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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 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 OPPOSITION  
TO THE DIVISION'S MOTION TO  
BIFURCATE PROCEEDINGS**

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

**DCP Case No. 107102**

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Respondent Richard Sackler joins and adopts as his own *Purdue's Opposition to the Division's Motion to Bifurcate* ("**Opposition**") filed by Respondents Purdue Pharma L.P., Purdue Pharma Inc. and The Purdue Frederick Company Inc. (collectively, "**Purdue**"), in opposition to *Motion to Bifurcate Proceedings Pursuant to R.151-4-704* (the "**Motion**") brought by the Division of Consumer Protection of the Department of Commerce of Utah (the

“Division”).

In addition to the compelling reasons to deny the Motion set forth in Purdue’s Opposition, the Division’s Motion should also be denied because the bifurcation requested will be extremely prejudicial to Richard Sackler’s ability to complete discovery.

As the Division well-knows, most of the evidence in this case consists of documents produced and deposition testimony taken in in the multi-district litigation, *In re: National Prescription Opiates Litigation*, No. 1:2017-md-2804 (DAP) (N.D. Ohio) (the “**MDL Litigation**”). The Division’s counsel, Motley Rice LLC (“**Motley Rice**”), has been participating in discovery in the MDL Litigation as part of the plaintiff’s leadership committee since January 4, 2018.<sup>1</sup> Accordingly, the Division’s counsel has had access to, and an opportunity to review, the millions of pages of documents produced, and to attend and participate in upwards of 20 Purdue-related depositions in the MDL Litigation, for the past twenty months.<sup>2</sup>

By contrast, Richard Sackler was first named in this case in January 30, 2019, and his motion to dismiss for lack of personal and subject matter jurisdiction, and for failure to state a claim, was not decided until July 15, 2019. Discovery was effectively stayed in this action as to Richard Sackler until the dismissal decision was rendered. The only discovery in the MDL Litigation that Richard Sackler participated in the MDL Litigation was his own deposition—

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<sup>1</sup> See MDL Litigation, Order, ECF No. 37 (N.D. Ohio Jan. 4, 2018); see also MDL Litigation, Plaintiffs’ Renewed Motion to Approve Co-Leads, Co-Liaisons, and Executive Committee, ECF No. 4 (N.D. Ohio Jan. 3, 2018).

<sup>2</sup> Pamela Bennett Deposition (Jan. 16, 2019); Eric Brantley (Nov. 27, 2018); Paul Coplan (Jan. 18, 2019); Philip Cramer (Nov. 19 & 20, 2018); Jack Crowley (Jan. 10, 2019); Richard Fanelli (Dec. 6 & 7, 2018); Margaret Feltz (Jan. 15, 2019); Russell Gasdia (Nov. 18, 2019 & Jan. 15, 2019); Joseph Hennessey (Jan. 8, 2018); Evan Horowitz (Jan. 3, 2019); Catherine Jackson (Jan. 7, 2019); Robert Kaiko (Nov. 28, 2018); Janet Koch (Dec. 13, 2018); Thomas Napoli (Jan. 27, 2019); Sally Riddle (Dec. 6, 2018); Burt Rosen (Jan. 16, 2019); Stephen Seid (Dec. 12 & 13, 2018); Lee Ann Storey (Dec. 10, 2018); Terrence Terifay (Jan. 11, 2019); Curtis Wright (Dec. 19, 2018); cf. Richard Sackler (Mar. 7, 2019); Kathe Sackler (Apr. 1, 2019).

which Motley Rice took—and the production of documents from his own personal email files prior to that deposition.

Accordingly, Richard Sackler had a scant three weeks—far less than the 20 months the Division’s counsel has had—to review and analyze the (1) millions of pages of discovery materials in the MDL Litigation, and (2) the Division’s productions in response to requests for production by Purdue in this action. The Division has yet to respond to Richard Sackler’s requests for production that were served on the Division on July 23, 2019, and none of the Division’s witnesses have been deposed. Due process demands that Richard Sackler be afforded a reasonable and fair opportunity to conduct discovery before *any* hearing in this matter can take place. The Division’s proposal to close fact discovery by August 30, 2019, does not suffice.

For the reasons stated in the Opposition and above, this proceeding should not be bifurcated.

Dated: August 12, 2019

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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 12th day of August, 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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