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*Attorneys for Respondents Richard Sackler,  
and Kathe Sackler*

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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 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.**

**RESPONDENTS RICHARD SACKLER, M.D.'S AND KATHE SACKLER, M.D.'S  
MOTION TO FILE SEPARATE REPLY  
MEMORANDA IN SUPPORT OF  
MOTION TO DISMISS IN EXCESS OF  
PAGE LIMITS IN THE UTAH RULES  
OF CIVIL PROCEDURE**

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

**DCP Case No. 107102**

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Respondents Richard Sackler and Kathe Sackler (collectively, the "Individual Respondents"), through counsel, hereby submit this *Motion to File Separate Reply Memoranda in Support of Motion to Dismiss in Excess of Page Limits in the Utah Rules of Civil Procedure*.

The administrative rules governing the current administrative proceeding do not expressly provide for any page limits on motions or memoranda submitted by parties to the action. However, the Utah Rules of Civil Procedure are considered to be persuasive authority in this proceeding. *See* R151-4-106; *see also* Utah Code Ann. § 63G-4-102(4)(b) (recognizing a presiding officer may grant a motion to dismiss if it meets the requirements of Rule 12(b)). It is therefore the Individual Respondents' understanding that the 15-page limit of Utah Rule of Civil Procedure 7(e)(3) does not govern the Individual Respondents' forthcoming Motion to Dismiss.

However, out of an abundance of caution and to the extent it is even required, the Individual Respondents respectfully request that the Presiding Officer permit each Individual Respondent to file reply a memorandum that is in excess of the page limitations provided by the Utah Rules of Civil Procedure. Good cause exists for this request. The issues presented in this proceeding and addressed in each Individual Respondent's Reply in Support of the Motion to Dismiss are significant, complex, and of a constitutional and substantive dimension. The Division's Citation is nearly 70 pages long, and the Division's Opposition to the Motion to Dismiss contains 42 pages of argument. The Individual Respondents raised meritorious arguments in their Motion to Dismiss and in response to the Agency Action and Citation, including that their due process and other constitutional rights are being infringed and that the Division's claims must be dismissed for substantive reasons under Rule 12(b). The Division has disputed those contentions in its Opposition to the Motion to Dismiss. Each Individual Respondent should be permitted the full ability to respond to the 42 pages of argument in the Division's Opposition to the Motion to Dismiss.

Therefore, good cause exists for, and the Individual Respondents respectfully request, leave to file separate reply memoranda of 15 additional pages, for a total of 30 pages per Individual Respondent, not counting table of contents, table of authorities, signature block, certificate of services, and exhibits. The Individual Respondents conferred with counsel for Purdue and the Division, and Purdue consents to the relief requested. The Division consented to the Individual Respondents filing a joint reply memorandum of 35 pages but have not responded to their request to file separate reply memoranda each of 30 pages.

A proposed order is filed concurrently herewith.

Dated this 6th day of May, 2019.

COHNE KINGHORN, P.C.

/s/ Patrick E. Johnson

Paul T. Moxley

Hal L. Reiser

Patrick E. Johnson

*Attorneys for Respondents Richard Sackler,  
M.D. and Kathe Sackler, M.D.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 6th day of May, 2019, I served the above-captioned document on the parties of record in this proceeding set forth below by delivering a copy thereof by hand-delivery, U.S. Mail, electronic means and/or as more specifically designated below, to:

By hand-delivery and first class mail, postage prepaid:

Utah Department of Commerce  
Bruce Dobb, Administrative Law Judge  
160 East 300 South, 2ndFloor  
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Salt Lake City, UT 84114-6701

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**Respondents.**

**ORDER GRANTING  
RESPONDENTS RICHARD SACKLER,  
M.D.'S AND KATHE SACKLER, M.D.'S  
MOTION TO FILE SEPARATE REPLY  
MEMORANDA IN SUPPORT OF  
MOTION TO DISMISS IN EXCESS OF  
PAGE LIMITS IN THE UTAH RULES  
OF CIVIL PROCEDURE**

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

**DCP Case No. 107102**

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Respondents Richard Sackler and Kathe Sackler (collectively, the “Individual Respondents”) *Motion to File Separate Reply Memoranda in Support of Motion to Dismiss in Excess of Page Limits in the Utah Rules of Civil Procedure* (“Motion”). Without deciding

whether the 15-page limitation of Utah Rule of Civil Procedure 7(e)(3) governs the Individual Respondents' forthcoming memoranda in support of their motion to dismiss, based on the Individual Respondents' Motion and for good cause appearing, **IT IS HEREBY ORDERED** that each Individual Respondent may file a separate reply memorandum in support of his or her motion to dismiss the Citation and Notice of Agency Action of 30 pages, not counting table of contents, table of authorities, signature block, certificate of services, and exhibits.

Dated this \_\_\_\_ day of May, 2019.

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Bruce L. Dobb, Presiding Officer

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 6th day of May, 2019, I served the above-captioned document on the parties of record in this proceeding set forth below by delivering a copy thereof by hand-delivery, U.S. Mail, electronic means and/or as more specifically designated below, to:

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