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-Ron Motley (1944-2013)

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September 13, 2019

Bruce L. Dibb
Heber M. Wells Building, 2nd Floor
160 East 300 South
Salt Lake City, Utah 84114-6701

Re: Depositions of Former Purdue CEOs -- DCP Case No. 107102

Dear Judge Dibb,

We wanted to alert you to the present circumstances surrounding the Division's efforts to depose Purdue's former Chief Executive Officers Timney, Stewart and Friedman (hereinafter "Former CEOs"). As background, on July 18, 2019, the Division filed a request for permission to depose the Former CEOs. The Tribunal granted that request over the objections filed by Purdue. Purdue asked the Tribunal to reconsider its ruling. The Tribunal agreed to do so, and on September 3, 2019 issued a 15-page opinion finding that the Division needed to depose the Former CEOs because "there is a considerable demonstration of evidence that supports the reality that the CEOs have unique and personal knowledge about relevant matters central to this proceeding." *See* September 3, 2019, Order at 4.

The Division properly served the Former CEOs in accord with the requirements of their state of residence. This required us to obtain commissions in the district court and to personally serve each Former CEO as none of their counsel would accept service, and this Tribunal was required to reissue subpoenas to accommodate the time that process entailed. Yet each and every Former CEO has refused to appear for deposition. Each is represented by counsel, which likely is being paid by Purdue. (Former Purdue employees who have been represented by private counsel have each testified that Purdue retained and paid for counsel.)

Former CEO Timney has filed a motion to quash, which we have opposed. (The pleadings are attached as Exhibit A for your information.) The Connecticut Court is holding a conference on September 30, 2019. We will endeavor to have the Court rule on the substance of the motion at that time. Former CEOs Friedman and Stewart have not filed papers yet, but their counsel have advised that they will not appear for the duly-subpoened depositions.



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You have asked the parties to communicate with the Tribunal regarding discovery delays and the Division therefore wanted to bring this matter to your attention. While this Tribunal cannot exercise any authority directly over the non-resident Former CEOs, it can exercise its authority over Purdue. We respectfully ask that this issue be added to the topics for discussion on Monday's call.

Sincerely,

/s/Susan L. Burke
Susan L. Burke