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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 RE-ISSUANCE  
OF THE CEO SUBPOENAS**

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

**DCP Case No. 107102**

The Utah Division of Consumer Protection (“Division”), by and through undersigned counsel, and pursuant to Utah Admin. Code R151-4-502, R151-4-505 and R151-4-514, respectfully requests that the Administrative Law Judge execute the three amended subpoenas for Messrs. Timney, Stewart and Friedman. Given that the Administrative Law Judge has already addressed the substance of the Division’s right to depose these witnesses in its written decision issued on August 12, 2019, this is a purely ministerial request that need not await any response from Respondents.

The Division has not been able to locate an attorney for Mr. Friedman, and has been unsuccessful in its attempts to serve Mr. Friedman at the address on the original subpoena. The Division recently obtained a new address for Mr. Friedman, and anticipates being able to serve Mr. Friedman in New York.

The Division has been in contact with counsel for Messrs. Timney and Stewart since the Division first requested subpoenas, and apprised them of the scheduled deposition dates. Undersigned counsel contacted them immediately upon receiving the Administrative Law Judge’s order. Each counsel refused to accept service and instead indicated that they will be challenging the subpoenas in their home courts.

Given the passage of time occasioned by the Respondents’ request for a reply, and in anticipation of further litigation occurring before the depositions actually occur, the Division seeks new dates of August 26, 27 and 28 for the depositions, and eliminates the document requests included in the original subpoenas. The Division has been moving promptly but believes scheduling the depositions for later dates in August (rather than next week) will avoid procedural arguments that the subpoenas provide insufficient advance notice of the deposition dates.

The Division respectfully requests that the Administrative Law Judge execute the appended subpoenas.

DATED this 13th day of August, 2019.

SEAN D. REYES  
UTAH ATTORNEY GENERAL

By: /s/ Kevin M. McLean  
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Robert G. Wing (4445)  
Assistant Attorneys General

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*Counsel for the Division*

## CERTIFICATE OF SERVICE

I certify that on August 13, 2019 I served the foregoing on the parties of record in this proceeding as set forth below:

By electronic mail:

Elizabeth McOmbler, Esq.  
emcomber@swlaw.com

Katherine Nichols  
knichols@swlaw.com

Annika Jones  
aljones@swlaw.com

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Ben Albert  
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Dated this 13<sup>th</sup> day of August, 2019.

    /s/ Susan L. Burke      
Susan L. Burke

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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.**

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

**DCP Case No. 107102**

**SUBPOENA FOR TAKING  
DEPOSITION**

TO: Mark Timney  
195 Shore Rd  
Old Greenwich, CT 06870

**X YOU ARE COMMANDED** to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case, said method of recording the testimony to be by stenographic and videographic means.

PLACE OF DEPOSITION: LOCATION TO BE AGREED UPON	DATE AND TIME: 9AM, AUGUST 28, 2019
	METHOD OF RECORDING: STENOGRAPHIC AND VIDEO

**YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or tangible things at the place, date, and time specified below (list documents or objects):

PLACE:	DATE AND TIME:
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**YOU ARE COMMANDED** to permit inspection of the following premises at the date and time specified below:

PREMISES:	DATE AND TIME:
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**AUTHORITY**

The Division of Consumer Protection (“DCP”) issues this subpoena pursuant to Utah Code § 13-2-6(5) and Utah Code § 13-11-16(1). DCP has reason the Deponent has information regarding or relating to Respondents’ conduct that is alleged to have violated the Utah Consumer Sales Practices Act. Utah Code § 13-11-1, *et seq.*

**ENFORCEMENT**

Except as otherwise agreed by stipulation or ordered, you shall comply with this subpoena and shall appear to testify on the date set forth herein. Failure to comply with this subpoena may result in a contempt or civil enforcement action. Utah Code §§ 63G-4-501, 78B-6-313.

By: \_\_\_\_\_  
Judge Dibb, Presiding Officer  
Date: August \_\_, 2019



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Kevin M. McLean (16101)  
Assistant Attorneys General  
SEAN D. REYES (7969)  
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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.**

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

**DCP Case No. 107102**

**SUBPOENA FOR TAKING  
DEPOSITION**

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TO: John Stewart  
555 SE 6<sup>th</sup> Ave, Apt 7C  
Delray Beach, FL 33483

**X YOU ARE COMMANDED** to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case, said method of recording the testimony to be by stenographic and videographic means.

PLACE OF DEPOSITION: LOCATION TO BE AGREED UPON	DATE AND TIME: 9AM, AUGUST 26, 2019
	METHOD OF RECORDING: STENOGRAPHIC AND VIDEO

**YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or tangible things at the place, date, and time specified below (list documents or objects):

PLACE:	DATE AND TIME:
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**YOU ARE COMMANDED** to permit inspection of the following premises at the date and time specified below:

PREMISES:	DATE AND TIME:
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**AUTHORITY**

The Division of Consumer Protection (“DCP”) issues this subpoena pursuant to Utah Code § 13-2-6(5) and Utah Code § 13-11-16(1). DCP has reason the Deponent has information regarding or relating to Respondents’ conduct that is alleged to have violated the Utah Consumer Sales Practices Act. Utah Code § 13-11-1, *et seq.*

**ENFORCEMENT**

Except as otherwise agreed by stipulation or ordered, you shall comply with this subpoena and shall appear to testify on the date set forth herein. Failure to comply with this subpoena may result in a contempt or civil enforcement action. Utah Code §§ 63G-4-501, 78B-6-313.

By: \_\_\_\_\_  
Judge Dibb, Presiding Officer  
Date: August \_\_, 2019

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Assistant Attorneys General  
SEAN D. REYES (7969)  
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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.**

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

**DCP Case No. 107102**

**SUBPOENA FOR TAKING  
DEPOSITION**

---

TO: Michael Friedman  
262 Clubhouse Circle  
Melville, NY 11747

**X YOU ARE COMMANDED** to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case, said method of recording the testimony to be by stenographic and videographic means.

PLACE OF DEPOSITION: LOCATION TO BE AGREED UPON	DATE AND TIME: 9AM, AUGUST 27, 2019
	METHOD OF RECORDING: STENOGRAPHIC AND VIDEO

**YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or tangible things at the place, date, and time specified below (list documents or objects):

PLACE:	DATE AND TIME:
--------	----------------

**YOU ARE COMMANDED** to permit inspection of the following premises at the date and time specified below:

PREMISES:	DATE AND TIME:
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**AUTHORITY**

The Division of Consumer Protection (“DCP”) issues this subpoena pursuant to Utah Code § 13-2-6(5) and Utah Code § 13-11-16(1). DCP has reason the Deponent has information regarding or relating to Respondents’ conduct that is alleged to have violated the Utah Consumer Sales Practices Act. Utah Code § 13-11-1, *et seq.*

**ENFORCEMENT**

Except as otherwise agreed by stipulation or ordered, you shall comply with this subpoena and shall appear to testify on the date set forth herein. Failure to comply with this subpoena may result in a contempt or civil enforcement action. Utah Code §§ 63G-4-501, 78B-6-313.

By: \_\_\_\_\_  
Judge Dibb, Presiding Officer  
Date: August \_\_, 2019