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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.

**CORRECTED SUPPLEMENTAL
REQUEST FOR APPROVAL TO
SERVE DEPOSITION NOTICES
ON KATHE SACKLER AND
RICHARD SACKLER**

DCP Legal File No. CP-2019-005

DCP Case No. 107102

The Utah Division of Consumer Protection, by and through undersigned counsel, and pursuant to Utah Admin. Code R151-4-502, R151-4-505 and R151-4-514, respectfully requests approval from the Administrative Law Judge to serve the attached notices of deposition on Richard Sackler and Kathe Sackler.

RELEVANT PROCEDURAL HISTORY

On July 18, 2019, the Division filed a Request seeking permission to notice the depositions of Richard Sackler and Kathe Sackler. This Request also sought permission to depose the current and former CEOs.

Neither Purdue nor the Sackler Defendants objected to the Request insofar as the Division sought to depose Kathe Sackler and Richard Sackler. The Tribunal's Order, however, referred only to the CEOs.

DISCUSSION

As set forth in Utah Admin. Code R151-4-502(1), a party may obtain discovery regarding any matter that is: (1) not privileged; (2) is relevant to the subject matter involved in the proceeding; and (3) relates to a claim or defense of the party seeking discovery or another party. Utah Admin. Code R151-4-505(1) allows a party to seek a deposition upon oral examination.

The Division's Request seeks to elicit needed deposition testimony that will be used to prosecute the Division's claims during the October hearing. None of the testimony sought is cumulative or duplicative, as each witness has significant personal knowledge of critical facts and events. The Division asserts that Richard Sackler and Kathe Sackler controlled Purdue, and were personally involved in the misconduct set forth in the Citation. The Expert Opinion Report of Professor John C. Coffee (filed in this administrative proceeding) cites to the documentary

evidence, and explains how Richard Sackler and Kathe Sackler controlled Purdue and were personally involved in making the misrepresentations. Both had offices in Purdue's headquarters in Stamford, CT. See Dep. Of M. Friedman, 34:5-35:9 (May 18, 2004). Richard and Kathe Sackler are parties, directed the misconduct, and benefitted from the misconduct. For the foregoing reasons, the Division respectfully requests that the Administrative Law Judge grant the Division permission to notice the depositions of Richard Sackler and Kathe Sackler.

DATED this 4th day of September, 2019.

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UTAH ATTORNEY GENERAL

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Counsel for the Division

CERTIFICATE OF SERVICE

I certify that on September 4, 2019 I served the foregoing on the parties of record in this proceeding as set forth below:

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Respondents.

**SUPPLEMENTAL REQUEST FOR
APPROVAL TO SERVE DEPOSITION
NOTICES
ON KATHE SACKLER AND
RICHARD SACKLER**

DCP Legal File No. CP-2019-005

DCP Case No. 107102

The Utah Division of Consumer Protection, by and through undersigned counsel, and pursuant to Utah Admin. Code R151-4-502, R151-4-505 and R151-4-514, respectfully requests approval from the Administrative Law Judge to serve the attached notices of deposition on Richard Sackler and Kathe Sackler.

RELEVANT PROCEDURAL HISTORY

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Neither Purdue nor the Sackler Defendants objected to the Request insofar as the Division sought to depose Kathe Sackler and Richard Sackler. The Tribunal's Order, however, referred only to the CEOs.

On August 14, 2019, the Division sent a letter requesting confirmation that the prior Order should be interpreted to include permission to depose Kathe Sackler and Richard Sackler. To date, there has not been a response to the letter.

DISCUSSION

As set forth in Utah Admin. Code R151-4-502(1), a party may obtain discovery regarding any matter that is: (1) not privileged; (2) is relevant to the subject matter involved in the proceeding; and (3) relates to a claim or defense of the party seeking discovery or another party. Utah Admin. Code R151-4-505(1) allows a party to seek a deposition upon oral examination.

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were personally involved in the misconduct set forth in the Citation. The Expert Opinion Report of Professor John C. Coffee (filed in this administrative proceeding) cites to the documentary evidence, and explains how Richard Sackler and Kathe Sackler controlled Purdue and were personally involved in making the misrepresentations. Both had offices in Purdue's headquarters in Stamford, CT. See Dep. Of M. Friedman, 34:5-35:9 (May 18, 2004). Richard and Kathe Sackler are parties, directed the misconduct, and benefitted from the misconduct. For the foregoing reasons, the Division respectfully requests that the Administrative Law Judge grant the Division permission to notice the depositions of Richard Sackler and Kathe Sackler.

DATED this 5th day of September, 2019.

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I certify that on September 5, 2019 I served the foregoing on the parties of record in this proceeding as set forth below:

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