

1 UNITED STATES BANKRUPTCY COURT

2 SOUTHERN DISTRICT OF NEW YORK

3 Case No. 19-23649-rdd

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5 In the Matter of:

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7 PURDUE PHARMA L.P.

8

9 Debtor.

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11 United States Bankruptcy Court

12 Tele/Video Proceedings

13 300 Quarropas Street, Room 248

14 White Plains, NY 10601

15

16 August 19, 2021

17 10:02 AM

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21 B E F O R E :

22 HON ROBERT D. DRAIN

23 U.S. BANKRUPTCY JUDGE

24

25 ECRO: JUSTIN WALKER

1 **HEARING re Continuance of Confirmation Hearing From August**
2 **18, 2021**

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25 **Transcribed by: Sonya Ledanski Hyde**

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1 P R O C E E D I N G S

2 THE COURT: Okay, good morning. This is Judge
3 Drain. We're here in In Re Purdue Pharma L.P., et al. on
4 the continued hearing on the Debtor's request for
5 confirmation of their amended Chapter 11 plan. When we left
6 off yesterday, there was some discussion about who would be
7 testifying today and the extent of that testimony. We
8 received emails early this morning that I think clarified
9 that for Mr. Edmunds, but I'm happy to hear the parties on
10 the record on it, too, which I think we should do.

11 MR. KAMINETZKY: Hi, good morning, Your Honor.
12 This is -- let me just start us off. Benjamin Kaminetzky of
13 Davis Polk for the Debtors. My understanding based on the
14 email traffic is that today we'll hear -- there'll be live
15 testimony from Mortimer Sackler and Kathe Sackler. I
16 believe that the parties have or are working on still a
17 resolution with respect to any remaining witnesses,
18 including additional Sacklers as well as the one witness,
19 Brian -- I forgot his last name -- who was going to maybe be
20 called by Maryland, but I think that's being worked out as
21 well. So, we're hoping that the live witness testimony, if
22 you will, will conclude today with Mortimer and Kathe
23 Sackler.

24 One caveat, Your Honor, is that we're still trying
25 to -- we're still talking around the clock with the DMPs to

1 try to work that out. What we've done is, with Your Honor's
2 permission, we've moved the possibility of recalling Mr.
3 Lowne, Mr. DelConte, Mr. Turner for the narrow purpose of
4 answering questions from the DMPs, again, with the -- with
5 the sincere hope that that will not occur.

6 THE COURT: Okay. I had understood from Mr.
7 Edmunds' email that he was not going to call Ilene Sackler
8 or Mr. Sheldon but maybe that's changed in the interim.

9 MR. KAMINETZKY: That's my understanding as well,
10 that we're going to conclude with Mortimer and Kathe and
11 that. But, you know, why don't I just leave it to Mr.
12 Edmunds?

13 MR. EDMUNDS: Thank you, Your Honor. Thank you,
14 Mr. Kaminetzky.

15 MR. KAMINETZKY: Before I do that, is that okay,
16 Your Honor, that -- to the extent we need to recall, you
17 know, just for the narrow purposes of the DMPs, we can do
18 that tomorrow? Give us some time to hopefully --

19 THE COURT: I guess so. Although, as I understood
20 it, it was really -- their concern was really tied to what
21 you were seeking to have by way of findings in the
22 confirmation order. I hope it's not expanded beyond that at
23 this point. You're on mute, Mr. Kaminetzky. I think you
24 hit the button by accident.

25 MR. KAMINETZKY: Yeah. No, I don't believe -- I

1 believe that's the case. And, again, we really hope --
2 we're talking literally around the clock. So, we're trying
3 to make this go away.

4 THE COURT: Okay. Mr. Edmunds?

5 MR. EDMUNDS: Yes, Your Honor. So, what Mr.
6 Kaminetzky said is essentially right. We will be calling
7 today for live testimony Mortimer Sackler and Kathe Sackler.
8 We have reached with Ilene Sackler through her counsel an
9 agreement in principle where we have, I think, filled in
10 enough of the details to say we are not going to call her.
11 We are going to provide a deposition and some documents as a
12 substitute for her live testimony. And we just need to --
13 to hammer that out, which I expect us to do after the live
14 witnesses today.

15 With respect to Mr. Sheldon, both sides of the
16 Sackler Families and Debtors have agreed that we will
17 withdraw his declaration but that his documents will come
18 in. And they've withdrawn -- I think it was Debtor's
19 objections to admission of the documents, and the documents
20 will come in except with respect to certain deposition
21 testimony related to members of the Sackler Family that will
22 come in except not for purposes of its truth, as with other
23 rulings the Court has made in this matter.

24 So, I think that we're set on that and I think
25 that we'll need to work out some paper stipulation of filing

1 that withdraws the declaration and indicates what the
2 documents are in its place.

3 THE COURT: Okay. All right, very well, thank
4 you. So, I think then, if I have the order right, you want
5 to proceed first with Mortimer Sackler?

6 WOMAN: Correct, Your Honor.

7 MR. EDMUNDS: Yes, Your Honor.

8 THE COURT: Okay, all right. Mr. Gleit, is there
9 anything more that you want to say in response, or Ms.
10 Steege? To what Mr. Kaminetzky said.

11 (Overlapping)

12 MR. GLEIT: Oh, I'll let Ms. Steege go first, Your
13 Honor.

14 MS. STEEGE: Apologize. Your Honor, Catherine --
15 for the record, Catherine Steege on behalf of McKesson and
16 speaking on behalf of our larger DMP group. We are working
17 very hard. We hope we will reach an agreement. I think
18 we're very close. But I did want to just correct one thing.
19 I mean, we have objected to confirmation of the plan. I
20 suppose our objections could be resolved by narrowing
21 certain releases and providing certain consideration to us
22 under the plan, and in that sense, could be viewed as
23 objections to what the order is. But I did want to clarify
24 that we have objected to the plan.

25 THE COURT: Oh, I know. I know you have. I was

1 just focusing on the testimony.

2 MS. STEEGE: Thank you, Your Honor.

3 THE COURT: Okay.

4 MR. GLEIT: And with that clarification, Your
5 Honor, I have nothing to add.

6 THE COURT: All right, very well. So, can we then
7 pull up Mortimer Sackler onto the Zoom link?

8 MS. STEEGE: Yes, Your Honor, we've reached out to
9 him and he should be logging in momentarily.

10 THE COURT: All right, I see Mr. Sackler. Would
11 you raise your right hand, please?

12 MR. SACKLER: I would.

13 THE COURT: Do you swear or affirm to tell the
14 truth, the whole truth and nothing but the truth, so help
15 you God?

16 MR. SACKLER: I do.

17 THE COURT: Okay. And it's Mortimer, M-O-R-T-I-M-
18 E-R, next word, S-A-C-K-L-E-R?

19 MR. SACKLER: Correct.

20 THE COURT: Okay, very well. All right, Mr.
21 Edmunds, you can go ahead with your direct.

22 MR. EDMUNDS: Sorry, just one sec. I'm just
23 trying to get my AirPods to hook in so the audio's better.
24 They were working a minute ago but, of course...

25 THE COURT: I think we can hear you clearly.

1 CLERK?: I think you've very audible,
2 (indiscernible) and you should be okay.

3 MR. EDMUNDS: They're working now, yes.

4 THE COURT: Okay. So, you go ahead, Mr. Edmunds.

5 MR. EDMUNDS: Thank you, Your Honor.

6 DIRECT EXAMINATION OF MORTIMER D. SACKLER

7 BY MR. EDMUNDS:

8 Q Mr. Sackler, you're -- you have been a director of
9 Purdue Pharma, is that right?

10 A I was a director, correct.

11 Q You resigned in early 2019?

12 A End of '18 but yeah.

13 Q And you've been a director for some 30 years in the
14 company, is that right?

15 A I don't believe it was 30 years but I can't remember
16 when I -- the start date exactly.

17 Q Since before 2000 at least?

18 A Correct.

19 Q Is that right?

20 A Yeah.

21 Q And you also served as an executive of Purdue Pharma as
22 a vice president through 2007, is that right?

23 A In titular name only. I did not have any executive
24 responsibilities, any line responsibilities -- really just
25 the title.

1 Q You were titled vice president at the time?

2 A That's correct.

3 Q And you were a member of the board at the time?

4 A I was a board member, yes.

5 Q And at all times when you were a member of the board,
6 you participated in the board's meetings regularly, did you
7 not?

8 A Regularly. I'm sure I missed some, but yes.

9 Q Most of them you attended?

10 A I did.

11 Q Okay. And you read the board reports that were
12 presented to the board, did you not?

13 A I did.

14 Q And did you participate in other meetings with
15 directors of the board to conduct the affairs of Purdue
16 Pharma?

17 MS. MONAGHAN: Object to the form. I'm sorry,
18 what do you mean by other meetings?

19 BY MR. EDMUNDS:

20 Q Outside of regular board meetings, Mr. Sackler, did you
21 have other meetings with members of the board to conduct the
22 affairs of Purdue Pharma?

23 A There weren't very many that I can recall. Maybe here
24 and there, but they were generally -- as you know, we had a
25 number of independent outside directors on the board as

1 well, and so the schedule was pretty well set in advance.

2 Q Well, and my question is did you communicate with other
3 members of the board? I guess that's not my question but
4 let me ask it a different way. Did you communicate with
5 other members of the board outside of the course of the
6 regular meetings of the board?

7 A It would be email communications, but we didn't -- but
8 not so many in person or by phone, no. There were email
9 communications leading up to board meetings, sometimes
10 afterwards, but it was generally in the board meetings that
11 we communicated.

12 Q You were -- you were sometimes separated
13 geographically, right?

14 A Sometimes, yes.

15 Q Some directors lived in the United Kingdom, some
16 directors lived in the United States. Is that correct?

17 A That's correct.

18 Q But you communicated with one another and -- well, you
19 communicated with one another about the affairs of Purdue
20 Pharma, right?

21 A Yes. As I said, typically, during the board meetings,
22 but yes.

23 Q But at other times, also?

24 A Occasionally. I mean, there were emails and, you know,
25 there was -- I'm sure there were a number -- a handful of

1 meetings. But, again -- you know, as a regular occurrence,
2 if that's what you're getting -- asking.

3 Q Okay. And most of the other board members were members
4 of the Sackler Family, is that right?

5 A There was a mix. I mean, there were probably four or
6 five family members from -- from our side of the family,
7 four or five from the B side of the family, and I believe
8 around four or five independent directors.

9 Q So, then the answer is yes, most of the members of the
10 board of Purdue Pharma were members of your family?

11 MS. MONAGHAN: Objection. It depends how you
12 define his family. Inside of the family --

13 THE COURT: Well, actually (indiscernible) but
14 he's just gone through the list. I don't think we need to
15 pursue that question.

16 MR. EDMUNDS: Okay.

17 BY MR. EDMUNDSD:

18 Q And are you also -- or have you also been a director of
19 the entity known as MNP?

20 A I was.

21 Q And when did you cease being a director of MNP?

22 A I don't recall. MNP ended a number of years ago.

23 Q And has it -- is it now known as MNC?

24 A There was a new entity created called MNC, which I am a
25 member of, yes.

1 Q So, you have been for at least 20 years continuously a
2 director of MNP or MNC?

3 A I believe that's right. Again, I can't recall the
4 exact timing.

5 Q And MNC or MNP -- I'll just call it MNP and we'll agree
6 that, depending on what time, we're talking about the same
7 thing. Is that okay?

8 A Okay.

9 Q The role of that entity is to make recommendations to
10 the boards of other Sackler-owned companies, is that right?

11 A It is. Correct, it's an advisory board that makes
12 recommendations to those other entities, yes.

13 Q It's an advisory board. And do the board's
14 recommendations typically, are they followed?

15 A Typically. But I wouldn't say, like -- I'd say there
16 are likely some exceptions. But, yes, typically they're
17 followed, to my knowledge.

18 Q And, in fact, the members of the board of MNP are the
19 same members of your family who are members of the board of
20 Purdue Pharma, at least up through 2018, is that right?

21 A There were a lot -- there was a lot of restructuring
22 going on when MNP ended and MNC started. You know, my uncle
23 Raymond, who was the last of the remaining founders, passed
24 away in 2017. And so the families at that point really
25 started a process of restructuring the boards to bring in

1 more outside directors to make them more independent. So, I
2 can't recall exactly. There was a period of time with
3 overlap and then today, they're not at all overlapping, and
4 the MNC board is made up of predominantly nonfamily members.

5 Q As of today. But as of 2000-say-17, the members of
6 your family who sat on the board of Purdue Pharma at that
7 time were members of the board of -- of MNP? Is that right?

8 A Or whichever was in existence. I believe so. I don't
9 know for sure.

10 Q But the members (indiscernible) --

11 A There was overlap, yes.

12 Q Okay. And -- and the companies that MNP or C advises,
13 those companies are -- include the Mundipharma corporations
14 throughout the world that your family owns and that are in
15 the business of -- in the pharmaceutical business, is that
16 right?

17 A Well, to be clear, I don't own any of those companies
18 directly. They're owned in trusts that I'm a beneficiary
19 of. So, when you say that my family owns -- I can't vote
20 those shares, I don't have any control of those companies
21 that are held by trusts. But, yes, those boards -- an
22 advisory board gives advice to the international group of
23 companies, the IACs.

24 Q Okay. So, ultimately, your family are the
25 beneficiaries of the trusts. The trusts own the

1 corporations. And in that respect, you are a beneficial
2 owner of those corporations, is that right?

3 A Correct.

4 Q Okay. So, I'm going to -- when we talk about this, I
5 will shorthand y questions for what you've just explained to
6 me and we'll understand what I'm talking about. Is that
7 fair?

8 A Okay.

9 Q Okay.

10 MS. MONAGHAN: Can I drop in a clarification for a
11 second? Mr. Edmunds, is what you're saying that when you
12 say "you," you mean to include the trusts when you're
13 referring to ownership of the IACs?

14 MR. EDMUNDS: When I say -- when I refer to his
15 ownership of the IACs, we will incorporate that structure
16 that he's just explained. That's my -- that's all I
17 suggest.

18 MS. MONAGHAN: Okay, thank you.

19 MR. EDMUNDS: Thanks.

20 BY MR. EDMUNDS:

21 Q All right. And I believe you answered that those
22 entities are engaged like Purdue in the pharmaceutical
23 business, is that right?

24 A That's correct.

25 Q Okay. And most of them sell opioids in the countries

1 in which they are present, is that right?

2 A Well, let me correct my last answer to be a little more
3 precise. They're not all in the pharmaceutical business.
4 There are some IACs that are not in the pharmaceutical
5 business. And, likewise, there are some that don't sell
6 opioids.

7 Q Right. There are a few pharmaceutical IACs that do not
8 sell opioids in those countries, is that right?

9 A Correct. That's correct.

10 Q Okay. But, by in large, at least the ones engaged in
11 the pharmaceutical business sell opioids like OxyContin or
12 it may be under a different brand name in certain countries,
13 I understand, but they sell opioids similar to those that
14 are sold by Purdue Pharma, is that right?

15 A That's correct.

16 Q And chemically identical, in fact, is that right?

17 A Not always but yes.

18 Q Okay. All right. And to turn back to Purdue Pharma,
19 from -- the business of Purdue Pharma has -- most of Purdue
20 Pharma's revenue has come from selling opioids, is that
21 right?

22 A In recent -- in the last, you know, period of time,
23 yes, that's correct. In the last 20 years or so.

24 Q Since the 1990s --

25 A That's correct.

1 Q Since around the 1990s, it has derived its revenue from
2 selling opioids?

3 A That's correct. Yeah.

4 Q Okay. And, in fact, that revenue has been substantial,
5 right?

6 A It has been.

7 Q In fact, over -- since around 2007, the board of Purdue
8 Pharma has caused over \$10 billion to be distributed to the
9 family-owned trusts, is that correct?

10 A I believe that figure includes tax distributions as
11 well that went to the IRS. In our family's case, directly
12 to the IRS, not to us. But I believe that's roughly
13 correct, yes. If you're including the tax distributions, I
14 think that number's correct.

15 Q Including the tax distributions, it has distributed
16 over \$10 billion to -- for the benefit of members of the
17 Sackler Family or to the trusts, is that right?

18 A I believe so.

19 MS. MONAGHAN: Object to the form.

20 THE COURT: Well, on what basis?

21 MS. MONAGHAN: Because Mr. Edmunds' question
22 presumes that the payments to the IRS were for the benefit
23 of the Sackler Family. What Mr. Sackler was saying is that
24 money went directly to the IRS, not through the trusts. And
25 I think whether --

1 THE COURT: (indiscernible)

2 MS. MONAGHAN: Okay. Thank you, Your Honor.

3 BY MR. EDMUNDSD:

4 Q Okay, did the money that went to the IRS benefit the
5 members of the Sackler Family?

6 A It benefitted the trust to the extent... I mean, I
7 guess the owners of Purdue who owe the taxes. I mean, I
8 think it was, you know, paying the taxes that were owed.

9 Q It benefitted the trust, which in turn benefitted
10 member of the family who are the trust beneficiaries, is
11 that right?

12 A Sure.

13 Q With respect to those distributions that we just
14 discussed, would you agree with me that those distributions
15 are in excess of what other comparable corporations
16 distributed to shareholders?

17 MS. MONAGHAN: Objection. I don't know what you
18 mean by other comparable companies, and I also don't know
19 what you mean by those distributions, whether you mean those
20 tax distributions or the total distributions?

21 MR. EDMUNDSD: The total --

22 THE COURT: Well, let's deal with the -- the last
23 point first. Do you mean all -- all -- all the ten -- over
24 10 billion?

25 MR. EDMUNDSD: All 10 billion, Your Honor.

1 THE COURT: Okay.

2 MR. EDMUNDS: All the distributions.

3 THE COURT: And then, so, as far as comparable
4 companies, are you focusing on companies that have the same
5 ownership and tax structure, including a pass-through tax
6 structure to the owners?

7 MR. EDMUNDS: Maybe I should -- I should --

8 THE COURT: So that the corporation itself isn't
9 paying the taxes?

10 MR. EDMUNDS: I think I mean pharmaceutical
11 companies in the marketplace. Why don't I ask him what he'd
12 use as sort of similar businesses to Purdue? And I can get
13 it in that way, Your Honor, if that's --

14 THE COURT: Okay.

15 BY MR. EDMUNDS:

16 A I'm sorry, I don't understand -- I'm not sure I understand
17 the question.

18 Q Okay, Mr. Sackler, let me ask you, are there other
19 businesses that are similar in your mind to Purdue?

20 A You know, there are other pharmaceutical businesses.
21 Yeah, midsized -- other midsized pharmaceutical businesses.
22 Most of them are publicly owned, not privately owned. Most
23 of them are corporations, not partnerships. You know, so --
24 so, you know, if -- in our range, there are definitely other
25 companies that were our size and had our profitability.

1 Q Okay, so thinking about those companies, do you have an
2 understanding of whether the distributions made to members
3 of the Sackler Families were greater than the distributions
4 of capital made by those companies to their shareholders'
5 shareholders?

6 A I think if you look over a long enough average period
7 of time, I don't think they were. Because public companies
8 buy back their shares all the time as a means of
9 distributing funds to their shareholders. They pay
10 dividends as well. And one thing to keep in mind is these
11 dividends and these distributions were all done from excess
12 cash that Purdue did not require. It was very clear, and
13 the board in making those decisions of distributions,
14 including the outside directors who voted on them -- who
15 were voting on distributing excess cash that was not
16 required in the business.

17 Q That may be your view, but was there a disagreement
18 among members of the board as to whether, in fact, that was
19 -- your opinion was, in fact, correct?

20 A I mean, there were disagreements all the time about the
21 proper level of distributions and the proper level of
22 diversifications. I don't think it's a secret our family
23 wanted to diversify our assets more outside the
24 pharmaceutical business than the B side of the family, who
25 wanted to keep more and reinvest more in the pharmaceutical

1 business. And so there was a -- just discussions and
2 debates about that between the sides.

3 Q And did members of the board of directors, particularly
4 those among the B side family, communicate to you that they
5 believed that the distributions being made by the company
6 were in excess of those that similar pharmaceutical
7 corporations were making to shareholders?

8 A I don't recall specifically. I mean, we had a lot of
9 discussions and back and forths on that fact. You know, my
10 view was we were a privately owned company, the business had
11 excess cash that it didn't require, and so there was
12 discussion about what to do with that excess cash. Do you
13 keep it and reinvest it even more heavily within the
14 pharmaceutical business in Purdue, or do you distribute it
15 out for the shareholders to invest in other work -- in other
16 businesses?

17 Q Okay. If you distributed it out for the shareholders
18 to invest in other businesses, you would be taking the money
19 from Purdue and then using it to expand those other
20 businesses. Wouldn't you be?

21 A You would be using it for whatever the shareholders or
22 the trusts who received it, others, chose to do with that
23 excess cash, yes.

24 Q Well, but it was your position that it should be taken
25 from Purdue and invested in other businesses, right? That's

1 what you just said, isn't it?

2 A Other businesses, stock markets, other investments.

3 Q Personal use of the beneficiaries of the trust?

4 A Some through the trust and some for the beneficiaries
5 directly to invest, yeah.

6 Q Okay. Could I ask you -- you have a -- let me just, as
7 a housekeeping matter, you have a packet of documents I
8 think electronically from us?

9 A I received one an hour ago, yes.

10 Q Okay. And you have it in electronic form?

11 A I do.

12 Q Or paper. Could you -- could you please look at that
13 and open the file that will be named PWG004483596?

14 A Okay.

15 Q Okay. And do you have that document on your screen?
16 And there's an email at the top that looks like it's a
17 forward from -- from Richard Sackler, I want to -- from your
18 cousin Richard Sackler. I'm going to ask you to scroll down
19 to the line where you see your name, under the words highly
20 confidential, and take a look at that email.

21 A Okay.

22 Q I'm sorry. Your name is in the email -- but the first
23 -- the second email, I guess, on the page.

24 MS. MONAGHAN: In the -- I'm sorry, Mr. Edmunds,
25 the two line, is that what you're asking him?

1 MR. EDMUNDS: In the two line, right. It's an
2 email from Jonathan Sackler to other members of the family,
3 including Mr. Mortimer Sackler here.

4 THE WITNESS: And the independent directors of the
5 board I see are also copied on it.

6 MR. EDMUNDS: All right, they are copied on it.

7 BY MR. EDMUNDS:

8 Q Can you tell me if -- if you received this email?

9 A I mean, I don't recall it offhand but I see that I was
10 copied, so I believe so.

11 Q Any reason to dispute that you received it?

12 A No.

13 Q Okay. And would you scroll down for me, please, to the
14 -- I think it's the very -- the second to last paragraph of
15 Jonathan Sackler's email to you and others?

16 MS. MONAGHAN: Mr. Edmunds, is that the paragraph
17 that begins given all of the above?

18 MR. EDMUNDS: That is.

19 MS. MONAGHAN: Okay.

20 BY MR. EDMUNDS:

21 Q Do you see that Jonathan Sackler wrote that he believed
22 the distributions for that year of 105 million so far, I
23 guess, were well in excess of industry peer group norms?

24 A I see he said that, yes.

25 Q Do you have any reason to dispute that fact?

1 A Like I said, I'm in -- I don't know what he was
2 referring to. Which industry, peer group, norms? You know,
3 I disagreed with him from time to time over the fact that --
4 you know, do you look at dividends, to you look at stock
5 repurchases? You know, and, frankly, the company -- as I
6 said, this was all about the excess cash that was not
7 required within Purdue.

8 Q Okay. But if you would take some time to look at the -
9 - I think that this email, it's fair to say -- well, tell me
10 if it's -- let me ask you if it's fair to say that this
11 email from -- that is from Jonathan Sackler and is written
12 on behalf of the B side family members offers a different
13 position than the one that you're stating here in your
14 testimony today?

15 A As I stated, the B side had a stronger inclination to
16 want to invest even further within the pharmaceutical
17 business and leave those excess funds in the business to
18 invest within it, and our side wanted more diversity. And
19 that's what the debate was about. And, you know, I can tell
20 you Purdue was never lacking in funds to pursue any deal or
21 strategy which management presented to the board. There was
22 not, you know, a lack of funds ever that got in the way of
23 pursuing any deal or strategy that they wanted to pursue.

24 Q But you would agree with me that the B side position
25 that advanced in this email -- and you should take the time

1 to read it -- is exactly the opposite of what you're saying?

2 A No, I don't think it is. I think the B side position
3 is that they wanted to keep more excess cash in the business
4 to invest even more. But those -- what I'm saying is those
5 even more deals never came up, never came before the board,
6 and the company was never limited in what it could do based
7 on the funds it had on hand.

8 Q Okay. Let me ask you to now open up what should be

9 JX1718.

10 A Okay.

11 Q And do you see that this is an email from -- at the top
12 of the page there is an email from your sister Ilene Sackler
13 Lefcourt to you that replies to an email from you on October
14 27, 2013, is that right?

15 A I see that, yes.

16 Q And did you receive this email from your sister Ilene?

17 A I believe so.

18 Q And did you send the email that she responds to?

19 A I believe so, yes.

20 Q Okay. And would you agree with me that you say in this
21 email in 2013, because sales are declining, that in your
22 opinion, we would be better off laying -- we would be better
23 off laying everyone off and noking the business than doing
24 this. And I think this -- you see that line, you wrote
25 that?

1 A I see the line.

2 Q And by this, you meant the budget proposal advocated by
3 management of Purdue Pharma, is that right?

4 A I believe so, yes.

5 Q Okay. And you also -- if you go further down, if
6 you'll go down to the paragraph beginning with the word
7 clearly. Do you see that?

8 A Yes.

9 Q You also advocate that the business "must figure out
10 how to do more with less. And if they can't, which seems to
11 be the case, then they should say so and maybe they should
12 retire as well." Is that -- that's what you wrote, right?

13 A I see that, yes.

14 Q And you say that you're spending too much money -- WAY
15 too much money -- all caps, WAY -- in areas where we are
16 getting no return for it. Is that right?

17 A Yes, I think what I'm referring to here is the very
18 large S&P spend. That I'm questioning whether we should
19 even continue to spend so much I S&P for opioids and others
20 if this is the forecast. And maybe we're better off cutting
21 that S&P, not spending it on promotion, and using it for
22 other commercial deals or other deals to find new products.

23 Q Is that what you're saying? I mean, I see -- if you
24 look above the paragraph, the preceding paragraph, you say,
25 what is clear to me is two things: One, we must cut costs.

1 But, two, we need to spend time focusing on and discussing
2 how we will reverse this trend. You said that, didn't you?

3 A And I said at the end of the first paragraph, why
4 assign any S&P against it if they can't grow the volumes?
5 Why do we spend -- my whole questioning here in this period
6 of time is why are we spending so much in S&P and in
7 promoting if the volumes are just going to keep declining.
8 And, you know, as a board member, I think it's a legitimate
9 question to add and to ask. You know, does the -- is the
10 expense justified for the business and for the business plan
11 going forward?

12 Q And are you aware of whether the company took steps to
13 change the business plan rather than cutting the S&P budget,
14 as you suggested in your email?

15 A I don't recall what happened. I mean, the reference to
16 a new CEO -- I believe this might've been a transitory
17 period when we were bringing in -- I can't recall the dates
18 exactly. And I imagine -- I think when a new CEO came in,
19 they had a new -- they put in place a new plan, yes.

20 Q And it is, in fact, the case that the company did not
21 drop sales and promotion -- the sales and promotion budget.
22 It, instead, came up with new programs in response to
23 concerns in 2013, isn't that the case?

24 A Like I said, I can't recall specifically what they did
25 at this period of time...

1 Q We'll come back to this and see if we can refresh your
2 recollection later. You're aware, are you not, that opioids
3 kill some people who take them?

4 A I'm aware that -- yeah, opioids are Schedule 2
5 prescription drugs. They're the most regulated and always
6 carry a warning of addiction, abuse, and overdose, and
7 death, yes.

8 Q How many people have died in the United States since
9 about 1999 from drug overdose -- from opioid overdoses?

10 A Are you including all opioids, illicit opioids...?

11 Q I'll include all of them.

12 A Heroin, everything?

13 Q Start with --

14 A I -- you know, I believe the number that I've read in
15 the headlines is 500,000, if you're including heroine, and
16 fentanyl, and all other opioids.

17 Q Well, you're aware, are you not, that heroine and
18 fentanyl -- illicit heroine and fentanyl use is ascribed by
19 the public health community, including the United States
20 Department of Health & Human Services, to initiation with
21 the improper use of prescription opioids? Are you aware of
22 that fact?

23 A I'm sorry, I don't...understand. Which fact?

24 Q Are you -- are you aware of the position of the United
25 States Department of Health & Human Services that some 80

1 percent of illicit opioid use has its start in the misuse of
2 prescription opioids?

3 A In the misuse of prescription -- I think I've heard
4 that headline. I don't know the study or the research
5 behind it, but I've heard the headline on the illicit use of
6 prescription opioids, correct. It's often quoted without
7 that -- that specific term, which is obviously key.

8 Q Well, I think they're talking -- well, in any case --
9 so, my question about the more than 500,000 who have died,
10 right -- strike that. Are you aware of how many people die
11 each day from opioid overdoses?

12 A I am not.

13 Q You're not. You're not aware that the number is
14 somewhere near 140 per day in the United States?

15 A I wasn't. But --

16 Q You haven't seen that before?

17 A I may have seen it in an article but I don't recall it.

18 Q Well, it's also possible that it could've been a lower
19 number because that number has been going up, hasn't it?

20 A Yeah, I mean, to my understanding, you know, overdose
21 deaths in America have been inclining exponentially since
22 1979. And it's a horrible problem.

23 Q And how many --

24 A It's a truly horrible problem that the country is
25 facing, that it's been growing literally exponentially for

1 such a long period of time.

2 Q Well, it is a truly horrible problem, but you continue
3 to sell opioids in mass amounts, do you not?

4 MS. MONAGHAN: Objection.

5 THE COURT: What basis?

6 MS. MONAGHAN: Well, I don't know what he means by
7 "you." Mr. Sackler does not sell opioids anywhere at all at
8 any time. I don't know whether he's asking whether certain
9 companies sell opioids or --

10 THE COURT: Let's put it in the present tense.

11 You're asking in the present tense right now, Mr. Edmunds?

12 I mean, I think you know the answer to that one, right? But
13 maybe you don't.

14 MR. EDMUNDS: Yeah. Oh, whether I'm asking --
15 yeah, present -- present tense is fine.

16 BY MR. EDMUNDS:

17 Q You continue -- you continue to sell opioids -- and by
18 "you," I would say the companies that you direct?

19 MS. MONAGHAN: Objection.

20 MR. HUEBNER: Your Honor, I'm going to object to
21 that as well. Assumes facts not in evidence. The Sacklers
22 have not directed Purdue since the end of 2018 when they all
23 left the board. So, I don't think that's accurate from the
24 company's perspective, which is, as we discussed the other
25 day, is actually quite important to us.

1 MR. EDMUNDS: Yeah, I don't think I'm asking -- I
2 think I'm asking now about the companies he now directs, and
3 we've established on the record what that is.

4 MS. MONAGHAN: So, your question is whether any
5 company on which he is currently a board member sells
6 opioids. Is that a correct statement of the question, Mr.
7 Edmunds?

8 MR. EDMUNDS: That is a correct statement of the
9 question.

10 THE COURT: Yeah, you can answer that question,
11 Mr. Sackler.

12 MR. KAMINETZKY: Your Honor, just before that, I
13 have to object. He -- Mr. Edmunds just misstated the
14 testimony. I mean, he said companies that you currently
15 direct. I think the testimony -- one of your first
16 questions was when he left the board.

17 THE COURT: No, I think he -- I think he just said
18 where you're a director. I think he changed the question in
19 response to Ms. Monaghan's statement.

20 MR. KAMINETZKY: I don't believe so but okay, I
21 (indiscernible)...

22 THE COURT: Mr. Edmunds, you can ask it however I
23 want to. That's how I heard it.

24 BY MR. EDMUNDS:

25 Q Sure. Okay. So, the question, Mr. Sackler is the

1 companies of which you are a director currently continue to
2 market or sell opioids, is that right?

3 A Again, I -- I am a director right now of MNC, which is
4 an advisory board that advises companies that do continue to
5 sell opioids within their jurisdictions, and the guidelines,
6 and rules of those countries.

7 Q And to the extent you are aware the corporation Purdue
8 Pharma, of which you remain a beneficial owner, continues to
9 sell opioids despite the deaths that are occurring in the
10 United States, is that right?

11 MS. MONAGHAN: I'm going to object to the form
12 because, among other things, it's not a corporation. But if
13 you can answer the question, you can go ahead.

14 BY MR. EDMUNDS:

15 A To my knowledge, Purdue continues to sell opioids, yes.

16 Q Okay. And it did continue to sell at all times in
17 which you were a director of Purdue Pharma, is that right?

18 A It did.

19 Q And, in fact, you, along with other members of the
20 board, participated in -- or -- in fact, you and other
21 members of the board of directors of Purdue Pharma acted to
22 cause it to attempt to increase its sales of opioids during
23 the time period in which you were a director, is that right?

24 A I don't think I would say it that way. I mean, I think
25 it depends what time period you're talking about. You know,

1 look, the board of Purdue was always faced in dealing with
2 two -- two issues, okay? These products, prescription
3 opioids, are incredible medicines that help people suffering
4 in severe pain. And one of the goals that the board had was
5 to ensure that those medicines were made available for
6 physicians to prescribe to relieve the pain of those
7 patients who were suffering.

8 The balancing part from when we heard about --
9 from early on, when we heard about the abuse and
10 diversioning of that product, which we felt horrible for the
11 fact that this medicine that, you know, is intended to
12 really help people and relieve pain, was getting diverted
13 and abused by others and causing pain. You know, that
14 became a balancing focus on the board where we were trying
15 to do everything and -- you know, asking management in the
16 company to do whatever they can to minimize the abuse and
17 diversion of the product, while still ensuring that
18 physicians had it available for those patients and the
19 legitimate patients who needed it. So, that balance was
20 always something that the board dealt with.

21 Q Okay. Do you still have the document, JX1718 in front
22 of you, Mr. Sackler?

23 A I do.

24 Q Would you agree with me that there your focus is to
25 reverse the trend of declining sales volume for all of

1 Purdue's products, which are mostly opioids, as you've
2 testified?

3 A No. My focus as I read this document is that it's to
4 question if the high level of S&P expenditure that they were
5 putting in this budget was justified, given their projected
6 sales and revenue, and if we should continue other paths or
7 other ways forward from a business investment point of view.

8 Q You say, under Number 2, we need to spend time focusing
9 on and discussing how we will reverse this trend. Is that
10 right? Those are your words?

11 A I see that. And what the future truly holds for our
12 pipeline given the current realities of the market.

13 Q Those are your words, that we need to spend time
14 discussing how we will reverse this trend?

15 MS. MONAGHAN: Objection. Asked and answered,
16 and, as Mr. Sackler pointed out, it's taken out of context.

17 THE COURT: Why are -- you can answer that
18 question.

19 BY MR. EDMUNDTS:

20 A Yeah, I say that in the context of -- look, if -- first
21 of all, this was also the world's first abuse deterrent
22 opioid. And if I recall correctly, 2013 or so was the year
23 that the FDA had granted Purdue a change in its package
24 insert, which made it the first time it could actually say
25 something about the abuse of deterrent properties of the

1 newly formulated OxyContin. And, you know, it was important
2 to the board that the market share of abuse deterrent
3 opioids grew because we believed, and were told repeatedly
4 by management, that abuse deterrent products would save
5 lives, would reduce overdoses, and would help. And if we
6 could move patients from non-abuse deterrent proper opioids
7 to an abuse deterrent opioid, that would be for societal
8 good. That would help. And if we could move patients from
9 non-abuse deterrent proper opioids to an abuse deterrent
10 opioid, that would be Earth, societal good, that would help.

11 And that (indiscernible) --

12 Q It's a humanitarian --

13 A -- withdrawals.

14 Q So, you're saying it's a humanitarian cause; is that
15 your testimony?

16 A I wouldn't put it in those words, no. But I'm saying,
17 you know, we were always trying to do here the right thing
18 and the right balance between getting a needed FDA approved
19 medicine to doctors who needed it and trying to make it as
20 safe as possible, and keep it out of hands of people who
21 would otherwise, you know, who would abuse it or get harmed
22 by it.

23 Q So, when you said, in your opinion, you would be better
24 off laying everyone off and milking the business, you were
25 trying to do the right thing?

1 A Well, again, that's a little heated language, but I
2 think what I was saying is, instead of cutting the S&P,
3 stopping the -- if management truly believed that the trend
4 in the decline was going to continue no matter what we did,
5 then we should stop promoting it.

6 Q You should lay everyone off and milk the business,
7 that's what you said?

8 A On the S&S side, we should stop promoting the opioids
9 on the S&P side. Yes, let -- and redirect them towards
10 other products and use those funds to try to get new
11 products.

12 Q Okay. And incidentally, you mentioned abuse deterrent
13 OxyContin, but this is also about other opioids; is it not?

14 A I don't recall -- well, Butrans -- yes, I mentioned
15 Butrans, which was an opioid agonist/antagonist,
16 buprenorphine patch product.

17 Q Yeah, how about Dilaudid in the -- in the second to
18 last paragraph. "Dilaudid is way behind budget."

19 A Yes, I see that.

20 Q So, it mentions all of Purdue's opioids, not simply the
21 abuse-deterrent formulation of OxyContin, right?

22 A Right. I mean, the question was, the entire opioid
23 market is shrinking -- the entire prescription opioid market
24 was shrinking dramatically. And basically, I'm saying, you
25 know, does it pay to keep investing behind this given those

1 facts.

2 Q So all of this philanthropy, like, led to criminal
3 charges against Purdue -- criminal please that Purdue
4 entered in 2007 and 2020, right?

5 MS. MONAGHAN: I object to the term, philanthropy.

6 THE COURT: Well, I guess, yeah, you need to be
7 more specific, Mr. Edmunds.

8 MR. EDMUNDS: Okay.

9 THE COURT: Are we moving away from the 2013 email
10 and going back to something else to deal with 20 -- 2007?

11 MR. EDMUNDS: Yeah. Yeah, let me --

12 Q You testified that Purdue is trying to do the right
13 things --

14 A Mm hmm.

15 Q -- but, in fact, bookending this email, like, Purdue
16 pleaded guilty to criminal charges in 2007 and 2020 to the -
17 - to federal crimes committed in the promotion of opioids;
18 is that right?

19 A That's right, and I was shocked by that. Because we
20 were repeatedly told on the Board by management that they
21 were, you know, maintaining the highest level of compliance,
22 that they were following the laws, and it was -- it was
23 shocking and hugely disappointing to hear about, you know,
24 their pleas 2020.

25 Q Well, what about in 2015 when the State of New York,

1 you know, initiated an investigation resulting in an
2 assurance of discontinuance by Purdue for the very same kind
3 of misconducts alleged in the guilty pleas that bookended
4 the 2013 email?

5 A I'm sorry, I don't recall the 2015 item you're
6 referring to.

7 Q Sir, an action by the State of -- okay. An action --
8 you don't remember a settlement with the State of New York
9 in 2015 for marketing related --

10 A I vaguely remember there was the settlement for the
11 very de minimis amount of money, that matter's been handled,
12 and reported to the Board, but I can't recall more than that
13 what it was about.

14 Q And as a director, you received reports both before
15 2007 and well before 2020 that Purdue was, in fact, under
16 investigation by the federal government and state
17 governments; did you not?

18 A I believe we did, pre-2007. I can't recall in my last
19 years on the Board, when, you know, I mean, I -- when the
20 federal government -- you know, when we were made aware of
21 it by management of investigation by the federal government.
22 I can't recall when that was.

23 Q You can't recall when it was. But you were, in fact,
24 made aware of an investigation by the federal government
25 into Purdue's marketing of opioids; were you not?

1 A Like I said, I can't recall specifically.

2 Q Okay. How about for Mundipharma Italy? Do you recall
3 Mundipharma Italy coming under investigation by Italian
4 prosecutors' offices for paying kickbacks to doctors who
5 prescribed Mundipharma Italy's opioids; do you recall that?

6 A No, I recall that the Italian company, we were advised
7 from the MMC Advisory Board that the Italian company had
8 changed management and had settled a matter with the Italian
9 authorities. I don't recall if it was kickback or other
10 related, but that they had -- the local Board had changed
11 the manager and had taken appropriate action to settle the
12 matters with the Italian authorities. And I believe it
13 included other companies as well in that.

14 Q Okay. And what about in Australia, do you recall
15 regulatory action in Australia related to Mundipharma
16 Australia's marketing of opioids?

17 A I don't recall regulatory action there, no.

18 Q So, you weren't aware of that?

19 A I do not recall.

20 Q Do you -- right. Okay. Do you -- are you aware of
21 regulatory activity and actions taken in Canada with respect
22 to Purdue Canada's actions?

23 A I'm aware of the litigation in Canada and some of the
24 regulatory actions and that the company's been working
25 closely with the regulatory authorities in following all the

1 legal requirements in Canada, yes.

2 Q And were you aware generally of the opioid crisis
3 having been declared a national emergency by the President
4 of the United -- a national emergency or similar -- by the
5 President of the United States?

6 A As I said, I think the opioid crisis and the overdose
7 crisis in America is a -- is a national emergency. It is a
8 horrible situation that to my understanding has been
9 increasing since the late '70s. And yes, something, you
10 know, a lot needs to come together to do something about
11 that.

12 Q A lot does need to come together. And as a director of
13 Purdue Pharma from 2008 to 2020, having been a director and
14 executive of the company during the time when it previously
15 -- or during the time when it committed conduct it
16 previously pleaded guilty to, don't you think you should
17 have been aware of the practices that subsequently violated
18 federal law?

19 MS. MONAGHAN: Object to the form. The question
20 is very hard for me to follow. I don't --

21 MR. EDMUNDS: Yeah.

22 MS. MONAGHAN: -- I just can't.

23 THE COURT: I think it was kind of a two or three-
24 part question. If you could break it down, Mr. Edmunds?

25 MR. EDMUNDS: Sure. Sure.

1 MR. KAMINETZKY: It also misstates the testimony.

2 MS. MONAGHAN: I join in that objection.

3 Q As a director for Purdue Pharma -- you were a director
4 and an executive at the time that Purdue Pharma committed
5 the conduct for which it pleaded guilty to federal -- to a
6 federal count in 2007, right?

7 A As I said, I was not an executive with any line
8 responsibility or any duties other than it was it was a
9 retention title that my father had given me and others, but
10 I have no executive responsibility whatsoever. I did not
11 work in the company day to day. I was a member of the
12 Board, yes.

13 Q Okay. You were a member of the Board of Directors and
14 at the time that the conduct occurred to which the company
15 pleaded guilty in 2007, right?

16 A I was, yes.

17 Q And you held the title, whatever it meant, of Vice
18 President of the company; did you not?

19 A I don't recall when I gave it up, but yes.

20 Q Okay. And in fact, you entered into a corporate
21 integrity agreement --

22 A The company --

23 Q -- resulting from the 2007 -- the company did -- the
24 company entered into a corporate integrity agreement
25 resulting from the 2007 guilty plea --

1 A Correct.

2 Q -- that right? And you became aware at some point of
3 again, rising levels of opioid abuse and death as a result
4 of the opioids including prescription opioids, right?

5 MS. MONAGHAN: Object to the form. At what time?

6 Q After 2007?

7 A What I was aware of is that overdose deaths and --
8 well, it continued to rise through this entire period as
9 they had been since the late '70s in the United States. And
10 they continued to rise even after prescriptions for
11 prescription opioids started plummeting. The overdose
12 deaths kept going up and up. And yes, I was aware of that.

13 And, you know, you mentioned the corporate integrity
14 agreement, we on the Board, actually, you know, very much
15 appreciated having the Office of the Inspector General
16 overseeing the sales and marketing at Purdue for over -- for
17 five years following the 2007 plea. And we got repeated
18 reports on the Board that it is in compliance with us, with
19 the corporate integrity agreement, that the OIG monitor did
20 not have -- raise any issues about it. That gave us -- you
21 know, that gave us comfort that that -- to the point that as
22 it was coming to a close, I recall even asking in a Board
23 meeting, can we extend this CIA for another five years, can
24 we keep the OIG here longer because I like that they are
25 helping and another level of oversight at Purdue. And I was

1 told by management that that's not possible, it's not
2 something we could extend.

3 Q Okay. But again, you remained a Board member from 2007
4 on to early 2019 or late 2018, whichever it is, and in fact,
5 shortly after you resigned from the Board, Purdue Pharma
6 pleaded guilty to three federal felony counts; is that
7 right?

8 MS. MONAGHAN: Objection. I'm not sure what you
9 mean by shortly after he resigned from the Board.

10 MR. EDMUNDS: I mean the day that -- I mean 2020.

11 MS. MONAGHAN: Yeah, October 2020.

12 MR. EDMUNDS: Okay. Well, the year.

13 Q Given that -- you remained a member of the Board
14 through 2019, and Purdue Pharma and --

15 A Until the end of 2018.

16 Q Right.

17 A I remained on the Board until the year 2018, correct.

18 Q Until the end of that, and Purdue Pharma pleaded guilty
19 in 2020 to federal criminal charges related to the conduct
20 of the company that occurred while you remained a member of
21 the Board; is that?

22 A They did that. And as I said before, I was, you know,
23 unbelievably shocked and disappointed that that happened
24 again.

25 Q Hard to believe.

1 MS. MONAGHAN: I'm going to object to that, Your
2 Honor.

3 THE COURT: I'll let it pass.

4 Q Mr. Sackler, could I ask you to -- let's take a look at
5 this. Could I ask you to please pull up the document in the
6 folder that is JX-2094?

7 A Okay.

8 Q Okay. You have that in front of you? I'm going to
9 skip to page 48 of the PDF.

10 MS. MONAGHAN: By the page of the PDF, Mr.
11 Edmunds, you mean the page that appears at the top where it
12 says, blank of 97?

13 MR. EDMUNDS: I think I mean the page of the file
14 overall. And at the top of the page, that would be 16 of
15 97. But if you're looking at the slides in the PDF here, it
16 will 48th one of those. And I believe it has, although my
17 copy here does not -- I believe it will say J -- it will
18 have a JX page number that ends in 48 at the bottom.

19 MS. MONAGHAN: Are you sure? What I see is JX-
20 2094.0015, if what you're referring to is Schedule A.

21 MR. EDMUNDS: I am referring to Schedule A. And
22 if that's what it is, then I'm mistaken.

23 MS. MONAGHAN: Okay. And so --

24 MR. EDMUNDS: But --

25 MS. MONAGHAN: And so, Mr. Sackler, it's got a

1 page 15 in the upper right corner, and at the bottom of the
2 page it says, JX-2094.0015.

3 MR. EDMUNDS: 0015. Thank you, Ms. Monaghan.

4 THE WITNESS: At page 15 says, Schedule A on the
5 top.

6 MS. MONAGHAN: That's right.

7 THE WITNESS: 15 of 96. Okay.

8 BY MR. EDMUNDS:

9 Q Okay. And you see where it says Count I, and then
10 there are lettered paragraphs beneath that that continue on
11 for a -- to the -- for two pages. There is a Count II and a
12 Count III following that, and those continue on one more
13 page. Do you see that?

14 A I see that.

15 Q Do you understand these to be the counts to which
16 Purdue Pharma pleaded guilty in 2020?

17 A I believe so, yes.

18 Q And these counts relate to Purdue's failure to maintain
19 diversion controls; is that right?

20 A I don't recall the absolute specifics of this.

21 Q Okay. But do you --

22 MS. MONAGHAN: Do you want to direct him to a
23 particular --

24 MR. EDMUNDS: I will --

25 MS. MONAGHAN: -- portion of the document.

1 MR. EDMUNDS: -- I will direct him to Count I-B.

2 Q And note that this relates to, does it not, to Purdue's
3 calling upon healthcare providers from 2007 to February
4 2018?

5 A I see that, yes.

6 Q Okay. And if you would scroll -- I mean, there are
7 other allegations, but if you would scroll further to
8 subparagraph -- start -- I guess, Count I-G, which is a few
9 pages ahead of you, ahead of where you are.

10 MS. MONAGHAN: The paragraph that begins,
11 "Beginning in or about May of 2007"?

12 MR. EDMUNDS: That's correct.

13 Q It says that "Purdue knowingly and intentionally
14 conspired and agreed with other to aid and abet HCP's
15 dispensing without a legitimate medical purpose, and outside
16 the usual course of professional practices, and thus,
17 without a valid prescription. Prescription drugs held for
18 sale after shipment and interstate commerce thereby
19 rendering the dispense of drugs misbranded, in violation of
20 the Federal Food, Drug, and Cosmetic Act." Do you see that?

21 A Okay.

22 Q And that is the conduct in your -- some of the conduct
23 in your understanding, to which Purdue pleaded guilty?

24 A I believe it is. I mean, it's stated here, so yes,
25 must be.

1 Q Okay. And Purdue also in 2007 had pleaded guilty to a
2 similar count of misbranding; is that right?

3 A My -- I can't recall specifically, but I believe the
4 2007 settlement and pleas were all -- had to do with actions
5 that occurred prior to 2001. They had looked at our old
6 actions all the way up to 2007 and they found instances of
7 problematic sales and marketing from 2001 and earlier. When
8 -- and, yeah.

9 Q That resulted in the -- in the --

10 A The result of misbranding.

11 Q Yeah. Okay. And then Count II, there is a discussion
12 of -- if you would read Count II? "Between June 2009 and
13 continuing to about March 2017, Purdue Pharma offered
14 payments of speaker fees as kickbacks to healthcare
15 providers in exchange for prescribing Purdue's opioids"; is
16 that right?

17 A Offer payments, speak -- speaker fees and other
18 payments -- I see it -- I see what it says in the form of
19 speaker fees and other payments to two healthcare providers
20 with at least one prefaced to induce those healthcare
21 providers to write more prescriptions of Purdue opioid
22 products.

23 Q Okay. And Purdue pleaded guilty to that conduct; is
24 that right?

25 A Yes.

1 Q And in Count III, details a -- I guess an application -
2 - well, a platform that -- that Purdue utilized in
3 connection with the corporation Practice Fusion; is that
4 right?

5 A I see that here, yes.

6 Q And it pleaded guilty to misconduct involving the use
7 of that platform; is that right?

8 A I believe so.

9 Q Okay. And in fact, the allegations underlying that
10 count were that Purdue used that platform to try to expand
11 the opioids market generally, not just its market share; is
12 that right?

13 A That I -- that I don't know. Just if you'd point me to
14 the point on that, but I had not -- until the settlement,
15 until Purdue entered the settlement, I had not heard of
16 Practice Fusion. You know, it's not something that had come
17 to the Board or to my attention at all.

18 Q All right. Well, then I won't ask you about it. But -
19 - now, as part of this criminal plea, right, there was a
20 separate -- well, at the time of this criminal plea, there
21 was a separate civil settlement with the Department of
22 Justice entered with you and members of your family; is that
23 right?

24 A That's correct.

25 Q And you entered that settlement to resolve allegations

1 of misconduct against you; is that right?

2 A We did.

3 Q And those allegations of misconduct were that you, in
4 your capacity as the Director of Purdue Pharma, from 2008 to
5 2018, had, in fact, been involved in some of the criminal
6 conduct to which Purdue pleaded guilty; is that not correct?

7 MS. MONAGHAN: Objection. I think that
8 mischaracterizes the document. If you want to ask him about
9 the document, I think you should put it in front of him.

10 MR. EDMUNDS: Well, I will put it in front of him
11 in a minute.

12 Q But is that your understanding of the document?

13 THE COURT: You can answer that question.

14 A I know -- my understanding is that we strongly deny the
15 allegations in the settlement with the DOJ. We do not
16 believe we acted wrongly. We feel strongly we acted
17 ethically and legally throughout the period, and we state
18 that in the settlement.

19 We reached a settlement with the DOJ for the same
20 reason that we are trying to reach a settlement here in this
21 case, which is that we're trying to provide a very large
22 amount of funds to the communities and to the individuals
23 who are in need of them, rather than squandering them for
24 years and years in litigation, which was really the only two
25 choices that we faced that's as we, you know, the thousands

1 of lawsuits against Purdue and the family and grows up.

2 Q Okay. You were under investigate -- well, let's just
3 pull it up. Mr. Sackler, if you could please turn to the
4 document that is JX-2096? It is in your folder.

5 A Okay.

6 Q And this is this -- if you take a look, this is the
7 settlement agreement that you reached with the Department of
8 Justice along with other members of your family?

9 A Yes.

10 Q Okay. I want to turn you to the Department of
11 Justice's Addendum A, which follows the signature pages of
12 the agreement. And that is on the -- I guess, page marker
13 begins on JX-2096.0024, but the substance begins on the next
14 page, which is page 25. Do you see that?

15 A I'm scrolling down to it. Addendum A. Yes.

16 Q Okay. And you -- in the document, you denied the
17 allegations that are in Addendum A; is that right?

18 A I believe that's correct.

19 Q Okay. But let's take a look at them. If I could refer
20 you to Paragraph 2? Purdue's profits declined in 2010 after
21 the introduction of its reformulated OxyContin, which was
22 intended to be more difficult, though not impossible to
23 crush or manipulate for purposes of abuse and misuse; is
24 that true? Did its profits decline?

25 A I believe so, yes.

1 Q Okay. And then it stays, the named Sacklers, which
2 includes you, and I'll only ask you about yourself. Okay?
3 I'm only asking about you.

4 "The named Sacklers and Purdue executives tracked
5 Purdue's lost sales closely and regularly scrutinized sales
6 reports and related data"; is that true?

7 A No, I -- not from me. I, you know, I sat on the Board.
8 I got Board reports that I reviewed on sales and budgets,
9 but I did not regularly scrutinize sales reports or related
10 data.

11 Q Did you ever scrutinize sales reports or related data?

12 A As I said, on the Board -- when the Board was sent,
13 including the entire Board, which included the independent
14 outside Directors which sent sales reports or budget
15 proposals, yes, then I would look at them and work on them,
16 yes.

17 Q Okay. One moment, Mr. Sackler. Okay. Could I ask you
18 to open up another document. Put the -- we'll come back to
19 this one, but let me ask you to open up JX-1674 and turn to
20 page 5. Do you have that, Mr. Sackler?

21 A I have it. I'm just scrolling down to page 5.

22 Q You did -- do you see the paragraph where it says, "Can
23 someone also please send me a couple charts on the market
24 share development for controlled release analgesics over the
25 last few years and the projection for next year? One of

1 those charts should show the breakdown of OxyContin market
2 share by strength against competitors. I would like to
3 understand more the recent dynamics of the market and where
4 patients are shifting to, but we are losing. Regards,
5 Mortimer." You wrote that, right?

6 A I did.

7 Q Okay. You can put that aside, and turn back, please,
8 to the other document. And what --

9 MS. MONAGHAN: I'm sorry, back to the Settlement
10 Agreement, Addendum A, or --

11 MR. EDMUNDS: To the Settlement Agreement,
12 Addendum A, which is JX-2096 at page 25.

13 Q Okay?

14 A Okay.

15 Q Do you recall -- rather, if you would turn to the third
16 sentence? Do you recall whether Board members and Purdue
17 executives attributed the majority of the sales decline
18 referenced at the beginning of the paragraph to individuals
19 abusing opioids moving from OxyContin what were easier to
20 abuse drugs, and also, to increase scrutiny of prescribers,
21 pharmacists, and other actors? Do you remember that?

22 A Yeah, I -- I recall management reporting to the Board
23 that the decline in OxyContin had several factors associated
24 with it, one of which was that abusers were shifting to
25 other products. And that, for us, was, like, great news

1 because that was the purpose of the reformulation of
2 OxyContin, was to make it harder to abuse and, you know, we
3 never wanted people who didn't have a legitimate need for
4 the product to ever be using it.

5 And so the -- to the factor -- some portion, and
6 management could never pinpoint the -- what portion, but
7 that some portion of the decline was due to that, would --
8 was welcome news and was good news. And the other part that
9 they said was the market dynamics, yes, was the change, was
10 that -- as I referred earlier, the prescription opioid
11 market as a whole started declining quite rapidly.

12 And so, those were the two factors that the management
13 reported were contributing to the decline in OxyContin.

14 Q But once again, your language was that you wanted to
15 reverse the trend of the declined in OxyContin, right?

16 MS. MONAGHAN: Objection. Asked and answered.

17 THE COURT: No, you can answer that question.

18 A Again, understand, this was, I think -- well, the
19 email that you referred to me before was 2013. And 2013, as
20 I recall, was the year the FDA approved the change in the
21 package insert for the reformulated OxyContin. And the
22 Board wanted to -- even though we had a declining overall
23 market, we wanted to grow our market share in that market
24 because we were in abuse the term, because we felt it
25 allowed doctors to prescribe this for legitimate patients,

1 yet made it harder for those people suffer from an addiction
2 to abuse the product. We were looking to shift market share
3 to more abusable products into OxyContin, an abuse deterrent
4 product, to help with the situation.

5 Q But again, the email that we were talking about before,
6 referred to Dilaudid; did it not?

7 A It referred to that in the context of our entire opioid
8 platform and (indiscernible) --

9 Q It referred to Dilaudid.

10 A It referred -- it also referred to Butrans and it
11 referred to --

12 Q It --

13 A -- our pipeline, yes.

14 Q Sure, Mr. Sackler. But my question was, did it refer
15 to Dilaudid, and my next question would be, is Dilaudid
16 abuse deter?

17 A At that -- no, it is not, although the company was
18 working on making all the opioids abuse deterrent. They
19 were working on expanding the platform of abuse deterrence
20 for all opioids.

21 Q Was the company still selling non-abuse deterrent
22 Dilaudid?

23 A I believe it was at that time, yes.

24 Q And other non-abuse deterrent opioids?

25 A I -- I can't recall. I mean, I -- yeah, I mean,

1 Butrans technically is not an abuse deterrent.

2 Q And there was another entity that worked in parallel
3 called Rhodes, right?

4 A Rhodes sold generic products, correct.

5 Q Generic products, generic opioids, right?

6 A And other products, yes.

7 Q Well, we can talk about those, but generic opioids
8 including generic oxycodone, right?

9 A It did and it had a project underway to try to come up
10 with an abuse deterrent immediate release oxycodone.

11 Q But at the time, and including continuing up to now,
12 Rhodes does not make an abuse deterrent immediate release
13 oxycodone product, does it?

14 A No, it doesn't, but also it doesn't promote those
15 products and it doesn't have SNP and salesman going to
16 doctor's offices either.

17 Q It still sells them?

18 A It sells them, but it doesn't promote them.

19 Q Okay.

20 A I thought your question was around the promotion.

21 Q I think it's -- let me turn you -- we'll go back to the
22 Addendum A to the Civil Settlement. Would you turn to
23 Paragraph 4 and let me ask you about one part of the first
24 clause of the first sentence of Paragraph 4. Purdue
25 detailed over 100,000 doctors. Is that right?

1 A I can't recall specifically. I see the paragraph says
2 that.

3 Q Do you think it detailed over 100,000 doctors?

4 A It's possible.

5 Q Do you have any reason to think that it didn't?

6 A No. Like I said, it's possible. I don't recall the
7 specific number.

8 Q Do you have any idea how many sales calls Purdue sales
9 reps engaged in in the United States between 2013 and 2018?

10 A I do not.

11 Q Do you know if it was more than 100,000?

12 A Like I said, I don't know.

13 Q In fact, it was some multiple of 100,000, right? It's
14 hundreds of thousands, if not millions. Is that right?

15 MS. MONAGHAN: Objection. What is the "it" that
16 you're referring to?

17 MR. EDMUNDS: The number of detailing calls.

18 MS. MONAGHAN: So not how many physicians, but how
19 many calls?

20 MR. EDMUNDS: We had moved on from that, yes, to
21 how many calls.

22 MS. MONAGHAN: Okay.

23 BY MR. EDMUNDS:

24 A Like I said, I don't recall what the actual number was.

25 Q But you aware, were you not, that Purdue sales reps

1 were making calls on healthcare providers repeatedly, right?

2 A Yes.

3 Q And they returned to the same healthcare providers
4 repeatedly go promote opioids, right?

5 A Yes, to promote the abuse deterrent, reformulated
6 OxyContin.

7 Q Well, they promoted other opioids too, did they not?

8 A They did.

9 Q They did. And they also distributed unbranded material
10 that promoted all opioids, did they not?

11 A I'm not aware. That level of detail I don't know.

12 Q Okay. Do you know if there was a correlation in the
13 number of Purdue's visits and the prescribing of OxyContin?

14 A I do not know, no.

15 Q Were you aware of Purdue's work with a consultant known
16 as McKinsey & Company?

17 A I'm aware of it.

18 Q And did Purdue retain McKinsey to provide
19 recommendations regarding declining sales of Purdue's
20 opioids?

21 A In what year?

22 Q I believe in multiple years. Is it your understanding
23 that McKinsey worked in multiple years on that purpose?

24 A It's my understanding that, yes, Management would bring
25 in consulting firms to help them on a variety of topics over

1 many different years.

2 Q And in fact, McKinsey & Company was brought in in
3 several different years to provide consulting regarding
4 Purdue's sales and marketing of opioids; is that not true?

5 A Again, as I said, they were Management initiatives. I
6 couldn't tell you what years or when.

7 Q Wait a minute. Did Management take these initiatives
8 without the Board knowing?

9 A In some cases they would have. In some cases they
10 would have notified the Board. Management did have the
11 leeway to bring in consultants on their own without the
12 Board knowing, yes.

13 Q And when they brought in McKinsey, in fact, because
14 you're able to talk about it today, you knew. Is that
15 right?

16 A Like I said in which year? Which year and which
17 engagement of McKinsey?

18 Q In 2010.

19 A I don't know if there was. I don't recall if there was
20 one in 2010.

21 Q Okay. How about in 2013?

22 A Yeah, I believe and I know more from having reviewed it
23 around the Settlement Agreement with the DOJ. I believe it
24 was in 2013 that Management, in advance of the knowledge of
25 the Board, had engaged McKinsey to work with them. As I

1 understood it, it was around the fact that that was the year
2 that Purdue had received the FDA approval to change the
3 label to the reformulated OxyContin with the abuse deterrent
4 properties for the first time on the label. It was the
5 first time they could say anything about the abuse deterrent
6 properties because the FDA was extremely careful and the
7 company was very careful prior to that, not allowing them to
8 say anything. So they, as I understood it, brought in
9 McKinsey to help them figure out how best to deliver those
10 messages to physicians.

11 Q Okay. And, in fact, you were made aware that they were
12 bringing in McKinsey, were you not?

13 A Like I said, I believe when I found out about it, the
14 management had already engaged them and brought them in.

15 Q You didn't have any discussions with McKinsey?

16 A I didn't say that. I said I believed they already
17 started and had been brought in and then they brought them
18 to the Board.

19 Q And so you did, you engaged in discussions directly
20 with McKinsey?

21 A The Board did. I took part I believe in, I can't
22 remember specifically, but I believe Management brought
23 McKinsey to the Board in one of the Board meetings in which
24 I participated.

25 Q So you participated in a meeting with McKinsey when

1 McKinsey was brought in to consult with Purdue on how it
2 could improve its sales of opioids. Is that right?

3 A Correct. I believe that's right.

4 Q And, in fact, you understood the programs that McKinsey
5 had proposed to expand Purdue's sales of opioids; did you
6 not?

7 A I wouldn't say I understood all the programs. I had a
8 presentation from them at that Board meeting alongside the
9 rest of the Board members. To my knowledge and
10 recollection, I don't believe we ever voted on it. I think
11 it was an initiative Management continued to pursue
12 thereafter.

13 Q You didn't vote on it. Did you ever vote to stop it?

14 A Like I said, I don't think we ever voted on it either
15 way. We deferred to Management on those issues. There was
16 the Management -- the CEO had the option to do that.

17 Q So you knew, but you knew as the Board of the programs
18 that were being implemented by the corporation in light of
19 McKinsey's reporting and you did not stop those activities.
20 Is that right?

21 A Like I said, I don't know if I was aware of all the
22 programs, but we had a presentation. I don't know if I was
23 made or if the Board was made aware of every program they
24 were pursuing thereafter.

25 Q Were you aware of the Evolve 2 Excellence program?

1 A Like I reviewed some of this. It didn't ring a bell,
2 but when I reviewed it at the time with the DOJ, I saw that
3 name.

4 Q If McKinsey had presented to you on its recommendations
5 that were implemented by you say the Management of Purdue,
6 you would have been aware of the Evolve 2 Excellence program
7 would you not have?

8 A Like I said, I've heard the name. I wasn't
9 specifically focused on it. I didn't remember it prior
10 really to the settlement agreement when we reviewed some of
11 the documents with regard to the settlement with the DOJ.
12 It was not a major feature in my recollection or from my
13 time on the Board.

14 Q Okay. Let me ask you to turn to Paragraph 92 of the
15 Settlement Agreement you have in front of you. Let's back
16 it up. We'll look at 91 first. Do you recall a discussion
17 with Purdue's Management on August 15th, 2013, discussing
18 McKinsey's progress on evaluating growth opportunities for
19 OxyContin with Board, including the named Sacklers. Do you
20 recall that?

21 A Like I said, I recall attending a Board meeting where
22 Management raised and discussed the work of McKinsey.

23 Q How about Paragraph 92. Do you recall receiving an
24 email from Richard Sackler that the discoveries of McKinsey
25 are astonishing?

1 A Again, I didn't recall that until I reviewed it in
2 light of the Settlement Agreement with the DOJ.

3 Q But you did, in fact, you did, in fact receive that?

4 A I believe so, yeah.

5 Q And you wrote in response, you wrote in response -- let
6 me ask you actually to pull this document up. It should be
7 in your materials. It's PPL UCC 9002451449. If you could
8 bring that up.

9 A Can you say the number again?

10 Q Yes. PPL UCC 9002451449.

11 A Got it.

12 Q And do you see this is your email responding to the
13 email referenced in Paragraph 91 of the Settlement Addendum
14 of August 15th, 2013, at 6:24 p.m. to Richard Sackler. Do
15 you see that?

16 A I see that.

17 MS. MONAGHAN: Objection. I thought the
18 paragraph, the email you're referring to had the word
19 "astonishing" in it and I don't see that here.

20 MR. EDMUNDS: Well, it is. We'll get to that.

21 BY MR. EDMUNDS:

22 A Yeah, I don't see that here.

23 Q Do you see the subject line is a reply to subject line:
24 The discoveries of McKinsey are astonishing?

25 MS. MONAGHAN: Okay. So the text is not -- it's

1 in the subject line.

2 MR. EDMUNDS: This is the second email. This is
3 his response.

4 BY MR. EDMUNDS:

5 Q So this is your response to the email that Richard
6 Sackler sent you with the discoveries of McKinsey are
7 astonishing, right?

8 A Yes.

9 Q Okay. And why don't you read what you said in response
10 to Richard Sackler's email?

11 A Yes, no kidding. I said this last Board meeting when I
12 saw the initial report. Really damning of our organization.
13 I'm really surprised John Stewart hasn't recommended
14 strengthening our management in that area. Regards,
15 Mortimer.

16 Q So, in fact -- I opened at Stanford. If I could turn
17 you back to Settlement Agreement that you have in front of
18 you. Is it the case -- I'll turn you to paragraph -- turn
19 you back to Paragraph -- I jumped around a little bit -- let
20 me ask you just generally, I can't find it now. Is it the
21 case that you and the other members of the Board were
22 involved in the hiring and retention of Purdue's executives?

23 A The Board was involved in the hiring and appointing of
24 the CEO, as Boards generally are. It's one of the most
25 important roles for the Board of Directors to select the

1 CEO. So yes, we were involved, the entire Board was
2 involved in the search for new CEOs or changes in CEO when
3 that happened.

4 Q What about other executives of the company like the
5 Vice President of Sales?

6 A No. Those were appointments made by the CEO.
7 Depending on the CEO, they had a practice of after they ran
8 a search and narrowed it down with HR or whichever groups
9 they were working with, they had a practice of offering the
10 final candidate the opportunity -- or for the Board members
11 the opportunity to meet with the final candidate they were
12 going to choose, but we were not involved in the search for
13 one. Those were management searches under the CEO.

14 Q If you go back to the last documents you had up, you
15 were referring, aren't you, to whether the CEO then, John
16 Stewart, hasn't -- why hasn't he recommended strengthening
17 our management in that area, in the area being sales? Are
18 you not?

19 A I'm adding that as a question. I'm surprised in that
20 email and again, I don't recall other than seeing it in this
21 context, you know, questioning why the CEO hadn't come to
22 the Board to want to make -- strength that area of the
23 organization.

24 Q So it wasn't the CEO's ability to appoint executives
25 then because he had to come to the Board, did he not?

1 MS. MONAGHAN: Object to the form.

2 Mischaracterizes his testimony.

3 THE COURT: It was just a question. You can
4 answer that.

5 BY MR. EDMUNDS:

6 A It was the CEO's role to do that.

7 Q To come to the Board for a recommendation?

8 A No. The CEO appoint it, would select and appoint his
9 direct reports. And he would often make them available for
10 interviews with the Board, but it was the CEO who controlled
11 those positions and who they reported to.

12 Q By making a recommendation to the Board, right? That's
13 what your email says.

14 THE COURT: Actually, it doesn't Mr. Edmunds.

15 You're really stretching at this point from that email at
16 least.

17 BY MR. EDMUNDS:

18 Q It recommend strengthening our management. Is that not
19 what it says?

20 A It's normal for the CEO if they're going to make big
21 structural changes in the organization to discuss that with
22 their Board of Directors, yes, especially at senior
23 management levels and that's what I was referring to.

24 Q Okay. So you would engage in discussions about senior
25 -- about the personnel employed in senior management levels

1 among the directors. Is that right?

2 A I'm saying it's normal for a CEO to engage in those
3 discussions if they're going to make -- and they did over
4 the years. The CEO would come to the Board and say I am
5 planning to make this change. I'm launching a search. We
6 didn't approve or disapprove that. It was information. He
7 was telling us of his objectives or his changes and then as
8 a courtesy, he would make the final candidate available for
9 the Board members to meet if they so choose.

10 Q Okay. So the Board did meet with and discuss with the
11 CEO the candidates for positions like Vice President of
12 Sales. Is that right?

13 MS. MONAGHAN: This is mischaracterizing his
14 testimony.

15 MR. EDMUNDS: It's a question.

16 BY MR. EDMUNDS:

17 A No.

18 THE COURT: You've asked it four or five times
19 now. You can answer this one, but I really think you're
20 going up a blind alley here, Mr. Edmunds.

21 MR. EDMUNDS: I'll move on then after -- I'll
22 allow him --

23 THE COURT: You can answer that question then, Mr.
24 Sackler.

25 BY MR. EDMUNDS:

1 A I said during the time I was on the Board, the CEOs
2 would come and talk to their Board about their plans for
3 organization structure and their plan for changing senior
4 executives, but it was the CEO's initiative and it was the
5 CEO who ran the searches. It was the CEO who hired those
6 individuals who reported to them.

7 Q Okay.

8 THE COURT: But just to be clear, Mr. Sackler.
9 You were unhappy with the CEO in your email as far as the
10 team he had assembled, right?

11 THE WITNESS: I was -- as I recall, I was
12 surprised given some of those -- and I can't remember the
13 details of the report -- but I believe I was surprised given
14 some of the criticisms in the report that he wasn't coming
15 forward and asking for certain changes to that, yeah.

16 MR. EDMUNDS: I'll move on, Your Honor.

17 BY MR. EDMUNDNS:

18 Q Mr. Sackler, could you turn to Page 61 of this
19 Agreement Addendum -- rather the Addendum to the Agreement?

20 A Okay.

21 Q And so it is true in or around August of 2010, you and
22 other named Board members received a Board package that
23 included Region 0 sales data, including the names of Region
24 0 prescribers?

25 A I don't recall that, no.

1 Q Is it not true or did you not recall it?

2 A I don't recall it.

3 Q Is there any reason for believing that it's not true?

4 A Like I said, you know, Region 0 was a Management
5 initiative that they would report to the Board on
6 occasionally. I don't remember ever seeing names of
7 specific prescribers, but it's possible Management made
8 presentations to the Board on Region 0. That is possible.

9 Q And did -- if you could turn to Paragraph 62, do you
10 see in the -- is it true that on December 1st, 2010, you
11 were made aware of Management's findings concerning the drop
12 in sales that occurred post reformulation?

13 A I don't remember the date, but yes, that's certainly
14 possible.

15 Q And do you recall whether -- for reference -- whether
16 you were briefed on the fact that Region 0 accounts for much
17 of the transaction decline at the regional level?

18 A I believe that's total prescription decline, not
19 transaction, TRX. But that is consistent with them
20 reporting on that and that would have been very welcomed and
21 very good news. Because as we said, the purpose of the
22 reformulated OxyContin was to try to get it out of the hands
23 of people suffering from addiction and people who were
24 looking to abuse it and try to ensure it was only
25 legitimately prescribed for physicians for those who needed

1 it and who would benefit by the medicine.

2 Q Okay. So at that time then -- first what is Region 0?

3 I don't think we've established that?

4 A As I said, my recollection is that this was a
5 Management initiative in order to identify -- when they
6 found out through sales reports or others or news stories
7 that a certain physician was potentially prescribing the
8 opioids or our products inappropriately or selling
9 prescriptions or doing things against the law, Management
10 would put them into Region 0, which would prevent them from
11 getting --receiving any further sales calls from our sales
12 people. It would prevent any of their data or sales being
13 counted in any compensation package or bonus package for
14 salesman. So it was Management's work to try to cut out bad
15 doctors, to try to count out any incentive for any salesman
16 or anyone in the company to encourage bad practices. So
17 that's why they created Region 0 as I understand it.

18 Q So is it fair to say that when you cut those doctors
19 out, Purdue's sales then declined from what they had been
20 significantly?

21 A Again, I don't know that level of detail. I couldn't
22 say that.

23 Q But that's the detail that was presented to you, was it
24 not, at this December meeting?

25 A The sales is not because of them being added to Region

1 0, but because of the reformulation and the abuse deterrent
2 OxyContin was launched in 2010. And so, you know, this
3 presentation, you know, that I believe was saying, look, the
4 good news is the doctors we put in Region 0 that we feel
5 were bad docs had a very large or disproportionate amount of
6 the decline because they don't like the reformulated
7 OxyContin which is harder to abuse. That's a good thing.
8 That is exactly why we spent years and years almost a
9 billion dollars reformulating the product was to get to that
10 result.

11 Q I guess that's my point. Before that, the sales were
12 higher because those doctors were prescribing significant
13 amounts of OxyContin, were they not?

14 A And we did not want that, correct.

15 Q But that's what was happening right?

16 A There were doctors that were acting inappropriately and
17 Management, to the best of their ability, tried to as they
18 could identify them and not call on them, not promote them,
19 not include them in incentive compensation plans. Really,
20 because we -- as I said all along, the Board had a very
21 clear dual focus here. How do we ensure this medicine is
22 available for physicians to legitimately prescribe to
23 patients who need it while at the same time minimizing the
24 abuse diversion and harm that could be caused if they were
25 used by others who did not require it medically. We were

1 told repeatedly, repeatedly over these years that, you know,
2 by Management that Purdue is going above and beyond. We
3 were doing things no other company had ever done in terms of
4 trying to do that, trying to reduce prescription opioid
5 abuse. There is a long, long list of programs Purdue
6 Management undertook to try to reduce the abuse and
7 diversion of prescription opioids. Their reformulating
8 OxyContin had a massive cost and replacing the project out
9 there was just one piece of that. But there were many, many
10 things that had never been done before in the country or in
11 the world including the first ever abuse deterrent opioid
12 that the company did to try to deal with that problem, to
13 really try to get that balance between how do you make this
14 really important medicine available for those who need it
15 and who otherwise are suffering debilitating pain while
16 keeping it out of the hands who don't need it and who are
17 suffering in a different way from addition.

18 Q And yet at the end of all that, during that period of
19 time, it is a fact, is it not, that Purdue pleaded guilty to
20 three counts, one of which included that Purdue was putting
21 opioids in the hands of doctors who should not have been
22 prescribing it because their prescriptions were not ripe for
23 legitimate medical use. Is that right?

24 A That level of detail of what Purdue pled to, I'm not an
25 expert enough to opine on what they specifically pled to in

1 that.

2 Q But before everything you said, you actually reread it,
3 right? We read that. And you agreed that's what it pleaded
4 guilty to.

5 THE COURT: By "that" you mean the actual plea,
6 right?

7 BY MR. EDMUNDS:

8 Q The actual plea.

9 A I agree with what's in the plea.

10 Q Okay. During this time, Mr. Sackler -- and of course
11 the more opioids Purdue sold, the more money it received as
12 a general matter. Is that right?

13 A The more product any company sells, the higher it's
14 revenues, yes.

15 Q Sales drive -- drive revenues and profits, right?

16 A Correct.

17 Q And when you -- and I think we've already talked about
18 the distributions of those profits, what you call the excess
19 cash like to the trusts that benefit you and other members
20 of your family, right?

21 A Correct.

22 Q And you are not the trustee of those trusts, right?

23 A I am not.

24 Q But what is the Family Council?

25 A Look on our side, we have a very diverse family. There

1 are eight different groups around the world. The Family
2 Council is something that we put together when my father was
3 still around, but it was intended to really operate as a
4 mechanism for family members to get together a couple times
5 a year to discuss things we worked together, predominately
6 really philanthropy and the philanthropy that we worked on
7 together. And that's -- it was a way for our family members
8 to come together and talk about those items.

9 Q Okay. Let me ask you, Mr. Sackler, to pull up the
10 document you should have that is labeled PPLP UCC 00718353.
11 And the document should have the title, MDS Family Charter.

12 A Okay.

13 Q And by MDS, is it your understanding in this document
14 that this means the Mortimer D. Sackler Family Charter?
15 Beginning BEN KAMIN live from Mortimer Sackler and Kathy
16 Sackler.

17 A Yeah, my father. The Dr. Mortimer D. Sackler Family
18 Charter --

19 Q Dr. Mortimer D. Sackler was your father?

20 A Correct.

21 Q And this is the charter of the family that establishes
22 the Family Council. Is that correct?

23 A I believe so, yes.

24 Q Okay. And this document sort of sets forth procedures
25 for the Family Council and explains how it is -- how it

1 functions. Is that right?

2 A I believe so, yes.

3 Q Okay. And it says under meetings, the Family Council
4 shall meet four times each year. Right?

5 A Again, I haven't seen this in a long, long time, so
6 give me a moment to remind myself about it.

7 Q Sure.

8 A I mean, this is --

9 Q Go ahead --

10 A I don't know when this is dated. I believe 2003?

11 Q Does have the date of 2003 at the top.

12 A And it was something we put together, but it wasn't
13 really something that we wholeheartedly stuck to, but it was
14 kind of an outline.

15 Q Okay. Well, let's just stick with what it is in my
16 questions on the docket, and we can talk more about what it
17 was.

18 A What section would you like me to look at?

19 Q I think I had asked about four meetings a year, which
20 if I scroll down a little bit -- let me just scroll back.

21 It's going slowly for me today. It is Section 1.4.4 on Page
22 2.

23 A Okay.

24 Q Okay. And so it meets four times a year, according to
25 this document. Do you agree with me?

1 A That's what it says. Yes.

2 Q Okay. And under Section 1.5, it lists the functions of
3 the Family Council, and that includes appointing members to
4 four family committees. Is that right?

5 A That's correct.

6 Q There's a Trust and Legal Committee? Is that right?

7 A Yes.

8 Q A Finance and Investment Committee? Is that right?

9 A Yes?

10 Q Pharmaceutical Business Committee? Is that right?

11 A Yes.

12 Q And a Philanthropic Committee. Is that right?

13 A Correct.

14 Q Okay. If you would scroll down further, I think onto
15 the next page, Section 2.2, there is a Trust and Legal
16 Family Committee, and this outlines that committee, right?

17 A Yeah.

18 Q And it says the committee initially comprises Samantha
19 Sackler Hunt -- who is the KEL? Do you know who that is?

20 A Karen Lefcourt.

21 Q Okay. And MTS, which is Marissa -- is that Marissa
22 Sackler.

23 A Correct.

24 Q Okay. And Samantha Sackler Hunt is the First Chair,
25 right?

1 A Yes.

2 Q Okay. And if you would scroll down -- it doesn't list
3 the functions of the Trust and Legal Family Committee,
4 right?

5 A It does --

6 Q (indiscernible)

7 A And let me just say that, you know, many of these never
8 really went into effect. I would say the two that really
9 were activated and actually did something was the Investment
10 Committee and the Philanthropic Committee.

11 Q Okay.

12 A (indiscernible)

13 Q And this is a 2003 document, just --

14 A Correct.

15 Q Do you agree with me? Okay. So nevertheless, this
16 document to which is the charter of the family, list says
17 the functions of the Trust and Legal Committee -- we'll skip
18 the first two -- but the third bullet point says to follow
19 on an ongoing basis the trust structure generally and
20 changes that may be recommended by advisors and family
21 trustees, to the intent that the structure should continue
22 to meet and protect the interests of the family generally,
23 and where concerns exist as to the structure being in the
24 interest of the majority, but not necessarily all of the
25 family, to work with any family members who expressed

1 concerns as to their own position. Is that right?

2 A That's correct.

3 Q And if you scroll down to... I think I am missing part
4 of the document, but I will come back to it. Let's go on to
5 the next committee, which is 2.4. It discusses the
6 Pharmaceutical Business Family Committee. Is that right?

7 A That is what it says, yes.

8 Q Okay. And there is such a committee, and it has the
9 function -- or according to this document, it has the
10 functions listed.

11 A As I said, that committee really didn't ever get off
12 the ground or get formed. The two main ones, as I recall,
13 really actually came out of this were the Investment
14 Committee and the Philanthropy Committee.

15 Q Okay. Well, I've heard you say that several times.
16 Let me take you to another document, and we can test that
17 out, while someone emails me a correct version of this
18 document.

19 So let me ask you to pull up on your screen
20 Document Number PPLP UCC 002451764. Could you pull that up?

21 A Can you repeat the number again, because I don't see
22 that.

23 Q Yeah, sure.

24 MS. MONAGHAN: I don't either, I have to say, Mr.
25 Edmunds.

1 MR. EDMUNDS: Well, let me repeat it, just to be
2 sure. PPLP UCC 002451751. You don't have that?

3 MS. MONAGHAN: I do have that. I think you --

4 MR. EDMUNDS: I might have --

5 MS. MONAGHAN: (indiscernible) read differently.

6 MR. EDMUNDS: Okay.

7 BY MR. EDMUNDS:

8 A 451751. Okay.

9 Q Yeah. Ending in 751. I'm sorry if I read it
10 incorrectly. And so that first document, Mr. Sackler, was a
11 2003 document that you described as -- well you described
12 how you described it. But if you look at this document,
13 this is a document with a date of 2012, is it not?

14 A It is.

15 Q In it lists all these meetings of those committees,
16 doesn't it?

17 A I don't know if this is meetings of those committees.

18 No.

19 Q Well, does it --

20 A It does -- it -- no, sir.

21 Q Go ahead, Mr. Sackler.

22 A Yeah, I mean, I believe what this document is -- again
23 I don't know where you got -- where this is from -- but I
24 believe this would have been the Trustee's sharing in
25 advance with family members the proposed calendar of

1 meetings for 2012. So it would have been sent to us in 2011
2 to clear dates or to confirm dates of meetings of, you know,
3 the Investment Committee. And the Trust Admin meetings
4 would have been the Trustee meetings. Accounts meetings
5 would have been, I believe, the Account Trustee, or the
6 Investment -- the accountants and the trustees, possibly
7 with family members or not. And then the Family Council
8 meeting -- right.

9 Q Okay. Well, there is an Investment Committee, is there
10 not, of the Family Council?

11 A Family Council. Yes.

12 Q (indiscernible)

13 A And they (indiscernible) meet regularly. Yes.

14 Q And so that committee and the Family Council did meet
15 regularly, as did the Family Council?

16 A Correct.

17 Q Itself, right? And so, you know, in fact, this is nine
18 years after the first document, there are meetings of the
19 Family Council taking place in -- this document covers
20 February 8 to, I guess, Thanksgiving, you know November --
21 around November 28th. And in fact, there are regular
22 meetings within it of the Family Council and of at least one
23 of its committees. Is that right?

24 A That's correct, as I said. Yes.

25 Q Okay. And the Investment Committee functions to

1 discuss the investments of the trusts, right, and of
2 distributions to the family members, does it not?

3 A No. The Investment Committee's purpose was to advise
4 trusts and family members, included outside investment
5 professionals on investing funds, either held personally by
6 family members or in their trusts. And it was to give them
7 advice on those investments, i.e. identify new fund
8 managers, identify other investments.

9 Q Okay. Mr. Sackler, I am getting back the document that
10 I didn't have correctly here, so I might take you back.
11 Give me just one second.

12 MR. EDMUNDS: Court's indulgence, please.

13 BY MR. EDMUNDS:

14 Q Okay. My apologies. Let me take you back, Mr.
15 Sackler, to the doc, the MDS Family Charter. And I'll give
16 you the number again. I now have the complete document. So
17 let's go back there. It's PPLP UCC 000718353, is where the
18 document begins. And let me know when you have that back
19 up. You got it?

20 A Mm hmm.

21 Q Okay. So let's scroll back down to -- this is --
22 scroll back down to the Trust and Legal Family Committee
23 that appears in Section 2.2 on the document with the Bates
24 number ending in 18357. Do you see that?

25 A Sorry, 18 -- I got it, yes. Ending, I think it's on

1 Page 6, 2.2 Trust and Legal Family Committee?

2 Q Right. And you may be reading the same -- I was
3 reading, I think, a different -- well, I think I'm probably
4 having you go through an exercise that we just did. But if
5 you could look at the third bullet, because mine was
6 incorrect, in this document. The third bullet of the
7 functions of the Trust and Legal Family Committee is to
8 follow on an ongoing basis the trust structure generally,
9 and any changes that may be recommended by advisors and
10 family trustees. Is that right?

11 A Yes.

12 Q Okay. And then at the bottom of the page -- or further
13 down the page, I guess in about the middle, there is Section
14 2.3. And in this document -- first of all, the membership
15 of this committee appears to be you, with you as the First
16 Chair. Is that right?

17 A That's correct.

18 MS. MONAGHAN: I'm just going to object. For the
19 record, you mean the Investment and Finance Family
20 Committee?

21 MR. EDMUNDS: Yes, I do.

22 BY MR. EDMUNDS:

23 Q It's called the Invest -- the official name is the
24 Investment and Finance Committee. Is that right??

25 A Yes.

1 Q And sometimes called the Investment Committee? Is that
2 fair?

3 A Correct.

4 Q Okay. And so that committee consists of you, as Chair;
5 your sister, Kathe Sackler -- is that right?

6 A Correct.

7 Q And is it -- I don't remember his first name, but can
8 you say who JML is?

9 A Jeffrey Lefcourt.

10 Q Okay. Thank you. And it lists here in these bullets
11 the functions of the Investment and Finance Committee. Is
12 that right?

13 A Yes.

14 Q Okay. And one function is to make recommendations to
15 the trustees and investment advisors of the investments of
16 the trust assets, I guess, they report to. Is that right?

17 A That's correct.

18 MS. MONAGHAN: I'm just going to object, because
19 it's correct but incomplete.

20 MR. EDMUNDS: All right. One function, I think I
21 said, is that it does that --

22 MS. MONAGHAN: No, but the end of the bullet, Mr.
23 Edmund, says the final decision for making investments is
24 reserved to the family trustees.

25 MR. EDMUNDS: Right. I don't think that anything

1 I asked him about implied that it did not say that. But
2 with that clarification, thank you.

3 BY MR. EDMUNDS:

4 Q And do you see the third bullet, to review asset
5 allocations for family members generally, together with
6 family trustees and investment advisors?

7 A Yes.

8 Q Okay. All right. And then if you go on, there are
9 descriptions, are there not, of the Pharmaceutical Business
10 Family Committee and the Philanthropic Family Committee?

11 A Yes.

12 Q Okay.

13 MR. EDMUNDS: Your Honor, this is not a joint
14 exhibit, but I will move the admission of this document into
15 the record.

16 THE COURT: Okay. Any objection to its admission?

17 MS. MONAGHAN: No objection here, Your Honor.

18 THE COURT: All right. I think this is the fourth
19 new exhibit.

20 MR. EDMUNDS: It is, isn't it? Yeah, I --

21 THE COURT: No, no, I'm not complaining. I'm just
22 saying --

23 MR. EDMUNDS: Yeah.

24 THE COURT: -- in the order, that's where it
25 should come up.

1 MR. EDMUNDS: Right.

2 THE COURT: That's how it should be referenced,
3 whatever number we're up to.

4 (State of Maryland Exhibit 4 admitted into
5 evidence.)

6 BY MR. EDMUNDS:

7 Q Okay. And if we could go back -- because I think I
8 jumped around without doing it to the schedule of meetings
9 that you had in front of you before, Mr. Sackler, which I
10 believe is PPLP UCC 002451751, that schedule that you had
11 identified before, Mr. Sackler.

12 A Yes.

13 MR. EDMUNDS: Your Honor, I'll move this into
14 evidence too.

15 THE COURT: Okay. Any objection to that?

16 MS. MONAGHAN: No objection, Your Honor.

17 THE COURT: All right. That's admitted --

18 MR. EDMUNDS: Okay.

19 THE COURT: -- with the next number.

20 (State of Maryland Exhibit 5 admitted into
21 evidence.)

22 BY MR. EDMUNDS:

23 Q Okay. And let me turn you now to Document Number --
24 which you should have -- PPLP UCC 002937188. Could you open
25 that up, please, Mr. Sackler?

1 A Okay.

2 Q I'll just ask you if it's correct that this is an email
3 to you and to others from a Geraldine McNaney, of October 8,
4 2008, that attaches a draft agenda for the Family Council
5 Meeting?

6 A Yes.

7 Q And this Geraldine McNaney, she is an employee of the
8 trust company that acts as trustee for the Mortimer Sackler
9 Family Trust? Is that right?

10 MS. MONAGHAN: At the time?

11 MR. EDMUNDS: Right.

12 BY MR. EDMUNDS:

13 A At that time, yeah. It's what it -- she was the
14 Assistant Manager at Ogier Fiduciary Services.

15 Q Okay. And she transmits to you an agenda, it appears?

16 A Yeah.

17 Q Okay. And so that indicates that the Family Council is
18 still meeting, right?

19 THE COURT: Well, in 2008.

20 THE WITNESS: Yeah.

21 MR. EDMUNDS: Right.

22 BY MR. EDMUNDS:

23 Q It is meeting during that period. Okay. And in fact,
24 the Family Council still operates today, does it not, Mr.
25 Sackler?

1 A It does.

2 Q Okay. All right. I'm going to turn you to another
3 document you should have, which is PPLP UCC 9002636907, and
4 ask you to open that up. So if you have that -- you have
5 it?

6 A I have it. It's sideways, but I have it. Yes.

7 Q Oh, I'm sorry that it's sideways. Are you able to
8 rotate it? I would be happy to have you do that if you can.

9 A It's fine. It's okay.

10 Q Okay. Well, would you agree with me that this is the
11 2004 calendar of Mortimer Family Meetings?

12 A 2014.

13 THE COURT: Mr. Edmunds, honestly, he's already
14 testified that it still meets. I'm not sure why we're
15 spending time on this. Unless you're going to go into the
16 substance of this exhibit.

17 MR. EDMUNDSD: I'm just going to ask him to
18 identify this and I will ask whether there is a similar --
19 first of all, whether this in fact indicates that the Family
20 Council and several of its committees continue to meet.

21 BY MR. EDMUNDSD:

22 A As I said, yes, the Family Council continues to meet.
23 The Family Philanthropy Committee continues to meet.

24 Q Okay

25 A The Investment Committee does not anymore.

1 Q When did it stop?

2 A A year or two ago, I believe.

3 Q Okay. Now what is this Supervisory Council? Is that
4 something different? It's not on this document. I'm just --
5 - I'm turning away from this document.

6 MR. EDMUNDS: I'll move the document into
7 evidence, Your Honor.

8 THE COURT: Any objection?

9 MS. MONAGHAN: (indiscernible)

10 THE COURT: It's admitted.

11 (State of Maryland Exhibit 6 admitted into
12 evidence.)

13 BY MR. EDMUNDS:

14 Q What is the Supervisory Council, Mr. Sackler?

15 A I don't what you're referring to.

16 Q Okay. When there is a candidate for trustee of the
17 trust, does the Family Council interview that candidate?

18 MS. MONAGHAN: Object to the form. Lack of
19 foundation.

20 BY MR. EDMUNDS:

21 Q Is there ever a time --

22 MR. EDMUNDS: Your Honor, I could rephrase.

23 BY MR. EDMUNDS:

24 Q Is there ever a time -- have there ever times at which
25 directors of the trust company need to be replaced with

1 successor directors?

2 A Oh, there have been some times, yes.

3 Q And in those instances, does the family interview the
4 director candidates?

5 A I don't know if interview is the right word. I think,
6 you know, the trustees, you know, make them available to
7 meet with the family. Generally, if they're putting them
8 forward as a trustee, it's someone the family already knows.
9 But yeah, they'll put them forward and, you know, make sure
10 the family's comfortable with it before they move forward
11 one way or the other.

12 Q Okay. Let me -- I want to -- there is a document that
13 you would have received separately, and I want to ask if
14 you've received it, and also if the Court received it. We
15 sent it subsequent to the original set of documents.

16 MS. MONAGHAN: Can you give us the number, Brian -
17 - Mr. Edmunds -- I'm sorry.

18 MR. EDMUNDS: Sure. Sure, I was going to try to
19 orient you to its initial -- its whereabouts first. But the
20 document number is PPLP UCC 000724271. It's
21 (indiscernible).

22 BY MR. EDMUNDS:

23 Q Do you have that, Mr. Sackler?

24 A I -- what was the number again? If it's not -- I have
25 not received anything other than the original --

1 Q Okay. This would be --

2 A -- this is -- I have 20 documents.

3 Q I emailed subsequently to your counsel...

4 MR. EDMUNDS: Ms. Monaghan, I don't know. Do you
5 have an email from me, PPLP UCC 000724271? A single
6 document and a single email?

7 THE WITNESS: We can't hear you, Maura.

8 MS. MONAGHAN: I'm sorry. I accidentally got
9 muted. I do have it. And we can make sure Mr. Sackler has
10 it. Just give us a second and we'll email it to you
11 separately, Mortimer. It'll come up in a minute.

12 MR. EDMUNDS: Thank you, Ms. Monaghan.

13 MS. MONAGHAN: Just give me one second. Mortimer,
14 did it come up yet.

15 THE WITNESS: I just received it from Jacob, yes.

16 BY MR. EDMUNDS:

17 Q I'll just ask you, is this an email from you to
18 Jonathan White of June 14, 2003, regarding investments?

19 MS. MONAGHAN: Mr. Edmunds, can I just ask, are
20 you representing that this -- my copy has blue highlighting
21 on it. Did your office put that, or is that in the
22 original?

23 MR. EDMUNDS: I do not know if -- I think we
24 should assume it's not. But I was unable to remove it, and
25 it's not my highlighting. And I don't think it's

1 highlighting... I don't know where it comes from. So I
2 would, I guess, simply focus on the text and use the
3 highlighting as a reference to the point in the document I'm
4 going to ask about anyway.

5 BY MR. EDMUNDSD:

6 Q Do you see that this is a --

7 A Can I have just --

8 Q Sure.

9 A I'm just reading it. Yeah. Okay.

10 Q Mr. Sackler, you agree with me this is the email that
11 you sent to Mr. White on the date indicated of June 14,
12 2003?

13 A Correct.

14 Q And in this email, you say that the current structure
15 is inefficient, right? And you feel strongly that the
16 Family Finance Committee, with the help and advice of
17 investment advisors to the Family and the Trustee, can and
18 should be empowered to make all the investment decisions.
19 This is precisely what the Family decided when it created
20 the committee. Do you agree that you said that?

21 A I see that, yes.

22 Q Okay.

23 MR. EDMUNDSD: Your Honor, I would move this
24 document into evidence.

25 THE COURT: When you say the document, you mean

1 the whole email chain?

2 BY MR. EDMUNDSD:

3 Q Did you receive all -- are these...

4 MR. EDMUNDSD: I think we could just move the first
5 one, but I'm happy to move them all. I don't think I've
6 asked him about the others.

7 THE WITNESS: Well, I think the one below refers
8 to what I'm replying to here.

9 MR. EDMUNDSD: Right. It does.

10 THE WITNESS: And again, this is --

11 THE COURT: Is there any objection to the
12 admission of the whole document into evidence?

13 MS. MONAGHAN: No objection, Your Honor.

14 THE COURT: Okay. So it's admitted.

15 (State of Maryland Exhibit 7 admitted into
16 evidence.)

17 MR. EDMUNDSD: Okay. All right. Okay. Your
18 Honor, with that... Just one second. All right. I think
19 with that, no further questions. Thank you, Mr. Sackler.

20 THE COURT: All right. Does anyone else wish to
21 examine Mr. Sackler?

22 MR. ROBINSON O'NEILL: Your Honor, Tad Robinson
23 O'Neill, on behalf of the State of Washington.

24 THE COURT: Okay. You can go ahead.

25 DIRECT EXAMINATION OF MORTIMER D. SACKLER

1 BY MR. ROBINSON O'NEILL:

2 Q Good afternoon, Mr. Sackler. Can you hear me okay?

3 A I can. Good afternoon.

4 Q I have a couple of follow-up questions on what Mr.
5 Edmunds asked you, and then I have some additional questions
6 of my own. Just to clarify, the Board that you sat on when
7 you sat on the Board of Purdue, you did have the power to
8 have stopped Purdue from engaging in illegal activities,
9 didn't you?

10 MS. MONAGHAN: Object to form.

11 THE COURT: On what basis?

12 MS. MONAGHAN: I don't know what he means. The
13 power to stop? They don't have law enforcement powers.

14 THE COURT: Mr. O'Neill, it is a broad question.
15 I mean, you could (indiscernible) illegal activities that he
16 would know nothing about and some that he would. I'm just
17 not sure. I think you need to refine it.

18 MR. ROBINSON O'NEILL: Sure.

19 BY MR. ROBINSON O'NEILL:

20 Q If you had uncovered information that Purdue was
21 violating the law while you were on the Board, would you
22 have been able to take actions to stop that illegal conduct?

23 A Yeah. I believe the Board -- if the Board had become
24 aware, which we had not. And as I said earlier, we were
25 repeatedly told by management that they were in compliance.

1 We were told by the OIG monitor as well that they didn't
2 have any concerns for the five years following the 2007
3 settlement. But clearly, if the Board had found out that
4 anyone within Purdue was not acting appropriately and in
5 compliance, the Board would have come down very hard on
6 management to change that. Yeah.

7 Q And you did have the power to make those changes, if
8 you discovered such illegal activity?

9 A Power (indiscernible) --

10 Q (indiscernible) Go ahead.

11 A A Board -- yeah, I mean, a Board can, you know, direct
12 a CEO or the ultimate thing, the Board can change the CEO,
13 as Boards can do.

14 Q Okay. You are asking questions about S&P, which is
15 Sales and Promotion. Is that correct?

16 A Yes.

17 Q While you were on the Board, did the management present
18 you or the Board members with return of investment data on
19 their sales and promotions activities?

20 A I can't recall. I mean, I assume they did on some
21 things, but I can't recall specifically. I mean, they
22 certainly, you know, would talk about the effectiveness of
23 investments in promotion and -- if that's what you're
24 referring to.

25 Q And effectiveness, in that answer that you just gave,

1 means the number of sales or the number of prescriptions?

2 A Yes.

3 Q So you did receive information from management that
4 your sales and promotions affected prescribing. Is that
5 correct?

6 A Yeah. I mean, it did. It didn't always work the way
7 they thought it would, right? They invested -- launched
8 products, thinking they would achieve certain top lines, and
9 products didn't sell. There were times they thought they
10 could invest and drive sales higher, and sales continued
11 lower. I mean, you know, no one has a crystal ball. And
12 you know, management makes proposals to the Board about
13 their budgets; the Board reviews them, asks questions about
14 them, and either approves them or doesn't.

15 Q Do you have Exhibit JX-2096? That's the Addendum A to
16 the Sackler Settlement Agreement with the Department of
17 Justice.

18 A Yes.

19 Q And Paragraph 88 of that Addendum?

20 A Okay.

21 Q If you need to familiarize yourself with the section,
22 this is the section of the Addendum A dealing with the
23 McKinsey program. That's where it says consulting company.
24 Do you see that?

25 A Yes.

1 Q And are you comfortable that that refers to McKinsey?

2 A I believe you that that's what this refers to here.

3 Q And you're aware that McKinsey did make reports both to
4 the Board and then -- I mean, both to the management and
5 then to the Board about the effect that marketing had on
6 prescribing?

7 A As I said earlier, I believe -- yeah, management had
8 engaged McKinsey and brought them to the Board to report on
9 their findings and work, in that one or two meetings.

10 MS. MONAGHAN: Is it frozen for you too? I'm
11 sorry. Can people hear me? Because our connection has
12 suddenly gone unstable.

13 THE COURT: Yes. We can hear you, although your
14 video is a little off from your voice. But we can hear you
15 fine.

16 MR. ROBINSON O'NEILL: Did you miss -- Ms.
17 Monaghan, did you miss any of the testimony? I don't know -
18 -

19 MS. MONAGHAN: I did --

20 MR. ROBINSON O'NEILL: -- how far (indiscernible)
21 --

22 MS. MONAGHAN: I did. But I'm comfortable going
23 forward. Can I just ask the Court -- and I'm sorry -- for a
24 two-minute break so that I can check if the technical issue
25 is at our end, because I don't want to interrupt further?

1 THE COURT: Okay. That's fine. We'll come back
2 at -- oh, I don't know -- 25 after.

3 MS. MONAGHAN: Thank you, Your Honor.

4 THE COURT: Mr. Sackler, you can step away, but
5 don't talk about your testimony with anyone.

6 THE WITNESS: Okay. Thank you.

7 (Recess)

8 THE COURT: -- Pharma LP. Ms. Monaghan, has the
9 glitch been fixed, as far as we know?

10 MS. MONAGHAN: I hope so. I believe so, Your
11 Honor. Thank you. And I apologize.

12 THE COURT: All right. So you can go ahead, Mr.
13 O'Neill.

14 MR. ROBINSON O'NEILL:

15 Q Mr. Sackler, we were on Paragraph 88 of the JX-2096,
16 the Addendum A to the Settlement Agreement between the
17 Sackler Family and the DOJ?

18 A I'm there. I see that. Yeah.

19 Q Okay. And do you recall McKinsey reporting to the
20 Board that detailing resulted in a 53 percent increase in
21 prescriptions of the highest volume prescribers?

22 A I don't -- I may -- I don't recall those specifics. As
23 I said, the -- you know, the presentation by McKinsey and
24 management to the Board of those findings was not a major
25 moment. I don't recall it, but I see them here. So I have

1 no question to doubt that.

2 Q So, you may not recall the specifics, but you would
3 agree that you received information that sales and marketing
4 did lead to an increase in prescribing.

5 A Again --

6 MS. MONAGHAN: Objection to form. Whose sales and
7 marketing? In the industry generally, or Purdue's?

8 MR. ROBINSON O'NEILL: I mean, I believe McKinsey
9 was valuating Purdue's sales and marketing.

10 BY MR. ROBINSON O'NEILL:

11 Q So, with that qualification, Mr. Sackler.

12 A Again, I don't -- I don't know if this is talking about
13 industry benchmarks or Purdue's benchmarks, or what -- where
14 it comes from in the report. But like I said earlier, I
15 mean, yeah, the purpose of sales and marketing and promotion
16 -- and again, this is -- as I recall this McKinsey
17 engagement that management pursued was in 2013, around the
18 abuse-deterrent formulation and trying to get the message
19 out there about the abuse-deterrent formulation, in order to
20 shift prescriptions from non-abuse-deterrent opioids to
21 abuse-deterrent opioids, and specifically to abuse-deterrent
22 OxyContin. Because, you know, we felt it would help the
23 issue of the opioid crisis, the overdoses, by reducing it.

24 Q I understand the issue about (indiscernible). We'll
25 get to that in a minute. But for now, it is true that the

1 Board received information that your sales and marketing --
2 Purdue's sales and marketing affected prescribing, one of
3 the highest prescribers of opioids. Isn't that correct?

4 A Like I said --

5 Q It's a yes or no --

6 A -- it's true --

7 Q It's a yes or no. It's a yes or no question.

8 MS. MONAGHAN: Well, objection. It could be an I
9 don't recall question. I don't think it's true that it's a
10 yes or no question.

11 BY MR. ROBINSON O'NEILL:

12 A I don't recall the statistics here, as I said before,
13 on this detail of their report and what it was referring to.

14 Q Okay. You testified when Mr. Edmunds was asking you
15 questions -- well, let me come back just for a moment to
16 this. The Board had the authority required to approve the
17 budgets, is that correct, every year?

18 A The Board approved the budgets presented by management.
19 Yes.

20 Q And every year, the Board would approve the budget for
21 sales and marketing. Is that correct?

22 A The sales and marketing was contained within the
23 overall budget. Yes. We didn't --

24 Q Do you recall --

25 A -- the members specifically doing it, as opposed to

1 approving the overall budget.

2 Q Would you agree with me that from 2007 until 2017, that
3 line item in your budget was in the hundreds of millions of
4 dollars every year?

5 A Again, I don't recall the specific numbers of that.
6 It's very possible.

7 Q Okay. When you were being asked questions by Mr.
8 Edmunds, you testified that the Board's goal was to balance
9 access to a very valuable product to relieve pain, with the
10 need to avoid diversion. Do you remember that testimony?

11 A I do.

12 Q And it's fair to say that Purdue Pharma and your family
13 personally received -- well, let's talk about your family
14 and your trust. You received over \$10 billion in
15 compensation from 2007 to 2018 for the provision of those
16 products to relieve pain. Is that right?

17 MS. MONAGHAN: I'm going to just object. Do you
18 mean the A Side Family or both the A Side and the B Side?

19 MR. ROBINSON O'NEILL: Both. Both A and B. I
20 apologize.

21 MS. MONAGHAN: Okay.

22 BY MR. ROBINSON O'NEILL:

23 A I don't agree -- you said compensation. I mean, it's
24 true, as we discussed before, that the companies distributed
25 excess cash roughly in those amounts, if you include roughly

1 half of that amount that went to taxes and on our side
2 directly to the IRS.

3 Q And there was an additional \$1.4 billion of
4 compensation delivered in non-monetary transfers to IACs
5 that your trusts own.

6 A Again, I don't say -- I disagree with the term
7 compensation. There were additional distributions made that
8 Purdue's holding company invested in IACs. That is correct.

9 Q Now, you're also aware, sir, that in this case, in this
10 bankruptcy case, that there are several trillion dollars'
11 worth of claims filed for the harm that was caused by the
12 opioid crisis in the United States. Are you aware of that?

13 A Sorry, you broke up a little. Could you please repeat?

14 Q Sure. You're aware that in this case there were
15 trillions of dollars of damage claims filed against Purdue
16 Pharma. Are you aware of that?

17 A I am.

18 Q Didn't you say that you got the balancing act wrong?

19 A I'm not sure I understand the question there. I mean,
20 how trillion of dollars of allegations, you know -- we
21 didn't -- Purdue and the Family -- there have been thousands
22 of lawsuits against Purdue and the Family, making all sorts
23 of allegations and using all sorts of novel legal theories,
24 and everything under the sun. And I think, as you said, the
25 amount, I believe, totals more than the global GDP around

1 the world.

2 You know, I -- what I know is myself and the other
3 Board Members acted appropriately, ethically and legally
4 while we were on the Board. We were repeatedly told by
5 management that the company was doing the same and was in
6 compliance, pursuing compliance. The OIG, the Government
7 Office of the Inspector General that was there for five
8 years following the 2007 settlement also didn't find or
9 raise any issues of wrongdoing or problems.

10 So, you know, no, I don't -- you know, I mean, I
11 don't think we got it wrong with what we were told and what
12 information we had.

13 Q All right. Mr. Sackler, you are aware that Purdue pled
14 guilty in 2007 to criminal charges and three of its
15 executives also pled guilty in 2007?

16 A Yes.

17 Q And you were on the Board at the time?

18 A I was.

19 MS. MONAGHAN: Object. This was already asked and
20 answered.

21 THE COURT: Right. Mr. O'Neill, unless you're
22 going down a new avenue -- I mean, Mr. Edmunds went through
23 this at length before.

24 MR. ROBINSON O'NEILL: Your Honor, my next
25 question is going to be if his defense is that he didn't

1 know in 2007, why should we believe him in 2020?

2 THE COURT: All right.

3 MS. MONAGHAN: I don't --

4 THE COURT: Well, you can answer that, I suppose.

5 BY MR. ROBINSON O'NEILL:

6 A I'm not sure I understand it. You know, in 2007, as I
7 think I stated earlier, the company pled guilty to certain
8 actions of certain individuals in sales and marketing prior
9 to 2001, who had done things that were not correct, were not
10 company policy, were not at all the Board policy or the
11 Family's policy, or our views, and which the Family was not
12 at all aware of, or the Board was not at all aware of.

13 And yes, if you're asking me did those situations
14 continue? As I said, you know, we were repeatedly told by
15 management, by the compliance group, and even by the Office
16 of the Inspector General, for the five years following that
17 settlement, that you know, that the company was continuing -
18 - was acting in compliance and doing the right thing.

19 Q I'd like to shift a little bit now. You said in the
20 balancing act analysis that you believed that sales and
21 marketing was necessary to ensure access to the valuable
22 pain medication that your -- that Purdue sold. Do you
23 recall that testimony?

24 A I do.

25 Q In 2008 -- February of 2008 -- while you were on the

1 board, Purdue Pharma ceased all marketing in the United
2 States. Is that correct?

3 MS. MONAGHAN: I think you mean 2018.

4 MR. O'NEILL: I meant 2018. I apologize -- in
5 2018.

6 THE WITNESS: It did -- opioids.

7 MR. O'NEILL: Yes, of opioids.

8 BY MR. O'NEILL:

9 Q Is it true, then, in 2018, you didn't think that
10 marketing was necessary to maintain access to the valuable
11 drug of OxyContin?

12 A Look, it was a management recommendation. The CEO came
13 to the board and requested that -- he had come to the
14 decision that it was time to stop the sales and marketing
15 and promotion of opioid. And the board supported him in
16 that decision.

17 Q So sales and promotion activity wasn't necessary to
18 continue access to the Purdue opioid products, was it?

19 A At that point of time -- you know, I think you're --
20 you're conflating different times. In 2014, when the FDA
21 changed and the package insert for the reformulated
22 OxyContin, Purdue had never been able to speak to any
23 physicians about the properties and (indiscernible) the term
24 properties of OxyContin at that point. So at that point, it
25 was important to get that message out there in a balanced

1 and correct way to physicians about what this new
2 formulation meant, what the FDA said they could say about
3 it. Five years later, for the CEO to say, you know, we've
4 done that. We've let physicians know. We've educated them
5 on the abuse deterrents, pros and cons and risks and decide
6 at that point to end it. You know, the board supported that
7 decision.

8 Q It's your testimony that the board decided in -- or,
9 I'm sorry -- the Purdue's executive team in 2018 decided
10 that they had done enough advertising so that they no longer
11 needed to market products in 2018? That's why they changed
12 their policy?

13 MS. MONAGHAN: Objection. Mischaracterization of
14 his testimony.

15 THE COURT: No, he's asking that. He's asking why
16 -- why did they change.

17 THE WITNESS: You know, I think you'd have to ask
18 management or (indiscernible) particular what drove his
19 recommendation to make those changes and to come to the
20 board and request that.

21 BY MR. O'NEILL:

22 Q Okay. And I want to ask you a couple questions about
23 the (indiscernible) formulation. In -- are you aware that
24 in September of 2020, an FDA panel met to discuss and issue
25 findings on whether or not to use the term formulation

1 reduced -- or, I'm sorry -- abuse in the United States. Are
2 you not?

3 A I'm not aware of that.

4 MS. MONAGHAN: Objection. (indiscernible) didn't
5 understand the question.

6 MR. O'NEILL: I'm sorry. You're not aware?

7 THE COURT: Well, I think Mr. Sackler did.

8 MS. MONAGHAN: Okay.

9 BY MR. O'NEILL:

10 Q You're not aware?

11 A Not -- I was not on the board in 2020 is, I think, the
12 year you were citing. I was no longer on the board and I
13 was not aware of any FDA panel finding on abuse deterrents.

14 Q You were not aware that the FDA panel voted 26 to 1
15 that ADF -- abuse deterrent formulation -- of opioids does
16 not reduce abuse?

17 A Like I said, I'm not aware of that finding or what that
18 panel was, no.

19 Q Okay. I'm not going to ask my own questions
20 (indiscernible) different than Mr. Edmunds. Have you
21 personally approved the Sackler settlement that's a part of
22 this confirmation (indiscernible)?

23 A I'm sorry. What's the question?

24 THE COURT: Have you -- I'm sorry. Go ahead, Mr.
25 O'Neill.

1 BY MR. O'NEILL:

2 Q Did you personally approve the settlement agreement
3 that's proposed as a part of this confirmation
4 (indiscernible)?

5 A I am in favor of the settlement agreement, yes.

6 Q And have you signed the settlement agreement or
7 otherwise endorsed it? Not yet?

8 A Not yet?

9 Q Are you going to be contributing any of your own
10 personal assets to fund those payment obligations?

11 A Yes.

12 Q What are you going to be personally paying?

13 A I mean, you know, my share of -- you know, first of all
14 as I said earlier, you know, on our side of the family, you
15 have a much more diverse and broad family. There are eight
16 different groups, many of whom never were involved with
17 Purdue who had to come together to make this size of
18 settlement an contribution possible. My share of the
19 settlement agreement which is one-eighth of our family's
20 share is larger than my personal -- is substantially larger
21 than my personal net worth. So myself and trust for my
22 benefit will be contributing, you know, my share towards
23 that.

24 Q Do you know how much of your own personal assets will
25 be expended or is it all going to be covered by the trusts?

1 A Well, the -- a trust that I'm a beneficiary of that's
2 for me, you know, is -- for me and my children and
3 grandchildren is, in my view, is my contributing as well.
4 You know, in terms of how much ends up coming out of my
5 personal estate versus my trust, I don't know at this time.

6 Q All right. You said earlier that you're aware of the
7 numerous claims that are filed against you and I think you
8 used the word "inventive" claims. Is that -- I may be
9 missed -- I maybe conflating it --

10 A I believe I used novel legal theories --

11 Q Novel. Novel legal theories. Fair enough. In 2019,
12 you are aware that Purdue Pharma settled with the state of
13 Oklahoma.

14 A I am.

15 Q And you're aware that Purdue Pharma paid \$200 million
16 as part of that exchange or part of that settlement.

17 A Yeah. I thought it was more than that but, yes.

18 Q Well -- and \$75 million was paid by the Sackler
19 families. Is that correct?

20 A That's correct.

21 Q Do you make a habit of paying \$75 million to settle
22 novel legal claims?

23 MS. MONAGHAN: Object to the form.

24 THE COURT: I think you should rephrase it. You
25 can ask why.

1 MR. O'NEILL: I will move on, Your Honor. I won't

2 --

3 THE COURT: Okay.

4 BY MR. O'NEILL:

5 Q Mr. Sackler, have you been able to listen to any of the
6 testimony in this matter -- in this bankruptcy proceeding?

7 A I have not.

8 Q Okay. You're aware that as a condition of this
9 settlement agreement, the claims of nine objecting states
10 are going to be extinguished if this confirmation plan is
11 approved?

12 A I'm aware that -- yes. The -- you know, for this plan
13 to get confirmed, which I understand has, you know, very,
14 very strong support among all our creditors, that that --
15 you know, there needs to be closure to these issues, yes.

16 Q If you were -- if those states were carved out of this
17 settlement agreement, would you still support it?

18 A No, I would not.

19 Q So it's an absolute condition of this plan for you to
20 contribute money is that your family receives releases so
21 that it doesn't have to face questions like the ones I'm
22 asking you today?

23 A No. I think that's mischaracterizing it. I think -- I
24 said earlier, our family had a very -- you know, when these
25 thousands of lawsuits against Purdue and then the family

1 arose, we had a very clear decision that we had to make. We
2 could fight those lawsuits for years and years and probably
3 decades and expend a vast and crazy amount of money on legal
4 fees and lawyers and everything else, or we could try to
5 reach a settlement and get those monies to the communities
6 and the individuals out there who are suffering. And that,
7 for our family, is an easy choice to make. And so, you
8 know, that's why we're here today because for us, you know,
9 one of the key goals in this settlement was to ensure the
10 actual -- that the money went and helped those communities
11 and individuals who are suffering, and so we're here
12 settling because we'd rather see that happen than spend it -
13 - than fight it for years and years and have it wasted in
14 legal fees.

15 Q The releases that you're asking for in this matter are
16 broad. You're aware of that?

17 A I am.

18 Q And they would include releases for all conduct, not
19 just conduct related to the sale of opioids. You're aware
20 of that?

21 A I am.

22 Q For example, your -- you are on the board --

23 MR. HUEBNER: Your Honor, I'm actually going to
24 have to object to that. That is actually not what the
25 releases do. They're actually complicated, to be sure.

1 They most assuredly do not give them (indiscernible) from
2 all conduct and it's actually not appropriate for Mr.
3 O'Neill to mischaracterize the plan documents that are in
4 evidence in this case. There are a variety of excluded
5 claims and other matters that absolutely negotiated by
6 multiple parties to be outside the scope of their releases.
7 If he wants to ask questions, he's more than welcome to, but
8 he's not welcome to misdescribe the settlement agreement.

9 THE COURT: Okay. Well, I think you've made your
10 point, but why don't we just move along with the
11 questioning.

12 BY MR. O'NEILL:

13 Q You're aware that Purdue Pharma, while you were on the
14 board, launched a drug called adhansia?

15 A I am, yes. I don't recall if it was Purdue or one of
16 the subsidiaries that launched it but, yes.

17 Q And that's a drug to treat attention deficit
18 hyperactivity disorder or ADHD? Is that right?

19 A Correct, yes.

20 Q And the thing that's unique about adhansia is that --
21 well, you're aware that it has the same chemical components
22 as a drug called Ritalin?

23 A Yes.

24 Q But what's new about adhansia is that it puts it in a
25 delay release formulation so that it can be dosed for up to

1 16 hours. Is that correct?

2 A That's correct.

3 Q And it's approved for use in children as young as six
4 years old.

5 A I don't recall the specifics of that but it's possible.

6 Q Adhansia carries a black box warning that it contains
7 the high potential for abuse and dependence. Are you aware
8 of that?

9 A I believe so, yes.

10 Q And you understand the releases that you're seeking in
11 this confirmation plan would extinguish claims related to
12 adhansia?

13 A I believe, you know, the relief is -- covers everything
14 that ties in with the period of time that I was on the board
15 of Purdue.

16 Q Are you aware of whether any of the states -- state
17 complaints -- filed against Purdue Pharma address the issue
18 of adhansia or adhansia marketing?

19 A I don't know.

20 Q All right. Mr. Sackler, do you believe that you have
21 any personal responsibility for the opioid crisis in the
22 United States?

23 A No, I believe -- I think I said earlier, I think the
24 opioid crisis is an incredibly complex crisis with a lot of
25 -- many, many factors that contribute to it. And I think

1 I've said and my family have said, you know, the fact that
2 OxyContin, a product that was sold to help people to relieve
3 pain, also went out and got diverted and abused in whatever
4 amount and caused pain and hurt people is horrible. It guts
5 me. It guts our family. It is not at all what was intended
6 and what we were, you know, trying to do by releasing this
7 medicine and the company releasing this medicine. And I
8 believe that you're in a position to help, you have a
9 responsibility to help. And so, you know, we're here trying
10 to get the settlement done so then we can get these vast
11 sums to these communities and to these people to help them,
12 rather than, you know, spend it on litigation forever.

13 Q You're aware that in order to fund the settlement that
14 the Sackler families intend to sell off their IACs or
15 independent affiliated companies? Is it affiliated or
16 associated -- who ones of those -- IACs anyway --

17 A Associated.

18 Q -- associate companies in order to fund this settlement
19 with the United States?

20 A I am.

21 Q You're also aware that those IACs continue to market
22 opioids, including OxyContin, in the rest of the world, are
23 you not?

24 A Some of them do, some don't and they market them within
25 the legal jurisdictions and laws of those countries, yes,

1 and some of them aren't promoting opioid anymore either. So
2 there's a mix.

3 Q Does your responsibility to avoid the harms
4 causing by OxyContin not extend to those countries where you
5 continue to market opioids?

6 A Like I said, I think OxyContin is an incredibly
7 valuable medicine. It's -- it is still an FDA-approved
8 medicine. It carries risks with it as do many medicines if
9 not used appropriately, but I think it is, even in the
10 United States, still needed today to treat people who are
11 suffering and in severe, severe pain. And that has to --
12 you know, and the medicine needs to be -- continued to be
13 made available because, unfortunately, today, we don't have
14 better pain medicines that have less risks associated with
15 them. And hopefully, those will get developed in the coming
16 decade. But today, you know, opioids, you know, are still
17 needed to treat patients who are -- have those painful
18 conditions.

19 Q Mr. Sackler, there have been tens of thousands of
20 personal injury claims filed in this matter. Do you have
21 any words of apology for those people who've been harmed by
22 your product?

23 A Like I said, I -- myself, my family feel horrible to
24 families who have lost loved ones or individuals suffering
25 from addiction. It's -- you know, it's horrible. I'm truly

1 sorry that there -- you know, those families are going
2 through that. The overdose -- the opioid crisis and the
3 overdose crisis or however you want to refer to it the
4 country's been going through is a horrible problem that
5 really is going to take everyone coming together. Everyone
6 in society and government -- any company that can, any
7 individuals that can, local communities, organizations to
8 really get at this to help those people who are suffering
9 from addiction. I feel -- this is a health care crisis.
10 Addiction is a health care crisis. It's not in my mind at
11 all a legal problem. This -- these people are suffering.
12 They should not be locked up. They should be getting
13 treatment and they should be getting help. And I think
14 until the country and everyone comes together to help those
15 people and deal with that, I think, unfortunately, the
16 crisis is going to keep getting worse because that's what's
17 been happening since the late 1970s in America.

18 Q Mr. Sackler, is that what you consider to be an
19 apology?

20 A I said I feel horrible that, you know, these families
21 that have been affected by the opioid crisis and by
22 addiction have suffered in that way. And we feel horrible,
23 and, yes, we're sorry if a medicine that we put out that was
24 intended to relieve pain has caused pain to those families.
25 We're sorry if that happened. That was an unintended

1 consequence. It was not the purpose of this medicine. It
2 was not what we were focused on. In fact, the opposite was
3 the case. As soon as we started hearing about it,
4 management and the board were focused on, what can we do to
5 balance the availability of this needed medicine while
6 reducing the risk of its diversion and abuse and harm.

7 Q And you're willing to enter into this settlement to
8 help ameliorate that crisis that you just described?

9 A As I said, yes, our goal -- one of our guiding goals in
10 this from the beginning was for those funds -- we wanted to
11 ensure that in the settlement the funds would actually make
12 it to the communities, actually be spent to help those and
13 not get, you know, wasted the way, for example, the tobacco
14 settlement funds got wasted and actually didn't make it.

15 Q But you're only willing to make that contribution so
16 long as your family retains billions of dollars for your own
17 personal benefit.

18 A I don't understand the question there.

19 MR. O'NEILL: No more questions, Your Honor.

20 THE COURT: Okay. All right. Mr. Ozment, do you
21 have any questions?

22 MR. OZMENT: Yes, Your Honor, I'll do it if I
23 could get this set up.

24 CROSS-EXAMINATION OF MORTIMER D. SACKLER
25 BY MR. OZMENT:

1 Q Mr. Sackler, my name is Frank Ozment, and I represent
2 some individual claimants. They're Charles Fitch is one,
3 Stacey Bridges is another. Mr. Fitch, I'll represent to you
4 has some felony convictions, Ms. Bridges has some
5 misdemeanor convictions and I relate that to you because I
6 want to emphasize that it is not my clients' position
7 publicly to excoriate anybody about a mistake. Okay? So
8 I'm not here to pile them on, if you will, with respect to
9 any accusations that people made against you or your family
10 about your guilt.

11 I'm going to ask you some questions about the guilty
12 plea that Mr. Edmunds reviewed. Okay? So he asked you --

13 MS. MONAGHAN: Mr. Ozment, are you referring to
14 the 2020 guilty plea? Just so we're all the same page?

15 MR. OZMENT: I was just about to -- I was just
16 about to clarify that. Thank you, yes. The 2020 guilty
17 plea. All of my questions have to do with the 2020 guilty
18 plea. None of them have to do with the 2007 plea, unless I
19 specifically state otherwise.

20 THE COURT: Well (indiscernible) --

21 MS. MONAGHAN: Or with the civil settlement by the
22 family members. You're talking about the --

23 MR. OZMENT: That's correct.

24 MS. MONAGHAN: -- (indiscernible) guilty plea?

25 MR. OZMENT: That's correct. I'm not asking about

1 the civil settlement.

2 MS. MONAGHAN: Okay. Thank you.

3 MR. ALBERT: Yeah, Your Honor, we've got
4 (indiscernible) through multiple witnesses. The record in
5 this case is clear that Mr. Sackler left the Board at the
6 end of 2018. I believe Stern really his letter was
7 effective January 16th, 2019. We've been very patient with
8 Mr. Ozment has asked person after person who left the Board
9 if two years before the guilty pleas and the settlements at
10 issue about them. I would ask that he tailor his questions
11 to the admitted plea, and Mr. Sackler was just gone from the
12 Board at the end of 2018, and these deals were released in
13 2020. Other than that, I have no problem with anybody
14 asking Mr. Sackler any question. Ask away, but we do need
15 to, you know, be mindful of the realities and the cost of
16 this proceeding.

17 THE COURT: Okay. You -- you can go ahead, Mr.
18 Ozment.

19 MR. OZMENT: Thank you.

20 BY MR. OZMENT:

21 Q My first question to you is about a statement made in
22 connection with that 2020 guilty plea, and my question to
23 you has to do with whether you recall this statement or
24 something like it. Okay? Not whether you agree with it.
25 Do you recall that the United States more or less accused

1 people of corrupting the doctor patient relationship?

2 A I don't recall that, no,

3 Q Okay. I'm going to represent to you that they made
4 that accusation.

5 A (Indiscernible).

6 Q Was -- is it your understanding that the victim in any
7 sort of alleged corruption of the doctor patient
8 relationship, would it be the Government, Perdue or the
9 patient, or somebody else?

10 A Sorry, could you repeat that? I'm not sure -- I was
11 having problems with my (indiscernible).

12 THE COURT: Mr. Ozment, we're going pretty far
13 afield here. You -- you --

14 MR. OZMENT: Your Honor, may I explain the context
15 of this question without overt suggestive user?

16 THE COURT: Okay. But --

17 MR. OZMENT: Thank you.

18 THE COURT: -- you're talking about a settlement
19 that he wasn't -- he wasn't involved with. So I just -- if
20 you're -- if you're tying it to the settlement, I'm just not
21 sure what the purpose is of this questioning.

22 MR. OZMENT: Well, the -- he testified at some
23 length regarding the relationship with the Office of
24 Inspector General. He testified about the agreement and my
25 question to him isn't about the agreement -- I mean the plea

1 agreement. My question to him is who was the victim there?
2 What did he understand the victim to be? Did he -- was the
3 victim the LIG? I don't think so. I think the victim was -
4 - was the patients, but I'd like to ask him if that was his
5 understanding.

6 MS. MONAGHAN: I'm sorry, I still don't understand
7 the question and I'm not sure in what capacity you're asking
8 him, is just a -- he wasn't a Board member at the time of
9 the plea. As just a person who he thinks --

10 MR. OZMENT: Right.

11 MS. MONAGHAN: -- is the victim or --

12 MR. OZMENT: Right. He's -- he's talked about his
13 legacy in trying to solve this problem. He's talked about
14 institution, and I want to get at who does he think the
15 victim.

16 THE COURT: Okay. That's a -- that's a fair
17 question. Just as a -- as a person concerned about the
18 opioid crisis, who do you believe was the victim of the
19 conduct described in the 2020 settlement agreement with the
20 Department of Justice?

21 BY MR. OZMENT:

22 A With the company -- I mean with the company?

23 Q And just to be clear, Mr. Sackler, my question,
24 originally, was about the plea agreement, but go ahead.

25 A You know, I mean, I think it was the communities and

1 the individuals suffering from addiction.

2 Q Thank you. You also gave some testimony about the
3 version and the efforts that the company made to stop that.
4 In each sentocrucion, you know illegal diversion of the
5 drug, can you explain to me what they're talking about here?

6 MR. ALBERT: Your Honor, with apologies. I want
7 to be very clear. Mr. Ozment filed a less than three page
8 objection, which centers entirely on the notice to
9 claimants, and the fairness of distribution under the plan,
10 with respect to incarcerated persons. I have it opened. It
11 cites no case law, and that's all it does. His questions
12 witness after witness about their philosophical views on
13 public health issues, candidly, I'm not sure why I care what
14 Mortimer Sackler's views on Diversionary. If he can tie it
15 to his objection, which was only about notice and
16 distribution procedures, then I think it's appropriate, but
17 you know, I don't want to interrupt people. It's just --
18 it's not, you know, I don't understand how this is remotely
19 tethered to what we're here today to be accomplishing.

20 MR. OZMENT: Your Honor, I'll be glad to put it --

21 THE COURT: (Indiscernible) --

22 MR. OZMENT: -- it might --

23 THE COURT: What is your definition of diversion,
24 Mr. Sackler?

25 MR. SACKLER: My definition of diversion would be

1 any improper use of, you know, in the case of OxyContin, any
2 physician who prescribed it for non-intended use, or uses
3 not (indiscernible). Anyone who stole it from a medicine
4 cabinet, sold it illegally, you know, any use that is not as
5 intended under the FDA label packaging or (indiscernible).

6 THE COURT: Okay. And sir, I noticed you took out
7 your ear bud, did it just die or -- because you -- the sound
8 really -- the sound quality really went down when you did
9 that.

10 MS. MONAGHAN: It did.

11 MR. SACKLER: If you can give me a minute I can
12 try to get it to work again. It stopped working, so.

13 THE COURT: Okay.

14 MR. OZMENT: Thank you, Mr. Sackler, is it working
15 now?

16 MR. SACKLER: No, it's -- I am not connected, so
17 what I'm going to try to get them to reconnect.

18 MR. ALBERT: Okay.

19 MR. SACKLER: See if that works. Can you hear me
20 better?

21 THE COURT: Yes.

22 MS. MONAGHAN: Yeah.

23 THE COURT: Much better.

24 MR. SACKLER: Okay. Sorry about that.

25 MR. OZMENT: You got it?

1 THE COURT: Yes.

2 MR. SACKLER: Yep.

3 MR. OZMENT: Thank you.

4 BY MR. OZMENT:

5 Q I think I followed your answer, but I'm going to ask
6 you one more question, just to make sure that we're on the
7 same page. If a patient went to a physician for medical
8 treatment and received a prescription for one of your
9 company's products, and then consumed that, you know, that
10 product that was prescribed. That wouldn't be diversion
11 would it?

12 A If they consumed it as per the doctor's --

13 Q Right.

14 A -- instruction and prescriptions, like they took the
15 right amount and the times of day that they are meant to, et
16 cetera, and then, no, if they used the product
17 appropriately, and the physician prescribed it appropriately
18 for an underlying pain condition that was severe enough to
19 warrant the use of an opioid, then that would not be
20 diversion.

21 Q If I follow your answer, but I'm asking about it just
22 from the patient's perspective, okay.

23 THE COURT: Mr. Ozment, honestly, this really is
24 going -- I'm not sure where you're headed with this, how it
25 pertains to --

1 MR. OZMENT: Well, I'm -- Your Honor, where I'm
2 headed with it is, I don't think he suggested that a patient
3 was diverting medication if they took it as prescribed. But
4 when he answers the question, it sounds like perhaps he's
5 hedging on that.

6 THE COURT: No, I don't -- if -- if it were -- I'm
7 going to a different point, which is -- I thought you were
8 asking a -- I'm not sure where you're headed with this. I
9 really am not. There's no objections to your client's
10 claims based on this. Whether they're responsible or the
11 doctor's responsible, or I just don't know where you're
12 headed with this.

13 MR. OZMENT: Well, I think there's been a
14 suggestion, and it -- perhaps it's just really to meritless
15 to address, that people who took OxyContin, by prescription,
16 after visiting a doctor for medical treatment, might somehow
17 be at fault and thus not entitled to --

18 THE COURT: I -- I understand what --

19 MR. OZMENT: -- (indiscernible) blood.

20 THE COURT: -- again, that's not -- that's not
21 part of your objection to the plan. The plan actually, the
22 trust procedures require to establish a personal injury
23 claim, actually one of the things they want -- they ask for
24 is a prescription for the drug. So I'm just --

25 MR. OZMENT: I understand. I'll move on, Your

1 Honor, thank you.

2 THE COURT: Okay.

3 MR. OZMENT: My apologies. That's all I have.

4 THE COURT: Okay. All right.

5 MR. OZMENT: Thank you, Mr. Sackler.

6 THE COURT: Okay.

7 MR. SACKLER: Thank you.

8 THE COURT: All right. Mr. Higgins, do you have
9 questions?

10 MR. HIGGINS: Yes, good afternoon, Your Honor.

11 CROSS-EXAMINATION OF MORTIMER D. SACKLER

12 BY MR. HIGGINS:

13 Q Good afternoon Mr. Sackler. My name is Benjamin
14 Higgins and I represent the United States Trustee, can you
15 hear me okay?

16 A I can. Good afternoon.

17 Q You're getting a release under the plan, correct?

18 A I am.

19 Q Any other members of the Side A Sackler Family are
20 getting releases under the plan, correct?

21 A Correct.

22 Q And the spouses, children, and grandchildren of the
23 Side A Sackler Family members are getting releases, correct?

24 A Correct.

25 Q And entities or individuals to which any of your assets

1 are transferred are also getting released; did you know
2 that?

3 A Correct.

4 Q Do you know how many people you've transferred assets
5 to?

6 A Off-hand, not I do not.

7 Q Could it be in the hundreds?

8 MS. MONAGHAN: Objecting, in any transfer? So,
9 you know, if he bought a pack of gum, that would be a
10 transfer?

11 MR. HIGGINS: I'm just working off the language in
12 the disclosure statement. It says any entities or
13 individuals to which any assets of the above are
14 transferred.

15 MS. MONAGHAN: And that -- okay.

16 BY MR. HIGGINS:

17 A I -- I don't know the number.

18 Q Do you know how many entities you transferred assets
19 to?

20 A Not off-hand, no.

21 Q Do you know how many entities or individuals the other
22 Side A family members have transferred assets to?

23 A I do not.

24 Q The release also includes any assets, businesses, or
25 entities that you own; did you know that?

1 A Yes.

2 Q How many businesses do you own?

3 A I couldn't tell you off-hand. I have a varied
4 investment portfolio of a lot of different investments.

5 Q And you're an active investor and a venture capitalist;
6 is that right?

7 A Correct.

8 Q And you've helped found and develop numerous companies
9 across technology, consumer goods, and hospitality sectors;
10 is that right?

11 A I invest in those sectors; that is correct, yes.

12 Q And you don't know how many such companies you've
13 invested in, do you?

14 A I do not.

15 Q Okay. Are any of those companies contributing money
16 towards the debtor's plan?

17 A They are not.

18 Q Do you know how many assets, businesses, or entities
19 the other Side A Sackly -- excuse me, the other Side A
20 Sackler Family Members own?

21 A I do not.

22 Q So sitting here today, you don't know how many people
23 or entities are getting released under this plan; isn't
24 that correct?

25 A That's correct. I've been shown a schedule that breaks

1 it down into different groups, and the groups, I believe are
2 labeled as to the types of entities and why they're under
3 there. But I couldn't tell you the total number.

4 Q Are you familiar with the Shareholder's Settlement
5 Agreement?

6 A I don't know which one, but I -- which Shareholder
7 Settlement --

8 Q The -- the broad one that's being incorporated under
9 the plan -- I think you testified earlier that your -- that
10 you support the Shareholder Settlement Agreement.

11 A The current -- the current settlement agreement, yes.

12 Q Yes. And you testified earlier that it has not been
13 executed yet, is that correct?

14 A I don't believe it has.

15 Q Are you aware that the most recently filed public
16 version of the Shareholder's Settlement Agreement contains
17 an exhibit of designated shareholder release parties that
18 has been left blank?

19 A I'm not aware of that.

20 Q Do you know if the list of parties getting releases
21 could be expanded beyond what's been disclosed so far?

22 A I don't know.

23 Q Mr. O'Neill asked you about contributing personal
24 assets and I think he -- he asked you specifically about how
25 much you're contributing of your assets that are not held in

1 trust, do you remember that exchange?

2 A I do.

3 Q And I think you testified that you don't know how much
4 of your non-trust assets are being contributed to the plan;
5 is that correct?

6 A I think I said that, you know, on our side of the
7 family there are eight different groups that needed to come
8 together to make this settlement possible. With many of
9 them who were never even involved in Purdue, and that need
10 though, we're all contributing, you know, one-eighth of our
11 A Side Family's contribution to the settlement, but that
12 amount for me is substantially larger than my personal net
13 worth. And so both the trusts for my benefit, as well as
14 myself, will be contributing to that. But, you know,
15 whether it comes out for a trust that's for my benefit, or
16 my kids benefit, or it comes out of my -- me personally, I'm
17 still contributing, you know, one-eighth of the value of our
18 side's share.

19 Q My question is with respect to the money that you
20 personally could be contributing that doesn't come out of
21 the trust that you're a beneficiary of, do you know the
22 number -- how much that you're contributing?

23 A I do not yet, because, you know, a lot of it will
24 depend on the sale of the IEC's and the proceeds of the sale
25 of the NIC's, and a number of other factors.

1 Q Do you know if any of the other Side A family members
2 are contributing non-trust assets under the plan?

3 A I don't know.

4 Q Mr. O'Neill asked you about the release provision under
5 the plan, and Mr. Huebner, debtor's counselor -- debtor's
6 counsel, jumped on and described the -- the plan provisions
7 as complicated. Do you remember that exchange?

8 A I -- I do.

9 Q Have you read the release provision in the plan under
10 which your family is seeking non-consensual third party
11 releases?

12 A I've gone through it, yes.

13 Q Do you understand it?

14 A I don't know if I could say I understand it all in
15 detail, but I think generally -- generally, I think I
16 (indiscernible) okay understanding about it and have
17 discussed it with my lawyers.

18 Q And do you understand the full extent of the claims of
19 against you and your family that are being released?

20 A I believe so.

21 Q You have a bachelor's degree from Harvard, is that
22 correct?

23 A That's correct.

24 Q And you have an MBA from the NYU Strong School of
25 Business; is that correct?

1 A That's correct.

2 Q And you feel that you understand it okay after having
3 spoken with the lawyers that wrote the provision; is that
4 right?

5 A Yes.

6 Q Mr. Edmunds asked you about the distribution of funds
7 out of the company during your time on the Board; do you
8 remember that exchange?

9 A Yes.

10 Q You testified that Purdue was never lacking in funds.
11 Do you remember saying that?

12 A Yes.

13 Q Does Purdue have sufficient funds to pay in full all of
14 the opioid related claims against it?

15 A I don't know. Again, I haven't been on the Board of
16 Purdue since the end of 2018. And so I don't -- I don't
17 know the details of their current financial position, or
18 their settlements and claims.

19 Q Do you know how much money it'll be with victims with
20 claims against Purdue are getting paid under the plan?

21 A I do not.

22 Q Did you ever bother to look?

23 A You know, I mean, I -- I know that in totality, you
24 know, what our families are contributing towards the plan is
25 about \$4.5 Billion dollars, plus our ownership of Purdue and

1 all the other U.S. entities within the U.S. and as I said,
2 you know, it's our family's hope that those funds can
3 actually go and make it to the communities and to the
4 individuals who have suffered and that they can get the
5 treatment that they need.

6 Q Thank you, Mr. Sackler.

7 MR. HIGGINS: No further questions, Your Honor.

8 THE COURT: Okay.

9 MR. HIGGINS: Thank you.

10 THE COURT: Any cross? I'm sorry.

11 MR. KELLY: Your Honor, Neil Kelly, Assistant
12 Attorney General for Rhode Island. I have a few
13 questions --

14 THE COURT: I'm sorry, from?

15 MR. KELLY: Rhode Island.

16 THE COURT: Yes. Okay.

17 MR. KELLY: I have a few questions for Mr.
18 Sackler.

19 THE COURT: All right. Go ahead.

20 CROSS-EXAMINATION OF MORTIMER D. SACKLER

21 BY MR. KELLY:

22 Q Well, Mr. Sackler, I'm not sure what time it is where
23 you are, but good evening or afternoon.

24 A Good afternoon.

25 Q Do you recall that we have a -- you had a deposition in

1 this case?

2 A I do.

3 Q Yeah. And did you read your deposition before your
4 testimony here today?

5 A I did not.

6 Q Okay. Do you recall during your deposition and -- and
7 I have a deposition with you in November 10th of 2020, do
8 you recall that?

9 A Yes.

10 Q Do you have the deposition with you there in front of
11 you?

12 A I do not.

13 Q Oh, you don't. Do you recall that we spoke about the
14 New York article from 2017, during your deposition?

15 THE COURT: You -- you cut out -- the what? The
16 what from 2017?

17 MR. KELLY: The New Yorker article from 2017.

18 BY MR. KELLY:

19 A I vaguely remember that, yes.

20 Q Okay. And you have a property in Amagansett, I take it
21 that's on Long Island in New York, is that correct?

22 A That's correct.

23 Q And in that story, though, is a person working on your
24 property name Jeff, in the article, if you recall?

25 A I don't recall the name. I -- I recall the -- the

1 story mentioned that supposedly there was a gardener working
2 on the property.

3 Q Right. And the gardener was sitting in his truck
4 snorting one of the -- snorting an OxyContin pill; do you
5 recall that?

6 A I -- I don't recall that it said it was an OxyContin
7 pill, but I, you know, I -- I recall the article, vaguely,
8 yeah.

9 Q Okay. And do you recall that whether you reached out
10 to Jeff after reading that article or trying to find him; do
11 you recall that, whether you did or not?

12 MS. MONAGHAN: Objection. Lack of foundation.

13 THE COURT: Foundation that would mean -- I'm
14 sorry, in what way?

15 MS. MONAGHAN: Mr. Sackler testified that there
16 was a reference in the article to the existence of this
17 person, but not that he, himself, was aware that there was
18 any such person, or that in fact there was any such person
19 to be reached out to.

20 THE COURT: Okay. That's a -- you need to lay a
21 foundation, Mr. Kelly for your question. Do you have
22 earphones, Mr. Kelly? We can't hear you at all now and you
23 were not coming through clear before then.

24 MR. KELLY: I don't, Your Honor. I'm back. I was
25 on mute for a second.

1 THE COURT: Okay. Go ahead.

2 BY MR. KELLY:

3 Q Mr. Sackler, do you have your deposition with you?

4 THE COURT: He does not.

5 MS. MONAGHAN: Asked and answered. No.

6 MR. KELLY: Okay.

7 BY MR. KELLY:

8 Q Do you recall trying to find out who the person was who
9 was referenced in that article and who was in his truck
10 taking OxyContin?

11 MS. MONAGHAN: Objection.

12 THE COURT: What --

13 MR. KELLY: Again, Your Honor.

14 THE COURT: -- what time are you focusing on, Mr.
15 Kelly? After the article came out?

16 MR. KELLY: Yes.

17 THE COURT: Okay. You can answer that question.

18 BY MR. KELLY:

19 A As I said, I had no knowledge of -- of any such
20 individual or who they were, or if they were -- or if it was
21 even a true story. I had absolutely no knowledge about it.

22 Q Did you follow up to find out wrote a true story or if
23 there was such an individual?

24 MS. MONAGHAN: Objection. How?

25 THE COURT: No, you can --

1 MR. KELLY: I'm asking if he did.

2 THE COURT: You can answer that question if -- you
3 can answer that question.

4 BY MR. KELLY:

5 A I wouldn't know how to. It was not something I ever
6 knew or saw and as I recall, the article had numerous
7 mistakes in it and problems, so --

8 Q Okay. So you didn't reach out to the author of the
9 article or follow up in any way then did you?

10 MS. MONAGHAN: Mr. Kelly representing that if
11 somebody called a journalist --

12 THE COURT: No, but it --

13 MS. MONAGHAN: -- and said remove your story, I
14 would say yes.

15 THE COURT: -- Ms. Monaghan --

16 MS. MONAGHAN: There's a --

17 THE COURT: -- that's just fine. You could answer
18 the question.

19 BY MR. KELLY:

20 A I -- I did not reach out to the author of the article,
21 no.

22 MR. KELLY: Nothing further.

23 THE COURT: Okay.

24 MR. HIGGINS: Your Honor, I was just going to
25 interject, I don't know if this will assist Mr. Kelly in the

1 --

2 THE COURT: No it won't, Mr. Edmunds --

3 MR. EDMUNDS: -- and the witness --

4 THE COURT: -- this is -- this is really getting
5 sort of the --

6 MR. EDMUNDS: He -- he doesn't --

7 THE COURT: -- height of --

8 MR. EDMUNDS: I was just going to point out that
9 he has in his deposition in front of him and that it is JX -
10 - I had it just a second ago. I opened a document and so
11 I've lost it, but he does (indiscernible) --

12 THE COURT: It's not -- Mr. Edmunds, it doesn't
13 matter.

14 MR. EDMUNDS: Okay.

15 THE COURT: Mr. Fogelman, did you have any
16 questions?

17 MR. FOGELMAN: Good afternoon, Your Honor. Yes.

18 CROSS-EXAMINATION OF MORTIMER D. SACKLER

19 BY MR. FOGELMAN:

20 Q Mr. Sackler, you testified earlier today that a trust,
21 for which you are the beneficiary, or your children are the
22 beneficiary of, a contribution made by that trust is your
23 contribution as well; is that true? Do you recall that
24 testimony?

25 A Would I -- yeah, I believe what I said is whether the

1 funds come from a trust of which I'm a beneficiary or
2 whether they come from me, personally, in the agreement, the
3 settlement agreement that contribute to my one-eighth share
4 of the A Side contribution. And yet they are coming out of
5 my family's total wealth, if you -- if you look at it in
6 that way.

7 Q So you do view it as your contribution then, right?

8 MS. MONAGHAN: Objection, he's answered and
9 explained.

10 THE COURT: I think he did answer that, Mr.
11 Fogelman, if you have a follow up, though, you can go ahead.
12 BY MR. FOGELMAN:

13 Q But if you are found personally liable in lawsuits
14 filed against you, would those trust assets be available for
15 collection by your judgement creditors?

16 A That's a very technical question and I'd have to defer
17 to my lawyers. I don't believe they would be. The trusts
18 are independent, and they do not have to contribute in such
19 a judgement, if I were to go bankrupt. They are for me my
20 futures -- my issue, my kids, my grandkids, so no, they
21 would not -- I don't believe, technically, they would have
22 to contribute, no.

23 Q Okay. So contributions by a trust then, aren't your
24 personal contributions, right?

25 MS. MONAGHAN: Objection. He was referencing to

1 contributions to the settlement agreement. Voluntary
2 contributions.

3 MR. FOGELMAN: That -- that's not my question.

4 MS. MONAGHAN: But that's his testimony.

5 BY MR. FOGELMAN:

6 Q Would you agree that contributions by the trust for the
7 settlement, are not your personal contributions?

8 A If you're specifically, technically asking are they
9 coming from me personally, no, obviously they're not. But
10 in the settlement agreement, they are counted towards my
11 family's one-eighth share of the A Side contribution towards
12 the settlement.

13 Q Thank you.

14 MR. FOGELMAN: Nothing further, Your Honor.

15 THE COURT: Okay.

16 MR. FOGELMAN: Thank you.

17 THE COURT: All right.

18 MR. HUEBNER: Your Honor, I have about seven
19 minutes or so, maybe five minutes of questions for Mr.
20 Sackler.

21 THE COURT: Okay.

22 CROSS-EXAMINATION OF MORTIMER D. SACKLER

23 BY MR. HUEBNER:

24 Q Good afternoon, Mr. Sackler, Marshall Huebner of Davis
25 Polk for the debtors.

1 A Good afternoon.

2 Q I assume you remember, Mr. Sackler, that various people
3 asked you about distributions out of the company, while you
4 were on the Board?

5 A Yes.

6 Q Are you aware of the existence of a report by the
7 Special Committee of the Board of Directors, 356 pages long,
8 detailing all cash transfers out of Purdue for the benefit
9 or to shareholders from 2008 to 2019?

10 A Yes, I am.

11 Q Are you aware that that report concludes that \$10.4
12 Billion was transferred out to or for the benefit of the
13 Sacklers during that time period?

14 A Yes. Including the (indiscernible) transfers.

15 Q Do you have any reason to believe that that report is
16 inaccurate in any material respect?

17 A I do not.

18 Q Are you aware of the existence of a Special -- of a
19 second report of a Special Committee of 401 pages, I'm not
20 asking you to verify the page number, obviously, also filed
21 on the public docket listing all intra-company and non-cash
22 transfers from Purdue to or for the benefit of the
23 shareholders, including IEC's during this same time period?

24 A Yes.

25 Q Are you aware that the debtors, special committee

1 expert has concluded that in our view of those \$1.4 Billion
2 -- are under compensation, as it were, for those transfer.

3 I'm asking if you agree with number? I'm asking you if you
4 were aware that that is the debtor's special committee
5 valuation of the under compensation for the estates?

6 A I'm not aware of that. I didn't -- it's the first I'm
7 hearing of that.

8 Q Okay. Which is fine. Are you aware that absent a
9 settlement, the estate will be pursuing you and your family,
10 and your trusts and the IEC's for either billions or more
11 than billions of dollars?

12 A I believe so, yes.

13 Q Okay. Mr. Sackler, you testified before that you left
14 the Board at the end of 2018, I think technically, your
15 letter was dated, January 6th, 2019, but there were no Board
16 meetings during the first two weeks of 2019, so do we
17 effectively agree that you were off the Board at the end of
18 2018?

19 A Yes.

20 Q And were you the last Sackler relative to leave the
21 Board (indiscernible) Purdue?

22 A I was, by a matter of weeks, I believe.

23 Q Since your departure, Mr. Sackler, have you, or to your
24 knowledge, any member of your family attempted to have any
25 role at the debtors or to control or influence them?

1 A No, I can say for myself, with certainty, no. I can't
2 say for certain what other members of my family.

3 Q Mr. Sackler, I'm sorry. I'm asking if you're aware of
4 so you (indiscernible). Are you aware of any attempts by
5 any other member of your family, starting --

6 MR. EDMUNDS: Objection. Lack of foundation.

7 How would he know?

8 MR. HUEBNER: It's a -- I wanted to ask him his
9 knowledge without laying the foundation. I'm not asking for
10 a fact. That's an incorrect objection.

11 MR. EDMUNDS: I don't think it is.

12 THE COURT: I'll overrule the objection. He's
13 just asking awareness and he's already testified -- in fact,
14 it'd be response to your question, Mr. Edmunds, as far as
15 the interaction of Side A at meetings that take place at
16 least a couple of times a year.

17 MR. HUEBNER: Thank you, Your Honor.

18 BY MR. HUEBNER:

19 Q Mr. Sackler, I'm going to restate the second part of
20 that question so we're clear and get a clear record. Are
21 you aware of any attempt by any member of your family to
22 control or influence the debtors since you all left the
23 Board in late 2018?

24 A I am not aware of any.

25 Q And is that also true with respect to the special

1 committee of the debtors?

2 A That is also true with that I am not aware of any.

3 Q Mr. Sackler, are you aware that this Court directed the
4 appointment of an examiner, which was then appointed by the
5 Department of Justice to investigate independence in the
6 Special Committee from the Sackler family?

7 A I am.

8 Q Have you read the examiner's report?

9 A I don't recall if I've read it or not. I -- I heard
10 the conclusion, but I can't recall if I've read the whole
11 report.

12 Q And how would you describe the conclusion, Mr. Sackler?

13 A My understanding is that the examiner found no
14 interference on behalf of the family members with the
15 special committee.

16 Q And Mr. Sackler, do you have any -- any knowledge that
17 leads you to believe that the examiner missed something, and
18 do you know something that we should know that would make
19 his conclusions incorrect?

20 A I do not, no.

21 Q Follow up question, Mr. Sackler, leaving aside the
22 money, I just want to ask you about one convenient in the
23 settlement agreement. Do you understand that your family
24 has an obligation to leave the pharmaceutical business
25 worldwide, within a specified period, under the settlement

1 | agreement?

2 A I do have an understanding that we need to sell the
3 IEC's within the seven year period, if that's the question,
4 yes.

5 Q Right. It's actually not the question, and I'll just
6 state it to make sure.

7 A Okay.

8 Q In other words, there are two different -- which Mr.
9 Edmund asked you about and others, is are you likely have to
10 sell the IEC's to raise cash to pay the settlement. I
11 believe your testimony was that -- you believed the answer
12 was yes, and you would be selling --

13 A Right.

14 Q -- them to raise money. I'm asking you a different
15 question. Were you aware that there is a covenant that
16 irrespective of your net worth and what you would otherwise
17 pay, were separately obligated to leave the pharmaceutical
18 business, worldwide, within a specified period?

19 A In my understanding is that we're obligated to sell the
20 IEC's within the seven year period, and that we need to be
21 out of the opioid business worldwide.

Okay. I -- I -- I'll take that as good enough.

23 MR. HUEBNER: Your Honor, I have nothing further,
24 thank you.

THE COURT: Okay.

1 MS. MONAGHAN: And Your Honor, I just wanted to
2 make sure there wasn't confusion about one thing. Mr.
3 Sackler testified to family counsel meetings. I think Mr.
4 Huebner was asking about meetings between family members and
5 the Board?

6 THE COURT: No, I know, I was responding to Mr.
7 Edmunds' objection which said --

8 MS. MONAGHAN: Okay.

9 THE COURT: -- that a foundation had to be laid
10 for the question are you aware of any --

11 MS. MONAGHAN: I got it.

12 THE COURT: -- family members --

13 MS. MONAGHAN: I see.

14 THE COURT: -- and I think they, I mean, obviously
15 this family consults with the members periodically every
16 year.

17 MR. HUEBNER: Yeah, Your Honor, --

18 THE COURT: It's something update, and it's just
19 an awareness the answer, so --

20 MS. MONAGHAN: I understand.

21 MR. HUEBNER: Yes, and -- and for the
22 (indiscernible) that I do want to be clear, Ms. Monaghan, I
23 was not limiting my question to any particular organization
24 within the family structure. I meant the question as
25 broadly as I asked it, which is was he aware of any attempt

1 by any family members, or maybe I should have added through
2 an agent, to improperly influence the -- to influence the --
3 again, I believe he gave me the answer I was looking for.
4 I'm sorry, for not narrowing my question because it was not
5 narrow.

6 MS. MONAGHAN: Not at all. It was merely to make
7 sure there was no confusion about what those meetings were.
8 That's all.

9 THE COURT: Okay. All right.

10 MR. HUEBNER: Perfect. Thank you.

11 THE COURT: All right. All right. Mr. Edmunds,
12 you're still on the screen, I don't know if have any more
13 questions? No. Okay. So Ms. Monaghan --

14 MR. EDMUNDS: (Indiscernible).

15 THE COURT: -- do you have any cross?

16 MS. MONAGHAN: I do not, Your Honor. I have no
17 questions.

18 THE COURT: Okay. All right. Mr. Sackler, you
19 can sign off at this point. Your testimony is complete,
20 thank you.

21 MR. SACKLER: Thank you.

22 THE COURT: All right. I think this is a good
23 point to stop for lunch before the next witness. So let's
24 resume at 2:30 for the last witness, which is Kathe Sackler,
25 I believe, correct, Ms. Monaghan?

1 MS. MONAGHAN: That is correct, Your Honor.

2 THE COURT: All right. Very well. Thank you.

3 (Recess)

4 THE COURT: Okay. Good afternoon. This is Judge
5 Drain, and we're back on the record in In re: Purdue
6 Pharma, et al., L.P. I'm hesitating, because there's a
7 block on my screen. Now, it's gone. Okay. And --

8 MR. HUEBNER: Your Honor?

9 THE COURT: Yes.

10 MR. HUEBNER: If I may, with apologies. For the
11 record, Marshall Huebner of Davis Polk. One very small
12 point before what I believe is the next witness. I was
13 advised by several people that I (indiscernible) in my last
14 (indiscernible). I meant to ask Mortimer Sackler whether he
15 was aware of the opioid business covenant. I was advised I
16 misspoke and said pharmaceutical. He actually corrected me
17 in his answer,

18 THE COURT: He did.

19 MR. HUEBNER: -- and since I am trying to hold
20 everybody --

21 THE COURT: I noted that. I noted his answer.

22 MR. HUEBNER: Okay, and I just -- since I'm trying
23 to hold everybody to accurate recitations of the settlement
24 agreement, I'm actually rather mortified that I misspoke
25 myself, but it's been corrected. The record is clear. If I

1 confused the witness or the court, I apologize. The
2 covenant is, of course, very complicated, as all things in
3 this case are, but it is about the opioid business, not
4 pharmaceuticals more generally. So, apologies to all.

5 THE COURT: That's fine. Thank you. All right.

6 Our next, and I believe last witness is Kathe Sackler, and I
7 see her on the screen, so I'm going to ask you, ma'am, to
8 raise your right hand, please. Do you swear or --

9 MS. MONAGHAN: Kathe, can you unmute, please? I'm
10 sorry, Your Honor.

11 THE COURT: Sure.

12 MS. MONAGHAN: You need to unmute, Kathe.

13 MS. SACKLER: How's that?

14 THE COURT: All right.

15 MS. MONAGHAN: Good.

16 THE COURT: Would you raise your right hand,
17 please? Do you swear or affirm to tell the truth, the whole
18 truth, and nothing but the truth, so help you God?

19 THE WITNESS: I do.

20 THE COURT: Okay. And it's K-A-T-H-E, next word,
21 S-A-C-K-L-E-R?

22 THE WITNESS: Correct.

23 THE COURT: Okay. And Ms. Tonnesen, you're going
24 to do the direct for the State of Maryland?

25 MS. TONNESEN: Yes.

1 THE COURT: Okay, you can go ahead.

2 DIRECT EXAMINATION OF KATHY SACKLER

3 BY MS. TONNESEN:

4 Q Good afternoon, Dr. Sackler.

5 A Good afternoon.

6 Q Sarah Tonnesen for the State of Maryland. Okay, Dr.
7 Sackler, you served on the board of directors of Purdue
8 Pharma for nearly 30 years. Isn't that right?

9 A I don't know the exact number, but it was a very long
10 time, yes.

11 Q Began in 19 -- about 1990?

12 A That sounds about right.

13 Q And you left the board of Purdue in September 2018;
14 isn't that right?

15 A Yes.

16 Q And you served as a senior vice president of Purdue for
17 a number of years; isn't that right?

18 A Yes.

19 Q And you had office -- you had an office at the Purdue
20 headquarters, right?

21 A Yes.

22 Q And you had an assistant there?

23 A Correct.

24 Q And up to the time that you resigned from the board of
25 Purdue, the majority of the board was comprised of members

1 of the Sackler family, right?

2 MS. MONAGHAN: Objection. Are you counting Side A
3 and Side B?

4 MS. TONNESEN: Yes.

5 THE COURT: So, you can answer the question, Ms.
6 Sackler.

7 BY MS. TONNESEN:

8 A Side A and Side B (indiscernible). There were -- it's
9 (indiscernible) majority (indiscernible). There were four
10 or five independent (indiscernible) and the balance of the
11 directors were (indiscernible).

12 Q I apologize, Dr. Sackler. I'm having a little bit of a
13 hard time hearing you, but I think I understood that you
14 just testified that at one point, there was four to five
15 independent directors on the board?

16 A Yes.

17 Q Was there ever a time period where there were more or
18 an equal number of independent directors as compared to
19 members of Side A and Side B Sacklers combined?

20 MS. MONAGHAN: counting the time that Kathe was on
21 the board?

22 MS. TONNESEN: (indiscernible) the time that Kathe
23 was on the board.

24 MS. TONNESEN:

25 A I don't think so.

1 Q And concurrent to your service on the board of Purdue,
2 you were also on the advisory board of MNP, right?

3 A Yeah.

4 Q And the role of that entity, MNP, is to act as an
5 advisory board to make recommendations to the Independent
6 Associated Companies, the IACs, right?

7 A I think the recommendations were made to the boards of
8 the independent (indiscernible).

9 THE COURT: I'm sorry, we're having --

10 MS. TONNESEN: (indiscernible).

11 THE COURT: We're having a hard time hearing Dr.
12 Sackler. I -- is there --

13 MS. MONAGHAN: Do you have your --

14 THE WITNESS: I'll to speak up.

15 THE COURT: Okay.

16 MS. MONAGHAN: Do you have your AirPods, Kathe?

17 THE WITNESS: They're charging right now. I just
18 learned about having --

19 MS. MONAGHAN: Okay.

20 THE COURT: Okay.

21 BY MS. TONNESEN:

22 Q We can hear you a little better when you're -- now.
23 thank you.

24 THE COURT: So, you were -- we couldn't really
25 hear the answer to that last question, which was what was

1 the role of the advisory board.

2 THE WITNESS: The advisory board issued its
3 advice, not to the management of the companies, per se, but
4 through the board of directors of each of the IACs. And I
5 guess -- well, that's how I think it worked.

6 BY MS. TONNESEN:

7 Q And the board of MNP, which I think later became MNC,
8 was likewise always made up in majority by -- at least,
9 during the time that you were there, by members of the
10 Sackler family, right?

11 A Yes.

12 Q And Purdue has pleaded guilty twice to conduct that
13 occurred in whole or in part during your tenure as a
14 director, right?

15 A Yes.

16 Q First in 2007, correct?

17 A Yes.

18 Q And again in 2020, Purdue pled guilty to conduct that
19 spanned at least from 2007 to 2018?

20 A Yes.

21 Q Okay. And in 2020, four members of the Sackler family
22 and the estate of Jonathan Sackler separately entered a
23 civil settlement agreement with the Department of Justice;
24 isn't that right?

25 A Yes.

1 Q I'm going to ask you some questions about that
2 settlement agreement. You should have received some
3 documents from your attorneys. You can open those now.
4 You're looking for a document titled, "Settlement
5 Agreement." It will most likely have the number JX-2096 for
6 exhibit number.

7 MS. MONAGHAN: I believe, Kathe, that it would be
8 Tab 4 in your binder. Kathe, this would be in a binder, not
9 an envelope.

10 THE WITNESS: The binder is in the envelope
11 (indiscernible).

12 MS. MONAGHAN: That looks like it. Is Tab 4 in
13 that document, entitled "Settlement Agreement"?

14 THE WITNESS: Tab 4 is titled "Settlement
15 Agreement" (indiscernible) have the number and the table of
16 contents that was (indiscernible).

17 MS. MONAGHAN: I think it's at the bottom of the
18 first page, JX-2098.0001.

19 THE WITNESS: Yes, that's correct.

20 MS. MONAGHAN: I think we're all on the same --

21 THE WITNESS: (indiscernible). It doesn't say 98
22 (indiscernible).

23 MS. MONAGHAN: 96 -- 2006 dot -- I might've
24 misspoken, 0001.

25 THE WITNESS: Yes, that's it.

1 MS. MONAGHAN: Okay.

2 BY MS. TONNESEN:

3 Q And I'll give you a moment to familiarize yourself with
4 this document, but this is the settlement agreement entered
5 into between the United States Department of Justice with
6 Dr. Rupert Sackler, David Sackler, Mortimer D. A. Sackler,
7 yourself Kathe Sackler -- Dr. Kathe Sackler and the estate
8 of Jonathan Sackler. Isn't that correct?

9 A Yes. (indiscernible), yeah.

10 Q And if you would, go to Page 3. On the third page,
11 it'll have a (indiscernible). I apologize. The third page
12 of Addendum A, which starts at JX-2096.0025.

13 A Sorry, I'm on the wrong -- I'm sorry. Could you give
14 me the number again?

15 Q Yeah, of course. JX-2096.0025. That should be the
16 beginning of Addendum A.

17 A 025. (indiscernible) further, because -- okay, now I
18 got to 0025. It says, "Addendum to Settlement Agreement" --
19 "Addendum A to Settlement Agreement."

20 Q Okay. On the third page of that document of Addendum A
21 is a footnote to just -- does this footnote that says, "The
22 following reflects the tenures of the Sackler family members
23 on the Purdue Pharma, Inc. board of directors," and then on
24 the third line, it says "Kathe A. Sackler, 10/2/1990 to
25 9/27/2018." Those are the dates that you were on the board

1 of Purdue, right?

2 A I think (indiscernible), right? Is that
3 (indiscernible)?

4 Q Earlier, you testified you weren't sure if your tenure
5 on the board started in 1990, and I was just asking if this
6 refreshes your recollection that your tenure at Purdue is
7 October 1990 to September 27, 2018.

8 A Okay.

9 Q That consistent with your recollection?

10 A I really don't have a recollection of the year, the
11 date, actually in my mind, but I'm not great with dates.
12 (indiscernible) that as we go on. Apologies for that.

13 Q No apologies needed. No reason to think that's wrong?

14 A Okay. No, no.

15 Q All right. (indiscernible) to Paragraph 9 of this
16 addendum. I'll give you a second to get there.

17 A Paragraph 9 of the addendum. Can you give me a page?
18 MS. MONAGHAN: Same page as the footnote, Kathe.
19 Just look up on the page.

20 THE WITNESS: Sorry, yeah. Got it.

21 BY MS. TONNESEN:

22 Q "(indiscernible) the named Sacklers were not merely
23 passive recipients of information." That's true, right?
24 You did more than merely passively receive information.

25 A We (indiscernible) very good listeners (indiscernible)

1 and (indiscernible) cases that (indiscernible).

2 MS. MONAGHAN: Kathe, can you --

3 THE COURT: I'm sorry, this just isn't working.

4 Ms. Sackler, if you could -- I mean hoping your earbuds are
5 charged, because that's what's really -- not wearing those -

6 -

7 THE WITNESS: All right, I'm going to try.

8 THE COURT: You get interference with your
9 computer and you're just not coming through clearly.

10 THE WITNESS: I'll try them on now.

11 THE COURT: Okay.

12 THE WITNESS: I've never used these before, so --
13 does that help?

14 THE COURT: Much.

15 MS. MONAGHAN: Much better.

16 THE COURT: That's much better. Thank you.

17 THE WITNESS: Good. Okay. (indiscernible), but
18 that's okay.

19 BY MS. TONNESEN:

20 A All right, so I was just trying to answer your
21 question. I don't -- wouldn't describe the board as passive
22 listeners. I would describe the board of the Sackler member
23 directors and the non-Sackler independent directors as
24 listeners -- attentive listeners, asking questions,
25 thoughtful questions, engaged in some debate over some

1 questions from time to time, and (indiscernible) pretty much
2 -- and tried to understand the full meaning of what was
3 being presented.

4 Q I would ask you to turn to a document that was produced
5 to you. It's an email of March 18th, 2009 and it has a
6 number in the bottom righthand corner, a Bates number PWG-
7 004448824, that helps you find it.

8 A (indiscernible) is it the same tab?

9 MS. MONAGHAN: I think it's -- it's Tab 14 in your
10 binder, Kathe.

11 THE WITNESS: Tab 14.

12 MS. MONAGHAN: And Ms. Tonnesen, is it a October
13 5th, 2001 email?

14 MS. TONNESEN: No, it's March 19th -- it's
15 probably not the most --

16 MS. MONAGHAN: I'm sorry, Kathe. I think it's Tab
17 14 in your binder.

18 THE WITNESS: Tab 14, yeah. I'm there.

19 MS. MONAGHAN: March 18th, 2009, Ms. Tonnesen?

20 MS. TONNESEN: Yes, yes. Okay.

21 BY MS. TONNESEN:

22 Q Just let me know when you're there, Dr. Sackler. Take
23 your time.

24 A I'm trying to look for the dates. March 18th, 2009?

25 Q Right. That's correct.

1 A (indiscernible).

2 Q All right. I'll give you a moment to familiarize
3 yourself with the document, but we'll see that -- I can
4 represent to you the bottom, the last 30 pages in that
5 series of emails between Dr. Sackler and some of the
6 executives at the company, but I want to focus you on just
7 that first page, the, I guess, penultimate email in time.
8 It was an email from Dr. Richard Sackler to John Stewart,
9 cc-ing a number of board members and executives. It says,
10 "John, I'm troubled by our continued losing of position to
11 other opioids, especially morphine and methadone. You
12 should easily (indiscernible) to compete against and
13 difficult for people to argue. Can we set 2009 a specific
14 goal of turning this decline around?" That's
15 (indiscernible), that's right?

16 A You know, as helpful as these EarPods are for you to
17 hear me, they create kind of an echo of your voices and my
18 hearing, so I have to ask you to speak just a tiny bit
19 slower, because I'm getting words (indiscernible) on each
20 other. I couldn't hear you.

21 Q Sure. And if it's easier, you can read -- I just
22 wanted you to know what the email that you're replying to
23 says below it, so if you would prefer, you can just read the
24 email right below it from Dr. Richard Sackler,
25 (indiscernible) March 17th at 12:19, 2009.

1 A Okay.

2 Q Then you reply -- this is an email from you, Dr. Kathe
3 Sackler, isn't that right? You say, "Dear John: Please
4 include this item on the agenda the next opportunity with
5 the board. Please present an overview of the data bearing
6 on this observation and your view as to its disproportionate
7 impact to date and your expectations and planning going
8 forward. Best, Kathe." Is this an -- this is an email from
9 you to John Stewart; isn't that right?

10 A I don't think it has any relationship to Dr. Richard's
11 email, does it?

12 Q It was produced to us in this form and it looks -- it
13 appears to me that this is an email that you replied to.
14 You look at the subject matter, they say, "Oxycodone ER
15 share," Dr. Richard's email says subject matter, "oxycodone
16 ER share, and then subject matter (indiscernible) specific
17 agenda item, oxycodone ER share.

18 A This is -- I don't recall the email, so it's hard for
19 me to give you any clarity on that, but what was the
20 question, please?

21 Q (indiscernible) reason to think that this top email is
22 not from you, correct, the one sent on March 18th, 2009 at
23 8:37 p.m., directing John Stewart about an agenda item, most
24 likely to the board (indiscernible) board meeting, I would
25 guess.

1 A I think this is asking -- what I understand this email
2 is asking John Stewart to clarify the (indiscernible), but I
3 don't recall the content of this (indiscernible).

4 Q I'm sorry, Dr. Sackler, I had a hard time picking that
5 up, but I think we can move on. I think the document speaks
6 for itself. Okay. Can you open JX-1684?

7 MS. MONAGHAN: I believe that's Tab 2 in your
8 binder, Kathe.

9 THE WITNESS: I'm going to try it with one pod in,
10 because quite honestly, I can't hear when the pods are in.

11 MS. MONAGHAN: -- seems to work okay for
12 audibility, so --

13 THE WITNESS: I'm okay for audibility? Let me try
14 that. Put it in my left ear. I could leave the left one in
15 (indiscernible) my worst (indiscernible). Okay, let's try
16 that. Where do I go to, please?

17 MS. MONAGHAN: It's Tab 2 in your binder, Kathe, I
18 believe is the document. Is it, Ms. Tonnesen, budget
19 presentation 2010, November 2nd and 3rd, 2009?

20 MS. TONNESEN: Yes, it is.

21 MS. MONAGHAN: That's two in your binder, Kathe.

22 THE WITNESS: Tab 2. Got it.

23 BY MS. TONNESEN:

24 Q Okay. Dr. Sackler, I'm going to ask you review this
25 document in its title, "Purdue Pharma, L.P. Budget"

1 Presentation 2010 -- November 2nd and 3rd, 2009, Notes and
2 Actions." You see the first is a number one, and it says,
3 "OxyContin AQ. Dr. Richard and Dr. Kathe asked for," and
4 there's a series of roman numerals. "I, a detailed review
5 of the long-acting SCO market, the OER market, and OxyContin
6 growth rate for purposes of projecting into the future. II,
7 identifying specific programs of sales and marketing will
8 implement to profitably grow the OER market and OxyContin in
9 light of competition. III, provide (indiscernible) around
10 why that/how the proposed increase in share of
11 (indiscernible) translates into sales and profitability
12 growth. IV, clarifies the situation with respect to
13 OxyContin being used by 30 percent of new patients, but only
14 retaining 30 percent of ongoing patients. And V, provide a
15 copy of the OxyContin McKinsey report on possible ways to
16 increase OxyContin sales and market share."

17 You have no basis, no reason to dispute that you asked
18 for these items at roman numerals one through five, do you?

19 A I don't remember asking for them and I don't remember
20 this email. Is -- this isn't an email, is it? It's a --
21 was it an email?

22 Q No, Dr. Sackler, it's not an email. It's a document
23 that was produced to us by Purdue and I am not sure you ever
24 saw it, but it appears to reflect notes and action items to
25 be taken away and reflects request -- I'll just read the

1 document -- Dr. Richard and Dr. Kathe asked for the series
2 of asks. There's no reason -- whoever took these notes,
3 there's no reason to believe that you didn't ask for these
4 items. Is that correct?

5 A There's document that shows that I asked for the items?
6 Because I don't remember ever asking for these items. I
7 wouldn't -- this doesn't sound like me. It's not the way I
8 would address, you know, a question to management. It's --
9 and I don't understand even format of it. Oh, it's a budget
10 presentation -- budget presentation. I don't know. This --
11 I don't recall being involved in this discussion, actually.

12 Q You were involved in -- during your time at the board
13 of Purdue, did you receive budget presentations from
14 executives or management at Purdue Pharma?

15 A There were budget meetings twice a year and
16 presentations were prepared for those budget meetings.
17 Those were probably the meetings which the budget and
18 planning for the budget, including marketing planning and
19 product development planning and so forth were most deeply
20 (indiscernible) detail.

21 Q And there is a name here about two-thirds of the way
22 down the page. It says, "Action, Russ Gasdia." That's
23 Russell Gasdia, right?

24 A Yes, I know who Russ Gasdia is. Yes.

25 Q He was the vice president of sales at this time at

1 Purdue?

2 A Correct.

3 Q And he may have been part of those budget meetings?

4 A Yes.

5 Q And I'm going to -- I'm going to direct you to look at
6 the A in response to that series of questions, is the word -
7 - the letter A and it says, "Response to questions 1 through
8 5 were provided to Dr. Kathe and Dr. Richard by email from
9 Mike" -- apologize, I'm going to mispronounce his name --
10 "Innaurato, 12/3/09, 1345 hours, copy attached." Any reason
11 to believe you didn't receive that email?

12 A I don't have any reason to believe one way or the
13 other, but I don't recall it, I'm sorry. You know, it's
14 interesting that my name is spelled correctly here under A,
15 but up at the top here, supposedly I had asked for something
16 with Richard (indiscernible) not spelled correctly, but I
17 don't know what that means.

18 Q Okay. You can set that document aside.

19 A The other thing is that sometimes questions will --

20 Q I apologize, Dr. Sackler, but there's not a question
21 pending.

22 A Oh, sorry.

23 Q If you could turn to PPLPC-013000454422. Actually, I
24 apologize. I think that was just an extraneous note in my
25 outline, so --

1 MS. MONAGHAN: I was just going to say, I can't
2 find that one.

3 MS. TONNESEN: Sorry, everyone.

4 BY MS. TONNESEN:

5 Q Okay. I'm going to actually ask you to turn back to
6 the addendum to the settlement agreement.

7 A That's Tab 4?

8 MS. MONAGHAN: Yes, Tab 4, and then you'd like her
9 to go Addendum A?

10 BY MS. TONNESEN:

11 Q Yeah, you can turn to Paragraph 11 of Addendum A.

12 A Yeah. Addendum A, Paragraph 11. Yeah.

13 Q Just going to focus on the first sentence for a minute.
14 It says, "Richard Sackler, Jonathan Sackler, Kathe Sackler,
15 Mortimer D. A. Sackler, all had direct communications with
16 Purdue executives, including sales and marketing executives
17 concerning forecasts and strategies." That's right, right?

18 A It's very, very rare that I would have any direct
19 communications with marketing and sales executives. Maybe
20 once in a number of years. I didn't have any kind of
21 ongoing dialog with anyone (indiscernible).

22 Q I'm going to ask you to look at JX-3132. It's an email
23 from March 11th (indiscernible).

24 MS. MONAGHAN: I think that's Tab 5, Kathe.

25 THE WITNESS: Okay.

1 MS. MONAGHAN: March 16th, 2008 is the top email,

2 Ms. Tonnesen?

3 MS. TONNESEN: Yes.

4 MS. MONAGHAN: Okay. (indiscernible).

5 BY MS. TONNESEN:

6 Q Dr. Sackler, once you have that up, just take a moment
7 -- a minute, to familiarize yourself with the document. I'm
8 going to be asking you about your email that appears in this
9 bottom half of the first page with the number at the bottom,
10 JX-3132.0001. If you want to review the emails that came
11 before, feel free.

12 A Okay, this one, I do remember.

13 Q In the bottom email on the first page, you write to Ed
14 Mahony, Dr. Sackler, Russ Gasdia, and John Stewart.
15 Actually, back up. Ed. Ed Mahony, that's the former CFO,
16 right?

17 A CFO, yes.

18 Q And we know who Dr. Richard Sackler is. John Stewart,
19 he was the CEO?

20 A Correct.

21 Q And Russ Gasdia, he was the vice president of sales,
22 right?

23 A Correct.

24 Q And you write, "Ed, please identify which pressures you
25 refer to in your email below and provide some quantification

1 of the negative impact on productive sales which you have
2 built into your proposed budget for 2008 and the developing
3 new five-year plan. Thanks, Kathe." Then -- you wrote
4 that, right?

5 A I don't remember it, but I don't not remember it. I
6 mean, yes, I -- what I remember is that I was trying to get
7 clarification on what Ed meant by pressures, because he had
8 described pressures and I was concerned to know what those
9 pressures might be that were --

10 Q And -- okay. You can set that document aside. I'm
11 going to ask you to pull up JX-3138.

12 MS. MONAGHAN: That's six, I believe, in your
13 binder, Kathe.

14 BY MS. TONNESEN:

15 Q That's an email from Mike Innaurato to yourself and Dr.
16 Richard, right?

17 A I don't remember this one, either, actually, but I read
18 it, yes.

19 Q If I represented to you that -- I apologize. Just give
20 me one moment.

21 A Sure.

22 Q I'm sorry. The pleasures of working from home are
23 innumerable. I'm sorry. Okay, so Dr. Sackler, this is an
24 email from Mr. Innaurato to yourself and Dr. Richard,
25 (indiscernible), and is Dr. Innaurato -- I'm sorry, Mr.

1 Innaurato the -- was he the head of marketing for a period
2 of time at Purdue Pharma?

3 A I'm not sure if he was the head of marketing or maybe a
4 vice president in marketing. I'm not sure what his exact
5 title is, but he was an important marketing person.

6 Q And it looks like you met with him in -- yourself and
7 Dr. Richard met with him in 2009 to discuss, among other
8 things, the budget and market forecast. Is that right?

9 A I'm not sure that meeting ever happened or didn't --
10 whether it happened or didn't happen, quite honestly. I
11 can't recall it. And you know, sometimes, Richard would
12 reach out with questions or trying to set up meetings that I
13 would be included in, but I might not participate in, so I
14 really don't know. I don't recall this meeting, but you have
15 anything else that would remind me?

16 Q No, that's all right. Dr. Richard Sackler was very
17 involved in the day to day at the company, wasn't he?

18 A I can't really say how involved he was, because I
19 wasn't really watching him there day to day to see what he
20 was doing, but certainly more involved than I was, by far.
21 And I kind of -- the way I understood my role as a director
22 was to listen to the presentations, follow -- read the
23 materials that were provided in advance of the meetings and
24 come to the meetings with thoughtful, intelligent questions
25 and try to participate in the discussion with the other

1 directors. I kind of modeled myself more on the independent
2 board directors' approach to board behavior, which is --

3 Q Right.

4 A (indiscernible).

5 Q Thank you. I'd ask you to turn to JX-3207.

6 MS. MONAGHAN: That's, I think, eight in your
7 binder, Kathe. And Ms. Tonnesen, is it a December 2nd, 2013
8 email?

9 MS. TONNESEN: Yes, it is. Thank you.

10 BY MS. TONNESEN:

11 Q And Dr. Sackler, this is an email to you from Mr.
12 Stewart on December 2nd, 2013; isn't that right?

13 A Yes, I see that.

14 Q John Stewart is the CEO?

15 A Correct.

16 Q And he says, "Kathe, here are the prescription reports
17 I mentioned during today's telephone conversation." It says
18 "burans," but I'm assuming that's butrans. Butrans is an
19 opioid product that Purdue sold, correct?

20 A Yes, it's a buprenorphine product.

21 Q "Butrans has had a fourth consecutive week of hitting a
22 new high and appears poised to break through the 12,000 per
23 week level. Prescriptions are up slightly, but certainly
24 not to a record level. Also, the growth in OxyContin
25 prescriptions is primarily occurring in (indiscernible).

1 The total kilograms, which track more closely with actual
2 sales, are still showing a declining trend. Nevertheless,
3 those trends are more positive than was the case a few
4 months back, and when the E2E project, the changes arising
5 out of the McKinsey analysis is slowly implemented, there
6 will certainly be additional increases."

7 No reason to think you didn't get that email, right?

8 A You know, it's very hard to remember one email among
9 emails, but -- and -- but this was 2020, is that right? No,
10 this was 2013. Sorry, 2013. So, this --

11 Q Okay --

12 A This was just at the time that the abuse-deterrent
13 formulation was approved by the FDA to allow Purdue to make
14 claims about the product and explain how the product works,
15 and I don't --

16 Q Dr. Sackler, unless -- I apologize, but unless this is
17 going to go back to the question about the email, I
18 (indiscernible) getting off -- unresponsive at this point.
19 Let's go back to the addendum at Paragraph 12. Again, that
20 was in JX-2096.

21 A (indiscernible) on four.

22 Q Going to read this to you. It says, "The named
23 Sacklers as members of the Purdue board exercise substantial
24 oversight over management's operations of Purdue. In
25 February of 2011, a memorandum observed," and then there's a

1 quotation mark, 'There seems to be a consensus that the role
2 of the board and that of the management is blurred compared
3 with the distinctions made by other major corporations.'

4 "He further observed that certain members of the
5 Sackler family functioned as" -- and then the quote begins
6 again -- "'executives, management, board, and shareholders
7 all in one, and worked collaboratively with other managers
8 on a daily basis.' As late as 2017, a high-level Purdue
9 executive commented, 'three distinct business types branded
10 Rx including Purdue, biosimilars, consumer OPC generics, are
11 being run through four separate regions (indiscernible)
12 included and with the board of directors serving as the de
13 facto CEO.'"

14 I want to ask you about that first memo that's referred
15 to, the February 2011 memo that says, "There seems to be a
16 consensus that the role of the board and that of management
17 is blurred, compared with the distinctions made by other
18 major corporations." Is that language a quote from a memo
19 circulated by Bill Loomis in 2010?

20 A I couldn't catch the name. By who?

21 Q Bill Loomis.

22 A Bill Loomis. Bill Loomis didn't work -- well, I don't
23 know that he ever -- I think he may have been on the board
24 for a very, very short term. He was someone that was
25 introduced to the company by Richard's family and brought to

1 observe board meetings because I think they were considering
2 appointing him as an independent director, but that's about
3 all I know about Bill Loomis. I never communicated with him
4 or discussed with him anything else.

5 Q Okay. The next document I want you to turn to is
6 PPLPUCC-001658754. And Dr. Sackler, I don't want to read
7 the entirety of this email into the record. I know this
8 email is one of a personal nature. I'm just going to ask
9 you about a sentence or two at the bottom of the second
10 page, so you can, obviously, look at it to familiarize
11 yourself with it, and then, when you're ready, just turn to
12 the bottom of the second page.

13 THE WITNESS: Maura, can you help me find, which
14 tab?

15 MS. MONAGHAN: I'm having trouble myself, I have
16 to say. Could you read that number again, Ms. Tonnesen?

17 MS. TONNESEN: Yeah, of course.

18 MS. MONAGHAN: Oh, I believe it's Tab 15, someone
19 who's better acquainted with the binder is telling me. Is
20 this October 4th -- October 5th, 2001, Ms. Tonnesen?

21 MS. TONNESEN: Yeah, yeah, yeah.

22 MS. TONNESEN: And I'm not going to ask you about
23 most of what's in here. As I mentioned, it's of a personal
24 nature and I just want to ask her about the last paragraph
25 on the second page. And because I'm -- actually strike

1 that.

2 MS . TONNESEN:

3 Q Just let me know when you're ready.

4 MS . MONAGHAN: Is it the paragraph that begins,
5 "These past several months"?

6 MS . TONNESEN: Yes.

7 MS . MONAGHAN: If you can find that, Kathe, once
8 you've had a chance to look.

9 THE WITNESS: I don't understand how this got into
10 Purdue's documents. That's disturbing.

11 BY MS . TONNESEN:

12 Q So in the paragraph immedately above, there's a
13 reference to litigation and I'm just giving you that context
14 so I don't have to read it, but it says in that paragraph --
15 in the paragraph I'm going to ask you about, it says, "These
16 past several months, you've had a taste of the threat of
17 financial insecurity. Even with the vast fortune you have
18 built and the layers and layers that would have to be
19 penetrated before your true support system would be
20 affected, still I could see that you were visibly concerned
21 and distressed." Did you wrote that, Dr. Kathe -- Dr.
22 Sackler, I apologize.

23 A I'm going to -- Dr. Kathe is okay, too. Even Kathe is
24 okay.

25 Q I know you worked hard for that, so I don't want to --

1 A Very difficult to -- I don't remember these words. I
2 remember some of the thoughts in here and I remember that I
3 had some exchanges with my father at this time because of
4 some estate planning that he was engaged in that I found
5 harsh and inequitable in somewhat regards, but I don't -- I
6 can't say whether I wrote this particular language. I don't
7 know. I have -- is there a question that's --

8 Q Is it -- sure. Is it true that your families amassed a
9 vast fortune and that there are "layers and layers that
10 would have to be penetrated before your true support system
11 would be affected"?

12 A That sounds like a bit of naïve exaggeration to me, but
13 I was a lot younger and less nuanced in those days. But I
14 think that it refers to, you know, to me, millions of
15 dollars are a fortune. I grew up in a middle-class family
16 and went to public school, west side of Manhattan, and have
17 a different perspective about money than maybe some other
18 family members might have. And --

19 Q I'm going turn you to document -- it's 3177121.1.

20 MS. MONAGHAN: I think it's -- go ahead. I'm
21 sorry, Ms. Tonnesen.

22 BY MS. TONNESEN:

23 Q I'm sorry. I was just going to say it's your
24 deposition transcript, but it is true, I think there's a
25 pound sign in front that, pound 3177121.62

1 MS. MONAGHAN: It's the first tab in your binder,
2 Kathe.

3 BY MS. TONNESEN:

4 Q I'm going to direct you to page 62 of this document.

5 MS. MONAGHAN: I'm sorry, what page did you say,
6 Ms. Tonnesen?

7 MS. TONNESEN: Sixty-two.

8 BY MS. TONNESEN:

9 Q And --

10 A Okay.

11 Q At Page 62, Line 13, you're asked the question, "Do you
12 agree that diversion of opioids, including OxyContin, was a
13 big problem in 2008?" And your answer at 62, Line 16, is "I
14 think the diversion of opioids has always been a problem and
15 I think also the misuse of opioids has always been a
16 problem." (indiscernible). Flipped upside down in my
17 (indiscernible).

18 And your answer is cut off a bit, and there's another
19 question that says, "The most common method of abuse of
20 OxyContin is (indiscernible) abuse, correct?"

21 Then the answer reads, "I'm not -- I'm really not
22 learned in that. I don't know if it's the most common.
23 It's certainly a possible mode of abuse. But the
24 reformulation up here referred to as the OTR product, the
25 abuse-deterrant product, the abuse-deterrant formulation,

1 the ADF, as it's known, that (indiscernible) took ten years
2 and over a billion dollars for Purdue to develop, that
3 incremental improvement in the formulation of oxycodone
4 controlled-release product, so would help doctors be able to
5 treat pain patients."

6 I'm going to stop it, because this development part is
7 over. Dr. Sackler, is that -- was that your (indiscernible)
8 at your deposition on November 5th, 2020?

9 A I trust that you have the correct document, so I guess
10 if that's what I said, that's what I said. I don't --

11 Q And Purdue began marketing a reformulated version of
12 OxyContin in 2010, right?

13 A Purdue, yeah. Did you say Purdue? I couldn't hear.

14 Q Yeah, I'm sorry. Purdue began marketing a reformulated
15 version of OxyContin in 2010, right?

16 A Yes. I think it was 2010. Dates, again.

17 Q Yeah, sure. And it marketed the drug as abuse-
18 deterrent?

19 A No, they weren't permitted by the FDA for several years
20 to say anything about the abuse deterrent features in the
21 formulation. They were only allowed to say, to describe the
22 physical properties of the formulation, of the medicine.
23 (indiscernible).

24 Q I'm sorry, Dr. Sackler, I was having a bit of a hard
25 time understanding you. You don't mind, just speaking up a

1 little --

2 A 2010, the approval to market the abuse deterrent
3 formulation did not include -- was prohibited to make any
4 claims about the formulation or the abuse deterrence
5 features. The FDA only granted that it -- later in, I
6 think, around 2013 or thereabouts.

7 Q (indiscernible). And in 2013, Purdue started marketing
8 an ADF product and abuse-deterrent formulation, correct?

9 MS. MONAGHAN: Objection. I think that
10 misunderstands it. They started selling the abuse-deterrent
11 formulation in 2010; they could only sell it as an abuse-
12 deterrent formulation as a claim in 2013.

13 MS. TONNESEN: Understood.

14 BY MS. TONNESEN:

15 Q And that did not mean the drug was abuse proof, right?

16 A No, it was never abuse proof. It was only an
17 incremental reduction in the risk of abuse, because of
18 certain physical properties of the formulation.

19 Q Physical properties of the formulation that made it
20 more difficult to abuse through certain routes, right?

21 A Through nasal inhalation or though injection, but it
22 could always be abused through swallowing more pills.

23 Q And in fact, didn't oral abuse of OxyContin increase by
24 more than 50 percent after the reformulated OxyContin
25 launched?

1 A No, I -- orally -- I don't know what you mean. Oral --
2 I'm not sure. I don't understand what you're asking. The --
3 -

4 Q (indiscernible).

5 MS. MONAGHAN: -- objection. Are you saying that
6 the percentage of patients who abused OxyContin were more
7 likely to abuse it orally after the reformulation or are you
8 saying more patients --

9 MS. TONNESEN: (indiscernible). Yeah. No, I'm
10 happy to rephrase to make myself a little bit more clear.

11 BY MS. TONNESEN:

12 Q Did abuse of OxyContin by the oral route increase after
13 reformulated OxyContin launched?

14 THE COURT: It's the same issue, though. Increase
15 in proportion to other route abuse or increase as an
16 absolute matter?

17 BY MS. TONNESEN:

18 Q Increased as an absolute manner -- matter.

19 A I don't know the data. You want me to answer what I
20 think?

21 Q If you don't know, that's fine and we'll move on.
22 Thank you.

23 A Yeah.

24 Q At the -- and at the time that the reformulation
25 launched in 2010, there were no longitudinal epidemiologic

1 studies demonstrating that the reformulation was effective
2 in preventing abuse, right?

3 A No, the -- there were -- I think I recall that there
4 were requirements from the FDA that longitudinal studies be
5 conducted, but that would, of course, take time, and they --
6 but I think there might've been a requirement after
7 marketing, after approval of the -- like a post-NDA approval
8 requirement. I vaguely remember that.

9 Q But there were no long-term studies of the ADF product
10 at the time it launched in 2010, right? It's okay if you
11 don't know. That's perfectly fine. I don't have any more
12 questions, Dr. Sackler. Thank you very much.

13 THE COURT: Okay. Does anyone else want to
14 question Dr. Sackler on direct?

15 MR. ROBINSON O'NEILL: Your Honor, Tad Robinson
16 O'Neill on behalf of the State of Washington.

17 THE COURT: You can go ahead.

18 DIRECT EXAMINATION OF KATHE SACKLER

19 BY MR. ROBINSON O'NEILL:

20 Q Good afternoon, Dr. Sackler. Can you hear -- excuse
21 me. Can you hear me okay?

22 A I hear you fine, thank you.

23 Q On that issue of abuse-deterrent formulation, are you
24 aware of whether the FDA convened a panel on whether ADF
25 drugs reduced overall abuse in the United States?

1 A I'm aware that there are a number of different panel
2 discussions about abuse-deterrant drugs and there was a very
3 deep dive by FDA to try to pull together experts and as much
4 knowledge and information as they could. I don't know the
5 particulars of every panel.

6 Q Do you recall that in September of 2020, the FDA panel
7 issued a finding that ADF formulations of oral medications --
8 - oral opiate medications did not reduce abuse in the United
9 States and the vote was 26 to 1?

10 A No, I'm not aware of that.

11 Q Dr. Sackler, you're aware that as part of this deal,
12 the Sackler families, both Side A and B, are going to --
13 have obligated themselves to contribute \$4.325 billion?
14 You're aware of that?

15 A Yes.

16 Q Do you know how much of that -- of those obligations
17 are going to be paid for out of your own personal assets?

18 A My understanding is that the proposed settlement
19 agreement including the family's contribution that you're
20 citing is equally divided between the 16 family members,
21 family groups, as you call them. So, I suppose --

22 Q Do you know --

23 A -- that's one-sixteenth.

24 Q And do you know how much of that one-sixteenth that
25 your share will come out of trust assets or how much will

1 come out of your own personal assets?

2 A My trust assets or my personal are my assets as well.

3 I don't really differentiate the -- other than for estate
4 planning purposes.

5 Q Do you have personal control over the money that's in
6 your trust?

7 A No, of course, not. They're trusts.

8 Q Okay. All right. And you were on the board of Purdue
9 Pharma in February of 2018. Is that correct?

10 A February 2018.

11 Q Maybe I can give you some context for that date --

12 A yeah.

13 Q -- Dr. Sackler, that may help orient you. Do you
14 recall that Purdue Pharma ceased all opioid marketing in the
15 United States?

16 A Yes.

17 Q Were you on the board when that decision was reached?

18 A Yes.

19 Q Why -- and did you approve of that decision to cease
20 all opioid marketing in the United States?

21 A Yes.

22 Q What were the reasons that the board gave you -- or the
23 Purdue management gave you for ceasing opioid marketing?

24 A I think the -- I thought that idea evolved from a board
25 member. I didn't know it came from management.

1 Q All right. Which board member proposed that idea?

2 A Not sure, but I --

3 Q What were the reasons?

4 A I don't remember management proposing it to the board.

5 Q What were the reasons that Purdue Pharma ceases
6 marketing of opioids in the United States?

7 A I think because the company -- that's a good question.
8 I think because there was -- I think because the company was
9 under such tremendous attack of litigation cases and if it -
10 - if ceasing marketing could, in any way, contribute to
11 reducing any incidence of suffering or loss of life or if it
12 had any -- could possibly have any positive effect, I think
13 it was important for the company to do that, to
14 (indiscernible).

15 And also, because doctors were under -- as long as the
16 product was still available to doctors to prescribe to
17 patients who need the medicine, I think that it was a good
18 decision. I'm -- I don't really know more reasons for it.
19 I guess because of what was happening with the litigation
20 and the company and it seemed like the right thing to do at
21 that time.

22 Q Thank you for that testimony -- I didn't mean to
23 interrupt you. Go ahead.

24 A I think I've said what I remember.

25 Q Thank you for that testimony. I'd like to go a little

1 bit more slowly now and ask you about the first part of that
2 answer. You indicated that it was because the company was
3 under tremendous attack of litigation case and if ceasing
4 marketing any way contributed to the reduction of incidents
5 of suffering, that that was the right thing to do. Is it
6 your testimony that you believed that stopping marketing of
7 opioids could help reduce suffering in the United States?

8 A I don't think it did. Actually, the incidence of
9 overdose deaths increased after the board made that decision
10 and management executed, you know, stopping marketing.

11 Q But that's why you did it, because you thought it would
12 help?

13 A No. I said I think it was the right thing to do
14 because the company was being accused of being responsible.
15 There was so much media and false allegations against the
16 company of being responsible for the entire opioid crisis.
17 It just didn't -- you know, at that time, I think it was the
18 right thing to do at that time.

19 Q You are aware that the plan, the fund, the Sackler
20 payments that are part of this confirmation plan
21 contemplates the sale of independent affiliated companies
22 throughout the world, is that correct?

23 A Yes. And the sale of those companies are required
24 anyway because --

25 Q That's right. One of the conditions of the plan.

1 A Right, is that the family discontinue any controlling
2 activity or investment activity in companies that market
3 opioids.

4 Q As of right now, those IACs, some of them anyway,
5 continue to market opioids, is that right?

6 A Of course.

7 Q I'm sorry, I didn't hear you.

8 A Yes, of course.

9 Q Is it not the right thing to cease marketing of this --
10 of these drugs in foreign countries?

11 A I think the United States has its own particular --
12 every country is different in terms of their medical health
13 and infrastructure in terms of how they regulate controlled
14 substances, how they regulate prescriptions, how they
15 educate their doctors. I think it's different -- different
16 countries have different problems and different litigation.
17 It seems that the United States is in a very unique and
18 tragic, sad -- has a very tragic and sad history of having
19 abuse -- opioid abuse and opioid overdose problems and other
20 drug problems that flares up from time to time and gets out
21 of hand, seriously out of hand.

22 But this is the biggest crisis I've ever seen in my
23 lifetime. The influx of illicit drugs from Mexico and from
24 China, the fentanyl, other opioid products, and the
25 different kinds of heroin coming into the country. And

1 somehow we can't seem to stop it. I don't really understand
2 it. It's beyond me. But it's tragic. And just the culture
3 of drug use is very extreme in the United States. It's in
4 the movies, it's in the TV programs. It's all over. You
5 know, cocaine is a very serious problem.

6 Q Dr. Sackler, we're straying a little bit from the
7 question, so I'm going to stop you.

8 A Yes. Yes.

9 Q But I do want to respond to that. When you say there
10 is a drug problem in the United States, you are aware that
11 United States consumes more than 80 percent of the opioids
12 produced in the world, aren't you?

13 A I have heard that.

14 Q So wouldn't it be fair to say that when you say drug
15 culture in the United States, it is the drug culture for
16 doctors' offices that sparked this particular epidemic?

17 A No, I don't believe that. I don't know if that -- I
18 don't think that's fair to say. I mean, I think it's -- I
19 really don't know the answer to that. It's very
20 complicated. It's very multifaceted. You have the illicit
21 drug market, you have the prescription drug abuse, you have
22 the prescription drug diversion. You have all these other
23 black market things going on. I don't know enough about it
24 to even speculate. But it's very complex.

25 And I just hope our government and our government

1 agencies, our regulatory agencies can get their minds around
2 it and figure out how to change our healthcare system and
3 give patients better access to medical care. In other
4 countries -- not all, but some -- there's national
5 healthcare and patients -- you know, all patients of all
6 socioeconomic possibilities can have access to the same
7 quality of medical care. That makes a big difference I
8 think in a society that's trying to regulate, you know,
9 misuse of controlled substances.

10 Q That all may be true, Dr. Sackler, but wouldn't you
11 agree with me it's also the role of government to try to
12 regulate companies that produce dangerously addictive drugs
13 and make sure they don't make misstatements about it?

14 A Absolutely. And it's also the role of those regulatory
15 agencies to control, you know, the distribution of drugs
16 into communities. You know, there are a lot of different
17 pieces to the puzzle and they're all moving parts. And it's
18 really more than one company. But --

19 Q But in this case -- sorry, I apologize. I didn't mean
20 to interrupt. I thought you were done.

21 A I was just trying to say that it's -- you can't boil it
22 down to one simple solution and point your finger at one
23 company as the thing that caused the opioid crisis.

24 Q In this case, however, you are asking this Court to
25 approve a settlement which would extinguish those claims and

1 fund it from the continued sale of opioids and marketing
2 abroad.

3 A The most important part of the settlement is -- you
4 know, we may be fundamentally of a different point of view
5 about certain medicines. Because as far as I know, there is
6 no other medicine that is as effective in managing extreme
7 pain, severe pain, debilitating pain, chronic pain, whether
8 it's cancer pain or another etiology, there is no other
9 medicine at this time that we have that doctors can use to
10 help manage patients' pain and help them be able to continue
11 to function. And it's true that the risk is serious. It
12 has serious risk of abuse and addiction. And that's why it
13 has a black box on it, and that's why it's a Schedule II
14 drug, and that's why the DEA is supposed to be all over it
15 and knowing what's happening and how it's being produced and
16 distributed and so forth.

17 But the patients still need to be treated. Their pain
18 still needs to be addressed with an effective medicine. And
19 this medicine is still approved by the FDA and is and has
20 been used over -- since its launch in 1996 to be able to
21 manage patients' severe debilitating pain.

22 And so it's -- I guess the question is if you believe
23 that the best way of offering healthcare is between the
24 doctor and patient one-on-one relationship, then we have to
25 -- or doctors have to have the task and the regulatory

1 agencies have the task of figuring out how to mitigate and
2 balance that risk-benefit ratio. The benefit of pain
3 management and relief of that suffering. And
4 (indiscernible) suffering. There were also some issues and
5 it has been shown that people in severe pain, there's also a
6 risk of suicide. There are suicides. And people can only
7 tolerate so much when it comes to pain. So -- and then --

8 Q I think, Doctor, you've gone on for quite a while. And
9 again, I think we've gotten away from the question. So I'm
10 going to have one last series of questions for you, Dr.
11 Sackler. Do you believe that you have any responsibility
12 for the opioid crisis in the United States?

13 A I don't believe that I have a legal responsibility, but
14 I deeply feel distressed and recognize a moral
15 responsibility that I do have and that we all have, and that
16 we've got to somehow bring enough resources and intellectual
17 resources, financial resources, all resources together to
18 change the picture.

19 Q There have been tens of thousands of people who have
20 filed claims in this bankruptcy that have suffered harm from
21 abuse of your products, the products produced by Purdue
22 Pharma. Do you have any words of apology for them?

23 A I've said before and I'll say again, I am deeply,
24 deeply sorry for what any individual person who has suffered
25 with addiction, and I'm tragically sorry for any loss of

1 life. It's devastating. It's hard to even grasp. And it's
2 very disturbing. It is absolutely disturbing that the
3 company, Purdue, that was intended to develop this product
4 to help people, to relieve suffering, to help doctors be
5 able to relieve suffering, has become part of this crisis.

6 MR. O'NEILL: I don't have any more questions,
7 Your Honor.

8 THE COURT: Okay. Mr. Higgins, do you have
9 questions?

10 MR. HIGGINS: Yes, Your Honor. Thank you very
11 much. For the record, Ben Higgins for the U.S. Trustee.

12 DIRECT EXAMINATION OF KATHE SACKLER

13 BY MR. HIGGINS:

14 Q Good afternoon, Ms. Sackler. Can you hear me okay?

15 A Yes, fine.

16 Q My name is Benjamin Higgins and I represent the United
17 States Trustee. You are getting a release under the
18 Debtor's plan, is that correct?

19 A Yes.

20 Q And other -- I'm sorry, I didn't mean to interrupt.

21 A Yes. Sorry.

22 Q And the other members of the Side A family are getting
23 releases, is that correct?

24 A Yes.

25 Q And the spouses, children, and grandchildren of the

1 Side A family members are getting releases. Is that right?

2 A Yes.

3 Q And any entities or individuals to which any of your
4 assets are transferred are getting released. Is that right?

5 A Yes.

6 Q Do you know how many people you've transferred assets
7 to?

8 A No.

9 Q Do you know how many entities you've transferred assets
10 to?

11 A No.

12 Q Do you know how many entities or individuals the other
13 Side A Sackler family members have transferred assets to?

14 A No.

15 Q The release also includes any assets, businesses, or
16 entities that you own. Did you know that?

17 A I haven't actually read the document that describes the
18 releases yet. I've heard it from my attorneys, but I don't
19 know (indiscernible).

20 Q You haven't looked at the list of released parties?

21 A No.

22 Q Can you tell me -- do you know how many businesses or
23 entities you have an ownership interest in?

24 A My ownership interest is through trusts. I don't know
25 exactly what the --

1 Q Do you know how many assets, businesses, or entities
2 the other Side A family members have?

3 A No.

4 Q Sitting here today, you don't know how many people are
5 getting released under the plan. Is that correct?

6 A I don't know an exact number, but I know it's a lot of
7 people.

8 Q And you don't know how many entities are getting
9 released under the plan. Is that correct?

10 A No. It's really a matter for the attorneys who the
11 proper parties are (indiscernible) releases.

12 Q Do you recall a few minutes ago the attorney from the
13 State of Maryland was asking you about an email you wrote
14 referencing a vast fortune that your family had accumulated.
15 Do you remember that exchange?

16 MS. MONAGHAN: Objection. Mischaracterizes the
17 testimony.

18 THE COURT: That's sustained. If you want to
19 refer to the email, you can, Mr. Higgins. If you want to
20 use the actual language, or if you want to ask the question
21 differently.

22 MR. HIGGINS: I'll try to rephrase the question,
23 Your Honor.

24 BY MR. HIGGINS:

25 Q Ms. Tonneson asked you if you had written an email that

1 stated that your family amassed a vast fortune of wealth,
2 and there are layers and layers before your true support
3 system would be affected. Do you recall that exchange?

4 A Yes, I think I answered that when I was asked the
5 question. I think I answered that at that time, my idea of
6 vast wealth was considerably different.

7 Q Sure. I wanted to focus on the layers and layers
8 reference. From your understanding, are there layers of
9 Sackler family entities that protect a fortune?

10 A Well, I think there's a complex trust structure and
11 different companies and holding company. I think all of
12 this information has been reported and revealed and
13 submitted and negotiated. But I'm not -- you know, that's
14 for the lawyers to figure out. I really don't get involved
15 with that level of (indiscernible).

16 Q Sure. I'll move on to a different question. Did you
17 say that you had not read the plan's release provision? Is
18 that what you said previously?

19 A That's right.

20 Q And you have left that to your lawyers to figure out
21 what that means. Is that right?

22 A Well, I think my lawyers have advised that the releases
23 are being structured to bring about -- I guess to bring
24 closure to the situation. It's a resolution that brings
25 closure which enables the family to make this very

1 substantial contribution to the Purdue bankruptcy settlement
2 and provides those resources to do good and be available to
3 the communities and people who have suffered in this crisis.
4 And so it's a constructive resolution. Rather than -- you
5 know, rather than -- there are thousands of cases that
6 (indiscernible). And if the family has to defend itself in
7 Court case after case after case over years of litigation,
8 obviously then it cannot provide those resources in
9 settlement. So it's two sides of a coin.

10 I think the more constructive side is to have the
11 settlement and provide the resources for the communities and
12 build the abatement so that people who have suffered and
13 people who are at risk right now as we speak who need access
14 to medical care or who need medicine or who need social
15 support (indiscernible). There's an opportunity here to
16 (indiscernible) fighting and litigation and paying lawyers'
17 fees (indiscernible).

18 Q I don't want to cut you off, Ms. Sackler. I'm having a
19 little trouble hearing you. Can you hear me okay?

20 A I hear you fine.

21 Q Okay.

22 A I'm getting a little tired, but I was trying to speak
23 up.

24 Q Sure. I'm just about done, Ms. Sackler. Are you aware
25 that several parties, including my office and nine states

1 and the District of Columbia have all argued that third
2 party releases as currently proposed are impermissible?

3 A I (indiscernible). I think (indiscernible).

4 Q I'm sorry --

5 MS. MONAGHAN: I think the question, Kathe, was
6 whether you are aware, not whether you agree that they are
7 impermissible. Are you aware that there have been
8 objections raised?

9 BY MR. HIGGINS:

10 A Yes. Yes. I am aware of all of the continuing and
11 continuing objections that are wasting time and wasting more
12 resources and holding back the abatement that should be
13 going a year ago or three years ago to the people in the
14 communities that need it.

15 MR. HUEBNER: Your Honor, I move to strike that
16 response as non-responsive. We're not actually interested
17 in Dr. Sackler's views on these hearings, with all due
18 respect, Your Honor. She is a fact witness and she is going
19 to answer the questions that are asked of her.

20 THE COURT: I won't strike it. It's a judge
21 trial, so I don't think I need to strike it.

22 You can go ahead, Mr. Higgins.

23 MR. HIGGINS: Thank you, Your Honor.

24 BY MR. HIGGINS:

25 Q So, Dr. Sackler, my final question to that was going to

1 be if the bankruptcy court decides that the releases cannot
2 be approved because they're not permissible under applicable
3 law, would your family be willing to offer the funds in
4 exchange for a narrower set of releases?

5 A I've been advised by my attorneys that these are the
6 releases that are required to bring closure to this
7 situation constructive, positively, and allow the optimal
8 amount of resources to be made available to the communities
9 and the people who are in need. I have to address that.

10 Q And when you refer to closure, are you speaking closure
11 from the perspective of the Sackler family?

12 A No, I'm speaking closure from everyone's perspective.
13 I think everyone is wasting their time and money. Not jus
14 the Sacklers.

15 MR. HIGGINS: Okay. No further questions, Your
16 Honor. Thank you, Dr. Sackler.

17 THE WITNESS: Thank you.

18 THE COURT: Okay. All right. Anyone else wish to
19 cross-examine Dr. Sackler? I mean, not cross examine,
20 excuse me, examine Dr. Sackler?

21 MR. OZMENT: Your Honor, this is Frank Ozment.
22 And I'll be as brief as possible.

THE COURT: Okay.

24 MR. OZMENT: Thank you.

DIRECT EXAMINATION OF KATHE SACKLER

1 BY MR. OZMENT:

2 Q Dr. Sackler, my name is Frank Ozment and I represent
3 some individual claimants. I'd like to ask you a couple of
4 questions about some of your testimony that you just went
5 over. Can you hear me okay?

6 A I hear you (indiscernible).

7 Q Thank you. I know that you've never practiced medicine
8 for a living, but you did go to medical school, right?

9 A I also took care of patients as a house officer in a
10 hospital.

11 Q Right. So you had doctor-patient relationships with
12 people, right?

13 A Yes.

14 Q And I am going to ask you about a statement that the
15 government made. And I don't want to suggest for a moment
16 that the statement is accurate or true. Okay? But I just
17 want to ask you about the statement. So please don't be
18 offended.

19 A Okay.

20 Q Are you aware whether the government accused Purdue
21 Pharmaceutical of corrupting the patient-doctor privilege or
22 relationship?

23 A I've never heard that, actually.

24 Q Well, I'm going to submit to you that they did make a
25 statement to that effect. Okay? Is it true that you would

1 never have done anything personally to corrupt that
2 relationship?

3 A Absolutely not.

4 Q You would not have done that, would you?

5 A I would not knowingly do anything to corrupt any
6 relationship, especially the relationship with the patient.

7 Q And if that did happen, the patient would be the
8 victim, would they not?

9 A I'm not sure what you mean by corrupt, but I would not
10 do anything to harm a patient knowingly. The oath, the
11 Hippocratic oath. You swear as a physician (indiscernible)
12 to not do harm to patients. To do no harm. To relieve
13 suffering and do no harm.

14 Q Right. And if somebody interfered with your ability to
15 do that, the victim would be the patient, wouldn't it?

16 MS. MONAGHAN: I've got to object. I'm now
17 confused. If somebody interfered with her -- with Kathe's
18 ability to do what?

19 MR. OZMENT: As a physician. She said she had
20 patients when she was a physician. And I guess what I'm
21 asking her is based on her knowledge of practicing medicine,
22 if somebody interfered with your relationship with a
23 patient, then the victim of that interference would be the
24 patient. Is that right?

25 MAN: Objection on relevance grounds.

1 MR. OZMENT: Your Honor, may I explain the
2 relevance briefly?

3 THE COURT: Yes.

4 MR. OZMENT: Thank you. If the government
5 contends that a patient's -- that Purdue interfered with
6 patient-physician relationship and that's, you know, what
7 happened when Purdue committed the crimes to which it pled
8 guilty, then those patients are victims and they are
9 entitled to relief under federal law, and that impacts the
10 (indiscernible) to which they were entitled to receive.

11 MS. MONAGHAN: Objection. I don't think Kathe is
12 in any position to opine on this or --

13 THE COURT: I think the issue on relevance here is
14 that this is really a legal question. If there is a factual
15 issue, although I don't think it is, it's really with
16 someone else. But I expect that having read the
17 Government's settlement agreement with Purdue, the
18 Government would disagree with your position, Mr. Ozment.
19 And you can argue that with the Government. But I think one
20 thing is clear. It's not really a proper subject for this
21 witness's testimony.

22 MR. OZMENT: I have nothing further for this
23 witness. Thank you, Your Honor.

24 THE COURT: Okay. Okay. Anyone else?

25 MR. HUEBNER: Your Honor, nothing while the

1 witness is still on the stand. But there is one thing once
2 the witness is dismissed that the Debtors feel obligated to
3 do.

4 THE COURT: Okay, that's fine. Ms. Monaghan, do
5 you have any cross?

6 MS. MONAGHAN: I do not, Your Honor.

7 THE COURT: Okay. All right. Very well then.

8 And hearing no one further, Dr. Sackler, you can sign off at
9 this point. Thank you.

10 THE WITNESS: Thank you.

11 THE COURT: Can I just -- I'm going to take my
12 microphone off for a second because -- oh -- it keeps -- it
13 was great for about -- most of that testimony, and now it's
14 gotten choppy again.

15 I'm sorry. We were -- I don't know if you are
16 experiencing this. The video has been somewhat spotty. It
17 was actually quite good for most of the last witness's
18 testimony. It's spotty again right now. And I was trying
19 to figure out if there's something we could do about it.
20 And I'm told that there's something in the overall building
21 that is affecting the reception.

22 So can you all see me and hear me?

23 MR. HUEBNER: Yes, Your Honor, perfectly.

24 THE COURT: All right.

25 MR. KAMINETZKY: I don't know that we can see you,

1 Your Honor, but we can hear you.

2 THE COURT: All right.

3 MR. HUEBNER: Many of us can, interestingly
4 enough. So it seems to be a select list.

5 THE COURT: All right. Well, the hearing is the
6 most important part.

7 So why don't you go ahead, Mr. Huebner?

8 MR. HUEBNER: Your Honor, I want to thread the
9 needle carefully because (indiscernible) progress that I
10 made, I think everyone on the first day of this case almost
11 two years ago was that nobody would ever hear me defending
12 the conduct of Purdue certainly prior to the time Davis Polk
13 arrived for the first time.

14 Mr. O'Neill -- and I know he did not do it
15 intentionally -- I think several times actually misstated
16 the conclusions of the FDA Advisory Committee in the way he
17 phrased his question. And because it's actually quite
18 important, with some caution, I just want to point out
19 because it's important that the record be clear.

20 There were three separate votes taken by the Ad
21 Com. And the 26 to 1 vote that he referred to in his
22 question was not a vote that (indiscernible) not reduce
23 abuse. I actually don't want to characterize --

24 MR. O'NEILL: Your Honor, I'm sorry --

25 THE COURT: Can I just interrupt? Mr. O'Neill

1 asked a question about a document that I don't believe is in
2 evidence, unless it's one of the joint exhibits. If it is
3 in evidence, people can refer to it at oral argument.
4 Again, this is a judge trial. I understand if someone asks
5 a question of a witness, the witness isn't familiar with the
6 document, I don't accept the lawyer's characterization of
7 the document as evidence. It may be somewhere in the record
8 as an admitted exhibit, but it's -- whatever it is, it's a
9 passing remark that is not evidence.

10 MR. HUEBNER: That's perfect. I was trying to go
11 as light as I could. And (indiscernible) document on its
12 website that speaks for itself. They have the three
13 questions. Everyone who wants to can go read them. That's
14 the only point I wanted to make.

15 And again, with regard to (indiscernible) I did
16 not want to interrupt. You were being kind. But it's
17 actually important for the record. I apologize --

18 THE COURT: All right. And again, the record --
19 the record as far as the trial is concerned, you know, Mr.
20 O'Neill is a fine lawyer and he's entitled to be listened to
21 as a lawyer. He's entitled to be listened to. But he's not
22 able to testify as to a document that isn't in the record.
23 So it's really not part of the record, or the record doesn't
24 need to be corrected.

25 MR. HUEBNER: Okay.

1 THE COURT: The document, if it is part of the
2 record, will speak for itself.

3 MR. O'NEILL: I'm also not a doctor and I make no
4 pretense to understand it. So if I mischaracterized it,
5 then I apologize to the Court.

6 THE COURT: Well, that's fine.

7 MR. O'NEILL: Yeah. It's not evidence. I agree.

8 THE COURT: Again, if there were a jury, this
9 might be a different discussion. But I would have to
10 explain to them, for example, the difference between
11 evidence marked by an attorney.

12 MR. HUEBNER: Thank you, Your Honor.

13 THE COURT: Okay. All right.

14 MR. HUEBNER: I think that takes us to a
15 procedure. So if it's helpful, I can give the Court an
16 update unless someone else has something they need to do
17 first.

18 MR. KAMINETZKY: I think the last thing is a
19 stipulation as to the last witness on the admissibility of
20 the deposition. I think Mr. Monaghan really -- I think the
21 parties all have to stipulate to the admission of Ilene
22 Sackler's deposition along with a short stipulation that
23 we're finalizing to provide Your Honor with some facts that
24 are to be stipulated just because they're a little unclear
25 in the deposition.

1 THE COURT: Okay. I think that's consistent with
2 what I was told this morning. But, Ms. Monaghan, is that
3 your understanding, too?

4 MS. MONAGHAN: That is. I understand that Mr.
5 Edmunds on behalf of Maryland may have a couple of
6 additional documents that he wants to add to that
7 stipulation. So we were going to work that out in the
8 hearing before formally submitting the stipulation.

9 THE COURT: All right. And you will both file
10 that stipulation on the docket and also email it to chambers
11 along with the deposition?

12 MS. MONAGHAN: Yes, Your Honor.

13 MR. EDMUNDS: Yes, Your Honor.

14 THE COURT: Okay, that's fine.

15 MR. EDMUNDS: And, Your Honor, I guess now is
16 probably the time to do it. I had mentioned I think that we
17 would withdraw the declaration of Mr. Sheldon pursuant to a
18 stipulation reached by both sides of the family and Debtors
19 and the State of Maryland. And we will do that. I think
20 this morning I did not mention what the joint exhibit
21 numbers are, and so I could now state them into the record.
22 It is JX-1753 to JX-1758, JX-2710 to JX-2721, JX-2760, and
23 JX-2874 to 2896. And those are the ones covered by the
24 stipulation that we mentioned this morning, Your Honor.

25 THE COURT: Okay. And correct me if I'm wrong,

1 some or all of those exhibits are being admitted, but not
2 for the truth. Simply rather it for they are reflecting
3 documents that would be submitted if there were a trial on
4 the underlying merits of the litigation.

5 MR. EDMUNDS: I think actually most of it --
6 again, it's a lot of documents. But, Your Honor, I think a
7 lot of it is being just admitted -- it is pleadings for
8 Maryland, for example. I think that the qualification was
9 that there are some deposition transcripts within this that
10 have statements about members of the family, and those
11 statements will not be admitted for their truth against
12 members of the family.

13 THE COURT: Okay. Well, I mean, look. If someone
14 -- if -- I haven't gone through the documents. I did bring
15 the declaration to my bench in case someone was going to be
16 questioned on it. But if an exhibit is for example a
17 complaint or a claim, obviously I would not be accepting the
18 allegations in the complaint or the claim as true, I would
19 be accepting it as a complaint. Right?

20 MR. EDMUNDS: Right. And I think in this case
21 it's just historical, the fact that it was filed.

22 THE COURT: Fine, okay.

23 MR. EDMUNDS: But it contains what it contains.
24 Yeah.

25 THE COURT: Okay. Okay, very well. So I'll be --

1 MR. EDMUNDS: Thank you, Your Honor.

2 THE COURT: That's fine. So I'll look for that
3 stipulation. And I think we have the exhibits already, but
4 you've now listed them, so they're going to be covered by
5 the stipulation.

6 MR. EDMUNDS: Thank you, Your Honor.

7 THE COURT: So, Mr. Huebner, are we -- are you
8 done with Ms. Steege and her group?

9 MR. HUEBNER: (indiscernible) on that. So I was
10 about to say that with one exception, I think the evidence
11 is now closed. As you saw in yesterday's email, there are
12 three witnesses that are potentially subject to recall,
13 ideally tomorrow morning if the Court is available. There
14 is an email -- I'm not sure what time it arrived to chambers
15 today -- in which I think Ms. Steege will keep me honest
16 that it will be about 30 minutes per witness, not much more
17 than that. Davis Polk has (indiscernible). We're not
18 handling this. It's sort of like (indiscernible), Your
19 Honor. We keep getting closer and closer to resolved, but
20 each time, you know, the gaps get split in half, but they're
21 not quite at zero yet. I remain optimistic, having resolved
22 a hundred thousand things so far, that we're going to
23 resolve this last one and a (indiscernible) hearing will not
24 be necessary. It's not done quite yet. If it is, I think
25 it will be short (indiscernible) morning, which we very much

1 hope to avoid and will not be the case. But I believe other
2 than that, (indiscernible) Debtor witnesses, everything else
3 is included from a factual matter.

4 I see Ms. Steege is here so I'll let her speak for
5 herself. And then I'll talk to you about the rest of the
6 hearing and what's on your email that has been sent a little
7 while ago.

8 MS. STEEGE: Your Honor, I think Mr. Huebner has
9 accurately reported it. We are very, very close to getting
10 the agreement resolved. I do have some thoughts potentially
11 on how to streamline tomorrow if we aren't quite over the
12 finish line, which I'll discuss with his colleagues if we
13 have to do that. But hopefully we're sending an email to
14 chambers letting Your Honor know that we've reached
15 agreement with regard to our issues.

16 MR. HUEBNER: Your Honor, actually --

17 THE COURT: So it's conceivable at least that
18 there wouldn't be testimony tomorrow?

19 MS. STEEGE: Yes, Your Honor.

20 THE COURT: Okay.

21 MR. HUEBNER: Yeah. And, Your Honor, what I was
22 trying to say was (indiscernible) the lines never touch.
23 That's a bad analogy. Hopefully (indiscernible).

24 But, Your Honor, with respect to next week, just
25 as a reminder to all those who are listening, I believe we

1 are scheduled for Monday at 10:00 and Wednesday at 10:00.
2 Your Honor directed at the (indiscernible) yesterday that we
3 all fit oral argument into (indiscernible). The Debtors
4 actually (indiscernible) proposal (indiscernible) two days
5 into one-and-a-half days.

6 We've asked supporters to coordinate to split up
7 their time in a clear and organized fashion, that the
8 objectors do that as well on an issue-by-issue basis, and
9 that by 9:00 a.m. Monday morning, whoever took the lead for
10 the objectors as well as the debtors who will do it for the
11 supporters send you in the intra, you know, sort of time
12 allocations so that it's very clear to everybody sort of who
13 is doing what for how long. Because otherwise, I think
14 based off our experience, you know, there are many issues
15 which many parties have passionate views. And if we just
16 let people sort of run, we'll be here forever. I'm not
17 asking you for anybody's consent to this. We wrote to
18 chambers, we copied all parties. People are welcome to
19 express their views. But (indiscernible) we were dealing
20 and addressing the Court's clear order and request. There
21 are 330 parties on this email. And so we just can't simply
22 have like a free-for-all. We did the best we could in our
23 capacity as fiduciaries splitting the time 50/50 and all
24 (indiscernible) objectors and supporters and (indiscernible)
25 time as we see sort of the gravity and weight of the issues.

1 So we could have three other people come up
2 (indiscernible). I think that's totally inappropriate. I
3 think (indiscernible) welcome to, you know, (indiscernible)
4 or contact us directly. We did the best (indiscernible)
5 fiduciaries for all to set up a fair and appropriate
6 structure consistent with the Court's directive of
7 (indiscernible) oral argument, and people need to work out
8 the (indiscernible).

9 THE COURT: Okay.

10 MR. SCHWARTZBERG: Your Honor, Paul Schwartzberg
11 from the U.S. Trustee's Office.

12 THE COURT: Just a moment. My clerk handed me
13 these two emails, but I haven't had a chance to review them.
14 So why don't you go ahead, Mr. Schwartzberg?

15 MR. SCHWARTZBERG: Davis Polk had circulated that
16 email, and it was unclear from that email whether the
17 Debtors were going to go first or whether the objectors were
18 going to be allowed to go first.

19 MR. HUEBNER: Oh, that's a great --

20 THE COURT: I mean, the Debtors have the burden of
21 proof. But if they want to be replying to the objections,
22 I'm happy to have the objectors go first. I think you
23 should talk about that among yourselves.

24 I do think it makes sense to divide it up by topic
25 or by, you know, nature of objection.

1 MR. GOLD: Your Honor, Matthew Gold --

2 MR. HUEBNER: We will just follow your --

3 MR. GOLD: Your Honor, Matthew Gold from Kleinberg
4 Kaplan. May I speak?

5 THE COURT: Yes.

6 MR. GOLD: Thank you. I will try to be a lot more
7 brief than Mr. Huebner. I will simply note that the -- that
8 his firm sent this around this afternoon. None of us have
9 really had a chance to review it or react to it first. We
10 will take it as a good faith attempt by the Debtors to set
11 forth their resolution about how these things should be
12 organized, and we will endeavor to get back to the Debtors
13 after review and attempt to coordinate with many of the
14 other objecting states to make sure that it works from our
15 perspective as well. We don't believe there's any necessity
16 to burden the Court further with this at this time. It's
17 something that I trust we'll be able to resolve. Thank you.

18 THE COURT: Okay. Anyone else?

19 MR. GOLDMAN: Your Honor, Irve Goldman on behalf
20 of the State of Connecticut.

21 Just to let the Court know, it's always been our
22 intention to coordinate on presenting legal arguments. And
23 there is a reference in the email to some objectors
24 insisting on presenting their view of overlapping issues.
25 We are not one of those objectors.

1 THE COURT: Okay.

2 MR. GOLDMAN: So I just want to make that clear.

3 THE COURT: Well, I haven't read the email. I'm
4 not sure what you're referring to, but I understand what
5 you're saying.

6 MR. GOLDMAN: Thank you, Your Honor.

7 THE COURT: Okay. All right. I mean, look, I've
8 set a day-and-a-half. Frankly, to my mind, that builds in
9 time for questioning by me that may go beyond what you all
10 are expecting to present. But that won't add more than
11 another half day. So we're going to be done on Wednesday.
12 But don't expand this beyond the day-and-a-half, because I'm
13 already assuming that it may be somewhat expanded based on
14 my own questioning of various parties on their legal
15 argument.

16 MR. TROOP: Your Honor, Andrew Troop for the non-
17 consenting states. This doesn't have to do with oral
18 argument about the issues that have been presented to you.
19 But as I'm sure you know, there remain unfinished documents
20 and documents submitted, for example, in connection with the
21 proposed conformation order that are particularly delineated
22 as still under negotiation.

23 I would just suggest that at the end of argument
24 and before you rule, we try to get our arms around a process
25 for being able to work through and resolve those issues and

1 engage the Court if appropriate to do so.

2 THE COURT: Absolutely. And, look, I mentioned
3 this to the parties last week. I would hope that the
4 parties would focus on some of the issues that have been
5 raised during this hearing with respect to the breadth of
6 the release. I think as good lawyers, you know what those
7 issues are. I think you are -- I'm not asking you to
8 address issues about carving a party out, but I am asking --
9 that's the subject of oral argument in my ruling, and I
10 understand that.

11 But I am asking you to focus on some of the other
12 issues that have been raised, such as releases for
13 transferees that could be boundless. Releases for --
14 related to non-opioid related activity, things like that.
15 And if you do that, I think that would be helpful.

16 MR. HUEBNER: Your Honor --

17 THE COURT: But if you do it, I would like to see
18 the revision before oral argument. That's separate from Mr.
19 Troop's point. It may well be that there needs to be a
20 process to make sure the final documents are the final
21 documents and there's no, you know, TBD unless it's, you
22 know, you have an extremely detailed term sheet and the
23 final document has to be consistent with the term sheet.
24 But I understand Mr. Troop's point, which is really similar
25 to my point.

1 But I just wanted to say that if you are
2 addressing some of the issues that the U.S. Trustee, for
3 example, has raised in questioning, it would be helpful to
4 do that if you can before oral argument as opposed to after.

5 MR. HUEBNER: Your Honor, let me give the Court
6 assurance. As I said at the very -- literally at the first
7 day hearing, you know, our phone lines are open 24 hours a
8 day. We believe we've been listening carefully.

9 To give one example, the U.S. Trustee raised the
10 any other persons issue. Not only did we remove that from
11 the Seventh Amended Plan, we emailed both the U.S. Trustee
12 and the DOJ to make sure that they saw that it was there.

13 We are working now as we speak on issues raised by
14 the Court and other parties during the hearing. Where we
15 can, we will be addressing them. And we will of course
16 provide updated documents to all relevant parties. Because
17 if you're working hard to, you know, address people's
18 concerns, not telling them (indiscernible) foolish
19 (indiscernible) not to take. And we are very deeply engaged
20 in doing what we can to, frankly, assuage and address the
21 concerns of objectors where we can and to hopefully give us
22 all a smoother route to the best possible outcome of these
23 cases. So whether we've listened hard enough, we'll find
24 out. But we certainly believe that we are listening hard.

25 THE COURT: Okay. And I'm not referring just to

1 the Debtors. I understand that the DOJ and the U.S. Trustee
2 are governmental entities, but they are also entities that
3 engage in bankruptcy cases. And I see no harm and a lot of
4 good in their interacting with the Debtors and other parties
5 on this issue as opposed to waiting to the hearing and then
6 saying, oh, never mind, like Emily Litella. I mean, it's
7 good to actually focus on these issues beforehand. You're
8 much more productive if you do that.

9 So I'm not speaking just to the Debtors and to the
10 people on the other side, the Sacklers. I'm speaking to
11 others who have concerns. And by engaging in those --
12 resolving those issues, you're not waiving any other
13 arguments that you have, obviously. So I just would hope --
14 you work at busy offices -- that the lawyers for the DOJ and
15 the U.S. Trustee would actually be proactive in engaging in
16 those sorts of discussions.

17 MR. HUEBNER: And, Your Honor, to give credit to
18 where it is due, they absolutely are. I probably email with
19 one or both of those two offices ten times every day.

20 THE COURT: Okay, good.

21 MR. HUEBNER: And we are very engaged. We're
22 working -- as I hope the Court knows from the beginning, we
23 would like to get it as good as we can possibly get it. And
24 that involves engaging with everyone and not firing off
25 missiles or pleadings without talking first or anything like

1 that. And that's just not our way, and I hope the Court
2 knows that.

3 THE COURT: Okay. All right. Anyone else about
4 the argument for next week? No.

5 All right. So with the exception of the possible
6 testimony that Ms. Steege's clients might take if they can't
7 resolve all of those related issues with the debtors
8 overnight.

9 I believe the record then for this trial, this
10 hearing is closed, but I say that with one exception. And I
11 say it because I believe it's important to get this out,
12 although it is unusual. And it reflects the unusual nature
13 of this case. Someone at the beginning of this trial -- and
14 I'm not sure who because they were not actually someone who
15 was offering evidence at the time -- said I think that the
16 individual people who have been affected by the opioid
17 crisis and the Debtor's role in it need to be addressed in
18 this trial. And I said and others, including Mr. Huebner,
19 said, indeed, they will be. And they have to some extent.
20 But a trial covers a lot of ground, as this trial did. And
21 I want to make sure that those people know that they are
22 being taken into account. Not just by me, but by the
23 Creditors' Committee, the Debtors, the states, both those
24 who are objecting to the plan and those who are supporting
25 the plan, and the various governmental entities, Native

1 American tribes, and the like.

2 This is I believe the most complex case certainly
3 I have ever presided over. It presents very difficult
4 choices. I am very aware of the impact that this company's
5 products have had on hundreds of thousands of people, as
6 again, I believe almost everyone who has worked on this case
7 does as well.

8 I have received letters from people that speak
9 eloquently and bravely about that impact. Some of them are
10 on the docket, because they were willing to put them on the
11 docket. And if anyone doubts their affect, you should read
12 them. Not as advocacy pieces, but simply as evidence of the
13 effect of this company's products. And that's the only
14 reason I raise them now.

15 I will note two. One is from Tamara Graham dated
16 June 25, 2021. It was actually filed July 6th of this year.
17 And one is from Stephanie Lubinski. It's dated January 6th,
18 2021, but was, again, filed last month, in July of this
19 year.

20 (Whereupon these proceedings were concluded at
21 4:34 PM)

22

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24

25

1 C E R T I F I C A T I O N

2

3 I, Sonya Ledanski Hyde, certified that the foregoing
4 transcript is a true and accurate record of the proceedings.

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8 Sonya Ledanski Hyde

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25 Date: August 20, 2021

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