

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

IN RE OPIOID LITIGATION

Index No.: 4000000/2017

Part 48

Hon. Jerry Garguilo

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

THE PEOPLE OF THE STATE OF NEW YORK,
by Letitia James, Attorney General of the State of
New York,

Plaintiff,

-against-

PURDUE PHARMA L.P., PURDUE PHARMA INC.,
THE PURDUE FREDERICK COMPANY, INC., THE
P.F. LABORATORIES, INC., PURDUE HOLDINGS
L.P., ROSEBAY MEDICAL COMPANY L.P., THE
BEACON COMPANY, PLP ASSOCIATES
HOLDINGS, L.P., DOE ENTITIES
1-10, RICHARD S. SACKLER, JONATHAN D.
SACKLER, MORTIMER D.A. SACKLER, KATHE A.
SACKLER, ILENE SACKLER LEFCOURT, DAVID
A. SACKLER, BEVERLY SACKLER, THERESA
SACKLER, JOHNSON & JOHNSON, JANSSEN
PHARMACEUTICALS, INC., ORTHO-MCNEIL-
JANSSEN PHARMACEUTICALS, INC., JANSSEN
PHARMACEUTICA, INC., MALLINCKRODT PLC,
MALLINCKRODT LLC, SPECGX LLC, ENDO
INTERNATIONAL PLC, ENDO HEALTH
SOLUTIONS INC., ENDO PHARMACEUTICALS,
INC., PAR PHARMACEUTICAL, INC., PAR
PHARMACEUTICAL COMPANIES, INC., TEVA
PHARMACEUTICAL INDUSTRIES LIMITED,
TEVA PHARMACEUTICALS USA, INC.,
CEPHALON, INC., ALLERGAN PLC, ALLERGAN
FINANCE, LLC, ACTAVIS PHARMA, INC.,
ACTAVIS LLC, WATSON LABORATORIES,
INC., MCKESSON CORPORATION, CARDINAL
HEALTH, INC., AMERISOURCEBERGEN DRUG
CORPORATION, ROCHESTER DRUG
COOPERATIVE, INC.,

Defendants.

Index No.: 4000016/2018

Part 48

Hon. Jerry Garguilo

Subpoena Duces Tecum

To: BR Holdings Associates Inc.
C/o Corporation Service Company
80 State Street
Albany, New York 12207-2543

WE COMMAND YOU, pursuant to Articles 23 and 31 of the New York Civil Practice Law and Rules, to produce to the New York State Attorney General, Letitia James, to the attention of Counsel for Opioids and Impact Litigation David E. Nachman, 28 Liberty Street, New York, New York 10005 within twenty days of service of this Subpoena, all documents and things in your possession, custody, or control in accordance with the definitions and instructions below.

Failure to comply with this Subpoena is punishable as a contempt of Court and shall make you liable to the Person on whose behalf this Subpoena was issued for a penalty not to exceed fifty dollars and all damages sustained by reason of your failure to comply.

DEFINITIONS

1. **“Communication”** means any oral or written communication of any kind, including but not limited to face-to-face communications, telephone communications (including voicemail, text messages, or any other means of communication utilizing a telephone or other electronic device), letters, memoranda, electronic mail (“email”), instant messages, or other transmittal of Documents or data through the use of a computer, server, facsimile, or any other medium or device, and includes any Document that digests, memorializes, or records a communication or any part thereof.

2. **“Concerning”** means directly or indirectly mentioning or describing, Relating to, referring to, regarding, evidencing, setting forth, identifying, manifesting, memorializing, created in connection with or as a result of, commenting on, embodying, evaluating, analyzing, tracking, reflecting or constituting, in whole or in part, a stated subject matter.

3. “**Document(s)**” means any tangible or intangible thing on or in which information is recorded or otherwise represented, including all drafts, prior versions, proofs and non-identical copies of any requested Document, whether hand-written, typed, printed or otherwise. “Document” is defined broadly to include electronically stored information, all writings of any kind or nature, of a written or graphic matter, however produced or reproduced, whether created on hard copy or electronically, of any kind or description, whether or not sent or received, and all copies thereof that are different in any way from the original (whether by interlineations, receipt stamp, notation, indication of copy sent or received or otherwise), including but not limited to any advertising materials, agreements, affidavits, appointment books, arrangements, attachments to emails, letters, telegrams or facsimiles (faxes), bids, bills of lading, blueprints, books, brochures, bulletins, calculations, calendar entries, catalogs, charts, checks, check stubs, circulars, computations, computerized Communications or information, computer printouts, computer program and coding sheets, computer tape and disks (including information stored on computers, backup tapes, hard drives, servers, and other forms of storage devices), contracts, correspondence, delivery tickets, diary entries, disclosure forms, disks, drawings, email, facsimiles, files, file memos, fliers, graphs, inputs/outputs or other data compilations from which information can be obtained, hearings, index sheets, instruments, intra- and inter-office Communications, investigations, invoices, ledgers, ledger cards, letters, log books, memoranda, messages, microfiche, microfilm, minutes, newsletters, notebooks, notes, notices, objects, opinions, pamphlets, paper accounts, papers filed with public or governmental authorities, photographs, photo-records, plans, polls, press releases, price books, price lists, price quotations, punch cards, recordings, records (including records of meetings, conferences and telephone or other conversations or Communications), reports, sales receipts, schematics, scripts, sketches,

solicitations, sound reproductions, specifications, strategies, studies, summaries, surveys, tabulations, tapes, telegrams, testimony, tests, training materials, transcripts, videotapes, working papers, worksheets, writings and understandings, or any other written, recorded, transcribed or graphic matter of which You have or have had possession, custody, or control, or of which You can obtain from a third party.

4. “**Identify**” or “**Identity**” as applied to (i) any natural Person shall mean to provide her or his name, titles, aliases, screen names, and contact information, including each of her or his home and business addresses, email addresses, and phone numbers; (ii) any entity shall mean to provide the name, d/b/a names, if any, and contact information; (iii) an account with a financial institution shall mean to provide the name of the institution, its address, the names of the account holders, the account number, the type of account, all signatories on the account, and all individuals authorized to use a credit, debit, or ATM card relating to the account; (iv) a financial transaction shall mean to provide the type of transaction (e.g., donation, grant, withdrawal, deposit, or disbursement), the amount, date, payor, grantor, donor or other party disbursing the funds, the payee, grantee, donee or other party receiving the funds, the reason for the transaction, and any applicable terms or restrictions; (v) an agreement shall mean to provide the terms of the agreement and any amendments; and (vi) any other thing shall mean to describe the thing in detail.

5. “**Person**” means any natural person or such person’s legal representative; any partnership, domestic or foreign corporation, or limited liability company; any company, trust, business entity, association, or unincorporated association; and any agent, employee, salesperson, partner, officer, director, member, stockholder, associate, or trustee of another person.

6. “**Purdue**” refers to Purdue Pharma L.P., Purdue Pharma, Inc., The Purdue Frederick Company, Inc., The P.F. Laboratories, Inc., PLP Associates Holdings, L.P., Purdue

Holdings L.P., Banela Corporation, Linarite Holdings LLC, Perthlite Holdings, LLC, Rosebay Medical Company, LP, Millborne Trust Company Limited, Data LLC, Cornice Fiduciary Management LLC, Pharmaceutical Research Associates, L.P., Moonstone Holdings, LLC, Roselite Holdings, LLC, PLP Associates Holdings, Inc., BR Holdings Associates, Inc., BR Holdings Associates, LP, The Beacon Company, Stanhope Gate Corp., Rosebay Medical Company, Inc., Millsaw Realty LP, Heathridge Trust Co. Ltd., and MNP Consulting Ltd., and any parent, affiliate, subsidiary, joint ventures, predecessor, successor, or assignee of it, and its principals, operating divisions, present or former owners, employees, servants, officers, directors, agents, representatives, attorneys, accountants, independent contractors, distributors, and any other Persons or entities acting on behalf of or under the direction, authorization, or control of Purdue, including any foreign or overseas affiliates.

7. **“Relating to”** or **“Related to”** means, in whole or in part, constituting, Concerning, evidencing, containing, discussing, commenting upon, describing, analyzing, identifying, stating, pertaining to, referring to, forming the basis of, in preparation of, or contradicting.

8. **“Sacklers”** means the individual defendants named in this action, including Richard S. Sackler, Jonathan D. Sackler, Mortimer D.A. Sackler, Kathe A. Sackler, Ilene Sackler Lefcourt, David A. Sackler, Beverly Sackler, and Theresa Sackler as well as any other member of the Sackler family identified in Attachment A.

9. **“Sackler Entities”** means the entities used as vehicles to Transfer funds from Purdue directly or indirectly to the Sacklers or Trusts for the benefit of any of the Sacklers.

10. **“Transfer”** refers to any payment(s) made to You or by You including, but not limited to, any funds, property, or other value conveyed to You by check, wire transfer, debit, or by any other means.

11. “You”, “Your”, or “**BR Holdings Associates Inc.**” refers to BR Holdings Associates Inc. and any of its accountants, agents, attorneys, representatives, employees, consultants, parents, subsidiaries, affiliates, and any other persons acting on its behalf.

INSTRUCTIONS

Bates Stamping: Bates-stamp all Documents and native file names with consecutive numbers. Each individual page should be separately stamped.

Diligent Inquiry: Persons answering these Requests on Your behalf are directed to make a diligent search of all records within Your possession, custody, or control including Your files, personal electronic mail, smartphones, and computers, and to interview and otherwise make a diligent inquiry of all of Your officers, directors, employees, and agents to identify and produce all information required hereunder.

Forms of Response: In responding to each Request, set forth the Request in full before providing the response and, if producing Documents, specify the particular bates range responsive to each individual Request.

Documents Generally: You are required to produce the originals or legible exact copies of all Documents described in this Request in Your actual or constructive possession, custody, or control. Documents in the possession or custody of Your employees, agents, and contractors are considered to be within Your control. If there are no documents in Your possession, custody, or control that are responsive to any particular request, so state in writing.

Claims of Privilege: Where a claim of privilege is asserted in response to any of the following Requests, or any subpart thereof, and any information is not provided on the basis of such assertion, the following information shall be provided:

- a. the nature of the privilege being claimed;

- b. the Request to which it is responsive;
- c. the nature of information or the subject matter of the Document; and
- d. all other Persons to whom the information or copies of the Document, or any portions thereof, have been disclosed.

Lost, Removed, Destroyed, or Altered Documents: If any Document responsive to this Request has been lost, removed, destroyed, or altered prior to the service of this Request, produce for each such Document: (1) a description of the Document to the extent known, and the last time and location that the Document is known or believed to have existed; (2) the date, sender, recipient and other Person(s) to whom copies were sent, subject matter, present location, and location of any copies; and (3) the Identity of any Person authorizing or participating in any removal, destruction, or alteration of the Document and the method and circumstances of such removal, destruction, or alteration.

Ongoing Duty: Should You determine that any response to these Requests contains omissions or inaccuracies, You have an ongoing duty to supplement or correct your response.

Duty to Preserve: You are required to preserve and maintain any Documents that are Related to the subject matter of this Request, regardless of whether You deem them responsive to the Requests herein. You shall instruct Your employees, contractors, and agents to do so and shall take steps to ensure that they fulfill these obligations.

Relevant Time Period: The time period relevant to this Request is January 1, 2003 to the present.

Construction of Terms: The terms “all,” “any,” and “each” shall be construed as encompassing each and every. “And” and “or” shall be construed so that they both have conjunctive and disjunctive meaning such as to make them terms of inclusion rather than terms of exclusion.

DOCUMENTS TO BE PRODUCED

1. All Documents Concerning the formation of BR Holdings Associates Inc., including but not limited to articles of incorporation, memoranda of association, articles of association, by-laws, limited or general partnership agreements, limited liability company agreements, trust agreements, and organizational charts, and any other Documents reflecting the formation and governance of BR Holdings Associates Inc., as originally constituted and as amended or otherwise modified.

2. Documents sufficient to Identify the principal place(s) of business, business address(es), the name(s) and address(es) of any registered agents of, and all direct and indirect owners of and ownership interests in BR Holdings Associates Inc.

3. Documents sufficient to Identify the Person(s) with the authority to make investment decisions and to direct and/or receive investment payments and distributions for BR Holdings Associates Inc.

4. Documents sufficient to Identify the Persons serving as officers, directors, and employees of BR Holdings Associates Inc., including each Person's name and address.

5. All Documents Concerning investment payments or distributions from BR Holdings Associates Inc., including the name of the Person or entity receiving the payment, the date of the payment, and the amount of the payment.

6. All Documents Concerning investment payments or distributions to BR Holdings Associates Inc., including the name of the payor, the date of the payment, and the amount of the payment.

7. Foreign and domestic tax returns or other tax reporting Documentation, whether filed, unfiled, or in draft form, and all supporting schedules, work papers, journal entries, and trial balances for BR Holdings Associates Inc.

8. All Documents Concerning the financial performance and activity for BR Holdings Associates Inc., including but not limited to general ledgers, journals, trial balances, reconciliations, statements of cash flow, balance sheets, and profit-and-loss statements, and financial statements, whether audited or unaudited, including but not limited to audited annual statements, unaudited quarterly and other interim statements, and draft statements, including all related work papers, notes, schedules, and exhibits.

9. All Documents and Communications between You, Purdue, any Sackler Entities, the Sacklers, and any other Person or entity identified in Attachment A, Relating to monies transferred, either directly or indirectly, from Purdue to BR Holdings Associates Inc. or from BR Holdings Associates Inc. to Purdue.

10. All non-identical copies of meeting minutes for BR Holdings Associates Inc.'s Board of Directors or equivalent management body for the years 2010 through the present.

11. Documents sufficient to Identify the Person(s) administering the office of BR Holdings Associates Inc. from 2010 through the present, including each Person's name and address.

12. Documents sufficient to Identify all legal entities that BR Holdings Associates Inc. owns or controls, in part or in whole.

13. Documents sufficient to Identify all bank, brokerage, investment, managed, or trust accounts held in Your name or for Your benefit.

14. All Documents Concerning the payment or Transfer of monies between BR Holdings Associates Inc. and any entities or Persons identified in Attachment A.

15. All Documents and Communications Related to any loans You made to or received from Purdue (as defined above) or any entities or Persons identified in Attachment A, including, without limitation, Documents Related to the forgiveness of any such loans, in whole or in part.

Dated: August 3, 2019



David E. Nachman
Counsel for Opioids and Impact Litigation
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New York, NY 10005
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Attachment A**Members of the Sackler Family**

Benjamin J. Shack Sackler
Year of Birth: 1994

Beverly Feldman Sackler
Year of Birth: 1924

Clare E. Sackler
Year of Birth: 1985

David Alfons Sackler
Year of Birth: 1980

Dylan Weston Sackler Hunt
Year of Birth: 2000

Ilene Sackler Lefcourt
Year of Birth: 1946

Jacqueline B. Sackler, aka Jacqueline B. Pugh Sackler
Year of Birth: 1976

James Edward Frame
Year of Birth: 1982

James William Murray Dalrymple, aka Jamie Dalrymple
Year of Birth: 1981

Jaseleen A. Ruggles, aka Jaseleen A. Sackler, aka Joss A. Sackler
Year of Birth: 1984

Jeffrey M. Lefcourt
Year of Birth: 1972

John Francis Weston Hunt
Year of Birth: 1963

Jonathan D. Sackler

Year of Birth: 1955

Julia H. Shack Sackler, aka Julia H. Shack

Year of Birth: 1996

Kathe A. Sackler

Year of Birth: 1948

Madeleine C. Sackler

Year of Birth: 1983

Marianna Rose Frame, aka Marianna Rose Sackler

Year of Birth: 1983

Marissa T. Sackler

Year of Birth: 1980

Mary B. Corson, aka Mary B. Sackler

Year of Birth: 1955

Mortimer David Alfons Sackler

Year of Birth: 1971

Rebecca Kate Sackler

Year of Birth: 1989

Richard Stephen Sackler

Year of Birth: 1945

Samantha Sophia Sackler, aka Samantha Sophia Hunt

Year of Birth: 1968

Sophie Fiona Sackler

Year of Birth: 1983

Susan Amalia Shack Sackler

Year of Birth: 1954

Theresa Elizabeth Sackler, aka Dame Theresa Elizabeth Sackler

Year of Birth: 1949

Entities

Cap 1, LLC, a Delaware limited liability company

Crystal Fiduciary Company, LLC

Summer Road LLC, a Delaware limited liability company

Stillwater Holdings LLC f/k/a Stillwater LLC

Banela Corporation, a British Virgin Islands company

Linarite Holdings LLC, a Delaware limited liability company

Perthlite Holdings LLC, a Delaware limited liability company

Purdue Pharma Inc., a New York corporation

Purdue Pharma L.P., a Delaware limited partnership

The Purdue Frederick Company Inc., a New York corporation

The P.F. Laboratories, Inc.

Rosebay Medical Company L.P., a Delaware limited partnership

Rosebay Medical Company LLC, a Delaware limited liability company

Millborne Trust Company Limited

Data LLC, a Wyoming limited liability company

Cornice Fiduciary Management LLC, a Wyoming limited liability company

Pharmaceutical Research Associates L.P. f/k/a Purdue Holdings L.P.

Moonstone Holdings LLC, a Delaware limited liability company

Roselite Holdings LLC, a Delaware limited liability company

PLP Associates Holdings L.P., a Delaware limited partnership

PLP Associates Holdings Inc., a New York corporation

BR Holdings Associates Inc., a New York corporation

BR Holdings Associates L.P., a Delaware limited partnership

Beacon Company

Stanhope Gate Corporation

Rosebay Medical Company, Inc., a Delaware corporation

MNP Consulting Limited, a Delaware corporation

Heathridge Trust Company Limited

Mundipharma Inc., a New York corporation

Mundipharma LLC, a Delaware limited liability company

Mundipharma Ltd., a Delaware corporation

Mundipharma Pharmaceuticals Inc., a New York corporation

Millsaw Realty L.P., a Delaware limited partnership

Millsaw Realty Inc., a New York corporation

Rhodes Technologies, a Delaware general partnership

Rhodes Technologies Inc., a Delaware corporation

Hercules Trust

Trust U/A dated December 23, 1989 fbo the issue of Richard S. Sackler, M.D.

Trust U/A dated December 23, 1989 fbo the issue of Jonathan D. Sackler

The Arthur M. Sackler Foundation

The Elizabeth A. Sackler Foundation Inc.

The Else Sackler Charitable Foundation

The Else Sackler Foundation

The Mortimer D. Sackler Foundation Inc.

Raymond & Beverly Sackler Foundation, Inc.

Sackler Foundation Inc.

The Sackler Lefcourt Center for Child Development Inc.

Sackler School of Medicine

The Mortimer and Jacqueline Sackler Foundation

Richard Sackler Family Foundation

The Shack Sackler Foundation