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**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 KATHE SACKLER, M.D.,

Respondents.

**PURDUE'S REPLY IN SUPPORT OF ITS
REQUEST FOR LEAVE TO ISSUE
NOTICE OF ORAL AND VIDEO
DEPOSITION OF THE STATE OF UTAH
AND FOR EXPEDITED
CONSIDERATION**

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 this *Reply in Support of Its Request for Leave to Issue Notice of Oral and Video Deposition of the State of Utah*, and request oral argument thereon.

INTRODUCTION

In its sixty-five-page citation, the Division blames Purdue for a complex public health issue that allegedly has “caused significant harm to the State and its agencies” and “drained State resources from the criminal justice, social services, welfare, education, and healthcare system.” (Citation at ¶¶ 1–29.) The Division alleges these harms must “*be weighed in determining the civil penalties*” it seeks to recover. (*Id.* ¶ 29 (emphasis added).) Yet, the Division seeks to block almost all discovery on these issues, including a 30(b)(6) deposition on topics directly relevant to the Division’s claims. And although the Division wants to reach back decades to inflate its civil penalties—well beyond the statutory limitations period—it nonetheless takes the contradictory stance that the “State’s knowledge of the opioid epidemic” is irrelevant and outside the scope of discovery. (Div.’s Opp. at 10.) But the State’s knowledge of the epidemic, and its response thereto, is unquestionably relevant: the Division admits that it intends (improperly) to rely on some version of the discovery rule or on the theory that pre-2009 misrepresentations can establish violations within the ten-year statutory period. (*See* May 21, 2019 Hr’g Tr. at 86–90 (arguing that even though there is not a “section in the citation on it,” the Division plans to argue fraudulent concealment and tolling).) The relevance of the State’s knowledge of and response to the opioid epidemic through its various agencies is thus obvious. To assert “*any* version of the discovery rule,” the Division must make a threshold showing that the State “did not know and could not reasonably have known of the existence of a cause of action.” *See, e.g., O’Neal v. Utah Div. of*

Family Servs., 821 P.2d 1139, 1144 (Utah 1991) (emphasis added). Further, understanding how the State was investigating the opioid epidemic and responding through its agencies is relevant to the Division's assertions regarding Purdue's alleged misconduct, as it may reveal that the State ascribed the various issues to causes other than any alleged misrepresentations by Purdue.

In sum, the Division cannot, on the one hand, allege that Purdue has committed violations of the UCSPA beyond the limitations period and ask this Tribunal to "weigh" the "significant harm to the State and its agencies" in assessing civil penalties, and on the other hand, block relevant deposition testimony by claiming that the State's knowledge and investigations regarding the opioid epidemic's causes and the alleged harm is "irrelevant." (Div.'s Opp. at 5.) Nor can the Division claim it was ignorant of its cause of action for decades to overamplify the penalties it seeks, then refuse discovery targeted at learning what the State knew and when it knew it. Because Purdue's 30(b)(6) topics are relevant and tailored to the Division's claims and Purdue's defenses, the Tribunal should grant Purdue's Motion for the State's deposition.

ARGUMENT

I. The Alleged Causes of the Opioid Epidemic and Any Resulting Harms Are Relevant

The Division's Opposition to the 30(b)(6) deposition—in fact, its entire case—is built on the faulty premise that Purdue's alleged conduct, to the exclusion of all other factors, caused the entire opioid epidemic. In a careful effort to preserve its theme that Purdue is the cause of all opioid-related harm in Utah, the Division openly opposes discovery on causation and damages, as well as discovery into the State's knowledge of and investigation into the causes of the opioid epidemic. (*See* Div.'s Opp. at 5–6 (arguing that "there will be no need for the Tribunal to consider, in this proceeding, questions of causation and damages" and that harm caused by other actors is irrelevant).) But the Division's theory is nothing but a convenient excuse to try to avoid the weakest parts of its case and gloss over important statutory requirements. Buried deep in the

Division's brief, for example, is its acknowledgement that if the Tribunal should find a violation, it must determine "the harm to other persons *resulting* either directly or indirectly from the violation." UTAH CODE ANN. § 13-11-17(6)(b) (emphasis added). The necessary corollary, of course, is that the Tribunal should not consider harm that was *not the result* of a violation. Accordingly, discovery of the alleged harm caused by Purdue and purportedly suffered by "the State and its agencies" is critical to Purdue's defense against the Division's explicit allegations that Purdue's alleged misrepresentations in Utah were the cause of that harm, (*see* Citation ¶ 28), particularly in light of its concession that the Tribunal must consider that harm in determining any civil penalties. (*Id.* ¶ 29.) Purdue seeks tailored and relevant discovery on those issues.

The 30(b)(6) topics with which the Division takes issue are directly tied to allegations of harm made in the Division's Citation. For example, the Division asks the Tribunal to consider the "public safety measures necessitated by the opioid crisis" that have "drained State resources" when assessing any civil penalties against Purdue. (*Id.* ¶¶ 13, 28, 29.) Purdue thus seeks to depose the State on its budgeting decisions related to reducing pain medication abuse, including the Utah Prescription Pain Medication Program, Take Back Program, Utah Violence & Injury Program, and any public service announcements or initiatives. (*See* Topics 1, 3, 8, 9, 10.) Likewise, the Division asks the Tribunal to consider "the criminal justice, social services and welfare, education, and healthcare" costs incurred by State. (Citation ¶ 13.) Accordingly, Purdue seeks to depose the State on these topics, including the Utah Attorney General's "Opioid Task Force" and its involvement in the National Association of Attorneys General, Utah's prosecution of healthcare providers related to opioid abuse, prescription pain medication policies of State-run healthcare facilities, and Utah's prescription-drug-related crime rates. (*See* Topics 7, 12, 21, 30.) For the Tribunal's

convenience, is a chart (attached as **Exhibit A**) detailing the 30(b)(6) topics in Purdue's deposition notice, the Division's objections, and the reason why each topic is relevant.

The Division's position that the 30(b)(6) notice does not target "issues on which liability and civil penalties will be decided" is inherently inconsistent with the law and the allegations in the Division's own Citation. (Div.'s Opp. at 3–4); *see also In re Opioid Litig.*, NYSCEF Doc. No. 1389 (Sup. Ct. N.Y. Aug. 14, 2019), attached as **Exhibit B** ("The issues framed by the pleadings determine the scope of discovery. The limitation urged by the Attorney General is not supported by the allegations framed in the pleadings."). Either (1) the opioid epidemic and the harms alleged in the Citation are irrelevant and may not be considered in any way at a hearing on this matter, or (2) discovery of harms allegedly "caused" by Purdue is relevant and necessary. Both cannot be true. Indeed, imposing penalties based on harms not caused by Purdue is impermissible under the Eighth Amendment. Given the Division's clear intent to have the Tribunal assess alleged UCSPA violations by Purdue and then weigh the alleged costs incurred by the State "in determining civil penalties appropriate for Purdue's conduct," Purdue's request to depose the State on topics directly touching on these issues should be granted.

II. The State's Knowledge and Treatment of the Crisis Is Relevant

Roughly 82% of the alleged "misrepresentations" identified (incorrectly) by the Division as violations of the UCSPA were made before 2009 and are thus, on their face, barred by the statute of limitations. The Division asserts them anyway. (*See* Div.'s Initial & Supp. Disclosures.) Despite failing to plead any theory that would toll the statute of limitations for these alleged "violations," the Division later made clear its intent to pursue a tolling and/or fraudulent concealment argument in this proceeding. (*See* May 21, 2019 Hr'g Tr. at 86–90.) To rely on a tolling theory, the Division must establish that the State "did not know and could not reasonable have known of the existence of a cause of action." *O'Neal.*, 821 P.2d at 1144; *see also Mower v*

Simpson, No. 100403908, 2015 WL 13386977, at *4 (Utah Dist. Ct. June 23, 2015). Thus, the State’s knowledge of the opioid epidemic and its causes are relevant to this proceeding, a reality even the Division appears to concede. (Div.’s Opp. at 11 (acknowledging that topics regarding the State’s knowledge of the opioid epidemic “could conceivably relate to an attempt to bring an affirmative defense on statute of limitations grounds”).)

The Division’s argument that discovery would need to “address the issue of whether the Division had been apprised of Purdue’s roll [sic] [in the epidemic] or the misconduct alleged in the Citation” underscores the need for Purdue’s requested discovery. (Div.’s Opp. at 11.) That is why Purdue seeks to depose the State regarding investigations conducted, complaints received, policies and guidelines implemented, and reports generated by the State and its agencies in response to opioid abuse in Utah. (*See* Ex. A (detailing relevance for each topic).) These inquiries will illuminate what the State knew about the opioid epidemic—including what it understood Purdue’s role to be—and when it gained that knowledge. Because inquiry into the State’s knowledge is relevant to the claims and defenses, the Tribunal should grant Purdue’s request for a 30(b)(6) deposition of the State.

III. Document Production Does Not Substitute a 30(b)(6) Witness Under the Circumstances.

The Division seeks to avoid topics regarding “data and information” on the basis that these topics “are more suited to document discovery” and Purdue has already served document requests “related to many of the same issues.” (Div.’s Opp. at 13.) But the Division objects to the document requests too. For example, the Division argues that discovery related to disciplinary actions of physicians, pharmacists, clinics, or other healthcare providers is “better suited for document discovery.” *See* Div.’s Opp. at 13 (citing Purdue RFP No. 58 and 30(b)(6) Topic 11) (“Purdue has not shown any reason why such document requests would be insufficient to provide relevant

discovery.”). The Division fails to mention, however, that it also objected to document discovery on that RFP, with no indication that it would provide responsive documents. See Division’s Responses to Purdue’s Request for Production at No. 58 (pg. 34), attached as **Exhibit C**. In fact, the Division objected to all of the RFPs they cite as the basis for avoiding a 30(b)(6) deposition. Even for those RFPs to which it agreed to respond, the Division purported to limit the scope of its response based on its objections. See Ex. A at Nos. 14, 15, 49, 54. In other words, the basis of the Division’s objection to a 30(b)(6) witness is that “alternate forms” of discovery are “available;” while at the same time it opposes those forms of discovery as well. Thus, the Division’s argument that document discovery on these topics “is more than sufficient” is unavailing. See Div.’s Opp. at 13.

Furthermore, even if the Division agreed to fully respond to Purdue’s document requests, a party “should not be prevented from questioning a live [30(b)(6)] witness in a deposition setting,” because “a witness may still be useful to testify as to the interpretation of papers, and ‘any underlying factual qualifiers of those documents.’” *Dongguk University v. Yale University*, 270 F.R.D. 70, 74 (D. Conn. 2010). Additionally, Purdue seeks to depose the State and its agencies via a 30(b)(6) witness not only about matters that were written down in documents and official reports, but also to obtain binding testimony regarding issues such as why the State made certain determinations and actions that were considered by the State but not taken.

The Division relies solely on *Braun v. Medtronic Sofamor Danek, Inc.*, 2:10-CV-1283, 2013 WL 1566692 (D. Utah Apr. 12, 2013) to make its argument. In *Braun*, however, the court found that deposing a 30(b)(6) witness on certain topics would place an “*excessive* burden” on the party preparing the witness, which was unnecessary in light of the adequate alternate forms of discovery available (including, *inter alia*, interrogatories, which are not available here). *Braun*,

2013 WL 1566692, at *4 (emphasis added). The Division makes no effort, other than through conclusory assertions, to demonstrate how preparing a witness on Topics 10, 11, 15 through 27, and 29 would be excessively burdensome. Given the complex nature of the issues and the State's investigation into opioid abuse issues in Utah via its various agencies, Purdue needs a 30(b)(6) witness to provide binding testimony regarding the State's knowledge, investigations, and decisions—information that cannot be obtained via a review of the documents alone. This, of course, assumes the Division produces such documents.

The Division's argument—that a 30(b)(6) deposition categorically should be denied if alternative forms of discovery are “available”—should be rejected. The Division has yet to agree to fully responding to Purdue's document discovery requests and, even if it did, a 30(b)(6) witness is still critical to provide binding testimony on behalf of the State on issues relevant to the Division's claims and Purdue's defense in this proceeding.

IV. The Division Fails to Support the Remainder of Its Arguments

The Division offers no support for its remaining arguments. For example, the Division argues, in passing, that several 30(b)(6) topics are overbroad, but it does not explain how; nor does it point to any language that is overbroad. The Division also asserts—without a single citation—several privileges and protections, including the attorney-client privilege, the common interest privilege, and the joint prosecution privilege. Despite bearing the burden of persuasion, the Division does not explain how these privileges apply or what information it believes is protected. *See, e.g., So. Utah Wilderness Alliance v. Automated Geographic Ref. Ctr.*, 200 P.3d 643, 654 (Utah 2008) (party seeking to invoke the privilege bears the burden of establishing that it applies). Even if some information is privileged, that does not foreclose a deposition on an entire category of information. *See* UTAH ADMIN. CODE R151-4-502(1)(a) (“Parties may obtain discovery

regarding a matter that . . . is not privileged”). The Division is free to object at the deposition if it feels a question calls for privileged information.

Finally, the Division argues that information related to the Utah Legislature and Office of Legislative Auditor General is not within its possession, custody, or control because it does not represent the legislature. The Division need not represent the legislature, however, to have information in its possession regarding legislative decisions and directives given to the State. Nor must it represent the Legislative Auditor General’s office to have information about the report *Opioid Misuse: Options for Prevention, Identification, and Treatment* issued by that office. *see also In re Opioid Litig.*, NYSCEF Doc. No. 1389, attached as **Exhibit B** (holding that the defendants “are not required to subpoena the specific state agencies or departments as suggested by the Attorney General.”). Thus, the Division’s summary dismissal of these topics because it does not represent the legislature is unpersuasive. Moreover, the Division is represented by the Office of the Attorney General, which is counsel for the entire State of Utah. The notion that it does not possess the requisite information is unbelievable, particularly in light of its recent letter stating that it is gathering documents from several State custodians that are not part of the Division itself, such as the Department of Health.

CONCLUSION

The Tribunal should reject the Division’s clear effort to try this case in a vacuum and to pin the entire opioid crisis in Utah on Purdue based on mere rhetoric. Purdue is entitled to question the State regarding the various harms that the Division itself asks the Tribunal to consider in this proceeding. Likewise, Purdue is entitled to question the State on its knowledge of and response to the opioid crisis, so that Purdue can fairly mount a defense to the Division’s stale claims, and assess the viability of the Division’s own fraudulent concealment argument. Because the topics

on which Purdue seeks to depose the State are relevant and tailored to the Division's claims and Purdue's defenses, the Tribunal should grant Purdue's *Request for Leave to Issue Notice of Oral and Video Deposition of the State of Utah*.

DATED this 21st day of August, 2019.

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CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2019, I caused a copy of the foregoing to be served by electronic mail upon the following:

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Exhibit A

Summary of Topic	Division's Objection	Purdue's Response
<p><u>Topic 1:</u> Utah State Legislature's budgeting decisions related to prescription pain medication abuse.</p>	<ul style="list-style-type: none"> ▪ Division objects to topic in full (<i>see</i> Div.'s Opp. at 2). ▪ Objection: Irrelevant (<i>see</i> Div.'s Opp. at 6, 8). 	<p><u>Relevance:</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section I. of Purdue's Reply. ▪ <i>See</i> Citation ¶13: ▪ "This epidemic has drained State resources from the criminal justice, social services, welfare, education, and healthcare system." ▪ "Prescription opioid abuse costs the citizens and State of Utah approximately \$238 million in healthcare costs each year." ▪ "In 2005, state governments spent 27% of the amount they spend on healthcare to fund the social services related to substance abuse." ▪ <i>See</i> Citation ¶28: ▪ Lists numerous harms, including costs associated with "public safety measures necessitated by the opioid crisis" an "opioid-related counseling and rehabilitation services."
<p><u>Topic 2:</u> Office of the Legislative Auditory General 's investigations, findings, etc. regarding prescription pain medication abuse.</p>	<ul style="list-style-type: none"> ▪ Division objects to topic in full (<i>see</i> Div.'s Opp. at 2). ▪ Objection: State' knowledge irrelevant (<i>See</i> Div.'s Opp. at 11). ▪ Objection: Division does not represent Legislature (Div.'s Opp. at 12). 	<p><u>State's Knowledge</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section II. of Purdue's Reply. <p><u>Legislature</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section IV. of Purdue's Reply.

<p><u>Topic 3:</u> Utah Prescription Medication Program.</p>	<ul style="list-style-type: none"> ▪ Division partially objects to topic (<i>see</i> Div.’s Opp. at 2). ▪ Objection: Irrelevant (<i>see</i> Div.’s Opp. at 6, 8). 	<p><u>Relevance:</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section I. of Purdue’s Reply. ▪ <u>See Citation ¶13:</u> ▪ “This epidemic has drained State resources from the criminal justice, social services, welfare, education, and healthcare system.” ▪ <u>See Citation ¶28:</u> ▪ Lists numerous harms, including costs associated with “<i>public safety measures necessitated by the opioid crisis</i>” an “opioid-related counseling and rehabilitation services.”
<p><u>Topic 4:</u> Information regarding the Guidelines.</p>	<ul style="list-style-type: none"> ▪ Division partially objects to topic (<i>see</i> Div.’s Opp. at 2). ▪ Objection: State’ knowledge irrelevant (<i>See</i> Div.’s Opp. at 11). 	<p><u>State’s Knowledge</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section II. of Purdue’s Reply.
<p><u>Topic 5:</u> The State’s positions regarding prescribing guidelines distributed by the Federation of State Medical Boards.</p>	<ul style="list-style-type: none"> ▪ Division partially objects to topic (<i>see</i> Div.’s Opp. at 2). ▪ Objection: Irrelevant (<i>see</i> Div.’s Opp. at 6, 8). ▪ Objection: Overbroad (<i>see</i> Div.’s Opp. at 12). 	<p><u>Relevance:</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section I. of Purdue’s Reply ▪ <u>Citation ¶18:</u> ▪ Alleging that “Purdue’s marketing campaign enabled Purdue to overcome the longstanding medical consensus that opioids were unsafe for the treatment of chronic pain.” <p><u>Overbroad</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section IV. of Purdue’s Reply.
<p><u>Topic 6:</u> The State’s positions regarding the CDC’s “Guidelines for Prescribing Opioid for</p>	<ul style="list-style-type: none"> ▪ Division partially objects to topic (<i>see</i> Div.’s Opp. at 2). 	<p><u>Relevance:</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section I. of Purdue’s Reply ▪ <u>Citation ¶18:</u>

Chronic Pain.”	<ul style="list-style-type: none"> ▪ Objection: Irrelevant (<i>see</i> Div.’s Opp. at 6, 8). ▪ Objection: Overbroad (<i>see</i> Div.’s Opp. at 12). 	<ul style="list-style-type: none"> ▪ Alleging that “Purdue’s marketing campaign enabled Purdue to overcome the longstanding medical consensus that opioids were unsafe for the treatment of chronic pain.” <p><u>Overbroad</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section IV. of Purdue’s Reply.
Topic 7: The Utah Attorney General’s “Opioid Task Force.”	<ul style="list-style-type: none"> ▪ Division objects to topic in full (<i>see</i> Div.’s Opp. at 2). ▪ Objection: Irrelevant (<i>see</i> Div.’s Opp. at 6, 8). 	<p><u>Relevance:</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section I. of Purdue’s Reply. ▪ <u>See Citation ¶13:</u> ▪ “This epidemic has drained State resources from the criminal justice, social services, welfare, education, and healthcare system.” ▪ <u>See Citation ¶28:</u> ▪ Lists numerous harms, including costs associated with “<i>law enforcement and public safety measures necessitated by the opioid crisis</i>” an “opioid-related counseling and rehabilitation services.”
Topic 8: Utah’s prescription medication “Take Back Program.”	<ul style="list-style-type: none"> ▪ Division objects to topic in full (<i>see</i> Div.’s Opp. at 2). ▪ Objection: Irrelevant (<i>see</i> Div.’s Opp. at 6, 8). 	<p><u>Relevance:</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section I. of Purdue’s Reply. ▪ <u>See Citation ¶13:</u> ▪ “This epidemic has drained State resources from the criminal justice, social services, welfare, education, and healthcare system.” ▪ <u>See Citation ¶28:</u> ▪ Lists numerous harms, including costs associated with “<i>public safety measures necessitated by the opioid crisis</i>” an “opioid-related counseling and rehabilitation services.”

<p><u>Topic 9:</u> The Utah Violence & Injury Prevention Program.</p>	<ul style="list-style-type: none"> ▪ Division partially objects to topic (<i>see</i> Div.'s Opp. at 2). ▪ Objection: Irrelevant (<i>see</i> Div.'s Opp. at 6, 9). 	<p><u>Relevance:</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section I. of Purdue's Reply. ▪ <u>See Citation ¶13:</u> ▪ "This epidemic has drained State resources from the criminal justice, social services, welfare, education, and healthcare system." ▪ <u>See Citation ¶28:</u> ▪ Lists numerous harms, including costs associated with "<i>public safety measures necessitated by the opioid crisis</i>" an "opioid-related counseling and rehabilitation services."
<p><u>Topic 10:</u> Any public service announcements, public education initiatives, and/or media campaigns conducted by the State related to opioid abuse awareness, including "Use Only as Directed" and "Stop the Opidemic" initiatives.</p>	<ul style="list-style-type: none"> ▪ Division objects to topic in full (<i>see</i> Div.'s Opp. at 2). ▪ Objection: Irrelevant (<i>see</i> Div.'s Opp. at 6, 9). ▪ Objection: Better suited for document discovery (<i>See</i> Div.'s Opp. at 12). 	<p><u>Relevance:</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section I. of Purdue's Reply. ▪ <u>See Citation ¶13:</u> ▪ "This epidemic has drained State resources from the criminal justice, social services, welfare, education, and healthcare system." ▪ <u>See Citation ¶28:</u> ▪ Lists numerous harms, including costs associated with "<i>public safety measures necessitated by the opioid crisis</i>" an "opioid-related counseling and rehabilitation services." <p><u>Alternate Form of Discovery</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section III. of Purdue's Reply.
<p><u>Topic 11:</u> The investigation, prosecution, and/or discipline of physicians, pharmacists, clinics, or other health care providers in the State</p>	<ul style="list-style-type: none"> ▪ Division objects to topic in full (<i>see</i> Div.'s Opp. at 2). ▪ Objection: Irrelevant (<i>see</i> Div.'s Opp. at 6, 9). 	<p><u>Relevance:</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section I. of Purdue's Reply. ▪ <u>See Citation ¶13:</u>

<p>relating to prescription pain medication.</p>	<ul style="list-style-type: none"> ▪ Objection: Better suited for document discovery (<i>See</i> Div.’s Opp. at 12). 	<ul style="list-style-type: none"> ▪ “This epidemic has drained State resources from the criminal justice, social services, welfare, education, and healthcare system.” ▪ <u>See Citation ¶28:</u> ▪ Lists numerous harms, including costs associated with “<i>law enforcement and public safety measures necessitated by the opioid crisis</i>” an “opioid-related counseling and rehabilitation services.” <p><u>Alternate Form of Discovery</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section III. of Purdue’s Reply.
<p><u>Topic 12:</u> The State’s involvement or participation in any action by the National Association of Attorneys General.</p>	<ul style="list-style-type: none"> ▪ Division objects to topic in full (<i>see</i> Div.’s Opp. at 2). ▪ Objection: Irrelevant (<i>see</i> Div.’s Opp. at 6, 9). 	<p><u>Relevance:</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section I. of Purdue’s Reply. ▪ <u>See Citation ¶13:</u> ▪ “This epidemic has drained State resources from the criminal justice, social services, welfare, education, and healthcare system.” ▪ <u>See Citation ¶28:</u> ▪ Lists numerous harms, including costs associated with “<i>law enforcement and public safety measures necessitated by the opioid crisis</i>” an “opioid-related counseling and rehabilitation services.” ▪ <i>See also</i> Section II. of Purdue’s Reply (addressing State’s knowledge of opioid abuse).
<p><u>Topic 13:</u> The Office of Legislative Research and General Counsel’s <i>Opioid</i></p>	<ul style="list-style-type: none"> ▪ Division objects to topic in full (<i>see</i> Div.’s Opp. at 2). 	<p><u>Relevance:</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section I. of Purdue’s Reply.

<p><i>Misuse: Options for Prevention, Identification, and Treatment.</i></p>	<ul style="list-style-type: none"> ▪ Objection: Irrelevant (<i>see</i> Div.'s Opp. at 6, 9). 	<ul style="list-style-type: none"> ▪ <u>See Citation ¶13:</u> ▪ “This epidemic has drained State resources from the criminal justice, social services, welfare, education, and healthcare system.” ▪ <u>See Citation ¶28:</u> ▪ Lists numerous harms, including costs associated with “<i>law enforcement and public safety measures necessitated by the opioid crisis</i>” an “opioid-related counseling and rehabilitation services.” ▪ <i>See also</i> Section II. of Purdue’s Reply (addressing State’s knowledge of opioid abuse).
<p><u>Topic 14:</u> The Utah Controlled Substance Database Program.</p>	<ul style="list-style-type: none"> ▪ Division objects to topic in full (<i>see</i> Div.’s Opp. at 2). ▪ Objection: Irrelevant (<i>see</i> Div.’s Opp. at 6, 9). 	<p><u>Relevance:</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section I. of Purdue’s Reply. ▪ <u>See Citation ¶13:</u> ▪ “This epidemic has drained State resources from the criminal justice, social services, welfare, education, and healthcare system.” ▪ <i>See also</i> Section II. of Purdue’s Reply (addressing State’s knowledge of opioid abuse). ▪ <u>See Citation ¶28:</u> ▪ Lists numerous harms, including costs associated with “<i>law enforcement and public safety measures necessitated by the opioid crisis</i>” an “opioid-related counseling and rehabilitation services.”
<p><u>Topic 15:</u> The policies procedures, operations,</p>	<ul style="list-style-type: none"> ▪ Division objects to topic in full (<i>see</i> Div.’s Opp. at 2). 	<p><u>Relevance:</u></p>

<p>and activities of the Department of Health related to prescription pain medications.</p>	<ul style="list-style-type: none"> ▪ Objection: Irrelevant (<i>see</i> Div.'s Opp. at 6, 9). ▪ Objection: Better suited for document discovery (<i>See</i> Div.'s Opp. at 12). 	<ul style="list-style-type: none"> ▪ <i>See</i> Section I. of Purdue's Reply. ▪ <u>See Citation ¶13:</u> ▪ "This epidemic has drained State resources from the criminal justice, social services, welfare, education, and healthcare system." ▪ <i>See also</i> Section II. of Purdue's Reply (addressing State's knowledge of opioid abuse). <p><u>Alternate Form of Discovery</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section III. of Purdue's Reply.
<p><u>Topic 16:</u> The policies, procedures, operations, and activities of the Office of the Medical Examiner related to prescription pain medications.</p>	<ul style="list-style-type: none"> ▪ Division objects to topic in full (<i>see</i> Div.'s Opp. at 2). ▪ Objection: Irrelevant (<i>see</i> Div.'s Opp. at 6, 9). ▪ Objection: Better suited for document discovery (<i>See</i> Div.'s Opp. at 12). 	<p><u>Relevance:</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section I. of Purdue's Reply. ▪ <u>See Citation ¶13:</u> ▪ "This epidemic has drained State resources from the criminal justice, social services, welfare, education, and healthcare system." ▪ <i>See also</i> Section II. of Purdue's Reply (addressing State's knowledge of opioid abuse). <p><u>Alternate Form of Discovery</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section III. of Purdue's Reply.
<p><u>Topic 17:</u> The Department of Health's 2005 Workgroup that produced the report authored by David N. Sundwall and Robert T. Rolfs titled:</p>	<ul style="list-style-type: none"> ▪ Division objects to topic in full (<i>see</i> Div.'s Opp. at 2). ▪ Objection: Irrelevant (<i>see</i> Div.'s Opp. at 6, 9). 	<p><u>Relevance:</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section I. of Purdue's Reply. ▪ <u>See Citation ¶13:</u>

<p><i>Prescription Opioid Medication Deaths in Utah, Summary of Findings.</i></p>	<ul style="list-style-type: none"> ▪ Objection: Better suited for document discovery (<i>See Div.’s Opp. at 12</i>). 	<ul style="list-style-type: none"> ▪ “This epidemic has drained State resources from the criminal justice, social services, welfare, education, and healthcare system.” ▪ <i>See Citation ¶28:</i> ▪ Lists numerous harms, including costs associated with “<i>law enforcement and public safety measures necessitated by the opioid crisis</i>” an “opioid-related counseling and rehabilitation services.” ▪ <i>See also</i> Section II. of Purdue’s Reply (addressing State’s knowledge of opioid abuse). <p><u>Alternate Form of Discovery</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section III. of Purdue’s Reply.
<p><u>Topic 18:</u> The policies, procedures, operations, and activities of the Utah Department of Human Services related to prescription pain medication.</p>	<ul style="list-style-type: none"> ▪ Division objects to topic in full (<i>see Div.’s Opp. at 2</i>). ▪ Objection: Irrelevant (<i>see Div.’s Opp. at 6, 9</i>). ▪ Objection: Better suited for document discovery (<i>See Div.’s Opp. at 12</i>). 	<p><u>Relevance:</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section I. of Purdue’s Reply. ▪ <i>See Citation ¶13:</i> ▪ “This epidemic has drained State resources from the criminal justice, social services, welfare, education, and healthcare system.” ▪ <i>See also</i> Section II. of Purdue’s Reply (addressing State’s knowledge of opioid abuse). <p><u>Alternate Form of Discovery</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section III. of Purdue’s Reply.
<p><u>Topic 19:</u> The Division of Disease Control and Prevention’s collection,</p>	<ul style="list-style-type: none"> ▪ Division objects to topic in full (<i>see Div.’s Opp. at 2</i>). 	<p><u>Relevance:</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section I. of Purdue’s Reply.

<p>investigation, or analysis of facts or data related to prescription pain medication abuse.</p>	<ul style="list-style-type: none"> ▪ Objection: Irrelevant (<i>see</i> Div.’s Opp. at 6, 9). ▪ Objection: Better suited for document discovery (<i>See</i> Div.’s Opp. at 12). 	<ul style="list-style-type: none"> ▪ <u>See Citation ¶13:</u> ▪ “This epidemic has drained State resources from the criminal justice, social services, welfare, education, and healthcare system.” ▪ <i>See also</i> Section II. of Purdue’s Reply (addressing State’s knowledge of opioid abuse). <p><u>Alternate Form of Discovery</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section III. of Purdue’s Reply.
<p><u>Topic 20:</u> County-by-county data regarding opioid abuse and addiction.</p>	<ul style="list-style-type: none"> ▪ Division objects to topic in full (<i>see</i> Div.’s Opp. at 2). ▪ Objection: State’ knowledge irrelevant (<i>See</i> Div.’s Opp. at 11). ▪ Objection: Better suited for document discovery (<i>See</i> Div.’s Opp. at 12). 	<p><u>Relevance:</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section I. of Purdue’s Reply. ▪ <u>See Citation ¶13:</u> ▪ “This epidemic has drained State resources from the criminal justice, social services, welfare, education, and healthcare system.” ▪ <i>See also</i> Section II. of Purdue’s Reply (addressing State’s knowledge of opioid abuse). <p><u>Alternate Form of Discovery</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section III. of Purdue’s Reply.
<p><u>Topic 21:</u> The policies, procedure, operations, and activities by any State-run healthcare facility related to prescription pain medications.</p>	<ul style="list-style-type: none"> ▪ Division objects to topic in full (<i>see</i> Div.’s Opp. at 2). ▪ Objection: Irrelevant (<i>see</i> Div.’s Opp. at 6, 9). 	<p><u>Relevance:</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section I. of Purdue’s Reply. ▪ <u>See Citation ¶13:</u> ▪ “This epidemic has drained State resources from the criminal justice, social services, welfare, education, and healthcare system.”

	<ul style="list-style-type: none"> ▪ Objection: Better suited for document discovery (<i>See</i> Div.'s Opp. at 12). 	<ul style="list-style-type: none"> ▪ <u>See Citation ¶28:</u> ▪ Lists numerous harms, including costs associated with “medical care, therapeutic and prescription drugs, and other treatment for patients suffering from opioid-related addiction, overdoses, or disease, or from medical conditions exacerbated by opioid abuse” and “expenditures for Medicaid” and “emergency room care.” ▪ <i>See also</i> Section II. of Purdue’s Reply (addressing State’s knowledge of opioid abuse). <p><u>Alternate Form of Discovery</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section III. of Purdue’s Reply.
<p><u>Topic 22:</u> Complaints, reports, or petitions submitted from any source to the Utah Division of Consumer Protection.</p>	<ul style="list-style-type: none"> ▪ Division objects to topic in full (<i>see</i> Div.’s Opp. at 2). ▪ Objection: Irrelevant (<i>see</i> Div.’s Opp. at 6, 9). ▪ Objection: better suited for document discovery (<i>see</i> Div.’s Opp. at 12). 	<p><u>Relevance:</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section I. of Purdue’s Reply. ▪ <u>See Citation ¶13:</u> ▪ “This epidemic has drained State resources from the criminal justice, social services, welfare, education, and healthcare system.” ▪ <i>See also</i> Section II. of Purdue’s Reply (addressing State’s knowledge of opioid abuse). <p><u>Alternate Form of Discovery</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section III. of Purdue’s Reply.
<p><u>Topic 23:</u> The Attorney General Office’s knowledge of the May 2007 Guilty Plea</p>	<ul style="list-style-type: none"> ▪ Division objects to topic in full (<i>see</i> Div.’s Opp. at 2). 	<p><u>State’s Knowledge</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section II. of Purdue’s Reply. <p><u>Privilege</u></p>

<p>Agreement in the matter of <i>United States v. The Purdue Frederick Co., Inc.</i>, 1:07-cr-29 (W.D. Va. May 10, 2007).</p>	<ul style="list-style-type: none"> ▪ Objection: State' knowledge irrelevant (<i>See</i> Div.'s Opp. at 11). ▪ Objection: Privileged (<i>See</i> Div.'s Opp. at 12). ▪ Objection: Better suited for document discovery (<i>See</i> Div.'s Opp. at 12). 	<ul style="list-style-type: none"> ▪ <i>See</i> Section IV. of Purdue's Reply. <p><u>Alternate Form of Discovery</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section III. of Purdue's Reply.
<p><u>Topic 24:</u> The policies, procedures, operations, and activities associated with Utah's Medicaid program related to prescription pain medications.</p>	<ul style="list-style-type: none"> ▪ Division objects to topic in full (<i>see</i> Div.'s Opp. at 2). ▪ Objection: Irrelevant (<i>see</i> Div.'s Opp. at 6, 9). ▪ Objection: Better suited for document discovery (<i>See</i> Div.'s Opp. at 12). 	<p><u>Relevance:</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section I. of Purdue's Reply. ▪ <u>See Citation ¶13:</u> ▪ "This epidemic has drained State resources from the criminal justice, social services, welfare, education, and healthcare system." ▪ <i>See also</i> Section II. of Purdue's Reply (addressing State's knowledge of opioid abuse). <p><u>Alternate Form of Discovery</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section III. of Purdue's Reply.
<p><u>Topic 25:</u> The policies, procedures, operation, and activities associated with the Utah Employee Benefits and Insurance Program related to prescription pain medications.</p>	<ul style="list-style-type: none"> ▪ Division objects to topic in full (<i>see</i> Div.'s Opp. at 2). ▪ Objection: Irrelevant (<i>see</i> Div.'s Opp. at 6, 9). 	<p><u>Relevance:</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section I. of Purdue's Reply. ▪ <u>See Citation ¶13:</u> ▪ "This epidemic has drained State resources from the criminal justice, social services, welfare, education, and healthcare system."

	<ul style="list-style-type: none"> ▪ Objection: Better suited for document discovery (<i>See</i> Div.’s Opp. at 12). 	<ul style="list-style-type: none"> ▪ <i>See also</i> Section II. of Purdue’s Reply (addressing State’s knowledge of opioid abuse). <p><u>Alternate Form of Discovery</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section III. of Purdue’s Reply.
<p><u>Topic 26:</u> The policies, procedures, operations, and activities associated with the Utah Workers’ Compensation Insurance related to prescription pain medications.</p>	<ul style="list-style-type: none"> ▪ Division objects to topic in full (<i>see</i> Div.’s Opp. at 2). ▪ Objection: Irrelevant (<i>see</i> Div.’s Opp. at 6, 9). ▪ Objection: Better suited for document discovery (<i>See</i> Div.’s Opp. at 12). 	<p><u>Relevance:</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section I. of Purdue’s Reply. ▪ <u>See Citation ¶13:</u> ▪ “This epidemic has drained State resources from the criminal justice, social services, welfare, education, and healthcare system.” ▪ <i>See also</i> Section II. of Purdue’s Reply (addressing State’s knowledge of opioid abuse). <p><u>Alternate Form of Discovery</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section III. of Purdue’s Reply.
<p><u>Topic 27:</u> The policies, procedures, operations, and activities associated with the Children’s Health Insurance Program related to prescription pain medications.</p>	<ul style="list-style-type: none"> ▪ Division objects to topic in full (<i>see</i> Div.’s Opp. at 2). ▪ Objection: Irrelevant (<i>see</i> Div.’s Opp. at 6, 9). ▪ Objection: Better suited for document discovery (<i>See</i> Div.’s Opp. at 12). 	<p><u>Relevance:</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section I. of Purdue’s Reply. ▪ <u>See Citation ¶13:</u> ▪ “This epidemic has drained State resources from the criminal justice, social services, welfare, education, and healthcare system.” ▪ <i>See also</i> Section II. of Purdue’s Reply (addressing State’s knowledge of opioid abuse). <p><u>Alternate Form of Discovery</u></p>

<p><u>Topic 28:</u> The State's funding of addiction or overdose treatment and/or prevention.</p>	<ul style="list-style-type: none"> ▪ Division objects to topic in full (<i>see</i> Div.'s Opp. at 2). ▪ Objection: Irrelevant (<i>see</i> Div.'s Opp. at 6, 9). 	<ul style="list-style-type: none"> ▪ <i>See</i> Section III. of Purdue's Reply. <p><u>Relevance:</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section I. of Purdue's Reply. ▪ <u>See Citation ¶13:</u> ▪ "This epidemic has drained State resources from the criminal justice, social services, welfare, education, and healthcare system." ▪ <u>See Citation ¶28:</u> ▪ Lists numerous harms, including costs associated with "<i>medical care...treatment of infants born with opioid-related addiction or medical conditions...law enforcement and public safety measures...welfare for children....Medicaid [expenditures]...[and] emergency room care.</i>" ▪ <i>See also</i> Section II. of Purdue's Reply (addressing State's knowledge of opioid abuse). <p><u>Alternate Form of Discovery</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section III. of Purdue's Reply.
<p><u>Topic 29:</u> The State's knowledge, collection, investigation, and analysis of facts and data related to Neonatal Abstinence Syndrome.</p>	<ul style="list-style-type: none"> ▪ Division objects to topic in full (<i>see</i> Div.'s Opp. at 2). ▪ Objection: State' knowledge irrelevant (<i>See</i> Div.'s Opp. at 12). ▪ Objection: Better suited for document discovery (<i>See</i> Div.'s Opp. at 12). 	<p><u>Relevance:</u></p> <ul style="list-style-type: none"> ▪ <i>See</i> Section I. of Purdue's Reply. ▪ <u>See Citation ¶13:</u> ▪ "This epidemic has drained State resources from the criminal justice, social services, welfare, education, and healthcare system." ▪ <u>See Citation ¶28:</u>

		<ul style="list-style-type: none"> ▪ Lists numerous harms, including costs associated with “<i>treatment of infants born with opioid-related addiction or medical conditions.</i>” <p><u>State’s Knowledge</u></p> <ul style="list-style-type: none"> ▪ See Section II. of Purdue’s Reply. <p><u>Alternate Form of Discovery</u></p> <ul style="list-style-type: none"> ▪ See Section III. of Purdue’s Reply.
<p><u>Topic 30:</u> Crimes in Utah and/or changes in crime rates that the State believes are associated with prescription pain medications.</p>	<ul style="list-style-type: none"> ▪ Division partially objects to topic (<i>see</i> Div.’s Opp. at 2). ▪ Objection: Irrelevant (<i>see</i> Div.’s Opp. at 6, 9). 	<p><u>Relevance:</u></p> <ul style="list-style-type: none"> ▪ See Section I. of Purdue’s Reply. ▪ <u>See Citation ¶13:</u> ▪ “This epidemic has drained State resources from the <i>criminal justice</i>, social services, welfare, education, and healthcare system.” ▪ <u>See Citation ¶28:</u> ▪ Lists numerous harms, including costs associated with “<i>law enforcement and public safety measures necessitated by the opioid crisis</i>” an “opioid-related counseling and rehabilitation services.” ▪ See also Section II. of Purdue’s Reply (addressing State’s knowledge of opioid abuse). <p><u>Alternate Form of Discovery</u></p> <ul style="list-style-type: none"> ▪ See Section III. of Purdue’s Reply.

Exhibit B

E-FILE

At IAS Term, Part 48, of the Supreme Court of the State of New York, held in and for the County of Suffolk at Central Islip, New York on the 13th day of August, 2019.

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK**

IN RE OPIOID LITIGATION

DECISION and ORDER

INDEX NO.: 400000/2017

Hon. Jerry Garguilo

THIS DOCUMENT RELATES TO ALL CASES

Before the Court is a dispute concerning which New York State offices and agencies the Attorney General is required to search for documents responsive to defendants' document demands. On July 12, 2019 (NYSCEF Dkt. No. 1270) counsel for the Manufacturer and Distributor Defendants wrote to advise the Court of the existence of a discovery dispute concerning the position of the Attorney General that this action is brought on behalf of just eight offices and state agencies whose records must be searched in order to comply with defendants' document demands. Those eight agencies are the Office of Alcoholism and Substance Abuse Services, Office of Mental Health, Department of Corrections and Community Supervision, Department of Health, New York State Insurance Fund, Office of Children and Family Services, Department of Civil Service, and the New York State Police.

On July 15, 2019 (NYSCEF Dkt. No. 1271) the Attorney General corresponded with the Court, citing, primarily, *New York ex. rel. Boardman v. Nat'l v. R.R. Passenger Corp.*, 233 F.R.D. 259, 265-66 (N.Y.D.Y. 2006) (the "*Boardman Decision*"), in support of its position, and requesting a telephone conference. The telephone conference was conducted by the Court with counsel on July 22, 2019.

The parties requested the opportunity to file further submissions in support of their respective positions. Defendants submitted their arguments on July 26, 2019 (NYSCEF Dkt. Nos. 1321-1323) and August 6, 2019 (NYSCEF Dkt. No. 1383). The Attorney General submitted its arguments on August 2, 2019 (NYSCEF Dkt. No. 1361) and August 9, 2019 (NYSCEF Dkt. No. 1387).

The *Boardman Decision* relied upon by the State is easily distinguishable. In that case defendant sought document discovery from the Office of the State Comptroller, as though it were a party to the action. In denying such discovery, the federal court in the *Boardman Decision* said: "To summarize, the party to this action is DOT and the State of New York is just a nominal party. Further, OSC is not a party to this action." 233 F.R.D. at 270. Accordingly, the federal court ruled that the defendant therein had to proceed by means of a subpoena upon the Office of the State Comptroller.

In contrast, in the instant action the First Amended Complaint states that it is brought on behalf of "the People of the State of New York" (NYSCEF Dkt. No. 896, ¶31.) Nowhere in the 251 page, 900 paragraph, First Amended Complaint does it state that this action is brought only on behalf of specific state agencies or offices.

The issues framed by the pleadings determine the scope of discovery. *Mavroudis v. Statewide Insurance Company*, 102 A.D.2d 864 (2d Dep't 1984). The limitation urged by the Attorney General is not supported by the allegations framed in its pleadings. Moreover, the Court does not find the documents requested by the Manufacturer and Distributor Defendants disproportionate or unduly burdensome in view of the amount of damages sought by the State. Defendants are not required to subpoena specific state agencies or departments as suggested by the Attorney General.

Accordingly, the application of the Manufacturer and Distributor Defendants to overrule the objections of the Attorney General based upon its eight agencies and offices argument is granted. Such objections on the part of the Attorney General are overruled. The State shall search and produce documents from agencies likely to possess responsive documents, including those identified in defendants' July 26 letter (NYSCEF Dkt. Nos. 1321-1323).

ENTER:

8/13/19

Jerry Garguilo
J.S.C.

HON. JERRY GARGUILO

GRANTED

AUG 13 2019

Judith A. Pascale
CLERK OF SUFFOLK COUNTY

Exhibit C

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Attorneys for the Utah Division of Consumer Protection

**BEFORE THE DIVISION OF CONSUMER PROTECTION
OF THE UTAH DEPARTMENT OF COMMERCE**

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.

**DIVISION'S RESPONSES TO
PURDUE'S REQUEST FOR
PRODUCTION**

DCP Legal File No. CP-2019-005

DCP Case No. 107102

Initial Objections

1. The overwhelming majority of Purdue's Requests for Production (the "Requests") seek unreasonable amounts of documents, whether through volume of documents or through the

unreasonable window of time during which Purdue seeks "all documents." Generally, and continuing, the Division objects to Purdue's Requests as unduly burdensome, overbroad, disproportionate to the needs of the case, and irrelevant to the specific allegations in the Citation.

2. The Division objects to the Requests to the extent they purport to require the Division to provide information that is in the public domain, in Purdue's possession, or otherwise available to Purdue as easily from other sources as from the Division.
3. The Division objects to the Requests to the extent that they seek information that is confidential or that is protected from discovery as attorney work product and attorney-client communication, information gathered or prepared in anticipation of litigation, the public interest privilege, law enforcement privilege, public official privilege, and/or by any other privilege or immunity from disclosure (collectively, "Privileged Information").
4. The Division objects to the Requests to the extent they seek confidential investigative, personal, or health information in the Division's possession, custody, or control (collectively, "Confidential Information").
5. Any response stating that the Division will produce information shall be deemed followed by the phrase "as are within the Division's possession, custody, or control."
6. The Division objects to the Requests to the extent the Division has not yet completed its investigation of the facts relating to this action, has not yet completed its preparation for the adjudicative hearing, and has not yet received any discovery from Defendants. Accordingly, these responses are necessarily limited in nature, and reflect only that information known to the Division at this time.
7. The Division reserves the right to supplement, revise, correct, or clarify its responses and

objections.

Specific Responses and Objections

1. All Documents and Communications supporting Your allegation that Purdue made the alleged misrepresentations listed in Section I of the Division's Initial Disclosures.

Assertion of Privilege: Attorney client/Attorney work-product.

Response: Subject to the assertion of privilege, the Division answers that to the extent that any documents responsive to this Request exist, such documents shall be provided to Purdue in the Divisions exchange of documents. The Division reserves the right to supplement its response to this Request in the future.

2. All Documents and Communications relating to each alleged misrepresentation that forms the basis of Your allegations that Purdue violated the Utah Code as described in §§ 163-64 and 167-70 of the Citation.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The misrepresentations alleged by the Division took place over a span of several decades, and involved thousands of "documents and communications."

Response: Subject to and without waving the forgoing objection, the Division answers that to the extent that the Division is able to identify and locate documents and communications using reasonable searches responsive to this Request, the Division shall provide such documents and communications. The Division reserves the right to supplement its response to this Request in the future.

3. All Documents and Communications relating to the connection between (i) each alleged misrepresentation and/or misstatement identified in Request Nos. 1 and 2 and in Section I of

the Division's Initial Disclosures and (ii) the State of Utah.

Objection: The Division objects to this Request as vague, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The misrepresentations alleged by the Division took place over a span of several decades, and involved thousands of "documents and communications."

Response: Subject to and without waiving the forgoing objection, the Divisions answers that to the extent that the Division is able to identify and locate documents and communications using reasonable searches responsive to this Request, the Division shall provide such communications and documents. The Division reserves the right to supplement its response to this Request in the future.

4. All Documents and Communications relating to each alleged misstatement that forms the basis of Your allegations in ¶ 16 of the Citation.

Objection: The Division objects to this Request as vague, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The misrepresentations alleged by the Division took place over a span of several decades, and involved thousands of "documents and communications."

Response: Subject to and without waiving the forgoing objection, the Division answers that to the extent that the Division is able to identify and locate documents and communications using reasonable searches responsive to this Request, the Division shall provide such communications and documents. The Division reserves the right to supplement its response to this Request in the future.

5. All Documents and Communications relating to all harm to the State of Utah that forms the basis of Your allegations in ¶¶ 13, 19, 28, 32, and 123 of the Citation.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division has already provided Respondents with URLs for various studies identifying and quantifying the effects of the opioid epidemic on the United States and on Utah. Such statistical analyses and studies serve, in part, as the basis for The Division's claims of harm to the state of Utah.

Response: Subject to and without waiving the forgoing objection, the Divisions answers to the extent that the Division is able to identify and locate additional documents and communications responsive to this Request, the Division shall provide such communications and documents. The Division reserves the right to supplement its response to this Request in the future.

6. All Documents and Communications relating to the connection between the harm identified in Request No. 5 and the alleged misrepresentations or misstatements identified in Requests Nos. 1, 2, and 4, and Section I of the Division's Initial Disclosures.

Objection: The Division objects to this Request as seeking irrelevant causation information, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources.

Response: Subject to and without waiving the forgoing objection, the Division answers that to the extent that the Division is able to identify and locate relevant documents and communications responsive to this Request, the Division shall provide such communications and documents. The Division reserves the right to supplement its response to this Request in the future.

7. All Documents and Communications relating to each act that You allege was committed by Purdue that forms the basis of Your allegations of violations of the Utah Code in §§ 163, 164, 167-70 and 173-74 of the Citation.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. In addition, the Division directs Purdue to the misrepresentations already identified in its Initial Disclosures.

Response: Subject to and without waiving the forgoing objection, the Division answers that to the extent that the Division is able to identify and locate additional documents and communications responsive to this Request, the Division shall provide such communications and documents. The Division reserves the right to supplement its response to this Request in the future.

8. All Documents and Communications relating to the connection between each of the acts identified in Request No. 7 and the State of Utah.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. As the Division has extensively pled, each of the acts identified in Request No. 7 is inexorably connected to the State of Utah. The persistent bad acts have led to significant harms across the state, and the web of alleged misrepresentations undisputedly connects to these harms. To that extent, the Division objects to this Request as well for lacking specificity.

Response: Subject to and without waiving the forgoing objection, the Division answers that to the extent that the Division is able to identify and locate documents and communications using reasonable searches responsive to this Request, the Division shall provide such communications and documents. The Division reserves the right to supplement its response to this Request in the future.

9. All Documents and Communications relating to the alleged falsity of each misrepresentation or misstatement identified in Requests Nos. 1, 2, and 4 and in Section I of the Division's Initial Disclosures.

Response: To the extent that the Division is able to identify and locate documents and communications using reasonable searches responsive to this Request, the Division shall provide such communications and documents not otherwise subject to claims of privilege and confidentiality. The Division reserves the right to supplement its response to this Request in the future.

10. All Documents and Communications relating to the penalties You are seeking from Purdue, and the calculation that forms the basis for those penalties.

Assertion of Privilege: The Division objects to this Request to the extent it seeks information that is protected from discovery as attorney work product and attorney-client communications

Objection: The Division objects to the extent this Request calls for information that will be the subject of expert testimony, as expert reports will be produced in accordance with the Scheduling Order in place in this matter.

Response: Subject to and without waiving the foregoing assertion of privilege and objections, to the extent that the Division is able to identify and locate documents and communications using reasonable searches responsive to this Request, the Division shall provide such documents and communications. The Division reserves the right to supplement its response to this Request in the future.

11. All Documents and Communications relating to any approval or endorsement, or any withdrawal of approval or endorsement, of any Prescription Opioid by or in the State of Utah for the treatment of pain.

Objection: The Division objects to this Request as vague, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep

confidential and privileged and/or is protected from disclosure by statute.

Response: Subject to and without waiving the forgoing objection, the Division answers that to the extent that the Division is able to identify and locate documents and communications using reasonable searches responsive to this Request, the Division shall provide such documents and communications not otherwise subject to claims of privilege and confidentiality. The Division reserves the right to supplement its response to this Request in the future.

12. All Documents and Communications relating to the development or the implementation of procedures, policies or practices of the State of Utah relating to Prescription Opioids, including, without limitation, Utah Medicaid, health plans for State employees, and workers' compensation plans.

Objection: The Division objects to this Request as seeking irrelevant information, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute.

Response: Subject to and without waiving the forgoing objection, the Division answers that to the extent that the Division is able to identify and locate relevant documents and communications responsive to this Request, the Division shall provide such documents and communications not otherwise subject to claims of privilege and confidentiality. The Division reserves the right to supplement its response to this Request in the future.

13. All Documents and Communications reflecting or relating to the standards, guidelines, or policies applied by the State, or anyone acting on the State's behalf, in determining whether and on what terms to provide coverage, payment, or reimbursement (in full or in part), for

Opioids under any Program, including Utah Medicaid, health plans for State employees, and workers' compensation plans.

Objection: The Division objects to this Request as seeking irrelevant information, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute. Internal policy decisions and memoranda related to the shaping of policy are irrelevant to these proceedings.

Response: Subject to and without waiving the forgoing objections, the Division answers to the extent that the Division is able to identify and locate relevant documents and communications responsive to this Request, the Division shall provide such communications not otherwise subject to claims of privilege and confidentiality. The Division reserves the right to supplement its response to this Request in the future.

14. All Documents and Communications reflecting or relating to any discussion, review, or analysis by a formulary committee (or other equivalent committees or groups) concerning coverage of Opioids, including but not limited to the Drug Utilization Review Board and the Pharmacy and Therapeutics Committee.

Objection: The Division objects to this Request as seeking irrelevant information, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute.

Response: Subject to and without waiving the forgoing objection, the Division answer that

to the extent that the Division is able to identify and locate relevant documents and communications responsive to this Request, the Division shall provide such communications not otherwise subject to claims of privilege and confidentiality. The Division reserves the right to supplement its response to this Request in the future.

15. All Documents and Communications reflecting or relating to any discussion, review, or analysis of the State's Preferred Drug List and/or requiring prior authorization for any Opioid medication.

Objection: The Division objects to this Request as seeking irrelevant information, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute.

Response: Subject to and without waiving the forgoing objections, the Division answers that to the extent that the Division is able to identify and locate relevant documents and communications responsive to this Request, the Division shall provide such communications not otherwise subject to claims of privilege and confidentiality. The Division reserves the right to supplement its response to this Request in the future.

16. All Documents and Communications identifying, discussing, describing, or otherwise relating to the circumstances in which Opioid use is or is not medically necessary, reasonably required, or otherwise appropriate for the treatment of pain, whether chronic or non-chronic.

Objection: The Division objects to this Request as seeking irrelevant information, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this

Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute.

Response: Subject to and without waiving the forgoing objections, the Divisions answers that to the extent that the Division is able to identify and locate relevant documents and communications responsive to this Request, the Division shall provide such communications not otherwise subject to claims of privilege and confidentiality. The Division reserves the right to supplement its response to this Request in the future.

17. All Documents and Communications relating to the creation or modification of any therapeutic intervention, switching programs, or any other program intended to encourage Patients or Health Care Providers to use or switch to medications or treatments other than Opioids.

Objection: The Division objects to this Request as seeking irrelevant information, vague, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute.

Response: Subject to and without waiving the forgoing objections, the Division answers that to the extent that the Division is able to identify and locate relevant documents and communications responsive to this Request, the Division shall provide such communications. The Division reserves the right to supplement its response to this Request in the future.

18. All Documents and Communications concerning the risks, benefits, safety, side effects, or efficacy of Opioids, including Documents and Communications comparing the risks, benefits, safety, side effects, or efficacy of Opioids to one another or to non-Opioid treatments.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute.

Response: Subject to and without waiving the forgoing objection, the Division answers that to the extent that the Division is able to identify and locate documents and communications using reasonable searches responsive to this Request, the Division shall provide such communications. The Division reserves the right to supplement its response to this Request in the future.

19. All Documents and Communications reflecting or relating to any Agreement and/or contract entered into with any Vendor, including Agreements or contracts with prescription drug manufacturers that pertain directly to purchases of any Opioid, and any amendments or changes to Agreements or contracts with any Vendors relating to coverage, reimbursement, purchase, or prescription of any Opioid, including the administration or implementation of prescription drug benefits, drug utilization reviews, formularies, prior authorization programs, or other pharmacy-related services provided under any Programs.

Objection: The Division objects to this Request as seeking irrelevant information, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute. Specifically, any such Agreements requested in this Request would disclose confidential and proprietary information from vendors, contractors, and other businesses in the State of Utah.

Response: Subject to and without waiving the forgoing objection, the Division answers that to the extent that the Division is able to identify and locate relevant documents and communications responsive to this Request, the Division shall provide such communications. The Division reserves the right to supplement its response to this Request in the future.

20. All Documents and Communications relating to treatment guidelines that pertain, refer, or relate to conditions treated with Opioids, including Chronic Pain, acute pain, palliative care, cancer-related pain, and any indication approved by the FDA during the Relevant Time Period for any Opioid, including but not limited to the CDC Guideline for Prescribing Opioids for Chronic Pain, the Federation of State Medical Board Guidelines, the AAPM/APS Guidelines, and/or the Utah Clinical Guidelines on Prescribing Opioids for Treatment of Pain.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute. Most of the documents requested by Purdue in this Request are outside the control and custody of the Division or the State of Utah, but may be obtained via internet search or written request to the entities identified in this Request.

Response: Subject to and without waiving the forgoing objections, the Division answer that to the extent that the Division is able to identify and locate documents and communications using reasonable searches responsive to this Request, the Division shall provide such communications. The Division reserves the right to supplement its response to this Request in the future.

21. All Documents and Communications relating to any response by or on behalf of the

State of Utah to the Abuse and Diversion of Prescription Opioids.

Objection: The Division objects to this Request as seeking irrelevant information, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute.

Response: Subject to and without waiving the forgoing objections, the Divisions answers that to the extent that the Division is able to identify and locate relevant documents and communications responsive to this Request, the Division shall provide such communications not otherwise subject to claims of privilege and confidentiality. The Division reserves the right to supplement its response to this Request in the future.

22. All Documents and Communications relating to determining causes of death resulting from overdoses caused by Prescription Opioids or non-prescription opioids (e.g., heroin or fentanyl), including, without limitation, Documents and Communications from the Utah Office of the Medical Examiner and the Utah Department of Health.

Objection: The Division objects to this Request as seeking irrelevant information, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute.

Response: Subject to and without waiving the forgoing objection, the Division answers that to the extent that the Division is able to identify and locate relevant documents and communications responsive to this Request, the Division shall provide such communications. The Division reserves

the right to supplement its response to this Request in the future.

23. All Documents and Communications relating to Health Care Providers in Utah who prescribe opioids to their patients in connection with the treatment of Chronic Pain.

Objection: The Division objects to this Request as seeking irrelevant information, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute. Further, the documents requested in this Request may be subject to claims of physician-patient privilege.

Response: Subject to and without waiving the forgoing objection, the Division answers that to the extent that the Division is able to identify and locate relevant documents and communications responsive to this Request, the Division shall provide such communications not otherwise subject to claims of privilege and confidentiality. The Division reserves the right to supplement its response to this Request in the future.

24. All Documents and Communications reflecting or relating to any Health Care Provider's decision whether to prescribe or dispense any Opioid.

Objection: The Division objects to this Request as seeking irrelevant information, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute. Further, the documents requested in this Request may be subject to claims of physician-patient privilege.

Response: Subject to and without waiving the forgoing objections, the Division answers that

to the extent that the Division is able to identify and locate relevant documents and communications responsive to this Request, the Division shall provide such communications. The Division reserves the right to supplement its response to this Request in the future.

25. All Documents and Communications evidencing a causal connection between Purdue's alleged wrongdoings, as described in the Citation, and any decision by any Health Care Provider to prescribe any Opioid.

Objection: The Division objects to this Request as seeking irrelevant information, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute. Further, the documents requested in this Request may be subject to claims of physician-patient privilege. The documents and communications requested in this Request are, in part, the self-same documents which the Division has alleged were misrepresentations of fact repeatedly made by Purdue in its marketing of opioids in the state.

Response: Subject to and without waiving the forgoing objections, the Division answers that to the extent that the Division is able to identify and locate relevant documents and communications responsive to this Request, the Division shall provide such communications not otherwise subject to claims of privilege and confidentiality. The Division reserves the right to supplement its response to this Request in the future.

26. All Documents and Communications relating to the processes, practices, procedures, standards, criteria, reports, studies, rules, regulations, or any other information concerning the prescribing or dispensing of Opioid prescriptions by a Health Care Provider or under any Program,

including any standards or procedures used by emergency rooms or urgent care facilities for prescribing or dispensing any Opioid.

Objection: The Division objects to this Request as seeking irrelevant information, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute. Further, the documents requested in this Request may be subject to claims of physician-patient privilege.

Response: Subject to and without waiving the forgoing objections, the Division answers that to the extent the Division is able to identify and locate relevant documents and communications responsive to this Request, the Division shall provide such communications. The Division reserves the right to supplement its response to this Request in the future.

27. All Documents and Communications relating to Patients in Utah who had been prescribed Prescription Opioids in connection with the treatment of Chronic Pain.

Objection: The Division objects to this Request as seeking irrelevant information, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute. Further, the documents requested in this Request may be subject to claims of physician-patient privilege.

28. All Documents and Communications identifying, referring to, or concerning any Patient who the Division alleges received, obtained, or was harmed by an Opioid prescription for which the Division seeks to hold Purdue liable.

Objection: The Division objects to this Request as seeking irrelevant information, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute. Further, the documents requested in this Request may be subject to claims of physician-patient privilege.

29. All Documents and Communications relating to interactions between any Person on behalf of the State of Utah with any of the alleged “Key Opinion Leaders” or “Front Groups,” including, without limitation, (i) Dr. Perry Fine, (ii) Dr. Lynn Webster, (iii) Dr. Russell Portenoy; (iv) the Federation of State Medical Boards; or (v) the Joint Commission on Accreditation of Healthcare Organizations.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute. Further, the documents requested in this Request may be subject to claims of physician-patient privilege.

Response: Subject to and without waiving the forgoing objections, the Division answers that to the extent that the Division is able to identify and locate documents and communications using reasonable searches responsive to this Request, the Division shall provide such communications not otherwise subject to claims of privilege and confidentiality. The Division reserves the right to supplement its response to this Request in the future.

30. All Documents and Communications relating to each prescription of a Prescription

Opioid in the State of Utah that You allege was prescribed as a result of Purdue's allegedly wrongful acts that would not otherwise have been prescribed, as alleged in ¶ 26 of the Citation.

Objection: The Division objects to this Request as seeking irrelevant information, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute. Further, the documents requested in this Request may be subject to claims of physician-patient privilege.

31. All Documents and Communications relating to the connection between each prescription identified in Request No. 29 and each misrepresentation, misstatement or act identified in Requests Nos. 1, 2, 4 and 7, and Section I of the Division's Initial Disclosures.

Objection: The Division object because there are not prescriptions identified in Request No. 20. The Division objects to this Request to the extent that this objection refers to Request No. 30. The Division further objects to the Request as seeking irrelevant information, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute. Further, the documents requested in this Request may be subject to claims of physician-patient privilege.

32. All Documents and Communications relating to each Person in the State of Utah that You allege was harmed due to Iatrogenic Addiction to Prescription Opioids manufactured by Purdue.

Objection: The Division objects to this Request as seeking irrelevant information, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this

Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute. Further, the documents requested in this Request may be subject to claims of physician-patient privilege.

33. All Documents and Communications relating to each instance of conduct by Purdue after February 2018 that You assert as a basis for a penalty in this Action.

Response: The Division answers that to the extent that the Division is able to identify and locate documents and communications using reasonable searches responsive to this Request, the Division shall provide such communications. The Division reserves the right to supplement its response to this Request in the future.

34. All Documents and Communications relating to Purdue's promotional spending for its Opioids and the impact of the same.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute. Additionally, such documents related to Purdue's promotional spending for Opioids most certainly remains in the custody and control of Purdue Respondents.

Response: Subject to and without waiving the forgoing objections, the Division answers that to the extent that the Division is able to identify and locate documents and communications using reasonable searches responsive to this Request, the Division shall provide such communications not otherwise subject to claims of privilege and confidentiality. The Division reserves the right to

supplement its response to this Request in the future.

35. All Documents and Communications relating to each individual (if any) who suffered an overdose death in Utah that You allege was caused by a Prescription Opioid sold by Purdue, including but not limited to information and other data from the Opioid Fatality Review Committee and Drug Monitoring Initiative, the Office of the Medical Examiner, and the Department of Health.

Objection: The Division objects to this Request as seeking irrelevant information, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute.

36. All Documents and Communications relating to each individual (if any) who suffered an overdose death in Utah that You allege was caused by an opioid product (legal or illegal) **and** at any time received a prescription for a Prescription Opioid sold by Purdue, including, without limitation, all documents relating to the cause of each individual's death and all prescriptions for Prescription Opioids written for said individual.

Objection: The Division objects to this Request as seeking irrelevant information, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute.

37. All Documents and Communications concerning statistics relating to Opioid Abuse or use of heroin or illicitly manufactured fentanyl or fentanyl-type drugs in Utah.

Objection: The Division objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of the case to the extent it requests “all documents and communications concerning statistics.” The Division also objects to this Request to the extent it already produced relevant documents and/or a link to relevant documents in its Initial Disclosures.

Response: To the extent that the Division is able to identify and locate additional documents and communications responsive to this Request, the Division shall provide such communications not otherwise subject to claims of privilege and confidentiality. The Division reserves the right to supplement its response to this Request in the future.

38. All Documents and Communications relating to the number of overdose deaths in Utah that the State of Utah or any of its subdivisions contends was caused by each of the following categories of substances in each year since 1996: (i) oxycodone alone; (ii) hydrocodone alone;

(iii) morphine alone; (iv) methadone alone; (v) a combination of any prescription opioids and other prescription drugs or legal substances (e.g., benzodiazepines or alcohol); (vi) a combination of prescription opioids and either heroin or fentanyl or other synthetic opioids; and (vii) heroin, fentanyl, or other synthetic opioids, but not Prescription Opioids.

Objection: The Division objects to this Request as overbroad and unduly burdensome, as a full response to this Request would require unreasonable amounts of time and resources. There is ample public information available concerning the opioid epidemic in Utah and the lives lost, and that information is equally available to Purdue. The Division further objects to this Request as duplicative of Requests Nos. 22 and 37. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute.

Response: Subject to and without waiving the forgoing objections, the Division answers that

to the extent that the Division is able to identify and locate documents responsive to this Request using reasonable searches, the Division shall provide such communications. The Division reserves the right to supplement its response to this Request in the future.

39. All Documents and Communications relating to any studies or data conducted, maintained, or obtained by the State or the State's divisions, subdivisions, or Agencies relating to Opioids or Opioid addiction, use, Abuse, or overdose, including without limitation sales data, cost-benefit studies, pharmacoeconomic studies, and studies or data concerning overdoses or prescription drug use or Abuse.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. There is ample public information available concerning the opioid epidemic in Utah and the lives lost, and that information is equally available to Purdue. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute. The Division also objects to the extent the Request is cumulative and duplicative of other requests such as Request No. 5.

Response: Subject to and without waiving the forgoing objections, the Division answer that to the extent that the Division is able to identify and locate documents and communications using reasonable searches responsive to this Request, the Division shall provide such communications not otherwise subject to claims of privilege and confidentiality. The Division reserves the right to supplement its response to this Request in the future.

40. All Documents and Communications concerning clinical files maintained by You or on Your behalf for any Opioid, including but not limited to, all publications, articles, studies, clinical

trials, and scientific literature related to Opioids.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute. The Division further objects to this request as vague and ambiguous, as “clinical files” are undefined. The Division also objects to this Request to the extent it is cumulative and duplicative of Requests such as Nos. 1, 5, and 39.

41. All Documents and Communications with Utah counties, cities, and other local government bodies and their agencies concerning Opioids.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute. The Division objects to the request as vague and ambiguous, as “Documents . . . with” the entities listed is unclear. Further, the Division objects to this Request, as communications with the entities listed are not relevant.

42. All Documents and Communications relating to any system or service used by the State or on the State’s behalf to monitor, evaluate, assess, or otherwise examine prescribing activities and use of Opioids or potentially suspicious prescribing in the State, including Documents and Communications concerning the use of the State's prescription monitoring program registry, the Controlled Substances Database Program.

Objection: The Division objects to this Request not relevant and as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged or which is protected from disclosure by state or federal statute, including but not limited to, the federal Health Insurance Portability and Accountability Act ("HIPAA") and Title 42, Part 2 of the Code of Federal Regulations. or other privilege.

Response: Subject to and without waiving the forgoing objections, the Division answers that to the extent that the Division is able to identify and locate documents and communications using reasonable searches responsive to this Request, the Division shall provide such communications. The Division reserves the right to supplement its response to this Request in the future.

43. All Documents and Communications providing information and/or training for use of the State's prescription drug monitoring program, the Controlled Substances Database, including continuing medical education materials.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged. The Division further objects to this request as not relevant to any issue in this action.

44. All Documents and Communications exchanged within or between the State and any Non-Party concerning Subject Opioids, the treatment of Chronic Pain, Purdue, any Manufacturer or Distributor, or any act or practice that Plaintiff alleges was negligent, deceptive, in violation of

any law or statute, or otherwise wrongful.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged. The Division further objects because the allegation here concern the Respondents and the Respondents' statutory violations. Any negligence, statutory violation, or wrongful practice of any third party is not at issue in this action, and any Documents and Communications sought, if they existed would not be relevant. Communications with third-parties concerning third parties are similarly irrelevant. The Division further objects to the extent that this request seeks to intrude on any law enforcement, investigatory, work product, or other privilege. The Division objects to this request as vague, as Documents and Communications "within . . . the State" is ambiguous. The Division also objects to the extent this Request calls for Confidential Information not in its possession and protected by privacy laws, including but not limited to, the federal Health Insurance Portability and Accountability Act ("HIPAA") and Title 42, Part 2 of the Code of Federal Regulations.

45. All Documents and Communications relating to each allegation in the Citation.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. Documents responsive to this overbroad Request have been provided in response to the other 73 Requests for Documents. The Division reserves the right to supplement its response to this Request in the future.

Response: The Division will produce source documents to the extent those docs are not

already in the possession of Purdue.

46. All Documents and Communications You have produced to other Respondents in this litigation.

Response: No such documents exist. The Division reserves the right to supplement its response to this Request in the future.

47. All Documents and Communications relating to any actions by the Division or the State to regulate Opioids or address any addiction, Abuse, or overdoses allegedly associated with use of Opioids, heroin, and/or illicitly manufactured fentanyl and fentanyl-type drugs.

Objection: The Division objects to this Request as not relevant and overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged. The Division also objects to the extent this Request calls for Confidential Information protected by privacy laws, including but not limited to, the federal Health Insurance Portability and Accountability Act ("HIPAA") and Title 42, Part 2 of the Code of Federal Regulations.

Response: Subject to and without waiving the forgoing objections, the Division answers that to the extent that the Division is able to identify and locate non-privileged documents and communications using reasonable searches responsive to this Request, the Division shall provide such communications. The Division reserves the right to supplement its response to this Request in the future.

48. All Documents and Communications reflecting or concerning public statements by the Division or the State relating to Opioids, the treatment of Chronic Pain, Purdue, the messages or

materials You claim were false, or this litigation.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged. The public statements Purdue seeks are public and thus equally available to Purdue, and any other information sought is not relevant or proportional to the needs of the case.

49. All Documents and Communications relating to any educational efforts the Division or anyone acting on the Division's behalf sponsored or engaged in pertaining to Opioids, heroin, or illicitly manufactured fentanyl and fentanyl-type drugs, including but not limited to the Misuse or Abuse of or addiction to such drugs.

Objection: The Division objects to this Request as not relevant, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged. The public statements Purdue seeks are public and thus equally available to Purdue, and any other information sought is not relevant or proportional to the needs of the case.

Response: Subject to and without waiving the forgoing objections, the Divisions answers that to the extent that the Division is able to identify and locate documents and communications using reasonable searches responsive to this Request, the Division shall provide such communications not otherwise subject to claims of privilege and confidentiality. The Division reserves the right to supplement its response to this Request in the future.

50. All Documents and Communications relating to any activity or effort by the State or on the State's behalf to address, remedy, solve, or otherwise attend to the alleged public health crisis, including all efforts by the State to treat, reduce, or prevent Opioid Abuse, unlawful Opioid prescribing and dispensing, and the manufacture, trafficking, distribution, sale, or use of heroin, illicitly manufactured fentanyl and fentanyl-type drugs, and substances containing those drugs.

Objection: The Division objects to this Request as not relevant, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged.

Response: Subject to and without waving the forgoing objections, the Division answers that to the extent that the Division is able to identify and locate documents and communications using reasonable searches responsive to this Request, the Division shall provide such communications. The Division reserves the right to supplement its response to this Request in the future.

51. All Documents and Communications concerning Opioids, heroin, illicitly manufactured fentanyl and fentanyl-type drugs, and Misuse, Diversion, Abuse, addiction, overdose, or death, including Documents and Communications relating to the State's awareness of any such issues, the State's analysis of any such issues, or meetings, presentations, or proposals involving the State and any such issues.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep

confidential and privileged and/or information protected from disclosure by statute or regulation. The Division also objects to this Requests inasmuch as it seeks sensitive law enforcement information which could endanger lives or jeopardize active investigations. The Division also objects to this request as not relevant to the issues in this action, to the extent it seeks information concerning the State's "awareness" or "analysis." The Division further objects to this request as largely duplicative and cumulative of Purdue's 50 earlier Requests.

Response: Subject to and without waiving the forgoing objections, the Division answers that to the extent that the Division is able to identify and locate documents and communications using reasonable searches responsive to this Request, the Division shall provide such communications not otherwise subject to claims of privilege and confidentiality and limited to the related documents the Division has not produced previously. The Division reserves the right to supplement its response to this Request in the future.

52. All Documents and Communications concerning Opioids relating to any public information campaign or task force, including but not limited to for each such campaign or task force any meeting minutes, agendas, presentations, white paper or other memoranda, press releases, advertisements, advertising contracts, requests for proposals or bids, organizational charts, documents from all tasks force or campaign members, budgeting, and financing.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged. The Division also objects to this Requests inasmuch as it seeks sensitive law enforcement information which could endanger lives or jeopardize active investigations.

Response: To the extent that the Division is able to identify and locate documents and communications responsive to this Request, the Division shall provide such communications. The Division reserves the right to supplement its response to this Request in the future.

53. All Documents and Communications reflecting or concerning statements by the Division or the State relating to efforts to prevent the public or Health Care Providers in Utah from being misled by Purdue's alleged statements.

Objection: The Division objects to this Request as not relevant, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged.

Response: To the extent that the Division is able to identify and locate documents and communications using reasonable searches responsive to this Request, the Division shall provide such communications not otherwise subject to claims of privilege and confidentiality. The Division reserves the right to supplement its response to this Request in the future.

54. All Documents and Communications relating to any educational efforts the Division or anyone acting on the Division's behalf sponsored or engaged in pertaining to Continuing Medical Education for Health Care Providers, including but not limited to programs sponsored, presented, or maintained by the Utah Department of Commerce, Division of Occupational and Professional Licensing; the Utah Medical Association; and/or the Utah Coalition for Opioid Overdose Prevention (previously known as Pharmaceutical Drug Crime Project and Drug Community Project).

Objection: The Division objects to this Request as overbroad, cumulative, duplicative, overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response

to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged.

Response: To the extent that the Division is able to identify and locate documents and communications using reasonable searches responsive to this Request, the Division shall provide such communications not otherwise subject to claims of privilege and confidentiality. The Division reserves the right to supplement its response to this Request in the future.

55. All Documents and Communications with or relating to Purdue concerning Opioids, the Marketing of Opioids, or any Educational Activity.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged. The scope of the Request as written encompasses nearly every document and communication in which opioids are referenced or discussed. The Division reserves the right to supplement its response to this Request in the future. The Division further objects to this Request, as Marketing or Education Activities by parties other than the Respondents is not relevant or proportional to the needs of the case.

Response: Subject to and without waiving the forgoing objection, the Divisions answers that it will produce non-privileged documents related to Purdue, the Sacklers and their marketing.

56. All Documents and Communications concerning any complaint, inquiry, disciplinary matter, investigation, or enforcement action relating to Educational Activities or the Marketing, sale, distribution, prescribing, or use of any Opioid in the State, including documents

sufficient to identify any Person arrested, indicted, charged, fined, or otherwise penalized for any activity relating to Educational Activities or the Marketing, sale, distribution, prescribing, or use of any Opioid.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged. The Division also objects to this Requests inasmuch as it seeks sensitive law enforcement information which could endanger lives or jeopardize active investigations and because the request seeks the production of documents or information protected from disclosure by the law enforcement investigatory privilege, Utah laws governing the secrecy of the State Grand Jury. The Division objects to this Request to the extent it seeks disclosure of information that is protected from disclosure by state or federal statute, including but not limited to, the federal Health Insurance Portability and Accountability Act ("HIPAA") and Title 42.

57. All Documents concerning investigations, arrests, or attempts by You or any Agency of the State of Utah to identify drug abusers or Health Care Providers involved in any unlawful activity relating to Opioids, including but not limited to the Utah Department of Commerce, Division of Occupational and Professional Licensing; the Opioid Task Force; or the Utah State Bureau of Investigation.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep

confidential and privileged. The Division also objects to this Requests inasmuch as it seeks sensitive law enforcement information which could endanger lives or jeopardize active investigations and because the request seeks the production of documents or information protected from disclosure by the law enforcement investigatory privilege, Utah laws governing the secrecy of the State Grand Jury. The Division objects to this Request to the extent it seeks disclosure of information that is protected from disclosure by state or federal statute, including but not limited to, the federal Health Insurance Portability and Accountability Act ("HIPAA") and Title 42.

58. All Documents relating to disciplinary matters, investigations, complaints or other inquiries into prescribing practices of any Health Care Provider relating to Opioids, including but not limited to Documents and Communications to or from the Utah Department of Commerce, Division of Occupational and Professional Licensing regarding unprofessional conduct, failure of a Health Care Provider to check the prescription drug monitoring program database, and/or notices issued to notify Health Care Providers of a patient's death and/or treatment for drug poisoning or overdose.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged. The Division also objects to this Requests inasmuch as it seeks sensitive law enforcement information which could endanger lives or jeopardize active investigations.

Response: Subject to and without waiving the forgoing objections, the Division answers that it is engage in meet and confer with Purdue to narrow the scope of the Request. The Division reserves the right to supplement its response to this Request in the future.

59. All Documents and Communications concerning the Division or the State of Utah's

investigations of other Manufacturers and/or Distributors of Opioids who are not a party to this action.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute. The Division also objects to this Requests inasmuch as it seeks sensitive law enforcement information which could endanger lives or jeopardize active investigations. The Division further objects to this Request as investigations of manufacturers and distributors other than Respondents is not relevant to this action.

60. All Documents and Communications concerning the State's prosecutorial policies concerning Opioids, heroin, and illicitly manufactured fentanyl and fentanyl-type drugs.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute. The Division further objects to this Request as not relevant to the issues in this action.

. The Division reserves the right to supplement its response to this Request in the future.

61. All Documents and Communications concerning the State's sentencing guidelines concerning crimes related to Opioids, heroin, and illicitly manufactured fentanyl and fentanyl-type drugs.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case. The Division further objects to this Request to the extent

that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute. The Division also objects to this Requests inasmuch as it seeks sensitive law enforcement information which could endanger lives or jeopardize active investigations. The Division further objects to this Request as not relevant to the issues in this action.

62. All Documents and Communications relating to Neonatal Abstinence Syndrome (“NAS”) births in the State during the Relevant Time Period, including the (i) year and (ii) particular Opioid(s) at issue, including the quantity, dosage, and brand or trade name, if any.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent it seeks information in the public domain and already equally available to Purdue.

Response: Subject to and without waving the forgoing objection, the Division answers that to the extent that the Division is able to identify and locate documents and communications using reasonable searches responsive to this Request, the Division shall provide such communications. The Division reserves the right to supplement its response to this Request in the future.

63. All Documents and Communications relating to the State’s treatment of incarcerated individuals with Opioids, availability of treatment for addiction while incarcerated (including medication-assisted treatment), and availability of addiction treatment post-release.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep

confidential and privileged and/or is protected from disclosure by statute. The Division also objects to this Requests inasmuch as it seeks information which may be protected under physician-patient privilege. The Division objects to the request as vague and ambiguous to the extent it seeks materials related to "the State's treatment of incarcerated individuals with Opioids." The Division objects to this Request to the extent it seeks documents and information not in the State's possession, custody, and control. The Division objects to this Request as seeking information not relevant to the issues in this case.

64. All Documents and Communications relating to the State's use of Naloxone to treat drug overdose and prevent overdose deaths.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute. The Division also objects to this Requests inasmuch as it seeks information which may be protected under physician-patient privilege or which is protected from disclosure by state or federal statute, including but not limited to, the federal Health Insurance Portability and Accountability Act ("HIPAA") and Title 42, Part 2 of the Code of Federal Regulations, or other privilege.

65. Participant-level Claims Data showing the full Medicaid or other Program Claims history for prescriptions and other health care services submitted to Medicaid or any other Program, whether reimbursed or not, for all Patients who received a prescription for one or more Opioids.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require

unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute. The Division also objects to this Requests inasmuch as it seeks information which may be protected under physician-patient privilege or which is protected from disclosure by state or federal statute, including but not limited to, the federal Health Insurance Portability and Accountability Act ("HIPAA") and Title 42, Part 2 of the Code of Federal Regulations, or other privilege. The Division further objects to this request as such Claims Data is not relevant to the issues in this action.

66. All Documents and Communications reflecting, identifying, or relating to each Opioid prescribed for a Patient or distributed within the State, including Claims Data for Opioid prescriptions and costs relating to Opioid prescriptions, Documents reviewed or relied upon in evaluating or deciding on the Claim, Communications with claimants or Health Care Providers, and paper or electronic claim forms relating to Claims.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division also objects to this Requests inasmuch as it seeks information which may be protected under physician-patient privilege. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or is protected from disclosure by statute, including but not limited to, the federal Health Insurance Portability and Accountability Act ("HIPAA") and Title 42, Part 2 of the Code of Federal Regulations, or other privilege. The Division further objects to this Request as such individualized prescription information is not relevant to the issues in this action.

67. All Documents and Communications reflecting, identifying, or relating to each Claim submitted under any Program for payment or reimbursement, in full or in part, of an Opioid prescribed for non-Chronic Pain, including Claims Data, Documents reviewed or relied upon in evaluating or deciding on the Claim, Communications with claimants or Health Care Providers, and paper or electronic claim forms relating to such Claims.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division also objects to this Requests inasmuch as it seeks information which may be protected under physician-patient privilege. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged and/or which is protected from disclosure by state or federal statute, including but not limited to, the federal Health Insurance Portability and Accountability Act ("HIPAA") and Title 42, Part 2 of the Code of Federal Regulations, or other privilege. The Division further objects to this Request as such individualized prescription or claims information is not relevant to the issues in this action.

68. All Documents and Communications relating to the Utah agency employees or other professionals or academics in Utah who have studied, written about, or are otherwise knowledgeable about the opioid abuse crisis in Utah, as identified in Section II of Your Initial Disclosures.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division objects to this Requests to the extent it seeks Documents and Communications protected by the attorney-client privilege, work product

privilege, or other applicable privilege. The Division further objects to this Request to the extent it seeks information in the public domain and already equally available to Purdue.

Response: Subject to and without waving the forgoing objection, the Division answers that to the extent that the Division is able to identify and locate non-privileged documents and communications using reasonable searches responsive to this Request, the Division shall provide such communications. The Division reserves the right to supplement its response to this Request in the future.

69. All Documents and Communications relating to Angela Stander and Opioids.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division objects to this Requests to the extent it seeks Documents and Communications protected by the attorney-client privilege, work product privilege, or other applicable privilege.

Response: Subject to and without waving the forgoing objection, the Division answers that to the extent that the Division is able to identify and locate documents and communications using reasonable searches responsive to this Request, the Division shall provide such communications. The Division reserves the right to supplement its response to this Request in the future.

70. All Documents and Communications relating to the Purdue sales representatives identified in Section II of Your Initial Disclosures.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division objects to this Request to the extent it seeks Documents and Communications protected by the attorney-client privilege, work product

privilege, or other applicable privilege. The Division objects to this Request as seeking information already in Purdue's possession, custody and control.

Response: Subject to and without waving the forgoing objection, the Division refers Purdue to its production of documents in MDL 2804.

71. All Documents and Communications relating to the "publicly available information and documents regarding the opioid epidemic in Utah compiled by Utah or federal agencies," including without limitation Documents and Communications relating to the creation, revision, and dissemination of that publicly available information and documents, as identified in Section III of Your Initial Disclosures.

Objection: The Division objects to this Request as overbroad and unduly burdensome and disproportionate to the needs of the case, as a full response to this Request would require unreasonable amounts of time and resources. The Division further objects to this Request to the extent that it seeks privileged and confidential information which the Division has a duty to keep confidential and privileged. The Division further objects to this Request as vague and ambiguous and as appearing to seek materials outside the Division's possession, custody and control. The Division further objects to this Request as seeking Documents and Communications not relevant to the issues in this action.

Response: Subject to and without waving the forgoing objection, the Division answers that to the extent that the Division is able to identify and locate documents and communications using reasonable searches responsive to this Request, the Division shall provide such communications. The Division reserves the right to supplement its response to this Request in the future.

72. All Documents and Communications relating to settlements or agreements between the State or its attorneys and Drs. Lynn Webster, Perry Fine, and/or Russell Portenoy.

Assertion of Privilege: The Division objects to this Request as it seeks information protected by attorney-client privilege.

Objection: The Division further objects to this Request as ambiguous and as overbroad, irrelevant and seeking materials outside the State's possession, custody and control to the extent it seeks materials related to settlements or agreements by the State's "attorneys," to the extent that Request may be construed as referring to settlements or agreements on behalf of parties other than the State.

Response: Subject to and without waving the forgoing assertion of privilege, the Division answers that to the extent that the Division is able to identify and locate non-privileged documents and communications responsive to this Request, the Division shall provide such communications. The Division reserves the right to supplement its response to this Request in the future.

73. All Documents and Communications relating to settlements or agreements between the State or its attorneys and any of the Purdue sales representative identified in Section II of Your Initial Disclosures.

Objection: The Division objects to this Request as overbroad and unduly burdensome, The Division objects to this Request as it seeks information protected by attorney-client privilege or other applicable privilege. The Division further objects to this Request as ambiguous and as overbroad, irrelevant and seeking materials outside the State's possession, custody and control to the extent it seeks materials related to settlements or agreements by the State's "attorneys," to the extent that Request may be construed as referring to settlements or agreements on behalf of parties other than the State.

Response: Subject to and without waving the forgoing objection, the Division answers that to the extent that the Division is able to identify settlement agreements on behalf of the State

responsive to this Request. The Division reserves the right to supplement its response to this Request

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Counsel for the Division

CERTIFICATE OF SERVICE

I certify that I have served or will serve the foregoing document on the parties of record in this proceeding set forth below:

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Dated this 17th day of June, 2019.