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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.

**OPPOSITION AND
REQUEST FOR RULING**

DCP Legal File No. CP-2019-005

DCP Case No. 107102

The Utah Division of Consumer Protection (“Division”), by and through undersigned counsel, and pursuant to Utah Admin. Code R151-4-502, R151-4-505 and R151-4-514, respectfully requests that the Administrative Law Judge rule on Purdue’s motion for reconsideration of the Order granting the Division the right to depose Purdue’s Chief Executive Officers. The Supreme Court of Utah has permitted litigants to revisit matters already decided in only three “exceptional circumstances”: “(1) when there has been an intervening change of controlling authority; (2) when new evidence has become available; or (3) when the court is convinced that its prior decision was clearly erroneous and would work a manifest injustice.” *IHC Health Services, Inc. v. K&K Management*, 615 Utah. Adv. Rep. 32, 196 P.3d 588 (2008). None of these exceptional circumstances exists here.

DATED this 26th day of August, 2019.

SEAN D. REYES
UTAH ATTORNEY GENERAL

By: /s/ Kevin M. McLean
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Counsel for the Division

CERTIFICATE OF SERVICE

I certify that on August 26, 2019 I served the foregoing on the parties of record in this proceeding as set forth below:

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