

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.

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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 18, 2021

17 10:08 AM

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21 B E F O R E :

22 HON ROBERT D. DRAIN

23 U.S. BANKRUPTCY JUDGE

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25 ECRO: RAI

1 HEARING re Continuance of Confirmation Hearing From August
2 17, 2021
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25 Transcribed by: Sonya Ledanski Hyde

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P R O C E E D I N G S

THE COURT: All right, good morning, everyone.

This is Judge Drain and we're here on Pharma L.P., et al., continuing on with the hearing on the Debtor's request for approval -- confirmation of their amended Chapter 11 plans.

I don't have a formal -- as I've had in the past days for this hearing -- list of witnesses who will be testifying today. I understood that a couple of Sackler Family member will be testifying, but if someone can update me on who exactly will be testifying today.

MR. KAMINETZKY: Yes, Your Honor. Before I turn it over, this is Benjamin Kaminetzky of Davis Polk for the Debtors. Good morning. So, since the true unsung hero in this case, Katherine Benedict, sent that email to all the parties and to chambers yesterday after the hearing with the list of witnesses, there's been conversations among, quite frankly, Maryland and the Sackler Families about what exactly and who exactly is going to happen after Richard Sackler. So, we're certainly starting the day with Mr. Richard Sackler. After that, I think there've been discussions about recent deposition testimony, and who and what, and I will leave it to them.

I did want to, before we -- you know, I turn it over to them -- it seems clear to me, it seems clear I think to everybody, that one way or another we're going to be done

1 with the testimony tomorrow. And we would like kind of --
2 the most frequent question we're getting from the parties,
3 and we'd maybe like the judge to sign off, is when we would
4 start the argument portion of the hearing. And we kindly
5 request that the Court perhaps set that for Monday, to give
6 the parties adequate time to digest the transcripts, apply
7 the facts to the law, streamline their presentations per
8 Your Honor's guidance at the pretrial conference, which now
9 feels like 100 years ago.

10 As we suggest to Your Honor and Your Honor agreed,
11 given the overlapping nature of the various objections, we
12 intended to have the argument by topic, and folks need to
13 then coordinate with their co-parties on how they divide up
14 the time. So, I think you would hear a collective exhale of
15 150 people if Your Honor could just say Monday is the day
16 and...

17 THE COURT: Right. That actually is consistent
18 with my own thinking on this. That if we ended on Thursday,
19 the parties and I would need some time to catch our breath
20 and focus on the record, which makes sense to have argument
21 on Monday.

22 Next Tuesday is not a Purdue day.

23 MR. KAMINETZKY: A Sears day.

24 THE COURT: I find it hard to believe that oral
25 argument would take more than a day, but it might. So, I

1 could leave a little time for Wednesday. Half a day, say.
2 I contemplate giving you my ruling either Thursday or
3 Friday.

4 MR. KAMINETZKY: That's perfect, Your Honor.
5 Okay, I appreciate that guidance and maybe I'll -- I think
6 just to answer Your Honor's question, exactly what's
7 happening to Mr. Sackler today, I'll turn it over to Ms.
8 Monaghan and Ms. --

9 THE COURT: Well, before we get to that, several
10 parties clearly have participated actively in this hearing.
11 They're not the only parties that have filed either
12 objections or statements in support of the plan. Parties
13 should notify who did that -- parties who either objected to
14 the plan or filed statements in support of the plan should
15 notify the Debtor's counsel by the close of the hearing
16 tomorrow whether they want to participate in oral argument,
17 so that there can be some -- so that can be factored into
18 the planning for oral argument on Monday.

19 And if there's some issue about the length of time
20 that people think they're going to need, we can discuss it
21 on Friday in a chambers conference.

22 MR. KAMINETZKY: That makes sense, Your Honor.
23 Appreciate it. Send it to me.

24 THE COURT: All right. I mean, there are some
25 people who really have not wanted to participate in the

1 evidentiary portion of this hearing but who do want to be
2 heard by me. I've read all the objections and all the
3 statements, so they can be assured of that already. But
4 they should let you know again by the close of the trial,
5 assuming it's tomorrow, whether they want to speak in
6 addition to what they filed at oral argument.

7 Okay, so I gather then that we're going to proceed
8 first with testimony by Richard Sackler?

9 MR. EDMUNDS: Yes, but, Your Honor, there is one -
10 - Brian Edmunds for the State of Maryland -- there's one
11 matter I think is a preliminary issue that I think we'd as
12 the Court to address, and that is there was some
13 correspondence with the Court last night regarding the
14 implications or -- you know, whether certain documents are
15 wholly admitted or are admitted for the purposes Your Honor
16 has said as the hearing has moved forward in considering
17 particular witnesses who -- through whom the parties tried
18 to introduce them. And I think that that affects what we
19 do, you know, in our case.

20 THE COURT: Well, just for the record, which
21 documents are you referring to? I know there were emails to
22 chambers but I just sort of tacitly refer to the emails.
23 So, if you could just let me know what documents --

24 MR. EDMUNDS: Sure. It's the documents that the B
25 side Sacklers have been attempting to present. There are a

1 number of documents. There are documents, I think, that
2 were, as I understand it, were attached to one of the
3 presentations that we considered -- Your Honor considered
4 with respect to Mr. Dubel's testimony. Mr. Dubel had
5 testified that the Special Committee received presentations.
6 We objected to the documents coming in through that. And I
7 think Your Honor said they were not -- would not be admitted
8 for their truth.

9 There are also documents that were attached to --
10 or part of the proposed findings of fact and conclusions of
11 law attached to Mr. Joseph's declaration and also related to
12 Professor Hamermesh's expert report that Your Honor ruled
13 would come in for the estate claims. And I believe -- well,
14 I believe that his opinions were admitted for the estate --
15 in relation to the estate's claims, but not in relation to
16 the state's claims. And that the underlying documents, in
17 accordance with Rule 703, did not necessarily come in for
18 their truth because -- just because Professor Hamermesh's
19 opinions were admitted for the limited purpose.

20 So, I just want to -- my understanding of the
21 scheduling order that Your Honor entered is that there is a
22 process for designating exhibits and initial exhibit lists,
23 and parties were to make objections to them to the extent
24 objections could be made. But, again, the admission of
25 evidence, the admission of exhibits depends on who and how

1 the documents are admitted and the purpose for which they're
2 used. And I think that we've properly objected at the times
3 when the documents would be used. Your Honor has ruled --
4 and I just see a reopening that we, frankly, framed our case
5 and our witnesses in the narrow sort of way that Your Honor
6 has suggested we should. And I think we've relied on it and
7 I don't know if these documents come in, we have, you know,
8 more of a case.

9 THE COURT: Okay, well, I'm not -- I'm not
10 changing any of the rulings that I made. With each witness,
11 I asked whether there was any objection to the witness's
12 testimony, and in some cases there was and I ruled on that
13 objection. So, that's not being revised. I'm not sure what
14 else there is to say on that.

15 MR. EDMUNDS: That's -- that's all I -- all I ask,
16 Your Honor. So, I think that we're fine. But I don't know
17 if other parties object to that or not. But that was I
18 think the source of the dispute in the chambers emails last
19 night, and I just wanted to make sure --

20 MR. JOSEPH: Your Honor, if I may. What we're
21 talking about --

22 MR. KAMINETZKY: I just want to -- I'm sorry, go
23 ahead, Mister -- but let me just say. Your Honor, you've
24 made your views on these issues so clear so many times, I
25 think it's -- I'm not sure why we're arguing about this.

1 Like, the purpose of what you -- each time this came up,
2 Your Honor ruled and Your Honor made very clear the purposes
3 in which you're going to be looking at, for example, you
4 know, the Sackler presentation or the complaints. I think
5 it's time to move on.

6 THE COURT: Okay, well, I think so too as far as
7 what I've heard so far, unless I'm missing something.

8 MR. JOSEPH: Your Honor, what we're talking about
9 are documents un-objected to on the joint exhibit list that
10 Maryland is now objecting to belatedly.

11 THE COURT: Well, when are -- Mr. Edmunds referred
12 to rulings that I've already made as opposed to other --

13 MR. JOSEPH: Correct. But there've been no
14 rulings on hundreds of exhibits he's really objecting to.
15 Now, there about 600 exhibits that he has not objected to,
16 did not timely object to that are on the joint exhibit list
17 that he's now objecting to without identifying them for Your
18 Honor.

19 THE COURT: Well, I haven't heard an objection. I
20 haven't heard an objection by Mr. Edmunds.

21 MR. JOSEPH: Then that's fine, Your Honor --

22 THE COURT: I thought he was referring to --
23 excuse me -- testimony that I asked whether anyone objected
24 to, and exhibits related to that testimony, and I did rule
25 on that. So, I'm not sure what else we're focusing on at

1 this point.

2 MR. JOSEPH: Thank you, Your Honor.

3 THE COURT: I do have a - -and I should have made
4 this point, I guess, when I was speaking with Mr.
5 Kaminetzky, so I'll make it now. It's a point for oral
6 argument. As with any large trial, and this is no
7 exception, the parties have listed and given me agreed
8 admitted exhibits in the thousands. As with almost every
9 large trial, the actual exhibits that are brought to my
10 attention number in the teens, maybe the 20s or 30s.

11 I don't think any judge should be expected to read
12 all of the exhibits without being told which exhibit is
13 important, and I don't intend to. I think if someone thinks
14 it's important, they need to bring it to my notice. And if
15 there's an issue then, I can deal with it. But it may well
16 be that you all are arguing about something that is
17 completely academic. Because, you know, this courtroom is
18 filled with boxes of exhibits and I can tell you right now,
19 unless people are going to show me the designations and tell
20 me why they're important, for example, I'm not going to read
21 a deposition from 2012 of anybody. So, I'm not sure what
22 you all are fighting over at this point.

23 MR. EDMUNDS: Your Honor, that was precisely my
24 point. Right? Exhibits are admitted through the testimony
25 of witnesses. And I think that sometimes you don't know for

1 what purpose they are being put in a box until a witness
2 testifies.

3 THE COURT: That's true and -- I agree with that,
4 Mr. Edmunds. And I also agree with you that an exhibit that
5 may be admitted, I don't know for what purpose it's being
6 offered, and I'm not sure the parties do either. So, again,
7 there may be plenty of exhibits that someone wants to
8 discuss at oral argument that are not the subject of
9 someone's testimony. And it seems to me that if someone
10 wants to say at that point, I agree to its admission for
11 your consideration as to the pros and cons of the settlement
12 but not as to the underlying merits of the claims that are
13 being settled, in all likelihood I will grant that -- or I
14 will limit its admission to that -- in that way, consistent
15 with how I've done so far.

16 So, I thin going -- I hope that gives you some
17 guidance, Mr. Edmunds, as to -- and the other parties -- as
18 to what you want to get out on the record going forward over
19 the next two days.

20 MR. EDMUNDS: No, thank you, Your Honor, that is -
21 - that's what we were asking. So, thank you.

22 THE COURT: Okay. All right, very well.

23 MR. MUHA: Your Honor, this is Andy Muha,
24 insurance coverage counsel for the Debtors with Reed Smith.
25 I have one other housekeeping matter that I'd like to bring

1 up before we begin today's testimony, if it would please the
2 Court.

3 THE COURT: Okay.

4 MR. MUHA: Your Honor, the Debtors have reached
5 two stipulations with insurers who have asserted objections
6 to the plan and would have raised certain evidentiary issues
7 or objections. The stipulations do not resolve the
8 insurers' substantive objections to plan confirmation, but
9 they do resolve the insurers' evidentiary issues.

10 The first stipulation is between the Debtors and
11 the group of insurers who, on August 10th, filed the motion
12 in limine to exclude evidence related solely to insurance
13 coverage and to strike insurance-related testimony in
14 Debtor's declarations. That motion was filed at Docket
15 Number 3514. This stipulation resolves the issues raised in
16 that motion in limine. And as a result, the insurers who
17 joined in the motion in limine are withdrawing their motion.
18 Also --

19 THE COURT: Okay. Is there counsel on the phone,
20 just on the screen just to confirm that?

21 MS. GOSTIN: Your Honor, this is Isley Gostin,
22 WilmerHale, on behalf of Navigators Specialty Insurance
23 Company. We agree with the Debtor's representation. That
24 is correct. Thank you.

25 THE COURT: Okay, very well. Thank you.

1 MR. MUHA: And, Your Honor, as a consequence of
2 that stipulation, the Debtors will not be offering the
3 declaration of Lianna Simmons into evidence at the
4 confirmation hearing, and we will not be calling Ms. Simmons
5 as a witness in these proceedings. So Your Honor can
6 officially remove her from the list of witnesses remaining
7 to be called.

8 THE COURT: Okay. And her declaration was really
9 just a list of -- a list of letters, basically.

10 MR. MUHA: It referred to -- yes, yes, exactly,
11 Your Honor.

12 THE COURT: Very well.

13 MR. MUHA: The second stipulation that we have,
14 Your Honor, is between the Debtors on the one hand and Gulf
15 Underwriters Insurance Company and St. Paul Fire & Marine
16 Insurance Company on the other hand. This stipulation
17 resolves certain evidentiary issues raised in connection
18 with those insurer's objection to plan confirmation. And I
19 believe their counsel, Mr. Russell, is also on the Zoom
20 hearing and can confirm that.

21 MR. RUSSELL: Yes, Your Honor, I can confirm that.
22 William Russell on behalf of Gulf Underwriters Insurance
23 Company and St. Paul Fire & Marine Insurance Company.

24 THE COURT: Okay, so I'm not sure whether there
25 was an actual motion in limine filed by these two insurers,

1 or whether there was just the potential that there would be
2 an objection.

3 MR. RUSSELL: Your Honor, it's not so much that we
4 had a motion in limine but it should obviate our need to
5 recall Mr. DelConte as a witness to cross-examine.

6 THE COURT: All right. That's fine.

7 MR. RUSSELL: Thank you, Your Honor.

8 MR. MUHA: And with respect to that, Your Honor,
9 as you'll recall, when Mr. DelConte ended his testimony last
10 week, it was subject to being called back for cross by both
11 Gulf and the other insurers who had joined the motion in
12 limine. But by operation of these two stipulations, none of
13 the stipulating insurers will be needing Mr. DelConte to
14 come back for cross. So --

15 THE COURT: All right, so his testimony is
16 finished at this point?

17 MR. MUHA: That's correct, Your Honor, as far as -
18 - as far as we understand it.

19 THE COURT: Okay.

20 MR. MUHA: Both stipulations have now been filed,
21 Your Honor. The stipulation resolving the motion in limine
22 is filed at document number -- Docket Number 3588, and a
23 stipulation resolving the evidentiary issues raised by Gulf
24 and St. Paul Marine & Fire has been filed at Docket 3589.

25 THE COURT: Okay. All right. Very well, thank

1 you.

2 MR. MUHA: Thank you, Your Honor.

3 MR. GOLD: Your Honor, Matthew Gold from Kleinberg
4 Kaplan. May I address Your Honor's comments regarding
5 evidence from a few moments ago?

6 THE COURT: Okay.

7 MR. GOLD: Thank you, Your Honor. I just want to
8 observe in what we thought would be timesaving for all
9 parties. We stipulated with the Debtors and various Sackler
10 sides to have many of our exhibits admitted without the need
11 of testimony or court time to have them be put in. And I
12 completely understand Your Honor's suggestion that we need
13 to be directed as to which exhibits we consider important to
14 meaningful, but I'm trying to understand the best vehicle.
15 Because it seems to me, there are two possible ways we could
16 do that.

17 Either we would have to spend time during oral
18 arguments reviewing what was put in to direct Your Honor to
19 what we considered important; or we could submit some kind
20 of post-trial brief or something that would draw those
21 matters to your attention, Your Honor. And I'm inquiring
22 which would be preferable to the Court.

23 THE COURT: The former.

24 MR. GOLD: Okay, thank you, Your Honor. It' just

25 --

1 THE COURT: I mean, if it's that important, you
2 might as well mention it.

3 MR. GOLD: We certainly will and we will make sure
4 to include that in our oral argument presentation.

5 THE COURT: And I know you wouldn't do this, but I
6 just want to make sure no attorney is just going to spend 15
7 minutes of his or her oral argument just giving me a list of
8 exhibits and saying these are important. You need to tell
9 me why. It's part of oral argument.

10 MR. GOLD: No, no, I understand, Your Honor.
11 Boring the Court and the (indiscernible) would not be
12 productive.

13 THE COURT: Few things are more frustrating to a
14 trial judge than seeing, you know, 200 binders of exhibits
15 and someone who actually thinks that he or she is supposed
16 to make sense of them in the context of someone's
17 presentation when it's not highlighted. And it's even
18 harder for the Appellate Court, of course, because they're
19 reviewing what the trial court considered.

20 So -- and I know you'll do that. I'm not -- I'm
21 not saying that you wouldn't. And I'm not saying that you
22 would just give me a list of things in the last part of your
23 argument. But just so everyone is clear on this point.

24 MR. GOLD: Thank you, Your Honor.

25 THE COURT: And there's no -- at the risk of

1 overkill, your clients have a stipulation with the Debtors.
2 That governs all the exhibits as far as you and the Debtors
3 are concerned. And, frankly, I think we're basically at the
4 same point, this point, with Maryland, but without a
5 stipulation.

6 Okay, so shall we turn to the witness then?

7 MR. KAMINETZKY: And we're calling him right now
8 to get him on, Your Honor.

9 THE COURT: Okay, very well.

10 Okay, I see Mr. Sackler on the screen. Would you
11 raise your right hand, please?

12 MR. KAMINETZKY: You're on mute.

13 DR. SACKLER: Sorry.

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

17 DR. SACKLER: I do.

18 THE COURT: Okay. And it's Richard, S-A-C-K-L-E-
19 R?

20 DR. SACKLER: I was just in the process of
21 changing that. Yes, that's correct. I was just going to
22 shell that.

23 THE COURT: Oh, okay, very well. The witness has
24 been called by the state of Maryland and, therefore, Mr.
25 Edmunds, you can go ahead with direct since this is not one

1 of the witnesses, therefore, that's subject to my procedures
2 order that has direct testimony by declaration or affidavit.
3 So, you can go ahead with direct, Mr. Edmunds.

4 DIRECT EXAMINATION OF DR. RICHARD SACKLER

5 BY MR. EDMUNDS:

6 Q Good morning, Dr. Sackler. I'm Brian Edmunds for the
7 state of Maryland. You were director of Purdue Pharma from
8 about 1990 to 2018, is that correct?

9 A Approximately correct, yes.

10 Q And you were president of Purdue from about 1999 to
11 2003?

12 A My presidency began in 2000, January of 2000.

13 Q January of 2000 to 2003 then?

14 A Yes. To March 2003.

15 Q Okay. And you -- you've served as chair of the board
16 or co-chair of the board, is that right?

17 A From approximately 2008 over two or three years, I
18 don't recall.

19 Q Okay. Just so I could make sure I heard you correctly
20 because it's coming in a little faint -- 2008 forward two or
21 three years, but you don't recall specifically as chair?

22 A I don't recall.

23 Q Okay. And you've also served as a director of MNP, or
24 as it's now known, MNC, is that right?

25 A MNP, that is correct.

1 Q And you're currently a director of MNP?

2 A No, I am not.

3 Q When did you -- when did you resign from the board of
4 MNP?

5 A About the same time as I left the board of Purdue.

6 Q So, approximately, 2018?

7 A Yes.

8 Q Okay, and MNP is the entity through which -- I guess
9 the board of MNP controls the Sackler independent affiliates
10 companies internationally, is that correct?

11 A That is not correct.

12 Q Okay. Is it the case that it makes recommendations to
13 the IAC's boards for them to implement?

14 A That is -- yes, that is -- yes.

15 Q Okay. And have you served as a director of any of --
16 of any of those specific pharmaceutical manufacturer IACs at
17 any time?

18 A One or two. I don't recall the (indiscernible) which
19 ones.

20 Q And the pharmaceutical companies, Purdue and the others
21 -- well, Purdue makes opioids, right? It manufactures and
22 sells opioids?

23 A Can you specify the time?

24 Q Between, let's say, approximately 1988 and up through
25 today?

1 A Yes.

2 Q And the I -- the majority of the IACs that are engaged
3 in the pharmaceutical business around the world, they sell
4 opioids in the -- in the countries in which they exist. Is
5 that right?

6 A Again, could you specify the time?

7 Q Well, do they do it now?

8 A I don't know.

9 Q Okay. Did they do it in 2018, when you left the MNP
10 board?

11 A I can't say it was a majority but some did.

12 Q Okay. And of those that did -- had some of them done
13 so for at least a decade?

14 A Again, a decade from what?

15 Q From 2018? So, from 2008 to -- approximately, 2008 to
16 2018 --

17 A I can't recall.

18 Q But those -- those IACs are located in places like
19 Germany, right?

20 A Yes.

21 Q Italy, right?

22 A Yes.

23 Q Australia, right?

24 A Yes.

25 Q Canada, is that correct?

- 1 A Yes.
- 2 Q South Africa, is that correct?
- 3 A Yes.
- 4 Q Argentina, is that correct?
- 5 A I don't know.
- 6 Q There are --
- 7 A I don't recall, actually.
- 8 Q There are at least a score of other entities, right,
- 9 that --
- 10 A Yes.
- 11 Q Okay.
- 12 A There are a score of other entities, yes.
- 13 Q Okay, thank you. Are you aware of how many people have
- 14 died in the United States as a result of the misuse of
- 15 OxyContin?
- 16 A I do not. I'm sorry, the question was how many? I
- 17 don't know.
- 18 Q How many have died from using OxyContin?
- 19 A I stand with that answer. I don't know.
- 20 Q Okay. How many have died -- do you know how many have
- 21 died throughout the world from the use of OxyContin or the
- 22 same drug under a different name internationally?
- 23 A I do not know.
- 24 Q Okay. Do you know how many people in the United States
- 25 have died as a result of opioids?

1 A In what period of time?

2 Q Let's say from 2005 to 2017.

3 A I don't know.

4 Q Have you ever known, or do you just not know as you sit
5 there today?

6 A I don't think I've ever known.

7 Q Did you ever bother to look?

8 A I looked at data occasionally. But to the best of my
9 recollection, I don't think it would have helped inform me,
10 even if I remembered it today, to give you a number.

11 Q Okay. So, you knew that people were dying, but you
12 didn't know and didn't look at how many?

13 A I looked at the same information that the media looked
14 at (indiscernible).

15 Q You didn't think it was necessary in your role as chair
16 or as president of an opioid company to determine how many
17 people had died as a result of the use of the product?

18 A To the best of my knowledge and recollection, that data
19 is not available.

20 Q Okay. So you never looked at the CDC's opioids
21 website, for example?

22 A I have looked at the CDC.

23 Q You have?

24 A Yes.

25 Q Okay. But you don't remember the numbers that the CDC

1 provides on its website for opioid overdoses in the United
2 States, do you?

3 A I -- I've looked at numbers but it doesn't locate it to
4 -- I can't recollect that it located it to any point in time
5 or period of time.

6 Q Were you aware that the public health community has
7 been concerned about the overuse and misuse of opioids for
8 more than a decade?

9 A I can't locate the time, but the answer to the -- to
10 the question, without a timeframe, is yes, I am aware.

11 Q Okay. Well, in 2007, Purdue pleaded guilty to federal
12 criminal charges related to its sale of OxyContin, is that
13 right?

14 A Purdue did so, yes.

15 Q And you were a director of Purdue at that time?

16 A I was.

17 Q And at that time, the public health community was
18 clearly aware, wouldn't you agree -- was clearly... Strike
19 that. At that time, wouldn't you agree with me that the
20 public health community was clearly concerned with the
21 problem of overconsumption of opioids?

22 A I don't know what you mean when you say public health
23 community.

24 Q Well, let's say the United -- let's say the United
25 States government, the Department of Health & Human

1 Services. At that time, it was clearly concerned with the
2 overuse and misuse of opioids, was it not?

3 A Yes.

4 Q And Mr. Brownlee, the United States Attorney for the
5 Western District of Virginia, for example, brought the
6 charges against Purdue and three of its executives, to which
7 all four of the entities or individuals pleaded guilty. Is
8 that right?

9 A I don't remember the name of the prosecutor but the
10 charges were brought, yes.

11 Q Okay. And at that time, given that a United States
12 attorney had brought charges against Purdue, it was clear
13 that the Department of Justice was concerned with the
14 overuse and misuse of opioids, was it not?

15 A Is there a distinction between the Department of
16 Justice and the U.S. Department of Justice prosecutor?

17 Q I think there are other Departments of Justice, but the
18 U.S. Department of Justice is the one I'm asking about here.

19 A I don't know what the level of concern and with the
20 (indiscernible) U.S. Department of Justice were concerned.
21 There were some, but I don't know if it was all or just
22 some.

23 Q Okay. All right, I had trouble hearing your answer,
24 Dr. Sackler.

25 A I'm sorry.

1 Q Could you just repeat it? It's not coming through
2 clearly.

3 A Parts of the U.S. Department of Justice were concerned.
4 I don't know that it was the entire U.S. Department of
5 Justice in all of their divisions and subdivisions.

6 Q All right. How about 27 states of the United States and
7 their attorneys general? Are you aware that they were also
8 concerned by the overprescribing and overuse or misuse of
9 opioids at the time?

10 A I can't -- I can't answer -- I don't know that it was
11 27. Some were.

12 Q A significant number of states were concerned with
13 Purdue's conduct, is that right?

14 A I don't recall.

15 Q Okay. Do you recall entering into judgments and
16 assurances of discontinuance with -- by you, I mean Purdue -
17 - with a number of -- a substantial number of states?

18 A I remember a few. I don't remember that it was
19 substantial or not. (indiscernible) at that point.

20 Q And in 2007, do you know how many people had died from
21 the overuse or misuse of OxyContin?

22 A No, I do not recall. No.

23 Q Then between 2007 and 2020, at least according to
24 Purdue, it continued to engage in criminal conduct with
25 respect to the sale and marketing of opioids, is that right?

1 A That's a legal question in part. But I think that
2 (indiscernible) I -- I -- just repeat the question?

3 Q Did the company plead -- I'm sorry, Dr. Sackler, I
4 didn't mean to talk over you. Could you say that again,
5 though? I missed it.

6 A Just restate your question.

7 Q Yeah. The question is that -- has Purdue admitted that
8 after the time we just talked about, after 2007, it engaged
9 in criminal conduct still with respect to the sale and
10 marketing of opioids in the United States?

11 MR. JOSEPH: Objection. Misleading. The plea is
12 the plea. It does not deal with sale and marketing -- at
13 least not marketing. And we can go through this as we did
14 yesterday but it's a misleading question.

15 MR. EDMUNDS: Well, I think I just read the plea
16 yesterday, and then I think that --

17 MR. JOSEPH: And the plea did not reference what
18 you just said.

19 MR. EDMUNDS: I think that's semantics. Your
20 Honor, I'm happy to have the witness read the plea.

21 THE COURT: Why don't we go to the plea?

22 MR. EDMUNDS: Okay. Give me just a second?

23 BY MR. EDMUNDS:

24 Q Dr. Sackler, let me ask you -- you should've received a
25 packet of docket -- documents this morning. Do you have

1 access to that?

2 A I have not opened them yet.

3 Q I understand that. I just -- I just wanted to make
4 sure that you have them.

5 MR. JOSEPH: Just to be clear, last night, between
6 10:30 and midnight, we got 6,204 pages of documents for use
7 with the witness today, which we forwarded to him. So, it's
8 not that pile of sets. This is a separate set that we got
9 about two minutes to ten. So, that's the set we're talking
10 about.

11 MR. EDMUNDS: We did try to narrow it for you.
12 And part of that has to do with the ruling that -- or at
13 least clarification of rulings that the Court made this
14 morning.

15 MR. JOSEPH: I think it speaks for itself. We got
16 6,204 pages of documents.

17 THE COURT: So, Dr. Sackler, when you're looking
18 for a document, it's in the more recent morning package that
19 you got.

20 THE WITNESS: I have --

21 THE COURT: The morning computer (indiscernible) -
22 -

23 MR. JOSEPH: The later -- the later one. The one
24 at around 10 a.m.

25 THE COURT: Right, this morning.

1 MR. JOSEPH: Right.

2 THE WITNESS: Please bear with me while I find and
3 open them.

4 MR. EDMUNDS: Dr. Sackler, you can take your time.
5 I think...

6 MR. JOSEPH: So, it's the one at 10:20 a.m., when
7 we got the most recent set.

8 THE COURT: Are you asking him to locate the DOJ
9 settlement agreement, Mr. Edmunds?

10 MR. EDMUNDS: Yes, I am. And it is.

11 THE COURT: And at the bottom you'll find that
12 there's a -- an exhibit number. And what is that exhibit
13 number? JX what, Mr. Edmunds?

14 MR. EDMUNDS: 2094, Your Honor.

15 THE COURT: 2094.

16 THE WITNESS: I'm sorry, I must have
17 (indiscernible) the password incorrectly. I'm sorry.

18 MR. EDMUNDS: Please, I think the Court is willing
19 to give you all the time you need, Dr. Sackler, so take your
20 time.

21 THE WITNESS: Thank you. Okay, I have a
22 transmission that I received that was sent at 10:21 today.
23 I assume that is not the transmission I should open.

24 MR. EDMUNDS: 10:21?

25 THE WITNESS: 10:21.

1 MR. JOSEPH: We got multiple documents this
2 morning after the first set, so this is in the first of the
3 three sets from around 10 this morning.

4 THE WITNESS: Okay, my problem is that the
5 password we agreed to with Attorney Taylor does not function
6 on the 10:41 documents.

7 MR. JOSEPH: Try the 10:21 documents.

8 THE WITNESS: Let me just try the password again.
9 Okay, I may have made a mistake. I may have capitalized
10 something that was supposed to be lower case. Yes, they are
11 opening. So, that's 16 files, correct?

12 MR. EDMUNDS: I believe so, Dr. Sackler, that
13 sounds about right.

14 MR. JOSEPH: That is correct.

15 THE WITNESS: So, which one should I open?

16 MR. EDMUNDS: JX2094, Dr. Sackler.

17 THE WITNESS: Just a second. Can you repeat that?
18 20...?

19 MR. EDMUNDS: 2094.

20 THE COURT: JX-2094.

21 THE WITNESS: I see it, yes.

22 BY MR. EDMUNDS:

23 Q Okay, and I'll ask you to open that up.

24 A Okay, it has opened.

25 Q Okay, and I'll ask you to turn to -- I don't know what

1 the best way of you getting to it is, Doctor, but if you
2 could turn to -- it's page 48 of the PDF. And the title is
3 Schedule A.

4 A Just a second...

5 MR. JOSEPH: It's 16 of 97 on mine. Is that on
6 yours?

7 WOMAN 1: (indiscernible) 47.

8 THE WITNESS: Just a second, I got to 48. It
9 shows -- it's (indiscernible) of something.

10 MR. EDMUNDS: Okay.

11 THE WITNESS: Is that what you wanted me to open?

12 MR. EDMUNDS: Does it have Schedule A at the top,
13 Dr. Sackler?

14 THE COURT: Well, it wouldn't be Schedule A, it's
15 Addendum A, right?

16 THE WITNESS: There's Addendum A --

17 MR. JOSEPH: This is the wrong document. This is
18 to the settlement.

19 MR. EDMUNDS: Yeah, we need Schedule A, Dr.
20 Sackler.

21 THE WITNESS: Well, I opened (indiscernible) that
22 you directed me to.

23 MR. EDMUNDS: Okay, as Mr. Joseph mentioned, it is
24 actually listed as Page 16 of 97. In my file at least,
25 which I believe is the same as yours, it's Page 48 of the

1 PDF file.

2 THE WITNESS: (indiscernible)

3 THE COURT: If you're looking at the bottom where
4 it says JX-2094, then it says .0015.

5 THE WITNESS: Sorry. It directed me to open --

6 THE COURT: Right, I understand.

7 THE WITNESS: We get another file. Okay, so I'm -
8 -

9 THE COURT: No, it's the same -- it's the same
10 file. It's just -- it's earlier in the document.

11 THE WITNESS: Okay, just a second.

12 THE COURT: It's Page 16 of 97 at the top, and
13 also Page 15 at the top. It's that same document, 2094.

14 THE WITNESS: I'm sorry. (indiscernible) Okay,
15 it's which document again? 2094?

16 THE COURT: Yes.

17 MR. EDMUNDS: Yes, sir.

18 THE WITNESS: Okay. And it's page what?

19 THE COURT: 15.

20 THE WITNESS: Okay. That might be 15. Okay.

21 This might work. 12, 13, 14 -- okay, I have Page 15. It's
22 titled -- it starts (indiscernible) and then followed by
23 (indiscernible) count one.

24 THE COURT: Right.

25 MR. EDMUNDS: That is the page. Thank you, Dr.

1 Sackler.

2 THE WITNESS: Sorry. My problem.

3 Q Do you understand that this is the count of the plea
4 agreement to which Purdue pleaded guilty recently?

5 A If that's correct, I'm not certain without reading the
6 whole document. I could tell, I can verify your question.
7 It says Count 1. Do you want me to read any particular
8 section or do you want me to read all of Count 1?

9 Q I think if you want to take time and familiarize
10 yourself with the document and then land back on this page,
11 that would be, that would be perfectly fine.

12 A Certificate of counsel is the first page, right?

13 Q I think it goes a little bit --

14 MR. JOSEPH: Go to the next page after that,
15 please, Dr. Sackler.

16 BY MR. EDMUNDS:

17 A Okay.

18 MR. JOSEPH: While we're waiting here, Your Honor,
19 if I may. Mr. Edmunds, just correct something, which is not
20 in dispute. The years Dr. Sackler was the co-chair of
21 Purdue were actually from 2003 to 2007, not 2000.

22 MR. EDMUNDS: We will take Mr. Joseph's word for
23 it, of course. I believe it's in the record otherwise
24 anyway.

25 BY MR. EDMUNDS:

1 A Okay. What page should I look at? I believe this is a
2 little unfamiliar to me.

3 Q Sure, understood, Dr. Sackler. I think you should look
4 back at the Page 15, Schedule A, Count 1 that we were
5 discussing.

6 A Page 15. I'm going to Page 15. I was turning to --
7 I'm sorry.

8 Q It's okay.

9 A It's not easy. Let me open it up again. Remind me
10 which is the relevant document? 2094?

11 THE COURT: Yes.

12 MR. EDMUNDS: Yes.

13 MR. JOSEPH: Yes. It's Page 15.

14 BY MR. EDMUNDS:

15 A Okay. These are big documents. Okay. I'm back to
16 Schedule A.

17 Q Okay.

18 A Why don't you tell the Court what Schedule A is? If
19 that's correct, maybe I can proceed from there.

20 Q Dr. Sackler, is your understanding that Schedule A was
21 the conduct to which Purdue pleaded guilty as part of its
22 recent plea agreement?

23 A I can't locate Schedule A. Why don't you phrase that
24 as some sort of --

25 Q Let me. I'll try.

1 A And then if my attorney would agree --

2 THE COURT: Let me ask it this way, Dr. Sackler.
3 If Mr. Edmunds and your attorney, Mr. Joseph, both agreed
4 that this Schedule A is part of a settlement agreement
5 between the Department of Justice and Purdue Pharma, would
6 you have any reason to disagree with that?

7 THE WITNESS: Well, if the agreement is the sole
8 agreement, I have no reason to dispute that. But some of
9 these cases I believe we're going to be talking about have
10 several agreements. And I can't -- I can't locate it, but
11 if my attorney advises me that this is --

12 MR. JOSEPH: I think that we can stipulate
13 Schedule A, which is from Pages 15 through Page 18, are the
14 facts that Purdue admitted in connection with its guilty
15 plea.

16 BY MR. EDMUNDS:

17 Q And --

18 A Okay, did you ask your question?

19 Q Sure, Dr. Sackler. In light of that stipulation, I
20 think I will just ask you if you have an understanding that
21 Purdue pleaded guilty to the conduct contained in Counts 1,
22 2, and 3 on the following three pages of the -- Page 1 and
23 the following two pages, following three pages of the
24 stipulation --

25 A Can I just scan them?

- 1 Q -- of the Schedule? Yes, of course.
- 2 A I'm having navigational problems, sorry, when I try to
- 3 go to the next page.
- 4 Q I can understand that. I've had that before.
- 5 A Count 2 is on Page 17, correct?
- 6 Q Yes.
- 7 A Count 3 is also on the same page.
- 8 Q Yes, and it continues to the next page.
- 9 A It continues and ends at 18. Okay. May I just scan
- 10 these --
- 11 Q Yes.
- 12 A -- because you're asking me about my understanding.
- 13 Q Yes. You may read them through.
- 14 A Thank you. As I'm scanning it, I think I can agree.
- 15 Q All right. When you're ready, I will ask some
- 16 questions.
- 17 A I'm ready. I haven't read it. I've just kind of
- 18 scanned it, but yes.
- 19 Q Do you agree with me that Counts 1, 2, and 3 state the
- 20 conduct to which Purdue pleaded guilty in 2020?
- 21 A I'm so advised by my counsel.
- 22 Q Okay. And would you agree with me that that conduct
- 23 involves Purdue's business with respect to opioids?
- 24 A I think so, yes.
- 25 Q And its practices, particularly with respect to selling

1 opioids?

2 MR. JOSEPH: Objection, characterization,
3 misleading.

4 MR. EDMUNDS: He's read the document.

5 THE COURT: If you understand it, Dr. Sackler.

6 THE WITNESS: Right, I'm sorry, understand?

7 THE COURT: The question.

8 THE WITNESS: Your Honor, I think I understand it,
9 yes.

10 THE COURT: Okay. To the best of your
11 understanding, you should answer it.

12 BY MR. EDMUNDS:

13 A This was an agreed statement of fact. Agreed with the
14 Department of Justice and the Company. And it incorporated
15 the conduct to which Purdue pleaded guilty. Is that
16 responsive to your question?

17 Q That is --

18 A I apologize.

19 Q I think the question was does it relate to Purdue's
20 selling of opioids? Is that the conduct to which Purdue
21 pleaded guilty related to the selling of opioids?

22 A Yes.

23 Q Thank you. Now is it also true that you have, in
24 connection with your service as Director of Napp,
25 international affiliated companies that you own, has also

1 run into trouble with the law enforcement regulatory
2 officials in some of the jurisdictions that they are in? Is
3 that right?

4 A The name Napp, I have no knowledge of that with Napp.

5 Q Okay. Not just Napp, but how about Mundipharma Italy?

6 A I did hear long after the fact perhaps, I can't locate
7 it in time, but there had been issue with them.

8 Q Okay. There was an issue in Italy with respect to
9 Mundipharma's marketing of opioids. Is that right?

10 A It had something to do with one of the Mundipharmas. I
11 don't know which opioids. This is very broad. So some
12 opioids I would say. I don't know if it was all opioids.

13 Q All right, Doctor, but some opioids and the prosecutors
14 in Italy conducted a criminal probe of whether, in fact,
15 Mundipharma Italy had paid kickbacks to Italian doctors. Is
16 that right?

17 A I didn't know that fact. I don't recall that.

18 Q Okay. And did Mundipharma Italy settle that probe to
19 your knowledge?

20 A I believe so, yes.

21 Q How about Mundipharma Australia? Are you aware of a
22 regulatory action brought there in connection with
23 Mundipharma Australia's marketing of opioids in Australia?

24 A I have no recollection of that.

25 Q All right. Do you have any reason to dispute it if

1 your son testified yesterday that there was such a problem?

2 A I have no knowledge of it, so how can I dispute it? I
3 can't dispute what I don't know.

4 Q And are you aware that authorities in Canada have
5 initiated actions with respect to Purdue Canada related to
6 its marketing of opioids?

7 A Could you restate the question?

8 Q Yeah. Are you aware that authorities in Canada have
9 brought actions against Purdue Canada with respect to its
10 marketing of opioids there?

11 A I know there have been actions. I was informed of
12 actions. I don't know that it related to its marketing.

13 Q All right. Do you know that it's related to its
14 practices with respect to opioids, any practices with
15 respect to opioids whatsoever in Canada?

16 A I believe I know enough to answer that yes.

17 Q Okay. Thank you. Let me ask you now to pull up, it's
18 going to be JX2096. And we'll just be on the first page of
19 this one.

20 A Okay.

21 MR. JOSEPH: It maybe number six down. It's the
22 sixth that I'm looking at.

23 BY MR. EDMUNDS:

24 A I'm sorry. I'm now only showing eight documents.
25 What's the number?

1 Q It's JX-2096.

2 A I'm not showing that one now. I'm sorry.

3 MR. JOSEPH: Let's email it to him again.

4 THE WITNESS: You want me to go to email now?

5 MR. JOSEPH: We're going to email it to you
6 separately so we can move this along.

7 THE WITNESS: Okay. So I should change to email
8 and download it again?

9 MR. JOSEPH: Yes. It will be a single document.
10 It's just been sent by Ben Taylor. So you should have it
11 momentarily.

12 THE WITNESS: All I see now is 1049.

13 THE COURT: It will come in shortly.

14 THE WITNESS: Okay. I hope.

15 MR. JOSEPH: We're going to plan on emailing each
16 document as Mr. Edmunds refers to it just to help expedite
17 this.

18 MR. EDMUNDS: Thank you, Mr. Joseph.

19 THE WITNESS: Okay. It just came in. Tap to
20 download. Okay. It is open.

21 BY MR. EDMUNDS:

22 Q Okay. Dr. Sackler, could you take a look at that
23 agreement and tell me, after you've had a chance to review
24 it, whether there is a civil settlement agreement that you
25 and other members of your family entered with the United

1 States Department of Justice in 2020? I'll give you the
2 precise date.

3 A Yes. I haven't read the whole document, but I do
4 recognize the first page, or at least the preamble to the A,
5 B, C, D.

6 Q Okay. And you have -- you're referring to the preamble
7 -- I see what you mean. Got it. And this is -- I think
8 you've just confirmed, but let me just make sure. This is
9 the agreement that you entered with the Department of
10 Justice to settle claims it has -- it asserted it had
11 against you and members of your family; is that right?

12 A Yes, I believe.

13 Q Okay. Can I ask you to scroll through to page -- to
14 Schedule -- to Addendum A rather, of this document? And
15 it's --

16 A What page is it? That would be helpful.

17 Q At the bottom, it will say JX-2096.0024.

18 A I'm sorry, okay JX -- I'm having trouble seeing the
19 bottom. So what page should it be on?

20 Q It's page -- so it has a bunch of numbers, but it's
21 Page 24 of the PDF and the JX number at the bottom of the
22 page will read 2096-0024.

23 A JX-2096.0007. Is that correct?

24 Q .0024, sir.

25 A Sorry. Addendum A to Settlement Agreement. That's

1 what I see on Page 25. You want me to be on page? Page 22
2 of the PDF?

3 Q That's fine. If you're on Page 25, I think we're fine.
4 I was referring you to the title page, but 25 is where we're
5 going to do anyway. That will do, I think.

6 A Do you want me to read something or do you have a
7 question?

8 Q I will ask you a question. First, I'll ask you: Would
9 you agree with me that this Addendum A is a factual
10 statement that the Department of Justice submitted and
11 attached to the civil settlement you entered?

12 MR. JOSEPH: Objection, the document speaks for
13 itself. It specifically says on Page 3 what these are.

14 MR. EDMUNDS: If counsel is willing to --

15 MR. JOSEPH: It's the contentions of the United
16 States.

17 MR. EDMUNDS: Okay. I think that's fine for me.

18 BY MR. EDMUNDS:

19 Q I'm going to read you some of what it said in this, Dr.
20 Sackler and ask you if, in fact, the facts are correct. So
21 I will do that --

22 MR. JOSEPH: I object to that. On Page 3 it also
23 says the named Sacklers expressly deny the allegations
24 regarding the covered conduct. It is precluded under Rule
25 408.

1 MR. EDMUNDS: And, Your Honor -- I'm sorry, Your
2 Honor.

3 THE COURT: Again, I actually think the question
4 was asked correctly this time, which is, Dr. Sackler, are
5 you going to read him specific or just ask if each one?

6 MR. EDMUNDS: Well, I can ask them all overall
7 first, but I think I might have to go specifically at that
8 point.

9 THE COURT: Dr. Sackler, the question I believe
10 is: Do you agree with the statements in this Addendum A? Do
11 you agree with them?

12 THE WITNESS: I denied all of them. So I agree
13 it's the statements in Addendum A, but I do not agree to the
14 content of the statements. Is that responsive, Your Honor?

15 THE COURT: If that's your answer. If that's what
16 you believe is true, then it's responsive.

17 THE WITNESS: Yes.

18 BY MR. EDMUNDS:

19 Q So just to make sure this is clear. You deny, as you
20 sit there today, each and every factual allegation that the
21 United States Department of Justice has included in Addendum
22 A?

23 A I do, yes.

24 Q And to be clear, if the Department of Justice
25 specifically references a document and quotes from a

1 document in Addendum A, you deny that there is a such a
2 document that contains the language quoted?

3 MR. JOSEPH: Objection. May we have specifics?
4 It's totally unfair to refer to a multipage document like
5 this.

6 THE COURT: I think you should focus on specific
7 points.

8 MR. EDMUNDS: Okay. Well --

9 THE COURT: I mean you're certainly free to cross-
10 examine Dr. Sackler on his answer. So you can probe it, but
11 I wouldn't just refer generally at this point. I think you
12 need to be more specific.

13 MR. EDMUNDS: Okay. I was trying to expedite it
14 if that's what the Court wanted, but I think it would be
15 better to do specifics.

16 BY MR. EDMUNDS:

17 Q Okay. I am going to turn you back, Dr. Sackler, if
18 you've navigated away, to Page 25, which is the document
19 atop of which is Addendum A to the settlement agreement.
20 And Roman Numeral I. Introduction. Right? So are you
21 there?

22 THE COURT: I think it was the same page you were
23 on.

24 MR. EDMUNDS: Yeah, I don't know if he has moved
25 away.

1 THE WITNESS: I did, actually. Okay. I'm looking
2 now. My page number is showing. At the bottom I see the
3 Document No. 25. So I'm back to 25, yes.

4 BY MR. EDMUNDS:

5 Q Okay. Dr. Sackler, I'm going to ask you and I'll just
6 refer and we'll go through it as slowly as you need to. But
7 I'm going to refer to specifics and just ask you if you deny
8 the facts stated, just the assertions of fact. It has
9 nothing to do with the overall document. We're just going
10 through these factual statements and finding out if they are
11 correct or incorrect in your view.

12 MR. JOSEPH: I'm objecting to a reference to these
13 as factual statements. It's on Page 3 they're
14 (indiscernible).

15 THE COURT: The question is when Mr. Edmunds ask
16 you do you agree with the statement, the particular
17 statement.

18 THE WITNESS: Do I agree with the statement --

19 THE COURT: No. He's going to ask you -- he's
20 going to refer you to certain statements in Addendum A and
21 he's going to ask you if you agree with that statement or
22 not.

23 THE WITNESS: True or false.

24 THE COURT: Right, exactly.

25 MR. EDMUNDS: Right, Dr. Sackler, true or false.

1 THE COURT: Okay.

2 BY MR. EDMUNDS:

3 Q Okay, Dr. Sackler, the first one I'll refer you to is
4 in Paragraph 1, second sentence: Members of the Sackler
5 family previously served as members of the Board of
6 Directors of Purdue General Partners, including Dr. Richard
7 Sackler, Mortimer D.A. Sackler, Jonathan Sackler, Kathe
8 Sackler, and RICHARD SACKLER, the named Sacklers. True or
9 false?

10 A I do not recall whether we were on the Board as General
11 Partners.

12 Q Okay. Paragraph --

13 A Sorry, I'm trying to be as responsive as possible.

14 Q That's fine, Dr. Sackler. Paragraph 2, first sentence:
15 "Purdue's profits declined in 2010 after the introduction of
16 its reformulated OxyContin, which was intended to be more
17 difficult, although not impossible, to crush or manipulate
18 for purposes of abuse and misuse." True or false as to
19 whether Purdue's profits declined in 2010?

20 A I don't know whether the profits declined in 2010. I
21 just don't know.

22 Q Do you have any reason to believe that this statement
23 is false?

24 A I have no reason to believe that it's false or true. I
25 don't know.

1 Q Next sentence, same paragraph: "The named Sacklers and
2 Purdue Executives tracked Purdue's lost sales closely and
3 regularly scrutinized sales report and related data." Is
4 that true, Dr. Sackler?

5 A I can speak for myself. It is true.

6 Q Thank you, Dr. Sackler. The next sentence: "They" --
7 including you -- "attributed the majority of the decline to
8 two trends: 1) individuals abusing opioids moving from
9 OxyContin to opioids that were easier to abuse through
10 insufflation and injection, or 2) increased scrutiny of
11 prescribers, pharmacists, and other actors in the opioid
12 distribution chain." Is that true?

13 A As stated, it is not true.

14 Q Okay. What is not true about it?

15 A The word "attributed." We hoped, not attributed.

16 Q You, I'm sorry, hoped?

17 A We hoped. Let me clear. We hoped that the majority of
18 the decline was related to the change to the abuse deterrent
19 formulation.

20 Q Okay. And what about the second clause: increased
21 scrutiny of prescribers, pharmacists, and other actors in
22 the opioid distribution chain?

23 A I don't recall.

24 Q Okay. Paragraph 3: Although the named Sacklers knew
25 that the legitimate market for produced opioids had

1 contracted, the named Sacklers nevertheless requested the
2 Purdue Executives recapture lost sales and increase Purdue's
3 share of the opioid market. True or false?

4 MR. JOSEPH: That's compound, Your Honor. May we
5 break it up? There's two separate statements there.

6 MR. EDMUNDS: Sure, we can take it --

7 THE COURT: Like you did with the last one, Mr.
8 Edmunds, if you could do that.

9 MR. EDMUNDS: We'll go clause by clause, yes, Your
10 Honor. Thank you.

11 BY MR. EDMUNDS:

12 Q Although the named Sacklers knew -- I guess the first
13 one will be: The named Sacklers knew that the legitimate
14 market for Purdue's opioids had contracted. Is that true,
15 Dr. Sackler?

16 A That's false.

17 Q It's false. In what way is it false?

18 A It's false on its face. The market hadn't contracted.

19 Q All right. And the second clause: The named Sacklers
20 nevertheless requested the Purdue Executives recapture lost
21 sales and increase Purdue's share of the opioid market. Is
22 that true?

23 A Yes, as we understood the opioid market, yes, that's
24 true, which we believed correctly, in my opinion, was
25 expanding.

1 Q Thank you for the clarification. Paragraph 4: As a
2 result of these requests from at least 2013 through 2018,
3 Purdue developed an aggressive marketing program that
4 focused on detailing over 100,000 doctors and nurse
5 practitioners nationwide each year. And I'll stop there.
6 Is that true?

7 A May I just read it again?

8 Q Yes, sir.

9 A I can't testify. I don't recall as to the years.

10 Q Okay. Do you recall whether Purdue developed an
11 aggressive marketing programming that focused on detailing
12 over 100,000 doctors and nurse practitioners nationwide each
13 years?

14 A We didn't consider the program aggressive, so that's
15 false.

16 Q Is the rest of the statement true?

17 A I don't recall the number.

18 Q Do you have any reason to believe it's not true?

19 A No.

20 Q And moving onto the next clause: It is true -- well, it
21 is true that among those 100,000 doctors and nurse
22 practitioners there were included, thousands of prescribers
23 that the named Sacklers knew or should have known -- let me
24 just say knew were -- knew were prescribing opioids that
25 were not always for medically accepted indications.

1 A Can you draw my attention to that sentence, please?

2 Q The sentence follows the one we just talked about.
3 It's the second clause. It is the third line of Paragraph
4 4. It begins after the comma with including. And I guess
5 the question --

6 A Aside from the "sometimes," we didn't know that it was
7 sometimes, but we certainly don't -- I don't agree with the
8 rest of it at all.

9 MR. HUEBNER: Your Honor, just for one second.

10 THE WITNESS: I'd like to just deny that if I may,
11 Your Honor.

12 THE COURT: Okay.

13 MR. HUEBNER: Your Honor, Marshall Huebner for the
14 Debtors, just one second. A request for Mr. Edmunds. As we
15 discussed at the beginning of this whole hearing, there is
16 obviously a risk that confirmation does not go through or
17 that the Sacklers breach. We had the stipulations in place
18 to protect us against prejudices. The questions like "Did
19 the Sacklers know," which I think are unanswerable since
20 that there are dozens of human beings in multiple countries,
21 actually run the risk of prejudice in the estate's causes of
22 action against the Sacklers should they ever need to be
23 brought. If you wouldn't mind terribly asking Dr. Sackler
24 what he knows, or if what you want to ask about other
25 specific individuals, of course, feel free, but we're

1 actually a little bit concerned with the record being made
2 with Dr. Sackler denying what the "Sacklers" knew, which I
3 don't actually think anybody but God could know, versus what
4 he or specific people you want to ask him about knew.

5 BY MR. EDMUNDS:

6 Q All right. To be very clear, Dr. Sackler, I will read
7 facts from this. I'm only asking you about what you know
8 personally. So when there's a reference to "the Sacklers"
9 or even the "named Sacklers" unless you know personally, I
10 would ask you answer only for yourself. Is that okay with
11 you?

12 A That makes it easier for me, yes.

13 THE COURT: Okay. And then let me just reiterate,
14 the decision by any party to this hearing not to engage in
15 cross-examination of Dr. Sackler on any of these points with
16 respect to his testimony has no estoppel effect in any
17 future litigation. So you can go ahead, Mr. Edmunds.

18 MR. EDMUNDS: Thank you, Your Honor.

19 BY MR. EDMUNDS:

20 Q Dr. Sackler, let me turn you to the last sentence of
21 Paragraph 4. It carries onto the next page, which is Page
22 26.

23 A The sentences are not highlighted. I don't know
24 whether there's one, two, three or four sentences in
25 Statement 4.

1 Q Okay. We'll you're welcome to read the whole thing and
2 just meet me at the last sentence, which will be what my
3 sentence is about.

4 MR. JOSEPH: Are you talking about the last clause
5 in the first sentence, or the last sentence on Page 2?

6 MR. EDMUNDS: I believe Dr. Sackler has denied
7 everything after "sometimes" in the other sentence. So I
8 think we'll talk about last sentence.

9 MR. JOSEPH: The last clause in the same sentence.

10 MR. EDMUNDS: No, no. I think that's after
11 "sometimes" as I understand it. I've now moved onto --

12 MR. JOSEPH: We're now in the "By 2013 sentence.

13 MR. EDMUNDS: Dr. Sackler is going to read it, but
14 I'm only going to ask about the sentence beginning with
15 "This strategy" at the end.

16 THE WITNESS: Oh, I'm sorry.

17 MR. JOSEPH: Read the prior sentence. Read the
18 paragraph.

19 THE WITNESS: Okay.

20 BY MR. EDMUNDS:

21 Q So, Dr. Sackler, I think you should be at the last
22 sentence and I'm going to ask you the same thing. Well, let
23 me ask it this way. Did you approve a strategy known as
24 Evolve 2 Excellence or E2E when you were a director in 2013
25 at Purdue Pharma?

1 A What do you mean by approved?

2 Q Was it presented to the Board of Directors that
3 strategy?

4 A I don't think so.

5 Q So your testimony is you did not receive a presentation
6 about the E2E --

7 A Let me clarify.

8 Q Certainly.

9 A Elements of E2E was presented, but it was not presented
10 -- I don't recollect any vote on proceeding or not
11 proceeding with the strategy. The minutes should reflect in
12 it if there was a vote and if it passed. You have those
13 minutes, do you not?

14 Q I believe we do, Dr. Sackler. But my question is just
15 generally, you are aware and was it presented to you as a
16 director that there was this Evolve to Excellence program?

17 A I heard about it, yes.

18 Q Did you ever express disapproval of the program?

19 A Not that I can recall.

20 Q And to turn you know to Paragraph 6, which is -- we'll
21 skip over Paragraph 5, if you could read Paragraph 6, do you
22 agree that you and other members of the family who were on
23 the Board of Directors transferred out billions of dollars
24 as cash distribution and profits into Sackler family holding
25 companies or trusts?

1 A Okay. I got the grasp of the question. Now may I read
2 Paragraph 6?

3 Q Of course, sir.

4 A It's listed as a compound statement. So it would be
5 helpful if you just phrased -- I can't testify to the whole
6 thing without saying I don't have memory that's sufficiently
7 sharp about every element of this.

8 Q Okay. Is it true that during that time period
9 generally, Dr. Sackler, the Purdue Board of Directors
10 transferred out billions of dollars to Sackler family trusts
11 or holding companies?

12 A Yes.

13 Q Okay. And let me turn you now to Paragraph 10 that's
14 on the next page.

15 A But I'm not agreeing for example -- let me be clear.
16 I'm saying that your question did we transfer over the years
17 approximately 2008 to '18, yes, that we did.

18 Q Yes, and I'm not --

19 A Okay.

20 Q The only thing you need to respond to -- we have this,
21 but the only thing you need to respond to is what I say in
22 my actual question. That's what you're answering. The rest
23 of it is not -- I'm not asking about.

24 A Okay.

25 Q Thank you for that, but I'll clarify that for you.

1 A Thank you.

2 Q So I'll ask you now again to turn to page, Page 27,
3 Paragraph 10.

4 A 27 --

5 MR. JOSEPH: It's the next page.

6 THE WITNESS: Oh, I'm sorry. I keep looking at
7 the pagination of the document. I'm sorry. It's quite a
8 confusing collection of numbers here. So it's paragraph
9 what?

10 THE COURT: 10.

11 BY MR. EDMUNDS:

12 Q Paragraph 10, sir.

13 A What page number of the PDF? That would help me.

14 Q It's just the next page, Dr. Sackler.

15 A I have now navigated --

16 Q Okay. It's page 27 of the PDF.

17 A Thank you. Page 27 of the PDF, 26, okay. I'm now
18 looking at PDF 27.

19 Q Did you have an office at Purdue Headquarters in
20 Stanford?

21 A At what time?

22 Q At any time.

23 A Yes.

24 Q Did you have -- and did the others, your brother
25 Jonathan, your cousin Kathe, did they have offices at

1 Purdue's headquarters at any time?

2 A Yes, at some time, some time, yes.

3 Q And the Boardroom was also located there?

4 A Yes, it was.

5 Q I don't think -- I don't think the court reporter would
6 have heard that, Dr. Sackler.

7 A Okay, yes, yes.

8 Q Okay. Thank you. If you look at Paragraph 11, would
9 you agree with me that -- I'm referring specifically to the
10 first sentence, but that you had, at times, direct
11 communications with executives, including the sales and
12 marketing executives of Purdue?

13 A Yes.

14 Q And did those communications include -- looking at the
15 last clause of the sentence -- sales forecast -- sales and
16 marketing forecast and sales and marketing strategies?

17 A Where are we? Yes.

18 Q So they did. Is that right?

19 A They did.

20 Q And did they include the E2E program that we just
21 discussed earlier on?

22 A I don't recollect.

23 Q All right. Fair enough. Did you also communicate, as
24 it says in the next sentence, directly with lower-level
25 employees?

1 MR. JOSEPH: May we have some clarification as to
2 what lower level means in that question?

3 MR. EDMUNDS: Sure. I will amend the question.
4 Let me ask it again.

5 MR. EDMUNDS:

6 Q Did you have communications with sales representatives?

7 MR. JOSEPH: At any time?

8 BY MR. EDMUNDS:

9 Q At any time.

10 A Yes.

11 Q I'm sorry, Dr. Sackler, can you just repeat it?

12 A At any time I was on the Board of Purdue, did I?

13 Q Yes.

14 A Yes.

15 Q How about any time during the period which this
16 document covers which is about 2008 to 2018?

17 A Just a second, excuse me. A good friend just texted me
18 and I can't read it. I'm sorry. I was distracted. Could
19 you repeat --

20 Q Did you have communications with sales representatives
21 at any time during 2008 to 2018?

22 A I can only remember one occasion, one representative,
23 yes.

24 Q And did you ever go on a ride-along with sales
25 representatives during that time period?

1 A One half-day ride-along with the sales representative,
2 but I had -- I just testified I had communications with.

3 Q Okay. And by ride-along, does that mean that you rode
4 in the car with the sales representative to visit the
5 healthcare providers the sales representative called upon?

6 A As an observer, yes. Not as a participant in the sales
7 talk.

8 Q So you did not speak with the healthcare provider. You
9 simply rode along and spoke with the sales representative
10 maybe? You didn't speak with HCPs that were called upon
11 during the sales call?

12 A I don't recollect I did.

13 Q But you did speak with the sales representative, is
14 that right?

15 A While we were in the car, we held conversations. Many
16 of them had nothing to do with anything other than we were
17 two human beings engaged in a common task.

18 Q And what was that common task?

19 A To get more patients in serious pain more affective
20 pain relief from their doctor.

21 Q And that would, in fact, result in sales of opioids.
22 Is that right?

23 A I can't tell it would. I can tell it might have. It
24 might have had the opposite effect too.

25 Q Well, the sales call might have failed, but you would

1 agree with me the purpose of sending the sales
2 representative to the healthcare providers that you both
3 visited was to promote the sale of Purdue's opioids?

4 A That was one of the purposes, yes.

5 Q Could you say it again, Dr. Sackler?

6 A It was, it was part of a larger, overarching purpose,
7 which was to educate about the use of opioids.

8 MR. JOSEPH: Can you get closer to the microphone?
9 You're getting difficult to hear.

10 BY MR. EDMUNDS:

11 A I'm suffering from laryngitis, Your Honor, and all
12 attending. My voice is beginning to give out. Okay. Can
13 you hear me now?

14 THE COURT: Yes.

15 BY MR. EDMUNDS:

16 Q Yes, much better, Dr. Sackler. Okay. Dr. Sackler, I'm
17 going to skip forward a bit in the interest of time and ask
18 you to take a look at -- let's first go to the section
19 heading, it is IV, it appears on -- there on page 29 of the
20 PDF.

21 A Thank you.

22 Q And the heading I'm looking at is, "The Named Sacklers
23 Knowing Caused Medically Unnecessary Prescriptions to be
24 Submitted to Federal Healthcare Programs" but I'm not going
25 to -- I don't have a question about that. I just -- I want

1 to orient you.

2 A I -- (indiscernible.)

3 Q Okay. And just so that we're oriented there, I'm going
4 to ask you to turn to the next page in paragraph 25, and
5 I'll ask you a question about paragraph 25.

6 A May I read it before you ask the question?

7 Q Of course you may.

8 A Thanks. I'm by myself here so, I don't know why I
9 turned away, I apologize. It's -- I've read paragraph 25.

10 Q Okay. Thank you, Dr. Sackler. Would you agree with me
11 that one of Purdue's most effective tools to increase and
12 maintain sales was to send sales representatives into the
13 field to visit healthcare providers?

14 A Yes.

15 Q Purdue spent a lot of money on that, right?

16 A I don't know what you mean by a lot of money, but --

17 Q Well, I suspect that you don't -- maybe that's true.
18 It is a substantial portion of Purdue's marketing budget; is
19 that right?

20 A If you're asking -- I'll respond to it the following
21 way. If you're asking the question of, did the entire sales
22 department cost us substantial more than our commercial
23 budget, (indiscernible).

24 Q All right. Thank you. And if you turn to page --
25 paragraph, rather, 27, I would ask -- I will ask -- I'll let

1 you read and when you're ready, let me know.

2 A Okay. I have read it.

3 Q Okay. Did you know -- did you have information -- were
4 you aware that calling on and detailing healthcare providers
5 was correlated with the prescription -- was correlated with
6 an increase in the prescription that produced opioids?

7 A That proposition as well.

8 Q Okay.

9 A The answer is no.

10 Q All right. So, calling -- all right. Let me just ask
11 the clause, and I will read it. Did you know that calling
12 on or detailing healthcare providers causes them to
13 prescribe more of Purdue's opioid drugs?

14 MR. JOSEPH: Asked and answered.

15 THE COURT: Well, I -- I -- you can answer that
16 question, Dr. Sackler.

17 THE WITNESS: I'm now repeating your question to
18 myself. I'm sorry for the pause, Your Honor.

19 A I still say the statement is too broad to answer in any
20 other way, but it is not (indiscernible) -- if you can
21 narrow the question (indiscernible) --

22 MR. JOSEPH: Come closer to the microphone, please.

23 A Well, I'm just doing the best I can with my voice.

24 Q Okay. Dr. Sackler, did -- you said if I could --

25 A You said opioid drugs.

1 Q Ah, thank you. Is it you true that with respect to
2 OxyContin?

3 Q So, David --

4 A But not always in every subcategory. Sometimes it had
5 no effect at all. Sometimes it had effect.

6 Q How about MS CONTIN? Was the -- there a correlation
7 there between detailing and prescribing?

8 A We stopped the detailing MS CONTIN in '95.

9 Q You stopped detailing MS CONTIN in what years, sir?

10 A '95.

11 THE COURT: I'm sorry, when?

12 Q I think --

13 A 1995, when OxyContin was introduced, we stopped
14 detailing MS CONTIN.

15 Q Well, how about Hysingla; is there a correlation
16 between detailing and sales? That --

17 A I wouldn't know.

18 Q Butrans?

19 A I don't know.

20 Q Adhancia?

21 A I'm sorry?

22 Q Adhancia?

23 A I don't remember that name. I'm sorry.

24 Q All right. It may be the wrong -- okay. Atencia. Do
25 you remember Atencia?

- 1 A No.
- 2 Q Okay.
- 3 A I do not recall.
- 4 Q Okay. Dr. Sackler, I'd refer you now to paragraph 29.
- 5 And you can go ahead and read it.
- 6 A I did read 29. Again, it's a compound statement, so --
- 7 Q Well, I haven't asked you anything about it yet, so I
- 8 will try to break it down.
- 9 A There's many propositions in there.
- 10 Q Is it true that you took an interest in Purdue's
- 11 marketing and requested regular briefings on marketing and
- 12 strategies?
- 13 A Are you asking about Purdue's Board?
- 14 Q I'm asking about you personally?
- 15 A Only in the context of the Board meetings, yes.
- 16 Q Only in the context of the -- I think --
- 17 A Well, it says, listed regular briefings and provided
- 18 input. That's not true. No, it's a compound -- it's a
- 19 series of statements, so it's very hard to isolate --
- 20 Q You -- right --
- 21 A -- any of these (indiscernible) true.
- 22 Q Okay. So, let me -- let me just try to break it down
- 23 in a way that, you know, doesn't require you to answer
- 24 collectively.
- 25 A Okay.

1 Q So, the first thing is, did you ever request regular
2 briefing -- did you request regular briefings on marketing?

3 A As a -- in the Board? That can -- I don't remember the
4 Board -- certainly don't remember that I requested briefings
5 from the Board.

6 Q All right. But how about the Board -- I'm not hearing
7 you, Dr. Sackler.

8 A Not responsive to your question.

9 Q Well, I didn't quite understand the response. It
10 didn't come through.

11 A (Indiscernible) the question, that would probably be
12 better, I'm sorry. (Indiscernible), Your Honor.

13 THE COURT: Sir, the -- I think the question was
14 whether you yourself requested regular briefings regarding
15 OxyContin marketing, and I think you said --

16 A Not outside of the Board. No, I did not.

17 Q How about as a participant in the Board of Directors,
18 Dr. Sackler; did you receive regular briefings on marketing?

19 A I'm -- I don't know that they were regular headings on
20 any schedule. But the Board did get briefings
21 (indiscernible) about the progress or lack of progress the
22 sales progress or lack, so generally, it's okay. But we got
23 many briefings. I don't they were regular.

24 Q And were you briefed on the sales strategies that were
25 implemented by Purdue in marketing opioids?

1 A I don't recall.

2 Q Could you recall conversations with Russell Gasdia
3 about the sales strategies that he was implementing as VP of
4 Sales?

5 A I didn't remind -- of -- (indiscernible) -- are you --
6 I think you have the data, that you're referring to emails.
7 If you're referring to, did I call him up and ask him how
8 things are doing or any open-ended question, the best of my
9 recollection, no I did not.

10 Q Did you ever have phone calls with Russell Gasdia?

11 A Ever? Yes.

12 Q Okay. And did you have phone calls with Russell Gasdia
13 about sales and marketing?

14 A I cannot recall. I'm not denying it, I'm just saying I
15 can't recall it.

16 Q You can't recall the calls, but you have no reason to
17 deny that they occurred; is that correct?

18 A At least a few over years, yes.

19 Q All right.

20 A Very few. Certainly not regular and not frequent.

21 Q And I think we talked about the ride-along that you
22 went on at the end of paragraph 29, so I'll skip -- I won't
23 ask a question. Could you turn to paragraph 34 on the next
24 page?

25 A I just read it.

1 Q All right. Thank you. Is it true that you -- that
2 through at least January 2014, you received weekly analyses
3 of opioid prescribing data?

4 A For brief periods -- I can't locate it to January 2014.
5 There were brief periods that I did get weekly reports, but
6 they were, like, forward, like four weeks, eight weeks, or
7 twelve weeks. They weren't -- they didn't extend. They
8 were not regular and they were not frequent.

9 Q Okay. But you did receive reports -- or, sorry.
10 Reports are not -- well, strike that.

11 You did receive analyses of opioid prescribing data
12 from time to time?

13 A Actually, no. I recall receiving data, not analysis. I
14 wanted to see the data and the -- I don't recall they
15 provided that or not.

16 Q Okay. You got the data though on opioid prescribing?

17 A Yes, for brief periods.

18 Q All right.

19 A Infrequently, I may have, yes. We'd get that.

20 Q Was the Board briefed on opioid prescribing data during
21 your time on the Board?

22 A Sometimes. It can come up in a Board meeting. But it
23 depended on whether the marketing department was making a
24 presentation.

25 Q Okay. And I believe you said sometimes it would come

1 up at Board meetings but it depended upon whether the
2 marketing department was making a presentation; is that what
3 you said?

4 A Yes.

5 Q All right.

6 A The -- another department that got close to that was
7 the finance department, which made reports on financial
8 statements because it was directly related.

9 Q All right. And was the financial state of the business
10 related to opioid prescribing?

11 A No, it was not related to opioid prescribing.

12 Q It's not the case that if opioid prescribing went up,
13 the company would sell more opioids?

14 A In general, it was (indiscernible) there would be
15 increased sales, but not always.

16 Q Okay. And is it true that the -- is it generally true,
17 all other things being equal, the higher the dose of opioids
18 prescribed, the higher Purdue's profits?

19 A All else being independent, yes. However, it's an, you
20 know, I don't think I want to add anything to that. The
21 answer is yes.

22 Q Okay. So, the answer is yes and you don't think you
23 want to add anything to that, right?

24 A No.

25 Q I just -- there's going to be a court reporter and I'm

1 just making sure that the --

2 A No. (Indiscernible.)

3 Q -- because it is difficult to hear you.

4 A No, I'm sorry. No, I mean, I'm doing the best.

5 Q And I -- I didn't hear that at all.

6 A I'm doing my best. I was addressing Judge Drain.

7 THE COURT: He just said he's doing the best he
8 can to be heard.

9 Q Oh. Well, we understand that, and -- I'm just --
10 that's why I'm repeating, just to make sure that you are.

11 A Okay. Thank you.

12 Q All right. So, no -- I'm not -- we've all struggled
13 with difficulties. There's -- we're not blaming, we're just
14 -- I'm just explaining what I'm doing and why I'm repeating
15 you.

16 Okay. Turn to paragraph 40 on the next page, Dr.
17 Sackler.

18 A Yes. I've read it.

19 Q Is it true -- oh, thank you. Is it true that you
20 emailed on January 25th, 2010, other members of Purdue's
21 Board of Directors, "By way of background, the most
22 important driver of our sales growth or decline is the
23 performance of all Oxycodone extended-release forms in the
24 market, called OER. This is comprised of OxyContin tablets
25 plus all generics in space."

1 A I don't -- okay. Without the document, I can't testify
2 as to whether the quotation is accurate. But since the
3 Department of Justice quoted me, I might have said that.

4 Q No basis for denying that you, in fact, sent an email
5 containing that language?

6 A No.

7 Q And is this statement you made, in fact, true?

8 A (Indiscernible) sample (indiscernible) more complicated
9 than that.

10 Q I understand it might be more complicated, but --

11 A Everything else being equal, the statement is true.

12 Q Okay.

13 A Is that a more responsive answer?

14 Q Every -- I think you said everything else being equal,
15 the statement is true; is that correct?

16 A Yes, that's what I said.

17 Q And that's fine. Thank you. If you continue to
18 paragraph 41, and just take a look.

19 A Yes.

20 Q Is it true that you were personally aware of Purdue's
21 sales targets?

22 A As a Board member. I'm made aware of them in Board
23 meetings. Yes, it is --

24 Q All right. So, you learned that the targets of
25 Purdue's sales and marketing campaigns in your capacity as a

1 Board member?

2 A That's correct, in the Board meeting. And really, the
3 named Sacklers, which is not quite, but it's misleading --
4 but it could mislead (indiscernible). And the name Sackler
5 somehow got that the (indiscernible) things are
6 (indiscernible), at least in my opinion. (Indiscernible)
7 the decision (indiscernible) of OxyContin's importance
8 (indiscernible) Board.

9 Q Right. The members of the Board would have been made
10 aware of the sales targets; that's what you're saying, yes?

11 A Yes.

12 Q Okay. Thank you, Dr. Sackler. And then at times -- is
13 it true that at times, and I'll ask you just for you, is it
14 true that at times you challenged the executives' setting of
15 sales targets?

16 A In Board meetings, yes.

17 Q Okay. And you suggested that some targets were
18 inappropriate, others were -- did you ever suggest that some
19 targets are -- were inappropriate targets?

20 A No. No --

21 Q Did you ever --

22 A -- (indiscernible) inadequate in terms of results,
23 sometimes. Sometimes I'd point out that it seemed
24 optimistic to me, but yes.

25 Q Okay. So, no, not inappropriate, but sometimes

1 inadequate in terms of results, and sometimes you thought
2 that it seemed optimistic; is that your testimony?

3 A Sometimes, yes.

4 Q All right. Thank you.

5 A This is only in the Board meetings.

6 Q In the Board meetings. I understand.

7 A In the dialog.

8 Q And other members of the Board also engaged in this
9 dialog?

10 A Yes.

11 Q Did other member of the Board sometimes challenge the
12 targets set by Purdue executives?

13 A Yes.

14 Q Did Mortimer D.A. Sackler do that?

15 A Sometimes.

16 Q Did Theresa Sackler do that?

17 A I don't recall.

18 Q How about Eileen Sackler Lefcourt?

19 A I don't recall.

20 Q How about Jonathan Sackler, your brother?

21 A Yes.

22 Q How about Kathe Sackler, the cousin?

23 A Yes.

24 Q I should have had a list. I -- how about RICHARD
25 SACKLER, your son?

1 A I don't really -- I don't recall.

2 Q All right. Could I ask you to turn to the next page,
3 paragraph 44?

4 A This is very helpful (indiscernible). I was just
5 saying, Your Honor, it's (indiscernible) myself.

6 MR. JOSEPH: I think it may be necessary, Mr.
7 Edmunds, for him to read paragraph 43, since paragraph 44
8 begins, "In response".

9 MR. EDMUNDS: All right. That's fine.

10 Q Dr. Sackler, if you would read paragraph 43 also, and
11 then read paragraph 44.

12 A I will do so. All right. I have read the paragraph.
13 Yes.

14 Q Okay. And I -- did you have a dispute with Purdue's
15 CEO at the time, 2009, 2010, I believe, that -- over the
16 budget for Purdue's -- the perspective budget for Purdue's
17 sales of -- target sales of OxyContin?

18 A Don't remember the time frame. Did you use the word
19 disagreement? I think it wasn't a disagreement, a
20 difference of opinion, and I, you know, I didn't agree
21 sometimes with his opinion, yes. But (indiscernible).

22 Q Okay. And if I recall correctly, tell me if you agree,
23 management had proposed, I think, a target growth of about 3
24 percent and you suggested it should be higher; is that
25 right?

1 A I don't remember the numbers.

2 Q All right. But management had proposed a target, and
3 you suggested that the target should be higher; is that
4 right?

5 A That happened, from -- you know, rarely, but it did
6 happen.

7 Q Okay. And that was a matter that you took up with the
8 Board of Directors; is that right?

9 A (Indiscernible), this is what I think it may be
10 referring to as a document. It's not referenced here.
11 (Indiscernible) --

12 THE COURT: Dr. Sackler, if you'd closer to your
13 microphone.

14 A -- I believe it was taken up at that meeting. If, His
15 Honor, I am recalling, it was not the time it was taken up
16 with the Board of Directors because it was a budget meeting.
17 And --

18 Q Okay. And -- I'm sorry, what was that, Dr. Sackler?

19 A An annual budget meeting.

20 Q An annual budget meeting of the Board of Directors.

21 A If it's not -- it's the document I'm thinking of.

22 MR. JOSEPH: Objection. Foundation.

23 THE COURT: What -- which -- Mr. Edmunds are you -
24 - are you now focusing on the foreign entities in the
25 foreign countries?

1 MR. JOSEPH: This is (indiscernible). Perhaps we
2 could look at the document.

3 MR. EDMUNDS: Well, we could, Mr. Joseph, but I
4 mean, I think he remembers a document and that satisfies my
5 question. So, I don't know that we need to --

6 MR. JOSEPH: That's fine.

7 MR. EDMUNDS: -- put him through that.

8 Q Okay. And do you see paragraph 45, Dr. Sackler,
9 immediately following? Do you recall an email on January
10 25th, 2010, where you informed the Board that you had
11 engaged management on the subject of the budget targets for
12 OxyContin?

13 A I do see that paragraph, yes.

14 Q Do you recall the email?

15 A No, without looking at it, I don't recall it -- all of
16 it.

17 Q Okay. Any reason to believe you didn't send that
18 email?

19 A No reason.

20 Q No reason to believe that, that you didn't --

21 A I have no -- I don't have perfect recall, so it's --

22 Q Understood, understood.

23 A You're just talking about an email I don't recall.

24 Without looking, but I have no reason to deny that it may be
25 didn't, but I don't know.

1 Q All right. How about -- let me. I'll move on, Dr.
2 Sackler, to page 52.

3 THE COURT: You mean paragraph 52?

4 MR. EDMUNDS: Paragraph 52. Thank you, Your Honor.
5 I'm on, just to clarify that, page 34. That's the next
6 page.

7 Q When you're ready, Dr. Sackler, let me know.

8 A Okay.

9 Q Okay. Dr. Sackler, is it true that on April 15th,
10 2012, you emailed Purdue's Vice President of Sales, I think
11 that would be Mr. Gasdia whom -- about whom we've spoken,
12 suggesting, "We should discuss the sudden decline in
13 OxyContin sales in the past year or two. What are we doing
14 to identify corrective actions?" Did you send that email?

15 A I don't remember the email. If you show me the email,
16 I might bring it back to my memory.

17 MR. JOSEPH: Your Honor, I'm going to object to
18 this line at this point, under Rule 403. I mean, the
19 documents have all been produced. This is a pointless
20 exercise in testing a memory about an eight-year-old
21 document.

22 MR. EDMUNDS: Let me ask the -- Your Honor, I
23 could -- it's a fine question, but I'll just continue.

24 THE COURT: I -- I guess I was assuming you were
25 setting the context for another question?

1 MR. EDMUNDS: I'm just asking him if he has any
2 basis for, you know, if he has any reason to deny that he
3 sent this email. Of course, there are thousands of
4 documents, but --

5 MR. JOSEPH: From millions of pages, 100 million
6 pages of documents. It's totally unfair to pick out a
7 paragraph and ask him if he remembers an email --

8 THE COURT: Yeah.

9 MR. JOSEPH: -- from eight or ten years ago.

10 THE COURT: If you're just asking him those types
11 of questions, it's not really helpful. If you're asking --

12 MR. EDMUNDS: All right.

13 THE COURT: If you're asking this question to set
14 up another question, then that's fine, you can do that. But
15 --

16 MR. EDMUNDS: Okay. Well, I think what we'll --
17 I'll just move on. I mean, we -- I'm trying to avoid the
18 need to go into that stack of documents, but that's fine.
19 We can move on.

20 BY MR. EDMUNDS:

21 Q Dr. Sackler, if you would turn to page 61?

22 THE COURT: Paragraph --

23 MR. EDMUNDS: I'm sorry. Paragraph 61 on page 36.
24 My apologies.

25 MR. JOSEPH: Same objection.

1 MR. EDMUNDS: I haven't asked a question.

2 THE COURT: Again, Mr. Edmunds is entitled to set
3 up a question. If it's just about -- if all you're getting
4 to is whether you agree that some document was sent or he
5 wrote -- I think that I understand the objection. If it's
6 to set up a question about that topic, you can ask that
7 question.

8 MR. EDMUNDS: Yeah, and no, I'm going to ask about
9 a topic not about --

10 THE COURT: Okay.

11 MR. EDMUNDS: -- the document. And I hear, Your
12 Honor, so I don't think I will be -- I understand the
13 ruling, sir.

14 THE COURT: Okay.

15 BY MR. EDMUNDS:

16 Q Dr. Sackler, are you at paragraph 61 now? Sir?

17 A I'm sorry, I did respond. I heard your question. I
18 said, I see 61. I've read it.

19 Q Oh. Okay, thank you. And are you aware of Region Zero
20 is?

21 A I am not aware of what it might be today if it exists
22 at all. But at that time, I believed I understood what
23 Region Zero was, yes.

24 Q And what was Region Zero at that time?

25 A It was -- the way we referred to doctors who had been

1 removed from detailing and whose sales or prescription
2 performance was removed from compensation of sales for the
3 sales force.

4 Q And why were doctors in Region Zero removed from
5 compensation for the sales force?

6 A Based upon a longstanding, much before 2010 -- we had a
7 very elaborate division, program, I can't recall the name of
8 it, but to reduce drug addiction and abuse. And one of the
9 elements was to stop promoting to doctors who or whom the
10 salesman or the direct first-line supervisor had concerns
11 about the quality or the -- even their integrity or honesty,
12 or the lawfulness of their practice. And those physicians,
13 I don't know -- those physicians reported to Region Zero.
14 And removing them from compensation was not intended as a
15 punishment perhaps, but it really was a punishment for any -
16 - that a, you know, you attempt to just neutralize their
17 effect on our sales results for compensation purposes.

18 Q Okay. So, it would move -- it was a -- I'll let that
19 stand. And Dr. Sackler, just going back, it's something
20 that you said, it occurred to me that I had skipped over a
21 question.

22 Did you have -- I had asked you if at any time during
23 2008 to 2018, you had had conversations with individual
24 sales representatives. I neglected to ask you; did you have
25 conversations with sales managers?

1 A You -- could you define what you mean by sales
2 managers?

3 Q Well, let's start with person who -- the types of
4 employees who had -- to whom the field representatives would
5 report, those sales managers --

6 A Are you --

7 Q -- the first-level managers, I guess.

8 A First-level managers. I recall no such conversation.

9 Q No conversation with first-level managers; is that
10 right?

11 A Yes.

12 Q And -- okay. How about the supervisors of the first-
13 level managers?

14 A I do not recall any conversations with the supervisors
15 of the first-level managers. And let me just say, there is
16 possibility that in a large-scale sales meeting, I might
17 have conversed with them, but not as their management role.
18 I might have said hello or good job out there, or I might
19 not have said anything. They may have addressed me.

20 Q Okay. Did you attend -- you attended sales meetings?

21 A Very rarely, but I did, and two or three that I can
22 recall, over 20 years.

23 Q Do you recall an individual named Phil Cramer?

24 A I can recall the name, but it doesn't bring a face to
25 me.

1 Q I'm sorry, Dr. Sackler, that --

2 A I recall Mr. Cramer, Phil Cramer, as a name, not
3 somebody who I remember talking to.

4 Q Okay. Let me ask you to move on. We were talking
5 about Region Zero, and we were at Paragraph 61. Let me ask
6 you to move to Paragraph 62, and ask you if you were aware
7 that, at the time, December 1st, 2010, that Region Zero had
8 accounted for a -- it says much of the sales decline that
9 had occurred in that year?

10 MR. JOSEPH: New objection. It's referring to a
11 chart. It says they received a chart.

12 THE COURT: No, but -- no, I'll overrule the
13 objection. Were you aware on December 1, 2010, that Region
14 Zero accounted for much of the decline in sales at the
15 regional level? Do you recall being aware of that
16 proposition?

17 THE WITNESS: I cannot (indiscernible) in time,
18 but that proposition, I do recall at some point. Yes. I
19 don't recall who made it. It almost certainly was in a
20 Board meeting.

21 MR. EDMUNDS: All right. Thank you, Dr. Sackler.
22 BY MR. EDMUNDS:

23 Q If you would -- were you also aware of a time -- were
24 you also aware -- and I'd just refer you to Paragraph 65 --
25 but were you also aware that there had been a decline in 80

1 milligram OxyContin prescriptions when prescribers were
2 placed on the do not call list?

3 A At any time -- at any (indiscernible). I'm just going
4 to ask for a point in time.

5 Q Oh, I'm sorry. Let's say this time around 2011, the
6 time referenced in the addendum.

7 A Which paragraph are you forming this question about?

8 Q 65, Dr. Sackler.

9 A I don't recall that.

10 Q Okay.

11 MR. EDMUNDS: I don't know if Your Honor would
12 entertain a short recess for me and the witness. I think I
13 can skip over some portions, get organized, and save some
14 time in the end.

15 THE COURT: Okay. You think you'd like about five
16 minutes, or...?

17 MR. EDMUNDS: Five minutes, yeah.

18 THE COURT: That's fine. We'll come back at 25
19 after 12:00. You can move around too, Dr. Sackler. Just
20 don't discuss your testimony with anyone during that short
21 break.

22 THE WITNESS: (indiscernible)

23 THE COURT: Don't turn off your screen or anything
24 like that. Just leave the screen on.

25 THE WITNESS: Okay.

1 (Recess)

2 THE COURT: Okay. This is Judge Drain, and we're
3 back on the record in In Re Purdue Pharma. Dr. Sackler, you
4 understand that you're still under oath, correct?

5 THE WITNESS: Understand, Your Honor.

6 THE COURT: Okay. All right. Mr. Edmunds, you
7 want to continue?

8 MR. EDMUNDS: Yes. Thank you, Your Honor.

9 BY MR. EDMUNDS:

10 Q Dr. Sackler, why don't we... Might I ask just
11 preliminarily, Dr. Sackler, make sure there are no papers on
12 top of your computer that might be muting the sound.

13 Nothing on the -- okay.

14 A There are none.

15 Q All right. Thank you.

16 A My sound -- my microphones on maximum gain. It's
17 really not --

18 THE COURT: We can actually hear you well at this
19 point.

20 THE WITNESS: Oh, good. Good. No (indiscernible)
21 noise, I trust.

22 MR. EDMUNDS: Dr. Sackler, I -- no, sir.

23 BY MR. EDMUNDS:

24 Q Dr. Sackler, I'd turn you now -- we're going to skip
25 over parts of this and go to Paragraph 80, which is on Page

1 39 of the document we were looking at.

2 A I see Paragraph 80.

3 Q And I guess I don't have a -- I guess I'd ask, do you
4 recall the consulting company McKinsey in your capacity as a
5 Board Member for work with respect to Purdue's sales and
6 marketing activities?

7 A No, I did not. I do not -- the answer to that question
8 -- could you restate the question?

9 Q Do you recall --

10 A There was a contact, but it wasn't in general. It was
11 about their work product.

12 Q Well, let me ask if you had a contact -- let me start
13 from what you just told me. You had a contact with McKinsey
14 in your capacity as a Director of Purdue with respect to
15 McKinsey's work product. Is that correct?

16 A That is correct. The E2E the program.

17 Q The E2E program? Is that what you said?

18 A Yes.

19 Q Okay. And that was related to Purdue's marketing and
20 sale of OxyContin. Is that right?

21 A I can't testify as to the entirety of the E2E program,
22 but that was the portion of the E2E program. But I wasn't -
23 - let me restate. I called in about their work product on
24 E2E, certain observations that they had made the situation
25 before they -- you know, as they started their study, and

1 their findings at the beginning of this (indiscernible).

2 Q Okay. So the situation that was declining sales of
3 OxyContin? Is that right?

4 A Yes.

5 Q And you had a call with McKinsey about their work
6 related to declining sales of OxyContin? Is that right?

7 A And more specifically to their observations about their
8 managing of the sales program. Yes.

9 Q Okay. So you had a conversation with McKinsey about
10 observations McKinsey had made about how Purdue's sales
11 program was managed? Is that correct?

12 A Well, the situation that they found (indiscernible).

13 Q Could you say that again, Dr. Sackler? I don't think
14 it came through.

15 A They found in the state of focus on the sales force, to
16 be more precise.

17 Q Okay. And did McKinsey make recommendations as part of
18 its engagement in the situation for sales practices that
19 would improve their performance of OxyContin?

20 A Yes.

21 Q Okay. And did you discuss those recommendations with
22 McKinsey?

23 A We discussed those with McKinsey, yes.

24 Q Okay. When you say -- I'm sorry. Go ahead.

25 A I discussed.

1 Q When you said we, who else discussed --

2 A Nobody else I recall. I didn't want to mislead
3 (indiscernible) It was a call I had.

4 Q All right. So you had a call, and it was just you, no
5 executives, and McKinsey?

6 A No. No. This was after they (indiscernible) the
7 report.

8 Q All right. And was the result of the report the
9 development of the E2E program?

10 A It was one of the things that we discussed, yeah.

11 Q Okay. Did they talk about --

12 A (indiscernible) discuss (indiscernible).
13 (indiscernible) load. Just restate the question and I'll
14 try to make it into a simple answer. Okay?

15 Q Did you have a discussion -- sure. Did you have a
16 discussion with them about the E2E program?

17 A Perhaps. I don't recall.

18 Q Okay.

19 A In that phone call, I don't recall what we discussed.
20 We certainly didn't discuss the program in general.

21 Q Okay. Did Purdue ultimately implement the programs
22 recommended by McKinsey, including E2E?

23 A I don't recall whether (indiscernible) every program.
24 E2E, or what came to be called E2 -- it was probably a
25 subset of everything in their report. But I don't remember.

1 Q Okay. Well, you took the actions recommended by
2 McKinsey, generally? Is that correct?

3 A The company (indiscernible). I didn't take any action
4 at all.

5 Q But the Board of Directors was aware of the
6 recommendations that McKinsey had made? Is that right?

7 A Yes. It was made aware of the recommendations by the
8 sales department.

9 Q Okay. So it was made aware of the recommendations and
10 the Board -- the company subsequently implemented all of the
11 recommendations that McKinsey had provided in its report.
12 Is that right?

13 A I can't testify to all of (indiscernible). I don't
14 recall.

15 Q Do you recall specific ones that it did implement?

16 A Yes. I recall one clearly.

17 Q What is the one you recall?

18 A To stop calling on doctors who didn't prescribe opioids
19 because -- I don't have to add anything -- but to shift the
20 emphasis to (indiscernible) 8, 9 and 10 doctors. That's my
21 recollection.

22 Q Okay. And 8, 9 and 10 doctors are high prescribers of
23 opioids? Is that correct?

24 A 8, 9 and 10 are all high prescribers.

25 Q Okay.

1 A Yes.

2 Q And so Purdue Pharma -- well, I think it your testimony
3 that Purdue Pharma implemented that recommendation from
4 McKinsey. Is that right?

5 A I can't tell you what effectiveness -- like they said
6 they would implement it. Yes.

7 Q All right.

8 A And as management said to (indiscernible) that they
9 would implement (indiscernible). I want to be really
10 precise.

11 Q And the Board -- management said to the Board that they
12 would implement it and the company subsequently implemented
13 it after management informed the Board that it would be
14 doing that. Is that right?

15 A I don't recall what success -- I do recall that they
16 said that seeing the busiest doctors who used the most
17 opioids is in general very difficult to do. So I infer that
18 they were anticipating that they could only (indiscernible)
19 subset. But I don't have any knowledge beyond that.

20 Q Okay. And did -- I think we're talking about this
21 recommendation as a subset of the total McKinsey
22 recommendations. It's your testimony that there were other
23 recommendations that the Board may have implemented, but you
24 don't recall them specifically. Is that right?

25 MR. JOSEPH: Objection. Form.

1 BY MR. EDMUNDS:

2 A I don't think the Board implemented --

3 THE COURT: He can answer that.

4 BY MR. EDMUNDS:

5 A I don't recall if the Board "implement" anything.

6 Q How about the company? Did it -- were there other
7 recommendations by McKinsey that the company implemented
8 that you simply don't recall what they were?

9 A I can't recall what I don't recall. But there may have
10 been.

11 Q All right. Fair enough. Do you recall an
12 Individualize the Dose campaign in around 2013? And I could
13 refer you to Paragraph 113 of the document that we're
14 looking at that might help.

15 A I don't recall that.

16 Q Okay. You don't recall at all an Individualize the
17 Dose campaign?

18 A Not at this moment. If you showed me a document, it
19 might bring it to mind.

20 Q Well, was there ever a point at which you ran a
21 campaign that would promote the titration of individuals,
22 individual dosages, from one level to another?

23 A Yes.

24 Q Okay. And in individualizing the dose... Well, you're
25 a medical doctor, sir, are you not?

1 A I am.

2 Q And so you're familiar with the phenomena, I guess I'll
3 call them, of opioid tolerance?

4 A I've heard about it. I think it's a disputed concept.

5 Q Okay. You dispute that people develop tolerance to
6 opioids?

7 A It's (indiscernible) because it is possible that some
8 do. But it is often misdiagnosed by physicians.

9 Q Okay.

10 A They say, oh, they're tolerant, so we've got to change
11 the (indiscernible) we have to do something else.

12 Q Okay. Is it true that at -- well, strike that. Dr.
13 Sackler, I'm just going to go through. I think we can skip
14 much of the rest of this. All right. I'm going to -- I
15 think we can put this document aside, and let me ask you,
16 you will have received, I think individually from your
17 counsel -- and maybe the plan is just to email it to you now
18 --

19 MR. JOSEPH: We will.

20 MR. EDMUNDS: It's not the most recent, Mr.
21 Joseph. Just so you know, I'll read the Bates number. It's
22 not a joint exhibit.

23 MR. JOSEPH: Is this the one you just emailed to
24 us?

25 MR. EDMUNDS: Nope. That's a different one. This

1 is from earlier.

2 MR. JOSEPH: Okay.

3 MR. EDMUNDS: It is PPLP UCC 9002378586.

4 MR. JOSEPH: One sec. Do we have it? Okay.

5 Found it. We'll email it. It's being emailed to you.

6 MR. EDMUNDS: Okay. Thank you.

7 BY MR. EDMUNDS:

8 Q Dr. Sackler, let me know when you've had a chance to
9 open it and have it in front of you.

10 A Yes. I'm looking (indiscernible).

11 MR. EDMUNDS: And may I get a copy? Is it...

12 BY MR. EDMUNDS:

13 A It has not come through yet.

14 Q Okay.

15 A It takes a minute or two. This is a server that's at
16 quite a distance, but (indiscernible). Okay. Opening it.

17 No. I don't (indiscernible). Okay. Okay. Yes. I

18 (indiscernible) management discussions, looks like Page 2 --

19 Q All right. This is an email about Board and management
20 discussions. And would you agree -- I think there may be --
21 there may be an email that follows it. I'm only concerned
22 with the first. This is an email from you to Peter Boer of
23 --

24 A (indiscernible) email dated (indiscernible) Oh, no.

25 (indiscernible) it's from the 8th.

1 Q Sir, if you would scroll down to the next page, or I
2 think maybe two pages, Dr. Sackler, you'll see your email
3 signature at the bottom of the text. Do you see that?

4 A I do.

5 Q Sir, do you agree with me that this is an email from
6 you to Peter Boer of December 30, 2010, at 1:06 PM?

7 A It appears to be so. Yes.

8 Q Okay. And can I ask you to just read down, there's a
9 discussion of how the company is organized. And I would ask
10 you to just tell me there's a sentence: "There seems to be
11 consensus that the role of the board and that of management
12 is blurred compared with the distinctions made by other
13 major corporations."

14 Do you see that?

15 A I do.

16 Q And no reason to believe you didn't send that to Mr.
17 Boer?

18 MR. JOSEPH: Objection; misleading.

19 THE COURT: I'm sorry. I don't understand.

20 MR. JOSEPH: Your Honor, the subject --

21 THE COURT: He's already --

22 MR. JOSEPH: I don't want to --

23 THE COURT: Let me -- Mr. Sackler's already
24 identified that this is his email, so I don't know if you're
25 getting at something other than that.

1 MR. JOSEPH: (Indiscernible) without the witness
2 listening, if I may, because I don't want to be cuing the
3 witness with the objection but this is misleading.

4 THE COURT: This what? I'm just -- it's not an
5 objection to the --

6 MR. JOSEPH: The subject of the email reflects a
7 text and comments --

8 THE COURT: All right.

9 MR. JOSEPH: -- on texts.

10 THE COURT: All right. Well, so it's really not
11 an objection to the question. It's an objection to the
12 questioning on this document?

13 MR. JOSEPH: He asked what the --

14 THE COURT: I think you can get at this on
15 redirect, Mr. Joseph.

16 Q I think I can just -- I think I hear Mr. Joseph, and I
17 will just let the email stand as identified and change the
18 question to did you write that sentence, Dr. Sackler?

19 A Which sentence again are you reading?

20 Q "There seems to be consensus that the role of the board
21 and that of management is blurred compared with the
22 distinctions made by other major corporations." Is that
23 your sentence?

24 A I see that, and the question is what? What's the
25 question about that?

1 Q You wrote that, right?

2 A I don't recall.

3 Q Okay. But this is an email -- no, okay. All right.

4 A It was a long time ago, too. I don't remember every
5 email --

6 Q Okay.

7 A -- from years ago, 11 years ago.

8 Q One moment, please.

9 MR. EDMUNDS: Court's indulgence.

10 (Pause)

11 MR. EDMUNDS: The email that Mr. Joseph, the most
12 recent document that Ms. Thomasson sent to you, could you
13 get that to Dr. Sackler, please?

14 MR. JOSEPH: Is this December 7 of 2008?

15 MR. EDMUNDS: Yes, sir.

16 MR. JOSEPH: Okay.

17 THE COURT: I'm not sure I have -- what exhibit is
18 that, Mr. Edmunds?

19 MR. EDMUNDS: It is -- I'm not sure the Court has
20 it either. I don't know. I just ask Ms. Thomasson if she's
21 listening to make sure that it does.

22 MR. JOSEPH: It's not marked as an exhibit on the
23 copy I've got.

24 MR. EDMUNDS: It's not in the joint exhibit book.

25 THE COURT: And I don't think it was sent to

1 chambers unless you have it, Mike?

2 MR. EDMUNDS: I don't --

3 THE COURT: I mean I printed that out. That's
4 what we've been discussing. But this is a different one, I
5 think.

6 MR. EDMUNDS: Your Honor, for the preceding one, I
7 should -- actually because it's not a joint exhibit, I would
8 move it into evidence.

9 THE COURT: Okay. We're talking about PPL UCC?
10 That one?

11 MR. EDMUNDS: That one was the previous one, yes.
12 And I'd move --

13 THE COURT: Is there any objection to its
14 admission?

15 MR. JOSEPH: No, Your Honor. Not to the document.

16 THE COURT: Okay. It's admitted with the next
17 number wherever you are up to the JO -- JX exhibits.

18 (JX Exhibit Entered Into Evidence)

19 MR. EDMUNDS: Okay. And --

20 THE COURT: And I do -- I think the other
21 documents NCSG001, is that the one you were looking at?

22 MR. JOSEPH: I believe you're correct, Your Honor.

23 MR. EDMUNDS: Mr. Joseph, I'm sorry, I didn't hear
24 you. I'm looking at a document that has the Bates number
25 PWG004493361.

1 THE COURT: No, I don't have that.

2 MR. EDMUNDS: Would Your Honor mind if I just read
3 it into the record if the witness has it and --

4 THE COURT: If it's short, yes.

5 MR. EDMUNDS: -- get it to the -- it is short.

6 THE COURT: Okay. Go ahead.

7 MR. EDMUNDS: An email.

8 Q All right. Dr. Sackler, do you have this -- have you
9 been able to get this document up? It's a document.

10 A Yes, I have the right PW number.

11 Q All right. And, I'm sorry.

12 A I'm looking at (indiscernible) of the document.

13 Q Doctor, I didn't hear.

14 A I am looking at the first page of the document.

15 Q Okay, thank you. Dr. Sackler, would you agree with me
16 that this is an email from you to Dr. Craig Landau of
17 December 7th, 2008?

18 MR. JOSEPH: Objection. There are four emails in
19 this document.

20 MR. EDMUNDS: The first one.

21 MR. JOSEPH: The last one? The one on the first
22 page?

23 MR. EDMUNDS: The one that is at the top of the
24 document.

25 Q Dr. Sackler, do you see a December 7th, 2008 9:52:31

1 p.m. email from you to Dr. Landau?

2 A I do. (Indiscernible).

3 Q Do you see it?

4 A Yes.

5 Q And did you send this email?

6 A It appears so.

7 Q Okay. And in the email, you discuss -- the subject
8 line is "Revised OTR Briefing Document." Does OTR refer to
9 the reformulation of OxyContin?

10 A Yes, it did.

11 Q Okay. And so is it fair to say that this email
12 discusses the reformulated OxyContin that Purdue brought to
13 market in about 2010?

14 A It refers apparently to a document.

15 Q An FDA document related to OTR. Is that right?

16 A It looks that way, yes.

17 Q Okay. And could you read paragraph 5 of the message?

18 A Yes.

19 Q And would you read it in the record, please?

20 A Paragraph 5 says -- can you hear me?

21 Q Yes.

22 A It has to be recorded. "The FDA isn't concerned about
23 profitability. But you can understand that we wouldn't do
24 this unless we believe that it may make a major difference."

25 Q Okay. And that is referring -- well, strike that. I

1 think -- Dr. Sackler, you can put that one aside. Let me
2 just ask you a couple of additional questions.

3 MR. JOSEPH: We would object and move to strike,
4 unless we're moving this into evidence, referring to matters
5 not in evidence.

6 MR. EDMUNDS: I'm sorry. I would move it into
7 evidence now as it's been authenticated and --

8 THE COURT: Okay. And I --

9 MR. EDMUNDS: -- Your Honor, I would move it --

10 THE COURT: We did get the document now, so I have
11 it too. Does anyone object to its admission? And I guess
12 it's just --

13 MR. JOSEPH: No.

14 THE COURT: -- this one email that's on the first
15 page.

16 MR. EDMUNDS: That's the only one that we're
17 moving, yes.

18 THE COURT: Okay. And, Mr. Joseph, you said --

19 MR. JOSEPH: No objection.

20 THE COURT: Okay. So it's admitted. It will
21 follow in the JX numbers that the last one --

22 MR. JOSEPH: Your Honor, I would ask that the
23 whole document be in just for context, if we may.

24 THE COURT: Okay. That's fine.

25 MR. EDMUNDS: Thank you.

1 (JX Exhibit Entered Into Evidence)

2 Q Dr. Sackler, are you aware that there is a website that
3 is maintained in your name currently of "Judge For
4 Yourselves," I believe dot-net?

5 A I'm aware of -- I'm aware there is a website or several
6 websites "Judge" -- I don't know whether the dot-net one is
7 our website that is -- it's not in my name. It's on behalf
8 of the Sackler Defendants, I guess. I'm not a lawyer, so I
9 really can't say who it's on behalf of. But I'm not sure
10 that the dot-net is the one that we control.

11 MR. HUEBNER: Your Honor, just to be clear, it's
12 by the B side only, not the A side.

13 MR. EDMUNDS: Wait, so the (indiscernible).
14 Sorry.

15 MR. HUEBNER: Mr. (indiscernible) just
16 (indiscernible). If my memory is right, I thought Mr.
17 Joseph was going to say it. I think that the B side one is
18 .info and the TD person's one is .com, but I'm not an expert
19 in this stuff. I don't (indiscernible) television, so
20 (indiscernible) correct.

21 MR. EDMUNDS: I just wasn't...

22 MR. HUEBNER: ...the interrogation.

23 MR. EDMUNDS: I believe that that is correct,
24 thank you, Mr. Huebner.

25 BY MR. EDMUNDS:

1 Q Dr. Sackler, your family, the Raymond Sackler Family,
2 maintains a website at Judgeforyourselves.info, is that
3 correct?

4 A I was not involved in setting up the website, so I
5 really -- and I haven't looked at it extensively. I've
6 glanced at it two times to just look at the table of
7 contents. So, I (indiscernible) really testify about what's
8 on it.

9 Q Alright. Well, do you know who set it up?

10 A No, I don't know who actually set it up.

11 Q Do you know who maintains it?

12 A I don't.

13 Q Have you ever...I mean the website is in your name,
14 right? It's in -- your father was Raymond Sackler, is that
15 right?

16 A Yes.

17 Q And it refers to the Raymond Sackler Family of which
18 you are an important member, is that right?

19 A Yes.

20 Q Who are the other members who are still living today
21 who might set up such a website?

22 A There are quite a -- quite a few grandchildren, but
23 there are no other direct descendants other than me.

24 Q What about your son, his -- I'm sorry, you're referring
25 to Raymond Sackler's grandchildren.

1 A First generation defendants.

2 Q I see.

3 A Descendants, sorry. Defendants is descendants.

4 Q When you said grandchildren, you meant Raymond
5 Sackler's grandchildren, is that right, your father's
6 grandchildren?

7 A Yes.

8 Q Alright. Did you ever -- I know you said you can't
9 testify as to what's on it, but did you ever make any
10 inquiry regarding a website being maintained publicly in
11 your family's name?

12 A I heard about it, but I don't think I made any
13 inquiries.

14 Q Alright. Who told you about it?

15 A I don't know that I can testify to that because
16 (indiscernible) conversation.

17 Q Okay. You mean an attorney informed you that the
18 website...

19 A The website (indiscernible) conversation unless my
20 attorney directs me to (indiscernible).

21 Q Please, just indicate who told you that the website
22 exists.

23 A David Goldman.

24 Q Okay. And is that your attorney?

25 A No. He's employed by Mr. Joseph's firm I believe.

1 Q Alright. So, he was one of -- okay. Is it your
2 understanding that Mr. Joseph's firm maintains the website?

3 A I don't have an understanding.

4 MR. JOSEPH: I can assure you that is not the case
5 nor would we be competent to do it.

6 MR. EDMUNDS: Just trying to find out.

7 BY MR. EDMUNDS:

8 Q Alright. Well, did Mr. Goldman tell you who maintains
9 the website?

10 A Did he? Mr. Goldman? I'm sorry, I miss --
11 (indiscernible) perhaps (indiscernible). David Golden.

12 Q Oh, okay. That's...

13 A The (indiscernible) he maintains it? I don't recall.

14 Q Alright. Very well.

15 MR. EDMUNDS: Thank you, Dr. Sackler. No further
16 questions, Your Honor.

17 THE COURT: Okay, does anyone else want to examine
18 Dr. Sackler before cross by Mr. Joseph? Mr. Ozment, I take
19 it you do?

20 MR. OZMENT: Yes, sir. Very briefly.

21 THE COURT: Okay.

22 CROSS-EXAMINATION OF RICHARD SACKLER

23 BY MR. OZMENT:

24 Q Dr. Sackler, my name is Frank Ozment, and I represent
25 some individual claimants who are still alive and who are in

1 active recovery from opioid use disorder. Did you ever
2 practice medicine?

3 A I did.

4 Q And would you agree with me that opioid use disorder is
5 an illness?

6 A I (indiscernible).

7 Q And when you were practicing medicine or after that,
8 did you ever work with the concept of triage?

9 A Well, triage -- the concept of triage I'm familiar
10 with.

11 Q Okay. Go ahead.

12 A But only in the context of opioid use disorder.

13 Q I understand. Your involvement with opioid use
14 disorder would have postdated your involvement with actual
15 medical practice, right?

16 A Yes.

17 Q Okay.

18 A (Indiscernible) term.

19 Q So can we take as a working definition of triage that
20 that's when you're using limited resources to maximize the
21 recovery of the patients?

22 A I'm willing to do that.

23 Q Does that sound fair to you? Does that sound okay?

24 A I understand what you're saying. I don't -- I can't
25 give a comment on what it means. But --

1 Q Okay. Well, I guess my point is as your work as a
2 physician, as a pharmaceutical executive, is it appropriate
3 to focus resources on living patients what we're trying to
4 do is to stop opioid use disorder?

5 A That seems on the surface to make sense, yes.

6 Q Okay. In the cross-examination from Mr. Edmunds, he
7 had some questions about agreements made around the same
8 time that Purdue pleaded guilty in November 2020. And I
9 think that was a portion of your testimony where at least I
10 was having some difficulty understanding exactly what you're
11 saying, and so I want to go back and revisit that very
12 briefly if I may, okay?

13 You talked at length with Mr. Edmunds about the written
14 plea agreement. And my questions aren't going to be focused
15 on the written plea agreement that you discussed with him at
16 length, okay. I just want to probe your recollection about
17 any other agreements that may have been or may not have been
18 executed or entered into around that time, okay? So I'm not
19 talking about the written plea agreement.

20 A It would help me if you just remind me about when that
21 plea agreement was entered into.

22 Q The one I'm talking about is November of 2020.

23 A Thank you.

24 Q Yeah, not the 2007 document. As you sit here today, do
25 you recall whether there were any side agreements regarding

1 whether the United States would require Purdue to pay for
2 the medical treatment of opioid use disorder patients?

3 A I don't recall.

4 Q Okay. And I think we're going to have similar answers
5 to the other two questions, but I'm going to ask them just
6 in case, all right.

7 MR. JOSEPH: Mr. Ozment, just --

8 MR. OZMENT: Yes.

9 MR. JOSEPH: -- just to be clear, Mr. Sackler
10 wasn't a party to that agreement. That's a Purdue
11 agreement, and he wasn't on the board then.

12 MR. OZMENT: I understand.

13 MR. JOSEPH: Okay.

14 MR. OZMENT: But in his -- as I --

15 MR. JOSEPH: I'm not trying to interfere. I'm
16 just trying to provide context.

17 MR. OZMENT: Thank you. And I guess what I'm --
18 he spoke about some other agreements, and I just wanted to
19 see if he had any recollection of other agreements, and I
20 think the answer is no. But I want to clarify that in light
21 of what he testified to.

22 MR. JOSEPH: Yeah. I'll just state for the record
23 I don't recall any testimony about other agreements, but
24 it's fine. Please you may proceed.

25 BY MR. OZMENT:

1 Q Do you recall anything about other agreements made with
2 the United States regarding vocational treatment or
3 vocational rehabilitation, rather, for opioid use disorder
4 patients?

5 A I have no recollection.

6 Q Okay.

7 A I think I probably have no knowledge of that.

8 Q Okay. But as you sit here now, you don't know whether
9 there were or there weren't?

10 A I don't know.

11 Q Okay. Thank you. Did you have any recollection or do
12 you have any recollection regarding whether there was any
13 agreement with the United States on whether the United
14 States would seek liens for those victims under mandatory
15 Victim Restitution Act?

16 A I don't think I was involved with any -- anybody on the
17 board who might have known about that. But I certainly
18 didn't.

19 MR. OZMENT: Okay. Thank you. That's all I have,
20 Your Honor.

21 THE COURT: Okay. All right.

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

24 THE COURT: Sure. You can go ahead.

25 MR. ROBINSON O'NEILL: And just to be -- for the

1 Court, I mean I'm one of the objecting states so I think
2 this is direct, as well, and cross for the State of
3 Washington just --

4 MR. JOSEPH: If it's hostile, I'm not going to
5 object to leading.

6 MR. ROBINSON O'NEILL: Okay.

7 MR. HUEBNER: Sure. Mr. O'Neill, just one
8 procedural question with the (indiscernible). Knowing that
9 it is 1:00, if it's not prejudiced (indiscernible) answer,
10 do you have any sense of how long you think it will be going
11 just so that people can sort of figure out sort of bio
12 breaks and lunch breaks and the like?

13 MR. ROBINSON O'NEILL: Your Honor, what were you
14 planning on in terms of a lunch break, one?

15 THE COURT: 1:30, 2:00.

16 MR. ROBINSON O'NEILL: 12:30 or --

17 THE COURT: 1:00.

18 MR. ROBINSON O'NEILL: -- 1:30?

19 THE COURT: 1:30, 2:00.

20 MR. ROBINSON O'NEILL: I don't have a sense
21 whether I can finish in that 30 minutes. It's about that, I
22 would say.

23 THE COURT: Well, go ahead.

24 CROSS-EXAMINATION OF RICHARD SACKLER

25 BY MR. ROBINSON O'NEILL:

1 Q Good afternoon, Dr. Sackler. I'm Tad Robinson O'Neill
2 from the State of Washington. Can you hear me okay?

3 A I can hear you clearly. I hope you can hear me. I
4 hope you can hear me.

5 Q I can hear you, sir. Thank you.

6 Have you -- now you understand that you're here in this
7 court asking the Court to approve a confirmation plan in
8 which you and your family members will be released from all
9 future suits. Is that correct?

10 A I have a general understanding of that.

11 Q And is your understanding square with the way I've just
12 described it?

13 A I think it does, yes.

14 Q Okay. Are you -- and part of that's going to require
15 the Sackler Family Side A and Side B to pay \$4.325 billion.
16 Do you understand that?

17 A I can't testify as to the total, but I understand it is
18 about that. Yes.

19 Q And actually, one thing that I just wanted to clear in
20 my own head, you've referred to the two branches of the
21 Sackler Family as Side A and Side B. That comes from the
22 classification on the board of directors, is that correct,
23 so that Class A directors are a member of Side A Family and
24 Class B directors are a member of the Side B Family?

25 A Yes.

1 MR. HUEBNER: Your Honor, just with apologies,
2 objection; assumes facts not in evidence. That was true at
3 a point in time, but it's most assuredly not true anymore.
4 Mr. O'Neill used the present tense, and it's actually quite
5 important to us that that's not true anymore. So I would
6 ask that he just rephrase his question which I hope he'll be
7 happy to do.

8 Q With Mr. Huebner's --

9 THE COURT: When you were on the board, Dr.
10 Sackler, is that how the -- was that the origin of the
11 classification of the directors?

12 A I believe it was, yes.

13 Q Mr. Sackler, are you going to be personally
14 contributing any of your own assets to the settlement
15 payments over the next nine to ten years?

16 A I don't know -- I don't believe that's been decided
17 yet.

18 Q Okay. It is true that at least in part the money that
19 would be paid under those payment terms are intended to come
20 from the sale of the IACs or independent affiliated
21 companies. Is that correct?

22 A The sales of those companies may or may not play a role
23 in honoring this obligation if it is entered into.

24 Q Okay. And those IACs are currently owned by the trusts
25 of which you are a beneficiary. Is that correct?

1 A Not all of them are owned by a trust of which I am the
2 beneficiary. Some of them are.

3 Q And the other ones, who owns the other ones that are
4 not owned by trusts of which you are a beneficiary?

5 A I don't know which trusts are guaranteed performance so
6 I can't answer your question.

7 Q All right. Thank you. Now you -- I believe it's your
8 position that you as a member of the board of directors of
9 Purdue Pharma complied with your legal obligations to
10 oversee that entity. Is that correct?

11 A Just restate the question so I have a better chance of
12 -- best chance of answering it.

13 Q It's your position, Dr. Sackler, that as a member of
14 the board of directors of Purdue Pharma you complied with
15 your legal obligations to oversee that entity. Is that
16 correct?

17 A Yes.

18 Q One of those obligations was to monitor what were
19 called --

20 MAN 1: (Indiscernible).

21 MR. ROBINSON O'NEILL: I'm sorry. I didn't
22 understand that.

23 A Nor did I.

24 MR. JOSEPH: (Indiscernible) anybody on that's
25 visible said it.

1 MR. ROBINSON O'NEILL: Okay.

2 THE COURT: You can go ahead, Mr. O'Neill.

3 Q One of those obligations was to monitor compliance
4 reports that were prepared by management. Is that correct?

5 A I don't know if the word "monitor" is appropriate. To
6 take heed of, yes. Monitor, I don't know what you mean.

7 Q Okay. Did you take heed of those compliance reports?

8 A We did.

9 Q Do you know how many -- and this is a term of art, I
10 believe, from those compliance reports. Do you recognize
11 the term "significant compliance issues?"

12 A In the context of these reports?

13 Q That's correct.

14 A I believe I understand.

15 Q Do you know from 2007 until 2018 when you left the
16 board how many of those compliance reports found that there
17 was a significant compliance issue?

18 A I do not know. I can't --

19 Q Would it --

20 A I can't recall.

21 Q Would it surprise you that --

22 A I can't --

23 Q I'm sorry. I didn't mean to interrupt. I apologize.

24 A That's okay. I interrupted your previous question.

25 Q Would it surprise you to know that there are no

1 significant compliance issues that were identified by
2 your -- by the management between 2007 and 2018 when you
3 left the board?

4 A No.

5 Q And it's in that same time period that Purdue Pharma --

6 A May I answer --

7 Q Go ahead.

8 A -- would it surprise me? The answer is
9 (indiscernible).

10 THE COURT: I'm sorry. That didn't come through
11 clearly, Dr. Sackler.

12 Q Yeah.

13 THE COURT: If you can just state it again.

14 A I am not surprised there were no significant compliance
15 issues. I can't recall (indiscernible), but certainly not
16 surprised.

17 Q And it's in that same time period, 2007 until 2017 that
18 was covered in the Purdue guilty pleas. Is that correct?

19 A You're talking about Purdue Pharma's plea?

20 Q That's right. Its criminal conviction, guilty plea.

21 A No. Just restate the question, please.

22 Q You're aware, Dr. Sackler, that that time period that I
23 just described in which there were no significant issues
24 identified by your compliance department is the same period
25 of time covered by the conduct described in the Purdue's

1 guilty plea that was entered in 2020?

2 A I'm not an attorney, but within the limits of a
3 layman's understanding, the answer is yes.

4 Q And I assume that if you had known the criminal conduct
5 committed by the board -- I'm sorry, by Purdue Pharma, you
6 would have taken some corrective action. Is that correct?

7 A Correct.

8 Q I'm sorry. I did not hear your answer.

9 A Yes.

10 Q Would you agree with me that your compliance department
11 completely missed the illegal conduct that led to the
12 criminal conviction of Purdue Pharma?

13 A I don't know what you mean by missed.

14 Q They didn't (indiscernible).

15 A I'm sorry. You were cut out on my --

16 Q Purdue Pharma's management did not call to your
17 attention the illegal conduct that led to their criminal
18 conviction, did they?

19 A That's correct.

20 Q That's not --

21 A They did not.

22 Q And that's not the first time that happened because the
23 same thing could be said of the criminal conviction in 2007.
24 Isn't that right, Dr. Sackler?

25 A I don't recall.

1 Q You think that the board received reports from Purdue's
2 management prior to the 2007 conviction that Purdue was
3 engaged in illegal activity?

4 A I believe so, but I can't recall whether any activity
5 was brought to our attention would have -- it certainly
6 wouldn't have been brought to our attention (indiscernible)
7 -- you know -- you know, board, hear this, this is criminal.
8 Certainly not because I would have remembered that and I
9 would remember that (indiscernible) detail of what activity
10 -- what decision might have been as a result of that. But I
11 -- I can't recall a period as to what we were -- I can't
12 recall compliance reports. They're not shown to me.

13 Q Fair enough. I won't ask you about the specifics.

14 A Okay.

15 Q But there is compliance reports. There are, as you
16 might imagine, a lot of them. In addition to the criminal
17 plea agreements, is it also true that you were on the board
18 in 2015 and approved the settlement with the State of
19 Kentucky in which the Purdue Pharma paid \$24 million to
20 resolve unlawful and unfair deceptive trade practice
21 allegations against Purdue Pharma?

22 A Is your question was I on the board?

23 Q Yes.

24 A Yes, I was on for that.

25 Q And you approved that settlement?

1 A The board. Yes, the board approved that settlement.

2 Q It's also true that in 2019, Purdue entered a
3 settlement agreement with the State of Oklahoma. Is that
4 correct?

5 A Yes. I believe so.

6 Q And the Sackler Family -- that was shortly before trial
7 was to commence. Is that correct?

8 A Yes, that's my recollection.

9 Q And the Sackler Family contributed I think \$75 million
10 to that settlement. Is that correct?

11 A I don't recall the exact.

12 Q But it was --

13 A It was a -- it was a contribution, yes.

14 Q Did you contribute any of your own money to that
15 Oklahoma settlement?

16 A I don't recall.

17 Q Do you remember the amount of money that Purdue Pharma
18 paid as part of that settlement?

19 A I don't recall.

20 Q Mr. Sackler, Purdue Pharma has entered into multiple
21 settlements with different states. It has entered two
22 guilty pleas. Three of its executives have been convicted
23 of criminal charges, all of those while you were the
24 director of the company. Is that correct?

25 A Just restate the question, please, and I'll do my best

1 to answer it.

2 Q Purdue Pharma has entered into multiple settlements
3 with different states. It has entered into two guilty pleas
4 with the federal government. Three of its executives have
5 been convicted of criminal charges. And all of that
6 occurred while you were the director or the conduct occurred
7 while you were the director of Purdue Pharma. Is that
8 correct?

9 MR. JOSEPH: A director.

10 Q A -- excuse me, a director.

11 THE COURT: You mean the conduct covered by those
12 settlements?

13 MR. ROBINSON O'NEILL: That's correct.

14 THE COURT: Okay.

15 A That's correct. I was director, and I cannot count up
16 all the settlements that the company entered into while I
17 was a director. But there were many settlements, both
18 private and public.

19 Q Mr. Sackler, you understand that you're asking for
20 global peace, that is a non-consensual release of the claims
21 of nine objecting states in this -- and part of this
22 confirmation plan? You understand that that's your request?

23 A I would say comprehensive peace, not global because
24 global has been misconstrued (indiscernible).

25 MR. JOSEPH: Come closer to the microphone,

1 please.

2 A Comprehensive peace, yes.

3 Q And is it your testimony that if the Court were to
4 allow the nine objecting states to opt out that you would
5 not agree to the settlement?

6 A That's correct.

7 Q Mr. Sackler, I'm going to ask you some questions about
8 a non-opioid product, Adhansia. Do you know what Adhansia
9 is?

10 A I don't recall at this point.

11 Q Are you aware that Purdue Pharma launched that drug
12 called Adhansia before you left the board in 2018?

13 A I'm reminded of the name, but I don't recall the drug.

14 Q It may have had a different name when it was launched,
15 but this is a drug that treats a condition called attention
16 deficit hyperactivity disorder or ADHD. Does that remind
17 you or re-familiarize yourself with that drug?

18 A I don't remember what the molecular name was, but I do
19 recollect that that may have been during my tenure
20 (indiscernible). Yes.

21 Q And the same -- this is a molecule that's in other
22 brand-name drugs like, for example, Ritalin. Is that what's
23 consistent with your memory?

24 A I don't remember whether it was the same generic as
25 Ritalin, but it may have been.

1 Q And what's different about Adhansia is that it has a
2 delayed release mechanism so that it can be dosed for 16
3 hours. Does that sound familiar?

4 A It does. Thank you --

5 Q And --

6 A -- for probing my memory.

7 Q Fair enough. Are you aware that Adhansia carries a box
8 warning that it carries a high potential for abuse and
9 dependence?

10 A I don't recollect that, no.

11 Q Your understanding of what comprehensive peace would be
12 would be inclusion of any allegations related to your
13 conduct on the board when this drug was launched. Is that
14 correct?

15 A Yes.

16 Q Now none of the complaints that have been filed by the
17 states address Adhansia, marketing for Adhansia, or the
18 clinical trials related to Adhansia. Do they?

19 A Is there a question there or a statement?

20 Q Do they? Are you aware of any allegations in any of
21 the state complaints about Purdue's Adhansia drug?

22 A I am not aware of any, but I don't know.

23 Q In the context of pharmaceuticals, is there often a
24 delay between the launch of (indiscernible) product
25 liability lawsuits?

1 MR. JOSEPH: You cut off for a moment, Mr.

2 O'Neill.

3 MR. ROBINSON O'NEILL: I'm sorry. I apologize.

4 Q Is there often a delay between the launch of a drug and
5 product liability lawsuits?

6 A There must be. I don't see how somebody could sue
7 before the drug is introduced, but I'm not a lawyer. So the
8 answer, direct answer to your direct question is, yes,
9 there's a delay.

10 Q All right. Mr. Sackler, is the Sackler Family -- well,
11 let me ask you about yourself. Do you have any responsible
12 for the opioid crisis in the United States?

13 A No.

14 Q Does the Sackler Family have any responsibility for the
15 opioid crisis in the United States?

16 A No.

17 Q Does Purdue Pharma have any responsible for the opioid
18 crisis in the United States?

19 A No.

20 MR. ROBINSON O'NEILL: I have no more questions.

21 Thank you.

22 THE COURT: Okay. Anyone else on direct?

23 MR. HIGGINS: Your Honor, this is Ben Higgins for
24 the United States Trustee. I had a few questions, if that's
25 okay.

1 THE COURT: Sure. That's fine.

2 MR. HIGGINS: Thank you.

3 CROSS-EXAMINATION OF RICHARD SACKLER

4 BY MR. HIGGINS:

5 Q Good afternoon, Dr. Sackler. My name is Benjamin
6 Higgins, and I represent the United States Trustee. Can you
7 hear me okay?

8 A I hear you clearly. I hope you hear me.

9 Q I do. I do. I'm trying out the headphones to make
10 sure I can hear you okay. You testified a minute ago
11 regarding the release that Mr. O'Neill brought up. Can I
12 just ask you first have you listened to any of the trial so
13 far prior to today?

14 A I have.

15 Q And have you heard some of the discussion about
16 concepts such as global peace and global finality that some
17 of the witnesses have brought up?

18 A Yes. I've also thought that there sometimes was
19 confusion in what the word "global" means.

20 Q Sure. Well, I would like to focus on your
21 understanding of the releases that you're requesting. I
22 believe you called them comprehensive or comprehensive peace
23 a few minutes ago. Is that right?

24 A Yes.

25 Q Is it your understanding that if someone has a claim

1 against you or your family that is in any way related to the
2 debtors, that's being released under this plan?

3 A I am not certain I understand your question. So if you
4 could rephrase it, it might help it.

5 Q Sure. I'm trying to get a sense of your understanding
6 of the scope of the release. And my question is it your
7 understanding that claims against you that are related to
8 the debtors in any way are being released under the plan?

9 A This is a legal issue, and the release is a legal
10 document. And I'm not a lawyer, so I can't say yes or no.
11 I'm advised by lawyers.

12 MR. JOSEPH: Do not get into advice by lawyers.

13 Q Without getting into advice from your lawyers, can you
14 tell me what your understanding of a comprehensive release
15 is?

16 A My understanding is a comprehensive release will
17 comprehensively cover any claim against the family related
18 to their board service or otherwise on the -- on the board
19 or on any other board in the United States. I believe it's
20 limited to the U.S.

21 Q The release releases parties who did not serve on the
22 board. Is that correct?

23 A Yes. You are correct, yes.

24 Q The release releases conduct related to the debtors'
25 non-opioid products. Is that right?

1 A Yes.

2 Q So if there are any claims related to the ADHD
3 medication that Mr. O'Neill was asking you about, those
4 claims would be released also, correct?

5 A That's my understanding.

6 Q And I want to get your understanding with respect to
7 how you said it was limited to the U.S. There is some
8 language in the release that includes claims regardless of
9 where in the world those claims arose. So I just want to
10 understand your understanding. Can you explain to me what
11 you understand the limitation to be with respect to the
12 United States and other places in the world?

13 A I am not an attorney, and I'm advised by counsel.

14 MR. JOSEPH: Please don't get into legal -- were
15 you done?

16 THE WITNESS: I was done.

17 MR. JOSEPH: Okay.

18 Q So you don't have -- you can't speak to your
19 understanding as to the limitation with respect to
20 geography?

21 A I really can't. No.

22 Q Is it your understanding that the release includes
23 claims related to the future use or misuse of opioids?

24 A I cannot.

25 Q The release includes -- would release claims for fraud.

1 Isn't that correct?

2 A I don't know that. I'm not denying or agreeing with
3 your (indiscernible), but I just don't know.

4 Q Have you read the language of the release?

5 A It is an extremely dense document. I've read a page or
6 two and realized that it would take me an enormous amount of
7 time to fully understand. That's all I've read.

8 Q You testified a few moments ago that your understanding
9 of what a comprehensive release -- and I apologize if I'm
10 misstating, but I believe you said to the extent there's any
11 liability for your service on the board, that would be
12 released. Is that part of your understanding of what a
13 comprehensive release is?

14 A But not limited to my service on the board. But I
15 cannot fully give an opinion as to what the board wouldn't
16 cover.

17 Q Okay. To the extent that there were claims for fraud
18 against you or other members of your family, is it your
19 understanding that they would be released under this plan?

20 A I don't know.

21 Q Are you familiar with the list of parties getting
22 released and the way the plan describes and defines the
23 parties who are getting released?

24 A I am not.

25 Q Have you seen the list of parties getting releases?

1 A At one point I saw and I have no idea, I saw a listing
2 of some of the parties, most of whom I did not recognize the
3 names of immediately. I would have had to have studied it
4 to figure out (indiscernible) much more --

5 MR. JOSEPH: Come closer to the microphone.

6 A Okay. The answer to the question -- I'm sorry, just
7 restate the question. I'll try to answer (indiscernible).

8 Q Have you seen the list of parties receiving releases
9 under the plan?

10 A I saw a email from counsel, so I guess I shouldn't talk
11 about it.

12 MR. JOSEPH: You can state whether you've seen the
13 list. That's fine. Go ahead.

14 A I've seen a list a few months ago.

15 MR. HIGGINS: Mr. Joseph, does Dr. Sackler have a
16 copy of the disclosure statement with him?

17 MR. HIGGINS: I do not believe that was requested,
18 Mr. Higgins. We would have provided it, but I apologize.
19 We weren't asked, and we did not provide it. And he's at
20 home. He's not with us.

21 Q Dr. Sackler, were you -- did you provides name of
22 parties to be included on the list of released parties?

23 A I don't recollect that I gave any names. I left that
24 to the lawyers.

25 Q Are you aware that the list --

1 MR. JOSEPH: Excuse me. I believe you said "I
2 left that to the lawyers."

3 A Yes.

4 MR. JOSEPH: Okay. (Indiscernible) sent to the
5 board. I just want to make sure it's clear. Please come
6 closer to the -- come closer to the mic. Come closer to the
7 mic.

8 A Okay.

9 Q Are you aware that the list of released parties
10 includes hundreds of names of identified parties and
11 entities that are getting released under the plan?

12 A I think I heard that -- that. I didn't know before the
13 trial that is now running that I'm testifying at. I didn't
14 know how many people were released. But in the trial, I
15 heard -- I heard a number that sounded like hundreds, yes.
16 But I don't recall exactly who testified or what they said.
17 Aside -- I didn't know prior to that know that it's
18 hundreds.

19 Q You and your family have committed to paying in excess
20 of \$4 billion under the plan. Is that right?

21 A That's correct.

22 Q And part of the quid pro quo in exchange for that money
23 is you and your family will be receiving released. Is that
24 correct?

25 A That is correct.

1 Q But is it your testimony here today that you didn't
2 have any input on who those released parties would be
3 despite the fact that you're paying over \$4 billion to have
4 those releases?

5 A I was confident it would include the family and several
6 or perhaps many other people. But I had no input beyond
7 that knowledge. And I didn't suggest the releases, no. I
8 did not (indiscernible).

9 Q Are you aware that the -- did you listen to the
10 testimony of Stephen Ives and Garrett Lynam?

11 A I believe, yes. The answer is, yes, I did.

12 Q Did you hear them both testify that the list includes
13 parties who are not making any financial contribution to the
14 plan?

15 A I -- I think I remember one of them, but I can't tell
16 you which one who said it. It may have been said twice. I
17 don't have a transcript or anything to refer to.

18 Q Do you know that there are parties on the list who are
19 making no financial contribution to the plan?

20 A Yes.

21 Q Mr. O'Neill asked you about whether or not any of your
22 own assets are being sold to fund the plan payment. And I
23 apologize if I'm misstating that. Did you say that that
24 decision hasn't been decided yet?

25 A I'm sorry. Just rephrase the question. I kind of lost

1 you.

2 Q Sure. Did you testify that it hasn't been decided yet
3 whether any of your own personal assets will be sold?

4 A (Indiscernible) referring to me personal assets
5 excluding my assets such as they are in trusts. I was
6 speaking to my (indiscernible) account, not --

7 Q Sure. And I apologize. I got distracted. The lights
8 went on on me for a second there. But so I understand your
9 testimony correctly, as of your assets that are not part of
10 the trusts, you don't know yet whether those will be part of
11 the payment under the -- whether you'll have to make any
12 payments under those assets. Is that correct?

13 A Yes. I don't know yet.

14 Q Under the plan, your family would be required to pay
15 money out over a nine-year period. Is that right?

16 A Maximum nine or ten years. I've heard both stated.
17 Yes, that is correct.

18 Q To your knowledge, has any advisor performed any
19 evaluation of the expected value of your family's assets
20 over that period?

21 A Not to my knowledge.

22 Q And you're not aware of any evaluation of the expected
23 value of your family's assets over that period?

24 A That's correct.

25 Q Thank you, Dr. Sackler.

1 MR. HIGGINS: No further questions, Your Honor.

2 THE COURT: Okay.

3 MR. HUEBNER: Your Honor, it's Marshall Huebner.

4 One quick note before we break for lunch. I'd like to thank
5 Mr. Edmunds, Mr. O'Neill, and Mr. Higgins for using wired
6 headsets today. It actually made a tremendous difference.
7 Somehow Mr. Joseph can always be heard, but for no one else
8 does that actually seem possible most of the time.

9 I would ask just as sort of helper of all that
10 where possible going forward if people had the ability to
11 use headsets, it will I think make for just a
12 (indiscernible) audio experience including for the public
13 who are trying very hard to get access to these proceedings.

14 THE COURT: That includes witnesses.

15 So, look, it's about 20 of 2.

16 MR. GOLDMAN: Your Honor?

17 THE COURT: I'm not ending this testimony. I'm
18 just thinking it may make sense to break for lunch. But,
19 Mr. Goldman, you were raising your hand?

20 MR. GOLDMAN: Yes, Your Honor. It's fine if we
21 break now as long as I have an opportunity to ask the
22 questions after the lunch break.

23 THE COURT: Yeah, that's fine.

24 MR. GOLDMAN: Irve Goldman, State of -- Pullman
25 Comley from the State of Connecticut.

1 THE COURT: Yeah. I think we should break at this
2 point. I'm not sure there's a lengthy period, but we do
3 still have cross. So we'll break until 2:30.

4 And, Mr. Sackler, although obviously you can have
5 lunch, you shouldn't talk about your testimony with anyone
6 during that period.

7 THE WITNESS: Mm hmm.

8 THE COURT: Okay. Very well. So 2:30 New York
9 time.

10 (Recess)

11 THE COURT: All right. Good afternoon. This is
12 Judge Drain. We are back on the record in In re Purdue
13 Pharma L.P. Dr. Sackler is being examined still.

14 Dr. Sackler, you understand that you are still
15 under oath?

16 THE WITNESS: (indiscernible).

17 THE COURT: Okay. And I think when we left off,
18 the next person who was going to question Dr. Sackler on
19 direct was Mr. Goldman, right?

20 MR. GOLDMAN: Yes, Your Honor.

21 THE COURT: Okay.

22 MR. GOLDMAN: May I proceed?

23 THE COURT: Yes.

24 MR. GOLDMAN: Yes. Irve Goldman of the firm of
25 Pullman & Comley representing the State of Connecticut.

1 DIRECT EXAMINATION OF RICHARD SACKLER

2 BY MR. GOLDMAN:

3 Q Good afternoon, Dr. Sackler.

4 A Good afternoon.

5 Q I just have one -- or expect to have just one question
6 to you. Other than members of the Sackler family or trusts
7 in which they may be beneficiaries, are you aware of any
8 person or entity that will be contributing monetarily to the
9 more than \$4 billion in settlement payments that are
10 contemplated by Purdue's plan?

11 A I am not aware of any.

12 MR. GOLDMAN: I have no further questions, Your
13 Honor.

14 THE COURT: Okay, thank you. All right. Mr.
15 Underwood, did you have questions?

16 MR. UNDERWOOD: Very, very briefly, Your Honor.

17 THE COURT: Okay.

18 MR. UNDERWOOD: Thank you.

19 DIRECT EXAMINATION OF RICHARD SACKLER

20 BY MR. UNDERWOOD:

21 Q Dr. Sackler, my name is Allen Underwood and I represent
22 certain Canadian municipalities and First Nations creditors
23 with regard to this matter.

24 First question, Dr. Sackler, do you agree that
25 significant worldwide Sackler family assets are being

1 dedicated to U.S. state, municipal, and tribal abatement
2 under the proposed plan?

3 A I don't know of any.

4 Q Are you aware, for instance, that in terms of the
5 Independent Associated Companies, the IACs, that the value
6 of those companies upon sale may be contributed to the
7 trusts for the benefit of the U.S. opioid abatement?

8 A That is my understanding. They may be, yes.

9 Q Okay. Dr. Sackler, are you aware of any similar
10 abatement plan for the Canadian provinces, municipalities,
11 and first nation tribes?

12 A I am not.

13 Q And isn't it in fact correct that there is no abatement
14 plan for Canada under this plan?

15 A I do not know.

16 Q Do you agree that Purdue Canada entities are IACs,
17 Independent Associated Companies under the proposed plan?

18 A Yes.

19 Q And isn't it true that the net asset value of the IACs
20 that constitute Purdue Canada will be dedicated to U.S.
21 atonement under the U.S. plan and not to any Canadian
22 abatement?

23 MR. JOSEPH: Objection. Asked and answered. He
24 has already answered that IACs may be contributed to the
25 abatement.

1 THE COURT: Right. I don't think you're asking
2 anything new, Mr. Underwood. Maybe I'm missing something.

3 MR. UNDERWOOD: Okay.

4 BY MR. UNDERWOOD:

5 Q So that being taken, Dr. Sackler -- and this is a very
6 broad question -- do you feel that the fact that they're not
7 included within any abatement process before this Court is -
8 - meaning the Canadian provinces, municipalities, and first
9 nation -- do you feel that's fair?

10 MR. JOSEPH: Objection.

11 THE COURT: On what basis?

12 MR. JOSEPH: Relevance. Whether he thinks it's
13 fair, the plan is the plan. And do we need to dedicate it
14 to non-U.S. entities that we're not talking about --

15 THE COURT: Well, I --

16 MR. UNDERWOOD: I could give you some background,
17 Your Honor, of where that's coming from.

18 THE COURT: Yeah. I mean, I think -- I mean,
19 you're asking is it -- I don't know whether you're asking
20 whether -- from what perspective, from his own perspective
21 as a legal matter. When you say fair, there are a lot of
22 different ways one can position oneself to see fair.

23 MR. UNDERWOOD: Understood. And I would only
24 expect from Dr. Sackler an answer as to himself personally.

25 THE COURT: So such as would he prefer it if the

1 money went also for abatement in Canada? I'm just trying to
2 understand. Is it with respect to the settlement?

3 MR. UNDERWOOD: Correct. The settlement the trust
4 established under the plan.

5 THE COURT: The settlement money.

6 MR. UNDERWOOD: Right, the fact that the NOATs
7 don't address the Canadian abatement claims.

8 THE COURT: Okay.

9 BY MR. UNDERWOOD:

10 Q So to rephrase, Dr. Sackler, and appreciate your
11 patience --

12 MR. HUEBNER: Your Honor, with apologies, let me
13 just help with a different objection before he rephrases.
14 This time he included for the first time in a couple weeks
15 the word provinces in his questions.

16 The provinces, as the Court knows, we have a
17 stipulation with. Mr. Underwood does have the clients that
18 are provinces. So I would ask that you just focus if you
19 don't mind on that distinction in your line of questioning
20 so we can know what we're talking about. Because those
21 claims are withdrawn voluntarily pursuant to a court-
22 approved stipulation.

23 THE COURT: All right.

24 MR. UNDERWOOD: No, I know exactly -- I know
25 exactly what I'm talking about. And I am including the

1 provinces because I don't believe that there is any Canadian
2 entity that's receiving benefit under this plan.

3 THE COURT: Well, but I think actually Mr. Huebner
4 makes a fair point. I guess the provinces have made their
5 own determination on that issue. So I think the question
6 should be rephrased to reflect I guess the following.
7 Correct me if this is not what you have intended, Mr.
8 Underwood.

9 Is it in Dr. Sackler's view fair that the proceeds
10 of the settlement are not going to fund abatement under the
11 NOAT for the Canadian governmental entities and tribes that
12 are Mr. Underwood's client.

13 That's a question for you, Dr. Sackler.

14 THE WITNESS: I have not considered this at all.
15 And so I don't have any opinion at the moment.

16 THE COURT: Okay.

17 BY MR. UNDERWOOD:

18 Q This is really my last question, Dr. Sackler. Isn't it
19 true that the Purdue Canada entities actually originally
20 developed the original OxyContin formulation?

21 A That's not true.

22 Q Where was it originally developed?

23 A In the United States.

24 Q Without any assistance from the Canadian Entities?

25 A None that I know of.

1 MR. UNDERWOOD: All right. Thank you, Your Honor.

2 I have no further questions.

3 THE COURT: Okay. All right. Does anyone else
4 want to examine Dr. Sackler before we go to cross by Mr.
5 Joseph? All right. You can go ahead, Mr. Joseph, if you
6 have any cross.

7 MR. JOSEPH: No questions, Your Honor.

8 THE COURT: Okay. All right. That concludes your
9 testimony, Dr. Sackler. So you can sign off at this point.

10 THE WITNESS: Thank you very much, Your Honor.
11 May I just --

12 THE COURT: Oh, I'm sorry. I may have spoken to
13 soon. Mr. Edmunds, did you have -- I thought you were done
14 --

15 MR. EDMUNDS: I don't think there's any cross. I
16 was just coming on for what's next.

17 THE COURT: Okay, fine. So you can -- very well.

18 THE WITNESS: Sign off.

19 THE COURT: You can sign off, Dr. Sackler.

20 THE WITNESS: May I just make a clarifying comment
21 that may help the Court, Your Honor?

22 THE COURT: Well, it's up to you. if you believe
23 you said something that --

24 THE WITNESS: No, it wasn't related to my
25 testimony.

1 THE COURT: Oh. Well then I think --

2 THE WITNESS: If it isn't the forum to share it
3 with you, perhaps there's a better forum. So I'll withdraw
4 the --

5 THE COURT: I don't want you to share anything
6 with me other than as part of your testimony.

7 THE WITNESS: Okay. Then -- okay, I withdraw my
8 request, Your Honor.

9 THE COURT: All right. Again, if there's
10 something you said that you believe is incorrect, that's
11 different.

12 THE WITNESS: No.

13 THE COURT: All right, fine. Very well. So you
14 can sign off.

15 THE WITNESS: I will do so as soon as I master
16 (indiscernible).

17 THE COURT: All right. So, Mr. Edmunds, you were
18 going to -- it wasn't -- I think you were going to consider
19 whether you were calling another Sackler witness for today.
20 And I believe you are going to, but maybe that's changed
21 during the day.

22 MR. EDMUNDS: Well, I believe, Your Honor, that we
23 are going to -- I think that we have agreed that Ms.
24 Monaghan will correct me if I'm wrong, but Theresa Sackler
25 is the next witness on the list and the final witness for

1 today. And I believe we are going to stipulate to the
2 admission of her deposition in this case in lieu of
3 testimony -- in lieu of calling her to the stand.

4 THE COURT: All right.

5 MR. EDMUNDS: So Ms. Monaghan will correct me if
6 I'm wrong.

7 MS. MONAGHAN: That's consistent with my
8 understanding as well, Your Honor.

9 THE COURT: Okay, very well.

10 MR. EDMUNDS: And --

11 THE COURT: Go ahead, Mr. Edmunds.

12 MR. EDMUNDS: I'm sorry. I just wanted to -- I
13 believe -- and I guess it's been a lot of the day, but I
14 believe that that also requires Debtors, too. Because I
15 believe they have objected to the admission, but it's my
16 understanding that they will consent.

17 THE COURT: Okay. I don't know who is handling
18 that, Mr. Kaminetzky or one of your colleagues. Did Debtors
19 have --

20 MR. HUEBNER: Yeah. We already had email
21 exchanges about this with Mr. Edmunds and we already did
22 consent.

23 THE COURT: You consent?

24 MR. HUEBNER: That's correct, Your Honor.

25 THE COURT: Okay. So I just want to make sure I

1 have the right exhibit. Is there an exhibit number for the
2 deposition?

3 MR. EDMUNDS: I believe so, Your Honor. My
4 apologies, I don't know that I --

5 MS. MONAGHAN: I am not a hundred percent sure
6 that Theresa Sackler's deposition was part of the previously
7 submitted group. But if it's not, we consent to it being
8 added.

9 THE COURT: All right. Well, I just need to get a
10 copy of it. And if it doesn't have an exhibit number, it
11 should follow the last exhibit which was admitted, which I
12 think was one of Mr. Edmunds' exhibits. There were a couple
13 admitted during the last witness testimony. So it should
14 follow that.

15 MS. MONAGHAN: Yeah. I think I counted two. So
16 it would be the third number after the last number in the
17 current set.

18 THE COURT: Right. So can you -- I guess the best
19 thing for you to do, Mr. Edmunds, is to email that to
20 chambers, copying Ms. Monaghan and Mr. Huebner. And --

21 MR. EDMUNDS: Will do, Your Honor.

22 THE COURT: And I just want to make sure it's the
23 entire declaration. It's not -- sometimes people designate
24 sections and then the opponent or other people counter
25 designate other sections. In this case it's the entire

1 deposition?

2 MS. MONAGHAN: It is, Your Honor. That's my
3 understanding. And just so Your Honor knows, it was a
4 single deposition, but because of the time difference, it
5 was conducted in two half days. So it was September 23rd
6 and September 24th, each for half a day. But it's one
7 deposition. So I think it only needs one exhibit number.

8 THE COURT: So there will be one transcript that
9 covers both days.

10 MS. MONAGHAN: Correct.

11 THE COURT: And has she reviewed and signed off on
12 the transcript?

13 MS. MONAGHAN: It's my understanding that she has.
14 I will double-check that.

15 THE COURT: All right. Okay. And I will read
16 this, unlike pouring through all of the hundreds of other
17 exhibits. But I think my suggestion to everyone -- in this
18 case it is a suggestion as opposed to an admonition. But my
19 suggestion to everyone this morning holds true for this as
20 well. If there's something in here that you want to
21 emphasize, you should emphasize it in oral argument, just as
22 I would expect you would be emphasizing something from the
23 last witness we heard or witnesses that we heard the day
24 before or the day before that. But I will review it.

25 So I will look for that I guess this afternoon.

1 MR. EDMUNDS: We'll get it in this afternoon, Your
2 Honor.

3 THE COURT: Okay.

4 MR. EDMUNDS: Thank you.

5 THE COURT: Thank you.

6 MR. HIGGINS: Your Honor, this is Ben Higgins for
7 the U.S. Trustee. I don't believe we have that yet. And I
8 would just ask that it be circulated to any of the objecting
9 parties.

10 THE COURT: That's fair. You all have the email
11 list. You don't have to include everyone on -- why don't
12 you do two emails, one to chambers just with the two CCs
13 that I mentioned. And then you can -- someone can send it
14 out to the broader email list.

15 MR. EDMUNDS: We'll take care of it, Your Honor.

16 THE COURT: Okay, very well. So where does that
17 leave us for the rest of the day and tomorrow?

18 MR. EDMUNDS: So I think that we have three
19 Sackler witnesses tomorrow and then perhaps a final witness
20 who is an investigator from Maryland. We have agreed to
21 speak with Ms. Monaghan tonight about whether we will need
22 those witnesses to testify live or place on the record some
23 other arrangement. But then I believe -- and I think Mr.
24 Huebner will correct me if I am wrong -- that is the close
25 of evidence in the hearing.

1 So we don't know yet whether they will testify,
2 but we're going to discuss it and see where we are.

3 THE COURT: Okay. I would ask you to, just as you
4 did and just as the Ad Hoc lawyers did yesterday, get us the
5 exhibits that you expect to be discussing with these
6 witnesses early so that I can have copies of them on the
7 bench and of course so the witness can have them, too.
8 Hopefully before -- hopefully tonight as opposed to tomorrow
9 morning.

10 MR. HUEBNER: Your Honor, I do need to make an
11 unfortunate contingent correction of Mr. Edmunds. We are
12 working like mad day and night to resolve the remaining
13 issues with the so-called codefendants, which are really
14 important counterparties to the Debtors. As the Court may
15 remember, they reserved their right to cross-examine a
16 couple of our witnesses. (indiscernible) that will not be
17 necessary and that we will get to a deal. But if for some
18 reason that fails, which would be terrible, then in addition
19 to the three witnesses or four potential witnesses that Mr.
20 Edmunds mentioned I believe, we may be seeing some recall of
21 a couple of other witnesses. But I still remain passionate
22 and optimistic that that will not be necessary.

23 THE COURT: Okay. That's fine. I mean, I really
24 would like to finish if we can tomorrow. I know that
25 today's witness took a long time, but that was appropriate I

1 felt.

2 But do you have a sense that we'll be done
3 tomorrow, Mr. Edmunds? It's only over the things that you
4 can control. Don't address Mr. Huebner's point because
5 that's not really your issue.

6 MR. EDMUNDS: Barring unforeseen circumstances,
7 Your Honor, I think that we will be finished tomorrow.

8 THE COURT: All right. I'm just wondering whether
9 we should start early or not. It sounds like we could start
10 at 10:00.

11 MR. EDMUNDS: Yes. I don't think there's any
12 need.

13 MR. JOSEPH: Your Honor, may I ask --

14 THE COURT: One more question, Mr. Joseph. And we
15 don't have a witness who, like, disappears and turns into a
16 pumpkin at some -- you know, at 2:30 or anything like that?

17 MS. MONAGHAN: So, Your Honor, we do have one of
18 the three witnesses who is overseas. And so I think -- and
19 Mr. Edmunds I think is amenable that he would go first if
20 they go.

21 THE COURT: All right.

22 MS. MONAGHAN: And then the other point -- I don't
23 know if Mr. O'Neill is on, Mr. Robinson O'Neill -- is one of
24 the other witnesses is the subject of the stipulation with
25 Washington, Oregon, Connecticut, and D.C., pursuant to which

1 they have agreed to forego questioning her in exchange for
2 her deposition being included and a stipulation to certain
3 biographical facts that came across kind of disjointedly in
4 the deposition that they wanted in a single document. So
5 that will be submitted as well.

6 THE COURT: Okay. All right. Mr. O'Neill, that's
7 your understanding, too?

8 MR. O'NEILL: Yes. Ms. Sackler has some health
9 issues that make it better for I think everyone that we
10 adopt this policy, approach.

11 THE COURT: Okay. All right.

12 MR. O'NEILL: But Maryland has not agreed to that
13 yet. So this it between Washington --

14 THE COURT: I understand.

15 MR. O'NEILL: -- Oregon, Connecticut, D.C., and
16 the Sacklers.

17 MS. MONAGHAN: Yes. I apologize. I wasn't trying
18 to imply that Maryland --

19 THE COURT: I don't think you stated -- I don't
20 think you said Maryland.

21 MS. MONAGHAN: Okay.

22 THE COURT: All right.

23 MS. MONAGHAN: At this point in the hearing, any
24 slip is possible.

25 THE COURT: All right. So, Mr. Joseph, you were

1 going to say something?

2 MR. JOSEPH: Yes, Your Honor. I just would
3 appreciate it if we could get from Mr. Edmunds some clarity
4 as to whether the investigator will testify. Because there
5 will be cross of the investigator if he testifies. And the
6 record if they are considering stipulating to depositions is
7 pretty much set. And I know Mr. Edmunds legitimately wanted
8 to wait until the record was set before making that
9 determination.

10 THE COURT: All right. Well, I don't know -- I
11 mean, are you in a position to do that now? Or maybe later
12 tonight you can.

13 MR. EDMUNDS: I think it's fair to ask, and I
14 think it's unlikely he will testify. I need to kind of
15 process what happened in the examination of the witness and
16 what else is going on with these. But that's the best I can
17 --

18 THE COURT: Let me ask you -- I'm sorry to
19 interrupt. Let me ask that you reach out to Mr. Joseph, I
20 don't know, by 8:00 tonight. Is that fair?

21 MR. EDMUNDS: Yeah, that's fine, Your Honor. I'll
22 do that.

23 THE COURT: Okay.

24 MR. EDMUNDS: The other thing I was going to say
25 about Ilene Sackler is that Matt Gold's office

1 (indiscernible) did provide you a copy of it, the
2 transcript. So you should have it. If not --

3 THE COURT: I recall that. Because I was thinking
4 she might be called today. So we have a copy of that.

5 MR. EDMUNDS: Okay.

6 THE COURT: But I'm not sure it's an exhibit yet.
7 So again, we should probably designate it -- you should be
8 ready to designate it as an exhibit.

9 MR. EDMUNDS: Right. And we'll have a stipulation
10 that will go in as well that kind of clarifies. And I would
11 anticipate offering that tomorrow when we finalize it, and
12 hopefully Maryland will agree.

13 THE COURT: Right. Okay, very well. All right.
14 I think hearing no one else, I think that will end the
15 hearing for today. And we will resume tomorrow at 10:00 as
16 discussed. Thank you, everyone.

17 (Whereupon these proceedings were concluded at
18 2:54 PM)

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C E R T I F I C A T I O N

I, Sonya Ledanski Hyde, certified that the foregoing transcript is a true and accurate record of the proceedings.

Sonya Ledanski Hyde

Veritext Legal Solutions

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