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*Attorneys for the Utah Division of Consumer Protection*

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**BEFORE THE DIVISION OF CONSUMER PROTECTION  
OF THE UTAH DEPARTMENT OF COMMERCE**

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**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.**

**THE DIVISION OF CONSUMER  
PROTECTION'S MOTION FOR LEAVE  
TO SUBMIT OPPOSITIONS TO  
MOTIONS TO DISMISS UNDER SEAL  
AND TO FILE REDACTED PUBLIC  
VERSIONS**

**DCP Legal File No. CP-2019-005**

**DCP Case No. 107102**

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On January 30, 2019, the Utah Division of Consumer Protection (Division) issued a redacted Administrative Citation against Purdue Pharma L.P., Purdue Pharma Inc., The Purdue Frederick Company, Dr. Richard Sackler, and Dr. Kathe Sackler (Respondents) alleging violations of the *Utah Consumer Sales Practices Act*, Utah Code § 13-11-1 *et seq.* The Division gained access to certain information in the Administrative Citation only after agreeing to be bound by Case Management Order No. 2: Protective Order, entered *In re: National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio) (the “MDL Protective Order”). Unless and until the parties agree that other information included in the Administrative Citation is not subject to the MDL Protective Order, or a Court or administrative body determines it can be made public, the Division is bound by the MDL Protective Order. Accordingly, the Presiding Officer directed in a February 26, 2019 Order, the Presiding Officer directed the Division could file a redacted version of the Notice of Agency Action as a public document, “if filed with a motion and supporting documentation asserting a basis for the document to be redacted, and asserting the basis for such redacted information to be protected or maintained as confidential.” February 26, 2019 Order. The Division complied with this Order, filing a motion and supporting material explaining that the Notice of Agency Action includes the Administrative Citation, which contains information that has been deemed confidential. The Presiding Officer subsequently granted the motion.

On April 8, 2019, Respondents Dr. Richard Sackler and Dr. Kathe Sackler (the “Sackler Respondents”) sought leave to file a motion to dismiss the Administrative Citation, and accompanying exhibits, under seal. The Sackler Respondents asserted that they had obtained from the Purdue Respondents documents and/or information that the Purdue Respondents assert are confidential. To facilitate the Sackler Respondents personal use of Purdue’s documents, the parties negotiated and submitted a proposed order agreeable to the Division and all Respondents. On

April 9, 2019, the Presiding Officer granted the Sackler Respondents permission to file sealed and redacted versions of their motion to dismiss.

To ensure that the Division can appropriately reference both the Administrative Citation and the contents of the Sackler Respondents' motion to dismiss in its opposition to Respondents' respective Motions to Dismiss the Division's Citation and Notice of Agency Action, and has the opportunity to include any additional documents as exhibits, the Division respectfully requests leave to file and serve: (1) an unredacted version of each Opposition under seal, and (2) redacted, public versions of the same. The Division would serve both the redacted and sealed versions of both oppositions on all parties. The Division would also include any sealed information or documents referenced in its Opposition in the expedited process to resolve any disputes over confidentiality directed in the Court's Order on the Sackler Respondents' motion seeking leave to file under seal.

WHEREFORE, the Division moves the Presiding Officer to grant the instant motion and permit the Division to file its opposition to the Sackler Respondents' motion to dismiss under seal, and to also submit a redacted, public version of the same. The Division has conferred with Respondents, who consent to the relief sought in this motion.

DATED this 22<sup>nd</sup> day of April, 2019.

By: /s/ Elizabeth Smith  
Elizabeth Smith

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**CERTIFICATE OF SERVICE**

I certify that I have served or will serve the foregoing document on the parties of record in this proceeding set forth below:

By first class mail, postage prepaid:

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Dated this 22<sup>nd</sup> day of April, 2019.

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