

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

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

IN THE MATTER OF:

PURDUE PHARMA, L.P., a Delaware limited partnership; **PURDUE PHARMA, INC.**, a New York corporation; **THE PURDUE FREDERICK COMPANY**, a Delaware corporation; **RICHARD SACKLER, M.D.**, individually and as an owner, officer director, member, principal, manager and/or key employee of the above named entities; and **KATHE SACKLER, M.D.**, individually and as an owner, officer, director, member, principal, manager and/or key employee of the above named entities,

Respondents.

PRELIMINARY ORDER ON REQUEST FOR LEAVE TO ISSUE NOTICE OF ORAL AND VIDEO DEPOSITION OF THE STATE OF UTAH

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

DCP Case No. 107102

On July 31, 2019, Purdue Pharma L.P., The Purdue Frederick Company, Inc., and Purdue Pharma, Inc. (collectively “Purdue”), filed a Request for Leave to Issue Notice of Oral and Video Deposition of the State of Utah and for Expedited Consideration (the “Rule 30(b)(6) Request”). The Division of Consumer Protection (the “Division”) filed on August 8, 2019 its Partial Opposition to the Rule 30(b)(6) Request (the “Division’s Opposition”). Purdue’s reply memorandum (“Purdue Reply”) was filed on August 21, 2019.

U.A.C. R151-4-603(4) provides that Rule 30(b)(6) of the Utah Rules of Civil Procedure (the “URCP”) applies in administrative proceedings, and the procedures of Rule 30(b)(6) are a

prudent means for the parties to obtain discovery from the Division, as it is a governmental agency as referenced in Rule 30(b)(6).

Purdue's Notice of Oral and Video Deposition of the State of Utah includes as Exhibit "A" a list of 30 "Matters of Inquiry" ("Topics") to be explored in the Rule 30(b)(6) depositions. The Division's Opposition does not object generally to inquiry about Topics 3-6, 9, and 30, subject to requested limitations. The Division objects to Topics 1-2, 7-8, 10-14, and 28.

ANALYSIS

The Division's objections to Topics 1-2, 7-8, 10-14, and 28 and the recently filed Purdue Reply provide extensive arguments, some of which require consideration of detailed issues. It is essential, however, that as much discovery as possible is pursued in as timely a manner as possible. For these reasons, this preliminary order on the Rule 30(b)(6) Request is issued at this time on elements of the request that are straightforward and subject to immediate decision. A detailed order will subsequently issue on Topics 1-2, 7-8, 10-14, and 28.

Some concern exists regarding the relevance of budgetary information requested in Topics 3 and 9. However, in light of the allegations of ¶13 of the Citation (regarding the effect of the opioid epidemic on draining State resources "from criminal justice, social services and welfare, education and healthcare systems" and that "opioid abuse costs the citizens and State of Utah approximately \$238 million in healthcare costs each year"), it cannot be conclusively determined at this juncture that inquiry about these budgets is not likely to provide discoverable and relevant information related to the claims of the Division. These budgets are likely public documents that can be accessed in other ways. However, a witness may be appropriately asked questions about such budgets.

ORDER

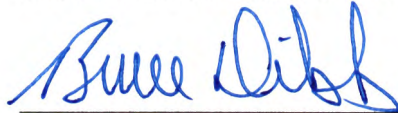
Based upon the request of Purdue, and good cause appearing,

IT IS HEREBY ORDERED that:

1. The oral and video deposition of the State of Utah through its chosen designated witnesses is approved as to Topics 3-6, 9 and 30.
2. The Division's objections as to certain aspects of Topics 3-6, 9 and 30 are overruled.
3. The depositions shall begin at 9:00 a.m. no later than Monday, September 9, 2019, unless the initial date of the depositions is otherwise mutually agreed to by all parties.
4. The Division shall designate the witnesses to give testimony no less than two business days prior to the first day of the depositions.
5. No one witness shall be required to give testimony for more than 7 hours on a single day.
6. Depositions regarding Topics 3-6, 9 and 30 shall be taken on consecutive days, except for weekends and Utah State holidays, but shall be for no more than an aggregate of 4 days, without further order of this Tribunal.

DATED August 23rd, 2019.

UTAH DEPARTMENT OF COMMERCE



Bruce L. Dibb, Presiding Officer

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of August, 2019, I served the foregoing on the parties of record in this proceeding by delivering a copy by electronic means to:

Chris Parker
Acting Director/Presiding Officer
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