Elisabeth M. McOmber (10615)
Katherine R. Nichols (16711)
Annika L. Jones (16483)
SNELL & WILMER L.L.P.
15 West South Temple, Suite 1200
Gateway Tower West
Salt Lake City, Utah 84101
Telephone: 801.257.1900
Facsimile: 801.257.1800
Email: emcomber@swlaw.com
knichols@swlaw.com
aljones@swlaw.com

Jared Eisenberg (*pro hac vice* forthcoming)
LYNN PINKER COX & HURST LLP
2100 Ross Avenue, Suite 2700
Dallas, Texas 75201
Telephone: 214.981.3822
Facsimile: 214.981.3839
Email: jeisenberg@lynnllp.com

Will Sachse *(pro hac vice)*
DECHERT LLP
Cira Centre, 2929 Arch Street
Philadelphia, Pennsylvania 19104-2808
Telephone: 215.994.2496
Facsimile: 215.994.2222
Email: will.sachse@dechert.com

Erik Snapp (*pro hac vice*)
35 West Wacker Drive, Suite 3400
Chicago, Illinois 60601-1608
Telephone: 312.646.5828
Facsimile: 312.646.5858
Email: erik.snapp@dechert.com

Attorneys for Respondents Purdue Pharma L.P., Purdue Pharma Inc., and The Purdue Frederick Company

BEFORE THE DIVISION OF CONSUMER PROTECTION

OF THE UTAH DEPARTMENT OF COMMERCE

IN THE MATTER OF: PURDUE PHARMA L.P., PURDUE PHARMA INC., THE PURDUE FREDERICK COMPANY, RICHARD SACKLER, M.D., and KATHIE SACKLER, M.D., Respondents.	**PURDUE'S MOTION FOR RECONSIDERATION BY PRESIDING OFFICER PARKER OF REISSUED ORDER GRANTING DIVISION'S REQUEST TO DEPOSE PURDUE CEOs** DCP Legal File No. CP-2019-005 DCP Case No. 107102 **Oral Argument Requested**

Respondents Purdue Pharma L.P., Purdue Pharma Inc., and The Purdue Frederick Company Inc. (collectively, "Purdue"), through counsel, submit to Presiding Officer Parker this

Motion for Reconsideration of Reissued Order Granting Division's Request to Depose Purdue CEOs, and request oral argument thereon.[1]

SUMMARY

The Administrative Law Judge's Order granting the Division's request to depose four Purdue CEOs is plain error. The Division requested—and the Administrative Law Judge has now permitted over Purdue's objection—the depositions of ***four*** current or former Purdue CEOs. Permitting cumulative depositions of multiple apex witnesses for a corporation would be unprecedented even in normal civil litigation, which requires only a showing of relevance and proportionality for a party to take discovery. But under the rules that govern this administrative proceeding, the Division is ***required*** to establish that ***each individual*** putative deponent "has knowledge of facts relevant to the claims or defenses of a party in the proceeding." The Division must also "demonstrat[e] the ***need*** for a deposition." The Division has not met these burdens nor has it overcome Purdue's showing that these depositions are cumulative, unduly burdensome, and not relevant. Critically, the Division has provided nothing to contradict the sworn declaration of Purdue's current CEO, Dr. Craig Landau, demonstrating his belief that he has no unique knowledge relating to the claims or issues in this proceeding, that the information sought can be more reasonably obtained from other witnesses and documents, and that his deposition will impose an undue burden. (*See generally* Landau Decl., attached as Ex. A (previously submitted with Purdue's 7/25/19 Opp.)) Instead, the Administrative Law Judge issued the Order granting the

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[1] The administrative rules do not preclude reconsideration of a non-final order and, pursuant to Utah Rule of Civil Procedure 54(b), Utah courts have recognized a trial court's discretionary power to reconsider decisions prior to final judgment. *See, e.g., IHC Health Services, Inc. v. D & K Management, Inc.*, 2008 UT 73, ¶ 27 (2008); *see also Wasatch Oil & Gas, LLC v. Edward A. Reott*, 2011 UT App 152, ¶ 9, 263 P.3d 391 (quoting *Trembly v. Mrs. Fields Cookies*, 884 P.2d 1306, 1311 (Utah Ct. App. 1994)).

Division's request based solely on the Division's vague generalities and suppositions about the witnesses' purported "unique" knowledge made without any evidence whatsoever to support them.

Discovery is meant to be flexible, but it cannot be a fishing expedition. *See, e.g., Heward v. Western Elec. Co., Inc.*, 1984 WL 15666, at *7 (10th Cir. July 3, 1984) (citing to 10th Circuit's "previous judicial condemnation of the use of discovery for 'fishing expeditions'"); *Szymanski v. Benton*, 289 Fed. App'x 315, 320-21 (10th Cir. 2008) (upholding decision barring plaintiff's attempt to "use discovery as a fishing expedition in the hope that the requested documents would reveal some wrongdoing by defendants") (internal quotation and citation omitted). Here, allowing cumulative depositions of multiple company CEOs is "not merely an impermissible fishing expedition; it is an effort to dredge the lake in hopes of finding a fish." *In re CSX Corp.*, 124 S.W.3d 149, 152-53 (Tex. 2003). The Division has failed to show that testimony of a single Purdue CEO—let alone ***four*** of them, including the sitting CEO—is permissible under the administrative rules and not duplicative or unduly burdensome. Moreover, the Administrative Law Judge in his Order compounded the error by refusing to consider any reasonable sequencing or limitations on scope for the requested depositions to minimize the burden on the witnesses and avoid unnecessary and impermissible cumulative testimony. The Order granting the Division's request should therefore be vacated, and a Protective Order should be entered.

BACKGROUND

1. In its initial disclosures on May 7, 2019, Purdue identified 45 separate individuals as having information related to this matter on a variety of different subjects.

2. In its initial disclosures on May 7, 2019, the Division identified 28 individual Purdue sales representatives as having information supporting its claims.

3. Neither Purdue nor the Division identified any of the CEO witnesses whom the Division now seeks to depose.

4. To date, the Division has taken only one deposition in this matter. Two others are currently scheduled.

5. On July 18, 2019, and without having deposed any Purdue sales representative or having taken a 30(b)(6) deposition, the Division sought leave from the Administrative Law Judge to depose the current CEO of Purdue, Dr. Craig Landau, and three former CEOs, John Stewart, Mark Timney, and Michael Friedman (the "**CEOs**").

6. In the July 18, 2019 request (the "**Request**"), the Division offered only conclusory statements that each of the witnesses has information relevant to the Division's claims, and that "[e]ach has first-hand knowledge of Purdue's operations, including Purdue's misconduct in Utah." (Req. at 3.) The Request did not purport to justify the depositions on the basis of any personal knowledge held by the CEOs related to the Sackler Respondents.

7. On July 25, 2019, Purdue filed a Motion for Protective Order to prevent the depositions of the CEOs ("**Motion**").

8. In support of that Motion, Purdue submitted the sworn declaration of current CEO Dr. Landau demonstrating both his belief that he lacks any unique, personal knowledge related to the assertions in the Citation, and the undue burden a deposition would impose. (*See generally* Landau Decl., Ex. A.)

9. On August 1, 2019, the Division filed its opposition to Purdue's Motion ("**Opposition**"). In its Opposition, the Division argued for the first time in response to Purdue's Motion that the depositions should be permitted to elicit facts about the Sackler Respondents. The Division did not provide any evidence to support this assertion or to contradict the statements in

Dr. Landau's declaration. Nor did the Division point to any other personal knowledge alleged to be held by any of the CEOs.

10. On August 1, Purdue requested and the Administrative Law Judge permitted Purdue to file a reply in further support of its Motion by August 5, 2019 at 5 p.m.

11. However, on August 5, 2019 at 2:44 p.m., the Administrative Law Judge issued an order granting the Division's Request. Because the order was issued before the deadline for Purdue's reply, Purdue sought clarification from the Administrative Law Judge. The Administrative Law Judge permitted Purdue to file its reply on August 7, 2019.

12. On August 7, 2019, Purdue filed its Reply in Support of the Motion.

13. On August 12, 2019, the Administrative Law Judge reissued the order granting the Division's Request ("**Order**").

ARGUMENT

A. The Order Is Erroneous Because the Division Did Not Meet Its Burden to Show the CEOs Have Knowledge Relevant to the Proceeding.

The governing administrative rules require the presiding officer (here the Administrative Law Judge) to perform a critical gate-keeping role before depositions can be taken in an administrative proceeding. By granting the Division's unreasonable request, the Administrative Law Judge failed to fulfill this gate-keeping function. Accordingly, the Presiding Officer should vacate the Order and enter a protective order.

Under the administrative rules, before it may subject a person to a deposition, the Division must "demonstrate[] to the satisfaction of the presiding officer that the person has knowledge of facts relevant to the claims or defenses of a party in the proceeding." Admin. R151-4-602(2); *see also id.* R151-4-601(2)(a) (permitting depositions only of "certain persons . . . who have knowledge of facts relevant to the claims or defenses of a party in the proceeding"). Moreover, the

Division "has the burden of demonstrating the need for a deposition." Admin R.151-4-602(4). Thus, before permitting a deposition, the presiding officer must engage with the specific facts and allegations of the case at hand to determine whether the witness does in fact possess the requisite personal knowledge, and whether the deposition is necessary. The Order demonstrates that these tasks were not properly undertaken here. Instead of holding the Division to its burdens in seeking the CEO depositions, the Order's analysis grants the Division every benefit of the doubt, even when presented with only assumptions and speculation without any actual evidence in support. Moreover, despite repeated requests by Purdue, the Administrative Law Judge refused to hold a hearing on these critical issues to test the bases for the Division's bald suppositions regarding the witnesses' purported "unique" knowledge.

First, in the Order the Administrative Law Judge accepts at face value the Division's wholly conclusory statements that the CEOs have significant personal knowledge of the Sackler Respondents' actions: "Each of the CEOs is uniquely positioned to know very specific and unique facts relative to this administrative proceeding, including not in the least, matters relating to the alleged involvement of the Sackler Respondents in directing and controlling the operations of Purdue *vis-à-vis* the other officers and directors of the company." (Order at 3–4.) The Order provides no support for accepting this unsubstantiated conclusion, much as the Division provided no support in making it. It is clear, therefore, that the Administrative Law Judge failed to perform the basic gate-keeping task required by the administrative rules.

Moreover, the Division acknowledged it already has sufficient evidence regarding the Sackler Respondents. The Division contended, in a footnote, that even if the former CEOs had submitted declarations that they lacked knowledge of the Sackler Respondents' acts, "such declarations would lack any credibility in light of the available documentary and testamentary

evidence." (Opp'n at 3.) In other words, the Division itself admits that there is "documentary and testamentary evidence" purportedly establishing the Sackler Respondents' conduct.[2] This admission directly contradicts the Division's representation to the Administrative Law Judge that the CEOs' knowledge is "not otherwise available in Purdue's documents." (Opp'n at 1.) If the Division can already determine the credibility of any declarations by referring to documentary and testamentary evidence, then it has no need for these depositions. By the Division's own reasoning, then, these depositions are entirely cumulative of the evidence already available and are therefore not permissible under the administrative rules.

Second, the *only* personal knowledge the Division alleges the four CEOs have is in relation to the Sackler Respondents. (*See* Opp'n at 1 (summarily asserting that the Division "seeks the depositions in a good faith discovery effort to elicit facts about the Sackler Respondents' liability" and that it "needs the depositions of the CEOs because they alone are percipient witnesses to the roles, involvement, control, and other acts and omissions of the Sackler Respondents").) In its Opposition, the Division did not even suggest, let alone demonstrate, that the CEOs have relevant personal knowledge about any topic other than personal jurisdiction over and liability of the Sackler Respondents. (*See* Opp'n at 6 ("The four CEOs, by virtue of their unique positions vis-à-vis the Sackler Respondents, are the persons most able (and indeed perhaps the only persons able) to testify about the Sackler Respondents' knowledge, directions, and participation in Purdue's marketing and compliance efforts."). Other than speculating as noted above, the Division does not even try to explain ***why*** the CEOs would be the only witnesses with knowledge about the Sackler Respondents' identified activities, much less provide any actual evidence to support its position.

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[2] The Division did not, of course, indicate what that evidence might be, much less provide it for consideration.

The Order, however, goes far beyond the Division's very limited and wholly unsupported argument as to why these depositions are necessary or appropriate. Despite the fact that the Division only argued the CEOs had personal knowledge of the Sackler Respondents' conduct, the Administrative Law Judge in the Order *sua sponte* permitted the Division to "inquire about any matters that are related to the subject of its citation and to the defenses raised by the Respondents." (Order at 7.) The only basis for this dramatic expansion of the Division's narrow Request was the Order's conclusory finding that "the CEOs *might* have relevant knowledge about many or most of the Division's claims and the Respondents' defenses." (Order at 7 (emphasis added).) This finding flies in the face of the administrative rules. The Administrative Law Judge's authority to permit a deposition can only be exercised upon a showing that "the person ***has*** knowledge of facts relevant to the claims or defenses of a party in the proceeding." Admin. R151-4-602(2). By permitting a deposition based on sheer speculation that the CEOs "might" have relevant knowledge, the Order violates the rule. Because the Order fails to properly apply the governing administrative rule, and *sua sponte* expanded the scope of the requested depositions, it should be vacated and a protective order entered.

B. The Order Does Not Properly Consider the Cumulative Nature of the Depositions.

The conclusion in the Order that the depositions would not be cumulative or duplicative of other discovery is also erroneous.

In issuing the Order, the Administrative Law Judge failed to meaningfully account for the fact that Purdue has already produced millions of documents, at the Division's request. In so doing, the Order is internally inconsistent. On the one hand, it states that "it is an inescapable conclusion that knowledge about Purdue's nationwide marketing IS knowledge about Utah marketing. Knowledge about misrepresentations of opioid risks on a national scale IS knowledge about

misrepresentations of opioid risks in Utah." (Order at 7.) But, on the other hand, the Order also concludes that the documents accessible to the Division "do[] not satisfy the apparent need to focus on Utah related marketing and the underpinnings of the Division's claim that the Sackler Respondents are 'suppliers' under the UCSPA,"[3] and that "[t]here has been no demonstration that Utah related issues have been adequately addressed in the existing document and deposition discovery." (Order at 3.) In other words, the Order states that the CEO depositions are necessary because the CEOs must know about nation-wide activities, but that the nation-wide *documents* are insufficient because they are not about Utah. This logical inconsistency undermines the Administrative Law Judge's determination that the depositions are not cumulative.

Importantly, to date, the Division has barely even conducted other discovery, much less taken other, less burdensome depositions of Purdue fact witnesses. Despite the fact that the Division and Purdue have identified a combined 73 individuals with knowledge relevant to this proceeding, including dozens of Purdue Utah sales representatives, the Division has not sought to depose ***any*** Purdue sales representatives or other Purdue witnesses. Instead, the Division's private counsel (who also represents different plaintiffs in other matters) has completely ignored those many potential witnesses and focused myopically on deposing the four undisclosed CEOs. The Division's failure to seek discovery from other sources negates the conclusion in the Order that depositions of the CEOs should be permitted because "[d]ocuments can only provide a part of the narrative in this proceeding."[4] (Order at 8.) The Division has not even attempted to obtain this

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[3] Neither the Division's Request nor its Opposition argues that the depositions are needed to resolve the issue of whether the Sackler Respondents are suppliers. Indeed, the word "supplier" is not mentioned in either submission.

[4] This statement could be made with respect to any action or any deposition. While testimony is different in kind than documentary evidence, the legally relevant issue is not whether testimony is different but whether it is cumulative, duplicative, irrelevant, or disproportionate.

information from the other available sources before claiming such sources are insufficient. Indeed, the Rules make clear that a Presiding Officer ***must*** limit discovery where "the discovery sought is unreasonably cumulative, duplicative, or is obtainable from some other source that is: (a) more convenient; (b) less burdensome; or (c) less expensive." R151-4-506(1). Under the circumstances presented here, at the very least, the Division should be required to first take discovery of more available witnesses, and only then be permitted to seek discovery of the CEOs on a showing that the discovery would not be cumulative or duplicative.[5] Accordingly, because the Order fails to properly apply the Rules to the circumstances here, it should be vacated and a Protective Order entered.

C. The Order Fails to Recognize the Unique Considerations That Apply to Requests to Depose Senior Executives.

The Order is also erroneous because it fails to recognize the commonsense conclusion reached by courts across the country that special considerations must inform analysis of requests to depose senior executives. From the outset, the Order inexplicably concludes that the "apex doctrine" "factually has no application" here. (Order at 4.) That is not the case. Regardless of how it is labeled, the apex doctrine is merely an interpretation of Federal Rule 26, articulating the commonsense conclusion that depositions of senior executives pose an undue burden if the potential deponent lacks "unique personal knowledge" relevant to the case; if the information sought "can be obtained from another witnesses . . . [or] through an alternative discovery method"; or if "sitting for the deposition is a severe hardship for the executive[s] in light of [their] obligations to [their] company." *United Auto Ins. v. Stucki & Rencher, LLC*, No. 15-cv-834, 2018 WL

[5] The Division also provides ***no*** explanation or analysis as to why it needs to depose all four of the CEOs, including Dr. Landau, who, as the current CEO unquestionably has unique and extraordinary obligations. The requested depositions are thus not only cumulative and duplicative of the evidence in this proceeding, they are also cumulative and duplicative in and of themselves.

1054361, at *1 (D. Utah Feb. 23, 2018) (internal quotation marks omitted) (granting a protective order to prevent deposition of a plaintiff's CEO) (revised by *United Auto Ins. Co. v. Stucki & Rencher, LLC*, No. 15-cv-834, 2019 WL 2088527, at *7 (D. Utah May 13, 2019) (after the plaintiff stated its intention to call the same CEO as a witness at trial, ordering that the plaintiff must choose between not using the CEO as its own witness or allowing the CEO to be deposed by the defendant)). It is difficult to imagine how the factual circumstances presented by the Division's Request could more squarely implicate this analysis.

The Order nevertheless failed to fairly take into account the unique considerations that should have colored the Division's Request. Like the federal rule, both Utah Rule 26 and the administrative rules require that discovery must be relevant, proportional, and not cumulative or duplicative; both place the burden to demonstrate proportionality and relevance on the party seeking discovery. Indeed, whether expressly relying on the "apex doctrine" or not, courts routinely require that special consideration be given to parties' requests to depose senior executives. *See, e.g.*, *Black Card, LLC v. VISA U.S.A., Inc.*, No. 15-cv-027, 2016 WL 7325665, at *2 (D. Wyo. Dec. 12, 2016). Neither the Division nor the Order cite a single case in ***any jurisdiction*** holding that senior executives may be deposed when they lack unique knowledge relevant to the case. The Administrative Law Judge therefore should have given due consideration to unique considerations applicable to the four CEOs as articulated in Purdue's Motion and Reply, as well as cases applying the "apex doctrine" or Rule 26 more generally. This is especially true given the requirement imposed by the governing rules that a party demonstrate the proposed deponent "has knowledge of the facts relevant to the claims or defenses of a party in the proceeding" and demonstrate the "need for a deposition." The Division failed to make this showing with regard to the CEOs, and the Order is therefore erroneous and should be vacated.

D. In the Alternative, the Order Should Be Vacated Because It Fails to Limit the Sequence, Scope, and Time of the Depositions.

Finally, even though the depositions are improper altogether, the Order is also erroneous because it fails to establish reasonable limitations to avoid undue burden and minimize duplication. The Rules provide that a presiding officer has the authority to limit discovery to protect a party from undue burden and expense. R.151-4-507. These limitations may include limits on time, location, scope, and method. *Id.*

The Administrative Law Judge improperly ***expanded*** the scope of the requested depositions rather than properly exercising his authority to limit them to reduce burden and expense. As noted above, the Division itself acknowledged that it seeks these depositions only on the limited issues of establishing personal jurisdiction and liability related to the Sackler Respondents. Those were the sole arguments presented to the Administrative Law Judge. Nonetheless, the Order cabined the depositions only by total time and location, sweepingly allowing inquiry into any topic on the basis that the CEOs "might" have personal knowledge. The Order provides no reasoning under the governing rules to permit depositions of unlimited scope for these witnesses in this proceeding. Indeed, Dr. Landau's sworn declaration makes clear that he does not believe he possesses any unique, personal knowledge relevant to the claims in the Citation. (*See* Landau Decl., Ex. A.) Even if the depositions of the CEOs were properly permitted (and they were not), the Administrative Law Judge in the Order should have properly limited the scope of the depositions to the sole bases provided by the Division: personal jurisdiction and liability of the Sackler Respondents.

Further, the Order fails to allow the depositions to be sequenced to avoid unnecessary, cumulative testimony on the identified issues. As Purdue pointed out, Dr. Friedman's and Dr. Landau's tenures as CEO weigh heavily in favor of, at the very least, conducting depositions of

the other CEO witnesses before permitting theirs. (*See* 8/7/19 Reply at 4-5.) Indeed, given the demonstrated burden on Dr. Landau as the sitting CEO of Purdue, his deposition should only be permitted after exhausting all other avenues for obtaining the identified information and upon a demonstrated showing by the Division that he has actual, unique knowledge unobtainable from any other source. R.151-4-506(1) and R.151-4-507(b) (permitting a protective order "that the discovery may be had only on specified terms and conditions").

Moreover, the Administrative Law Judge erred in granting the Division permission to take seven hours of testimony from ***each*** of the four CEOs. The Order concludes that "a single separate day" for the three former CEOs "is a reasonable limitation as to these deponents." (Order at 3.) This is simply not reasonable. Under the Utah Rules of Civil Procedure, non-party depositions are limited to four hours. The Administrative Law Judge granted the Division nearly *twice* that time. For a non-party witness who the Division believes—again, without support—has only narrow personal knowledge, seven hours of deposition is an extraordinary and unreasonable amount of time.

If the Presiding Officer permits the depositions to go forward (and, for the reasons set forth above, he should not do so), they should each be limited to the areas of inquiry actually identified by the Division, sequenced to minimize burden and duplication—with Dr. Landau going last, if at all, and limited to no more than four hours each.

CONCLUSION

The Administrative Law Judge, by granting the Division's extraordinary request, failed to fulfill the responsibility imposed by the administrative rules to vet the need for any depositions, let alone four of Purdue's highest executives. Instead, the Order simply accepted the Division's unsupported representations, repeatedly erred in its analysis, and granted permission to conduct

depositions significantly broader in scope than what the Division requested. For the reasons stated above, Purdue respectfully requests that Presiding Officer Parker reconsider and vacate the Order and enter a protective order precluding the depositions entirely, or in the alternative, imposing appropriate limitations on time, sequence, and scope.

DATED this 14th day of August, 2019.

SNELL & WILMER L.L.P.

/s/ Elisabeth M. McOmber
Elisabeth M. McOmber
Katherine R. Nichols
Annika L. Jones

DECHERT LLP
Will Sachse
Erik Snapp

LYNN PINKER COX & HURST LLP
Jared Eisenberg (*pro hac vice* forthcoming)

Attorneys for Respondents Purdue LP, Purdue Inc., and the Purdue Frederick Company

CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2019, I caused a copy of the foregoing to be served by electronic mail upon the following:

Chris Parker, Presiding Officer/Acting Director
Bruce L. Dibb, Administrative Law Judge
Heber M. Wells Building, 2nd Floor
160 East 300 South
Salt Lake City, Utah 84114
chrisparker@utah.gov
bdibb@utah.gov

Patrick E. Johnson
Paul T. Moxley
COHNE KINGHORN, P.C.
111 E. Broadway, 11th Floor
Salt Lake City, Utah 84111
pjohnson@ck.law
pmoxley@ck.law

Maura Monaghan
Susan Gittes
Farhana Choudhury
DEBEVOISE & PLIMPTON LLP
919 Third Avenue
New York, NY 10022
mkmonaghan@debevoise.com
srgittes@debevoise.com
fchoudhury@debevoise.com

Douglas J. Pepe, Gregory P. Joseph,
Christopher J. Stanley, Mara Leventhal,
Roman Asudulayev, Benjamin Albert
JOSEPH HAGE AARONSON
485 Lexington Avenue, 30th Floor
New York, NY 10017
dpepe@jha.com; gjoseph@jha.com;
cstanley@jha.com; mleventhal@jha.com;
rasudulayev@jha.com; balbert@jha.com

Attorneys for Respondents Richard Sackler, M.D. and Kathe Sackler, M.D.

Robert G. Wing, Kevin McLean
UTAH ATTORNEY GENERAL'S OFFICE
160 East 300 South, 5th Floor
PO Box 140872
Salt Lake City, Utah 84114-0872
rwing@agutah.gov; kmclean@agutah.gov

Linda Singer, Lisa Saltzburg,
Elizabeth Smith, David Ackerman
MOTLEY RICE LLC
401 9th St. NW, Suite 1001
Washington, DC 20004
lsinger@motleyrice.com; lsaltzburg@motleyrice.com;
esmith@motleyrice.com; dackerman@motleyrice.com

N. Majed Nachawati, Matthew R. McCarley,
Misty Farris, Jonathan Novak, Ann Saucer
FEARS NACHAWATI, PLLC
5473 Blair Road
Dallas, Texas 75231
mn@fnlawfirm.com; mccarley@fnlawfirm.com;
mfarris@fnlawfirm.com; jnovak@fnlawfirm.com;
asaucer@fnlawfirm.com

Glenn R. Bronson
RICHARDS BRANDT MILLER NELSON
299 S. Main St., 15th Floor
Salt Lake City, UT 84111
glenn-bronson@rbmn.com

Attorneys for the Division

/s/ Annika L. Jones

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.	DCP Legal File No. CP-2019-005 DCP Case No. 107102

DECLARATION OF CRAIG LANDAU IN SUPPORT OF PURDUE'S OPPOSITION TO THE DIVISION'S REQUEST FOR APPROVAL TO DEPOSE PARTIES AND NON-PARTIES

I, CRAIG LANDAU, M.D., declare under criminal penalty as follows:

1. I am the President and Chief Executive Officer ("CEO") of Purdue Pharma L.P. ("Purdue"), a Respondent in the above-captioned action. I have been the President and CEO of Purdue since June 2017.

2. I understand that on July 18, 2019, the Division of Consumer Protection of the Department of Commerce of the State of Utah (the "Division") filed a request for approval to depose certain individuals, including me. I submit this Declaration in support of Purdue's opposition to the Division's request and motion for a protective order preventing the requested deposition. I make this Declaration based on my own personal knowledge to the best of my recollection.

3. To the best of my recollection, I have never had any contacts with Utah, in either a professional or personal capacity.

4. I am a resident of the state of Connecticut. I also own homes in Florida and in Canada. I have never resided in Utah. I have never regularly conducted or solicited business in Utah, nor otherwise engaged in a consistent course of conduct in Utah, either as President and CEO of Purdue or otherwise.

5. My office is located at Purdue's headquarters in Stamford, Connecticut.

6. From October 1999 to September 2013, I served in various positions at Purdue, and those positions were all based in Purdue's Stamford, Connecticut headquarters. I was not in Purdue's sales or marketing departments, and my responsibilities did not include the sales, marketing, or promotion of Purdue's opioid medications in Utah, or any other state. In my prior positions at Purdue, I conducted the vast majority of my Purdue-related activities from Purdue's headquarters in Connecticut.

7. From September 2013 to June 2017, I served as the President and CEO of Purdue Pharma Canada, and my office was in Canada. I understand that no activity by Purdue Pharma Canada is at issue in this action.

8. In June 2017, I was appointed President and CEO of Purdue. For a brief period thereafter, I also retained responsibility for Purdue Pharma Canada.

9. In the fewer than eight months that I served as President and CEO of Purdue prior to February 2018, when Purdue ceased deploying sales personnel to promote its opioid medications to prescribers, I was not involved in the day-to-day sales, marketing, or promotion of Purdue's opioid medications in Utah, or any other state. Nor was I involved in the management or direct oversight of Purdue sales representatives in Utah, or any other state.

During that period, there were at least four levels of management between me and Purdue's sales representatives in Utah, as in every other state.

10. I have not personally directed or engaged in the marketing or promotion of Purdue's opioid medications in Utah. I have never directed any other Purdue employee to visit particular doctors in Utah, to make payments to any particular doctors in Utah, or to engage in any particular promotional activities in Utah.

11. I understand that my name is not mentioned in the Administrative Citation ("Citation") in this action, and I do not believe that I have any unique or superior personal knowledge relating to any of the allegations in the Citation. I believe that any information sought from me by the Division can be obtained from documents or other witnesses.

12. Moreover, preparing for and sitting for a deposition in this matter would constitute a severe burden to both me and Purdue in light of my unique, critical obligations to the company during this especially challenging time. As President and CEO, I am the executive leader of Purdue, with ultimate oversight of operations comprising more than 690 employees. My responsibilities include the panoply of duties traditionally held by CEOs of complex pharmaceutical organizations, such as managing and motivating personnel, communicating with my management teams across the businesses of the company, developing and implementing short-term and long-term strategies, overseeing an active pipeline of new medicines, supporting the financial and corporate compliance functions, and driving new business development. In addition, I am responsible for managing the extraordinary – indeed, unprecedented – issues arising from the thousands of lawsuits filed across the country against Purdue, and I must work closely with counsel and other advisors on an almost daily basis. I am required to be available 24 hours a day, seven days a week, and my typical workday ranges from 12 to 16 hours. Under

the present circumstances, my duties at Purdue require my full attention, and preparing for and sitting for a deposition in this matter would be extremely, and unnecessarily, disruptive.

*   *   *

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signed on the 25th day of July, 2019, at Stamford, Connecticut.

Craig Landau
Printed Name

Signature