliance with the rule as written is appropriate procedure in this matter.

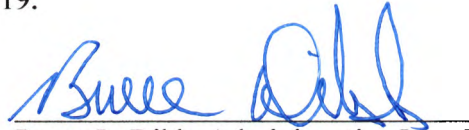
The Respondents should be afforded an opportunity to object to the taking of the depositions of the former Purdue chief executive officers. However, efforts to comply with the existing Scheduling Order in this matter should not be disregarded or frustrated.

Based on the foregoing analysis, and for good cause shown,

IT IS HEREBY ORDERED that

1. Until further order of this Tribunal, the parties shall comply with the specific provisions of R151-4-512(1)(b) with regard to the filing of the certificate of service of their expert reports.
2. The Respondents shall be afforded until and including Thursday, July 25, 2019 in which to file their objections to the taking of the depositions of Stewart, Timney and Friedman.
However, the subpoenas for such depositions will issue at this time and may be served on the deponents so as not to prejudice the Division or the deponents, in the event that the objections of the Respondents are denied.
3. The Division is afforded until and including August 1, 2019 in which to file any reply to the objections of the Respondents.

Dated this 19th day of July, 2019.



Bruce L. Dibb, Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of July, 2019, I served the foregoing on the parties of record in this proceeding by delivering a copy by electronic means to:

Chris Parker
Acting Director/Presiding Officer
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