

IN THE MATTER OF:)	
)	CONNECTICUT
PURDUE PHARMA L.P. , a Delaware)	SUPERIOR COURT
limited partnership; PURDUE PHARMA)	
INC. , a New York corporation; THE)	
PURDUE FEDERICK COMPANY , a)	(Pending in the District Court of the Third
Delaware corporation; RICHARD)	Judicial District in and for Salt Lake
SACKLER, M.D. , individually and as an)	County, State of Utah
owner, officer, director, member, principal,)	Civil No. 190906400)
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;)	August 23, 2019
)	
Respondents.)	

SUBPOENA AD TESTIFICANDUM

To: Mark Timney
195 Shore Road
Old Greenwich, CT 06870

By authority of the State of Connecticut, under Connecticut General Statutes §§ 52-148e(f) and 52-155(a) and Connecticut Practice Book §§ 13-26 *et seq.*, and pursuant to the August 22, 2019 Commission to Take Testimony by Deposition Outside the State of Utah, attached hereto as Exhibit 1, you are hereby commanded to appear for deposition to be held at 9:00 a.m. on the 28th day of August, 2019, and thereafter by adjournment until completed, at the Stamford Marriot Hotel & Spa, 243 Tressler Boulevard, Stamford, Connecticut 06901, or such other location and time upon which the parties may mutually agree, to testify to what you know in the above-captioned civil action pending in the District Court of the Third Judicial District in and for Salt Lake County, State of Utah. The deposition will be conducted upon oral examination and will be recorded stenographically and videotaped. The Deposition Subpoena of Mark Timney dated August 23, 2019 is attached hereto as Exhibit 2.

Hereof fail not, under penalty of law.

To any proper or indifferent person to serve and return.

Dated: August 23, 2019

By: 

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Attorneys for the State of Utah

CERTIFICATE OF SERVICE

I certify that on August 23, 2019, the foregoing Subpoena Ad Testificandum was served by electronic mail on the following counsel of record:

Bruce Dobb
bdobb@utah.gov
Administrative Law Judge

Timothy J. Bywater
tbywater@ck.law

Chris Parker
chrisparker@utah.gov
*Acting Director of the Utah Division of
Consumer Protection and Presiding Officer*

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Ann Saucer
asaucer@fn lawfirm.com

Misty Farris
mfarris@fnlawfirm.com

By: Jessica C. Colombo
Jessica C. Colombo

EXHIBIT 1

The Order of the Court is stated below:

Dated: August 22, 2019
03:13:19 PM

/s/ BARRY LAWRENCE
District Court Judge



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Kevin M. McLean (16101)
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SEAN D. REYES (7969)
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Attorneys for Utah Division of Consumer Protection

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
IN AND FOR SALT LAKE COUNTY, 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.

**COMMISSION TO TAKE
TESTIMONY BY DEPOSITION
OUTSIDE THE STATE OF UTAH**

Civil No. 190906400

Judge Barry Lawrence

TO: Maureen Pollard
4 Maple Brook Lane
Franklin, MA 02038

You are hereby commissioned by the Third Judicial District Court, Salt Lake County, State of Utah, to take the testimony by oral deposition of Mark Timney, whose last known address is 195 Shore Road, Old Greenwich, Connecticut, at a time and place designated by the attorney for the State of Utah, said testimony to be taken under oath and to be transcribed by you if ordered by any party to the above captioned proceedings.

-----END OF ORDER – SIGNATURE AT TOP OF FIRST PAGE-----

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EXHIBIT 2

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Attorneys for the Utah Division of Consumer Protection

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
IN AND FOR SALT LAKE COUNTY, 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 COMP ANY, 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.

**DEPOSITION SUBPOENA
(Mark Timney)**

Civil No. 190906400

Judge Barry Lawrence

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


1. You are commanded to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case, said method of recording the testimony to be by stenographic and videographic means.

PLACE OF DEPOSITION: LOCATION TO BE AGREED UPON
DATE AND TIME: DATE AND TIME TO BE AGREED UPON
METHOD OF RECORDING: STENOGRAPHIC AND VIDEO

2. A form of *Notice to Persons Served with a Subpoena* is attached to this Subpoena. The form explains your rights and obligations. If you are commanded to appear at a trial, hearing or deposition, a one-day witness fee must be served with this Subpoena. A one-day witness fee is \$18.50 plus \$1.00 for each 4 miles you have to travel over 50 miles (one direction).
3. You may object to this subpoena for one of the reasons listed in paragraph 6 of the Notice by serving a written objection upon the attorney listed at the bottom of this Subpoena. You must comply with any part of the Subpoena to which you do not object.
4. This Subpoena incorporates by reference all of the terms of the attached Subpoena issued August 14, 2019, to Mark Timney by the State of Utah, Division of Consumer Protection, DCP Legal File No. CP-2019-005, DCP Case No. 107102.

DATED this 23rd day of August, 2019.

RICHARDS BRANDT MILLER NELSON
A Professional Corporation

By: 
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Attorneys for the Utah Division of
Consumer Protection

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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.

DCP Legal File No. CP-2019-005

DCP Case No. 107102

**SUBPOENA FOR TAKING
DEPOSITION**

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

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

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

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

PLACE:	DATE AND TIME:

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

PREMISES:	DATE AND TIME:

AUTHORITY

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

ENFORCEMENT

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

By: *Breene Dobb*
Judge Dobb, Presiding Officer
Date: August 14th, 2019



Notice to Persons Served with a Subpoena

- (1) **Rights and responsibilities in general.** A subpoena is a court order whether it is issued by the court clerk or by an attorney as an officer of the court. You must comply or file an objection, or you may face penalties for contempt of court. If you are commanded to produce documents or tangible things, the subpoena must be served on you at least 14 days before the date designated for compliance. If you are commanded to appear at a trial, hearing, deposition, or other place, a one-day witness fee must be served with this subpoena. A one-day witness fee is \$18.50 plus \$1.00 for each 4 miles you have to travel over 50 miles (one direction). When the subpoena is issued on behalf of the United States or Utah, fees and mileage need not be tendered. The witness fee for each subsequent day is \$49.00 plus \$1.00 for each 4 miles you have to travel over 50 miles (one direction).
- (2) **Subpoena to copy and mail documents.** If the subpoena commands you to copy documents and mail the copies to the attorney or party issuing the subpoena, you must organize the copies as you keep them in the ordinary course of business or organize and label them to correspond with the categories in the subpoena. The party issuing the subpoena must pay the reasonable cost of copying the documents. You must mail with the copies a Declaration of Compliance with Subpoena stating in substance:
- (A) that you have knowledge of the facts contained in the declaration;
 - (B) that the documents produced are a full and complete response to the subpoena;
 - (C) that originals or true copies of the original documents have been produced; and
 - (D) the reasonable cost of copying the documents.

A Declaration of Compliance with Subpoena form is part of this Notice; you may need to modify it to fit your circumstances.

- (3) **Subpoena to appear.** If the subpoena commands you to appear at a trial, hearing, deposition, or for inspection of premises, you must appear at the date, time, and place designated in the subpoena. The trial or hearing will be at the courthouse in which the case is pending. For a deposition or inspection of premises, you can be commanded to appear in only the following counties:
- (A) If you are a resident of Utah, the subpoena may command you to appear or to produce documents, electronic records or tangible things or to permit inspection of premises in the county:
 - in which you reside;
 - in which you are employed;
 - in which you transact business in person; or
 - in which the court orders.
 - (B) If you are not a resident of Utah, the subpoena may command you to appear or to produce documents, electronic records or tangible things or to permit inspection of premises in the county:
 - in which you are served with the subpoena; or
 - in which the court orders.

- (4) **Subpoena to permit inspection of premises.** If the subpoena commands you to appear and to permit the inspection of premises, you must appear at the date, time, and place designated in the subpoena and do what is necessary to permit the premises to be inspected.
- (5) **Subpoena to produce documents or tangible things.** If the subpoena commands you to produce documents or tangible things, you must produce the documents or tangible things as you keep them in the ordinary course of business or organize and label them to correspond with the categories in the subpoena. The subpoena may require you to produce the documents at the trial, hearing, or deposition or to mail them to the issuing party or attorney. The party issuing the subpoena must pay the reasonable cost of copying and producing the documents or tangible things. You must produce with the documents or tangible things a Declaration of Compliance with Subpoena stating in substance:
- (A) that you have knowledge of the facts contained in the declaration;
 - (B) that the documents produced are a full and complete response to the subpoena;
 - (C) that originals or true copies of the original documents have been produced; and
 - (D) the reasonable cost of copying the documents.

A Declaration of Compliance with Subpoena form is part of this Notice; you may need to modify it to fit your circumstances.

- (6) **Objection to a subpoena.** You must comply with those parts of the subpoena to which you do not object. You may object to all or part of the subpoena if it:
- (A) fails to allow you a reasonable time for compliance (If you are commanded to produce documents or tangible things, the subpoena must be served on you at least 14 days before the date designated for compliance.);
 - (B) requires you, as a resident of Utah, to appear at a deposition or to produce documents, electronic records or tangible things or to permit inspection of premises in a county in which you do not reside, are not employed, or do not transact business in person, unless the judge orders otherwise;
 - (C) requires you, as a non-resident of Utah, to appear at a deposition or to produce documents, electronic records or tangible things or to permit inspection of premises in a county other than the county in which you were served, unless the judge orders otherwise;
 - (D) requires you to disclose privileged or other protected matter and no exception or waiver applies;
 - (E) requires you to disclose a trade secret or other confidential research, development, or commercial information;
 - (F) subjects you to an undue burden; or
 - (G) requires you to disclose an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study that was not made at the request of a party.
- (7) **How to object.** To object to the subpoena, serve the Objection to Subpoena on the party or attorney issuing the subpoena. The name and address of that person should appear in the upper left corner of the subpoena. You must do this before the date for compliance. An Objection to Subpoena form is part of this Notice; you may need to modify it to fit your circumstances. Once you have filed the objection, do not comply with the subpoena unless ordered to do so by the court.

- (8) **Motion to compel.** After you make a timely written objection, the party or attorney issuing the subpoena might serve you with a motion for an order to compel you to comply and notice of a court hearing. That motion will be reviewed by a judge. You have the right to file a response to the motion, to attend the hearing, and to be heard. You have the right to be represented by a lawyer. If the judge grants the motion, you may ask the judge to impose conditions to protect you.
- (9) **Organizations.** An organization that is not a party to the suit and is subpoenaed to appear at a deposition must designate one or more persons to testify on its behalf. The organization may set forth the matters on which each person will testify. URCP 30(b)(6).

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Attorneys for the Utah Division of Consumer Protection

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
IN AND FOR SALT LAKE COUNTY, 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 COMP ANY, 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.

**MARK TIMNEY'S
OBJECTION TO
SUBPOENA**

Civil No.

Judge

Instructions: URCP 45 limits the grounds for an objection. For each of the grounds other than (2) or (3) please provide a full explanation. Attach additional sheets as necessary.

I have been served with a subpoena in this case, and I object because the subpoena:

- (1) Fails to allow me a reasonable time in which to comply.

- (2) Requires me, a resident of Utah, to:

- appear at a deposition;
 - produce documents, electronic records or tangible things; or
 - permit inspection of premises
- in a county in which I do not reside, am not employed, and do not transact business in person.

- (3) Requires me, a non-resident of Utah, to:
- appear at a deposition;
 - produce documents, electronic records or tangible things; or
 - permit inspection of premises
- in a county other than the county in which I was served.

- (4) Requires me to disclose privileged or other protected matter and no exception or waiver applies.
-
-

Instruction for (4): If you object to the subpoena for these grounds, you must describe the nature of the document or thing with sufficient specificity to enable the party or attorney to contest your objection.

- (5) Requires me to disclose a trade secret or other confidential research, development, or commercial information.
-
-

Instruction for (5): If you object to the subpoena for these grounds, you must describe the nature of the document or thing with sufficient specificity to enable the party or attorney to contest your objection.

- (6) Subjects me to an undue burden.
-
-

- (7) Requires me to disclose an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study that was not made at the request of a party.
-
-

- (8) Other.
-
-

I declare under criminal penalty of Utah Code Section 78B-5-705 that this Objection to Subpoena is true and correct.

Dated _____

Sign _____

Typed or printed name:

Person subject to subpoena

Attorney for person subject to subpoena

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of _____, 2019, I served a copy of the foregoing **OBJECTION TO SUBPOENA** on the following by the means indicated below:

Robert G. Wing (4445)
Kevin M. McLean (16101)
Assistant Attorneys General
SEAN D. REYES (7969)
Utah Attorney General
Utah Attorney General's Office
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- U.S. Mail - Postage Prepaid
- Overnight Mail - Postage Prepaid
- Hand Delivery
- Facsimile
- Electronic Mail

Glenn R. Bronson (7362)
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- U.S. Mail - Postage Prepaid
- Overnight Mail - Postage Prepaid
- Hand Delivery
- Facsimile
- Electronic Mail

Dated _____

Sign here → _____

Typed or printed name: