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**From:** Colleen McGinn  
**Sent:** Friday, October 16, 2015 5:45 PM  
**To:** Joseph Tomkiewicz  
**Subject:** RE: PO# 1031374 for the OXYCODONE product.

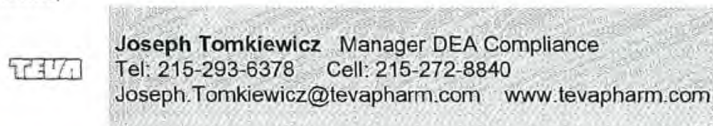
FYI – Christine preferred they contact Publix to get the information. I actually told her that we could reach out to avoid confusion or she could have her people do it if she wanted to ensure the customer relationship was intact. She is having her people contact them today and hopefully we'll have all the information to review on Monday.

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**From:** Joseph Tomkiewicz  
**Sent:** Friday, October 16, 2015 12:43 PM  
**To:** Colleen McGinn  
**Subject:** RE: PO# 1031374 for the OXYCODONE product.

I'm always more than happy to be the one to contact the customer directly—less chance of a translation error that way.

Thanks,



OUR PURPOSE & VALUES

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**From:** Colleen McGinn  
**Sent:** Friday, October 16, 2015 12:41 PM  
**To:** Joseph Tomkiewicz  
**Subject:** FW: PO# 1031374 for the OXYCODONE product.

Do you want to reach out to Publix directly or do you want CS to reach out?

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**From:** Christine Baeder  
**Sent:** Friday, October 16, 2015 12:38 PM  
**To:** Colleen McGinn; Karin Shanahan  
**Subject:** RE: PO# 1031374 for the OXYCODONE product.



Colleen,

Will you be reaching out directly to Publix? If they have not received this request from us in the past, I am certain they will be thrown off, so I want to ensure that they understand we are partnering with them in a joint effort to secure the

supply chain. My experience with Publix is a very responsible and responsive account, so my only concern was that we work with our customers to ensure responsible decision making. Based on a super quick review of the market share size Publix is representing on this product, it seems in line with other non-controlled items. I have asked my team for a larger data set, so that your team has more data to review, and we are happy to review together on Monday.

There are some odd dynamics on this product caused by the staggered and very limited quantities that each of the generic manufacturers have to offer due to legal settlement terms. We will try to gather those as well to discuss at our meeting. Some strengths already have generic product, although very limited on the market (40 mg and 80 mg) and the lower strengths I think we are the only generic( but we will verify).. I would assume this will make the comparison across strengths more complex? But that pattern will be dependent on the amount of 40 Mg and 80 mg still available in the market, and that is not something we have visibility to...

Either way we of course support your team in doing a difficult review. So let me know if you need the contact at Publix? As I don't think these types of questions should come from the commercial teams. I am hoping we can get this wrapped up early next week, as we do not ship on Friday there is no advantage to closing the issue today.

Best regards,



**Christine Baeder** VP, Commercial Operations  
Tel: 215 591-8913 Cell: 908 894-4254  
Christine.Baeder@tevapharm.com sip:Christine.Baeder@tevapharm.com www.tevapharm.com



#### OUR PURPOSE & VALUES

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**From:** Colleen McGinn  
**Sent:** Friday, October 16, 2015 12:21 PM  
**To:** Christine Baeder; Karin Shanahan  
**Subject:** RE: PO# 1031374 for the OXYCODONE product.

Hi Christine,

I'm happy to meet with you to discuss and I know you are aware of the importance of an effective SOM program.

That being said, at no point in time did we suggest that Publix was diverting product. If that was the case, we would report the order as suspicious immediately. Joe asked to gather more information from the customer as is routine when conducting due diligence investigations - requesting that information is not symbolic of accusing anyone of diversion. Every DEA registrant should be familiar with SOM requirements and accustomed to answering questions related to this product in particular.

IMS data and market share is helpful, but Joe has requested the following from Publix:

- A list of their top 10 stores by oxycodone tablet volume;
- A breakdown by SKU of their oxycodone ER and IR volume at each of the 10 stores;
- A list of the top 5 prescribers, including DEA number, at each of the 10 locations



In all fairness, he has made similar requests in the past from other customers without push back and such requests are few and far between. Joe is our SME for SOM and has testified in court cases as such to defend his employer's program in the past. He is well aware of the justification needed to release an order. Comparing customers to those of "like size" is an industry standard and sound practice for initial review of an order. If there are other factors that need to be taken into consideration, it would absolutely be helpful to know.

We obviously don't want to hold this order any longer than we have to. I can meet with you today or Monday to discuss.

Thanks,  
Colleen

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**From:** Christine Baeder  
**Sent:** Friday, October 16, 2015 11:48 AM  
**To:** Karin Shanahan  
**Cc:** Colleen McGinn  
**Subject:** RE: PO# 1031374 for the OXYCODONE product.

Karin,

Thank you for reaching out, I am happy to discuss and think the program is imperative, my concern was about the statement that Publix is diverting product. I think on new launches where we do not have established history to compare to, we need a more collaborative approach to ensure that we are making responsible decisions.

We are gathering information on historic purchases by Publix on other products this year to ensure the market share that they Publix has communicated to Teva relative to the Oxy is not higher than market share on other non control products. We will be presenting that data to the group for discussion. As I am sure you would agree reaction we need to gather information and partner with our customers, without an accusatory tone to ensure responsible decision making.

In the future- for these types of sensitive products we can provide IMS and customer historic market share data in advance of the launch to help make things easier if it is helpful, but looking at customers of "like size" as was described to me can be very misleading as it does not take into account the complexities in the channel.

We will send the information either later today or Monday, and we can discuss at that point? I know schedules are crazy? Monday or Tuesday better?

Best regards,



**Christine Baeder** VP, Commercial Operations  
Tel: 215 591-8913 Cell: 908 894-4254  
Christine.Baeder@tevapharm.com sip:Christine.Baeder@tevapharm.com www.tevapharm.com



OUR PURPOSE & VALUES

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**From:** Karin Shanahan  
**Sent:** Friday, October 16, 2015 11:21 AM  
**To:** Christine Baeder  
**Cc:** Colleen McGinn  
**Subject:** RE: PO# 1031374 for the OXYCODONE product.

Christine,

I understand you have some concerns regarding our suspicious order monitoring program. As you know, our SOM program is designed to ensure that Teva is not subjected to penalties up to and including rescinding of our DEA licenses. Please feel free to set up some time for the 3 of us to discuss.

Karin

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**From:** Joseph Tomkiewicz  
**Sent:** Friday, October 16, 2015 8:01 AM  
**To:** Jocelyn Baker  
**Cc:** Nisha Patel02; Marianne Geiger; Michelle Osmian; Redet Tefera; Jennifer King; Daniel Baker; Colleen McGinn; Matthew Benkert  
**Subject:** RE: PO# 1031374 for the OXYCODONE product.

Jocelyn,

There are several red flags with this—

1. This is high-strength oxycodone ultimately going to Florida, a well-established hot spot for oxycodone abuse in the U.S.
2. The total quantities in the Publix forecast put them significantly above their peers as far as size and class of trade are concerned.
3. The breakdown by strength, with an emphasis on 40mg does not appear to be normal for a retail pharmacy. I would expect the breakdown to be closer to that of Thrifty White, where the emphasis is on lower strengths.

While red flag #1 is always going to be in place, this places greater emphasis on our due diligence regarding #2 and #3, and we must be prudent in documenting our results in great detail, including maintaining all of our correspondence regarding this launch— and not just regarding Publix.

I had informed Michelle early yesterday afternoon that we were going to be discussing Publix (and one other customer, whose forecast numbers were much closer to what can be considered normal, but still slightly outside of that range) during the meeting next Tuesday, along with presenting information that we will require before we can ship to Publix. Unfortunately, the timetable has obviously been accelerated due to this order.

As far as Publix being an established customer, please remember that Cardinal, McKesson, Walgreens and CVS are also established customers, all of whom had serious DEA penalties due to the handling of oxycodone in the state of Florida.

For Wal-Mart and Thrifty White, their forecast numbers put them solidly into what we can consider normal, so unless they order far in excess of their forecast, no order for them should be held for further information, nor should further information be requested of them due to this launch.

Had my group been informed of this launch prior to actually receiving orders, we may have been able to clear these red flags before any order had been placed. Unfortunately, this was not the case, and we have been forced to hold this

order. We do not take the holding of a newly launched product lightly, and are only holding this because of these serious red flags. Once these red flags have been cleared we will be able to ship.

Thanks,



**Joseph Tomkiewicz** Manager DEA Compliance  
Tel: 215-293-6378 Cell: 215-272-8840  
Joseph.Tomkiewicz@tevapharm.com www.tevapharm.com



#### OUR PURPOSE & VALUES

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**From:** Jocelyn Baker  
**Sent:** Friday, October 16, 2015 7:37 AM  
**To:** Daniel Baker  
**Cc:** Nisha Patel02; Joseph Tomkiewicz; Marianne Geiger; Michelle Osmian; Redet Tefera; Jennifer King  
**Subject:** Re: PO# 1031374 for the OXYCODONE product.

Joe-

Publix is an established customer who sells some of our other controls. Is this really required? Also, will you require this from my other 2 retailers (Walmart and Thrifty White) who have accepted our offer on this product? This was not presented to them in advance and may put this award at risk. Again they are an established customer selling controls and have had no issues to date.

Please advise-

Jocelyn Baker  
Director, National Accounts  
Tel: 410-874-7683 Cell: 479-903-0934

On Oct 16, 2015, at 7:28 AM, Daniel Baker <Daniel.Baker@tevapharm.com> wrote:

I received a phone call from Jerry Kovak stating Anda is selling this product as an indirect for Teva. He stated we should be reaching out to our NAM and/or Publix. Is there anyone I should be sending this to directly? Please let me know.

Thanks

**Dan Baker**  
Teva Pharmaceuticals  
Trade Account Specialist II  
  
(215) 591-8691 Work  
(800) 545-8800 Option 2,1,1 Work  
(800) 760-1009  
Daniel.Baker@tevapharm.com



<image002.png>

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**From:** Daniel Baker  
**Sent:** Thursday, October 15, 2015 3:55 PM  
**To:** 'Ward, Dawn'  
**Cc:** Guedes, Juliana  
**Subject:** RE: PO# 1031374 for the OXYCODONE product.

Dawn

Our DEA team is asking for the Following:

We need the following from Publix:

- A list of their top 10 stores by oxycodone tablet volume;
- A breakdown by SKU of their oxycodone ER and IR volume at each of the 10 stores;
- A list of the top 5 prescribers, including DEA number, at each of the 10 locations

Thanks

**Dan Baker**  
Teva Pharmaceuticals  
Trade Account Specialist II  
  
(215) 591-8691 Work  
(800) 545-8800 Option 2,1,1 Work  
(800) 760-1009  
Daniel.Baker@tevapharm.com

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**From:** Ward, Dawn [<mailto:dawn.ward@andanet.com>]  
**Sent:** Thursday, October 15, 2015 3:49 PM  
**To:** Daniel Baker  
**Cc:** Guedes, Juliana  
**Subject:** RE: PO# 1031374 for the OXYCODONE product.

Hi Dan,  
Yes, this order is to be shipped and warehoused in OH. I've attached a copy of the order that has the shipping address.  
Thank you,  
Dawn Ward  
Buyer

2915 Weston Road  
Weston, FL 33331  
[Dawn.ward@andanet.com](mailto:Dawn.ward@andanet.com)  
Direct: (954)-217-4103

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**From:** Daniel Baker [mailto:[Daniel.Baker@tevapharm.com](mailto:Daniel.Baker@tevapharm.com)]

**Sent:** Thursday, October 15, 2015 3:32 PM

**To:** Ward, Dawn

**Subject:** PO# 1031374 for the OXYCODONE product.

Can you tell me if this product is going to be warehoused in OH please?

Thanks

**Dan Baker**

Teva Pharmaceuticals  
Trade Account Specialist II

(215) 591-8691 Work  
(800) 545-8800 Option 2,1,1 Work  
(800) 760-1009  
[Daniel.Baker@tevapharm.com](mailto:Daniel.Baker@tevapharm.com)

<image002.png>

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