

DEPARTMENT OF COMMERCE
Heber M. Wells Building, 2nd Floor
160 EAST 300 SOUTH
SALT LAKE CITY, UT 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 INC., 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.

**ORDER ON
RESPONDENTS RICHARD
SACKLER'S AND KATHE SACKLER'S
MOTION FOR LEAVE TO FILE
(1) UNDER SEAL MOTION TO
DISMISS NOTICE OF AGENCY
ACTION AND CITATION AND
RELATED EXHIBITS; (2) REDACTED
MOTION TO DISMISS AND EXHIBITS;
(3) UNDER SEAL RESPONSE TO
NOTICE OF AGENCY ACTION AND
CITATION AND RELATED EXHIBITS;
AND (4) REDACTED RESPONSE AND
EXHIBITS**

DCP Legal File No. CP-2019-005

DCP Case No. 107102

On Monday April 8, 2019, the individual Respondents Richard Sackler and Kathe Sackler (the "Individual Respondents") filed a Motion for Leave to File (1) Under Seal a Motion to Dismiss Notice of Agency Action and Citation and Related Exhibits; (2) Redacted Motion to Dismiss and Related Exhibits; (3) Under Seal Responses to Notice of Agency and Citation and Related Exhibit; and (4) Redacted Response and Exhibits (the "Motion"). Thereafter, on April 8, 2019, the undersigned, Judge Dibb, counsel for the Division, and counsel for the Individual Respondents participated in a conference concerning the same.

The Individual Respondents seek to include in their Motion to Dismiss Notice of Agency Action and Citation and Related Exhibits (“Motion to Dismiss”), and Response to Notice of Agency Action and Related Exhibits (“Response”), documents obtained from Purdue and designated by Purdue as confidential under the protective order in *In re: National Prescription Opiate Litigation*, Case No. 1:17-md-2804 (N.D. Ohio) (the “MDL Protective Order,” attached as an exhibit to the Motion).

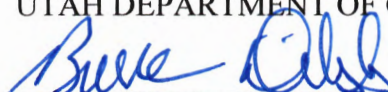
Purdue has asserted that these documents are confidential and protected from disclosure under applicable law. The Individual Respondents seek an interim order to facilitate the filing of their Motion to Dismiss and Response pending disposition of Purdue’s assertion of confidentiality.

Having considered the foregoing, it is HEREBY ORDERED that the Individual Respondents may: (1) file a sealed Motion to Dismiss with the Presiding Officer, (2) publicly file the Motion to Dismiss with appropriate redactions, (3) file a sealed Response with the Presiding Officer, and (4) publicly file the Response with appropriate redactions. Both the redacted and sealed versions must be served on all parties.

The Presiding Officer makes no ruling at this time as to whether any of the documents or information sought to be filed under seal are appropriately designated as confidential, or whether the materials are relevant or appropriate to the consideration of a motion to dismiss. Rather, the Presiding Officer directs the parties to meet and confer concerning an expedited process to resolve any disputes over the confidentiality of redacted information in, or sealed exhibits to, the Motion. Such materials shall remain under seal until further order of the Presiding Officer.

DATED April 9, 2019.

UTAH DEPARTMENT OF COMMERCE



Bruce L. Dibb, Presiding Officer

CERTIFICATE OF SERVICE

I certify that on April ^{9th}, 2019, I served a copy of the foregoing ORDER GRANTING RESPONDENTS, RICHARD SACKLER'S AND KATHE SACKLER'S MOTION FOR LEAVE TO FILE (1) UNDER SEAL MOTION TO DISMISS NOTICE OF AGENCY ACTION AND CITATION AND RELATED EXHIBITS; (2) REDACTED MOTION TO DISMISS AND EXHIBITS; (3) UNDER SEAL RESPONSE TO NOTICE OF AGENCY ACTION AND CITATION AND RELATED EXHIBITS; AND (4) REDACTED RESPONSE AND EXHIBITS on the parties of record in this proceeding set forth below by email to:

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

Purdue Pharma, L.P.
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The Purdue Frederick Company, through counsel
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/s/ Bruce L. Dibb
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