

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document applies to:

*The County of Summit, Ohio. v. Purdue
Pharma L.P.*, Case No. 18-OP-45090;

*The County of Cuyahoga v. Purdue Pharma
L.P.*, Case No. 17-OP-45004; and

*City of Cleveland v. AmerisourceBergen Drug
Corp.*, Case No. 18-OP-45132

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) **MDL No. 2804**
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) **Case No. 17-md-2804**
) **Judge Dan Aaron Polster**
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**DEFENDANT ANDA, INC.’S THIRD SUPPLEMENTAL RESPONSE
TO PLAINTIFFS’ (FIRST) COMBINED
DISCOVERY REQUESTS TO DISTRIBUTOR DEFENDANTS**

Pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure, Defendant Anda, Inc. (herein “Anda”) hereby supplements its response to Discovery Request No. 2 in Plaintiffs’ (First) Combined Discovery Requests to Distributor Defendants (the “Requests”).

Anda incorporates herein by reference the Preliminary Statement and General Objections set forth in Anda’s Supplemental Response to Plaintiffs’ (First) Combined Discovery Requests to Distributor Defendants which Anda served on November 30, 2018.

DISCOVERY REQUEST NO. 2:

Please produce each of your *Suspicious Order Monitoring System (SOMS)* policies and procedures since January 1, 2006 and identify the Bates stamp range for each; please identify the effective date(s) each was in force and effect.

SUPPLEMENTAL RESPONSE TO DISCOVERY REQUEST NO. 2:

Anda objects to this Request by adopting and incorporating by reference its Preliminary Statement and General Objections. Anda further objects to this Request to the extent it seeks



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information protected by the attorney-client privilege, work product doctrine, and any other applicable privileges or protections. Anda objects to the Requests' use of the term "Suspicious Order Monitoring System (SOMS)" as such term is vague, ambiguous and undefined. For purposes of responding to these Requests, Anda defines the phrase "Suspicious Order Monitoring System (SOMS)" as referring to the policies and procedures established by and/or implemented by Anda during the relevant time period in order to fulfill Anda's obligations under applicable law to ensure the security of those controlled substances in its custody, possession and control, including Anda's obligations under Subparagraph (b) of 21 C.F.R. Section 1301.74. Anda further objects to this Request as overly broad, vague and ambiguous to the extent that requires Anda to "produce ... policies and procedures" because "policies and procedures" can be and are established and maintained both in formal written statements defining applicable policies and procedures and by informal oral communications and patterns of conduct; to the extent such "policies and procedures" are established and maintained by oral communications and patterns of conduct, such "policies and procedures" are not susceptible to the "production" required by this request. Accordingly, Anda will produce in response to this Request only those written Standard Operating Procedures formally adopted by Anda during the relevant period that are responsive to this request without waiver of its right to provide additional information about its policies and procedures that is not susceptible to the "production" otherwise required by this Request. Anda's response to this Request is limited to the temporal and geographic scope as ordered by the Court in Discovery Ruling No. 2 (Dkt. No. 693) and Discovery Ruling No. 3 (Dkt. No. 762).

Subject to and without waiving the foregoing general and specific objections, Anda states that all documents responsive to this Request have been previously produced to Plaintiffs and are contained within the production at the Bates numbers identified in the chart below:

SOP NO.	SOP NAME	EFF. DATE	BATES NO.
010	Controlled-Substance-Handling	8/20/2004	Anda_Opioids_MDL_0000143076
013	Damaged-Controls	8/20/2004	Anda_Opioids_MDL_0000112237
028	Customer Due Diligence f/k/a Information Needed to Set-up a New Account	8/20/2004	Anda_Opioids_MDL_0000144398
030	Cage, Vault and Building Alarm Testing	8/20/2004	Anda_Opioids_MDL_0000143090
040	Orders of Interest Monitoring System/Suspicious Order Monitoring	12/2011	Anda_Opioids_MDL_0000144378
045	Remedy Review Process	4/5/2012	Anda_Opioids_MDL_0000146905
046	CS Lost in Transit	6/1/2013	Anda_Opioids_MDL_0000140223
056	Monthly Reporting – to Various States	2/6/2016	Anda_Opioids_MDL_0000149875
064	Suspicious Account Reporting	10/2017	Anda_Opioids_MDL_0000144381
065	Description of Anda’s SOM Statistical Model	2/13/2017	Anda_Opioids_MDL_0000144384

SECOND SUPPLEMENTAL RESPONSE TO DISCOVERY REQUEST NO. 2:

Anda adopts and expressly incorporates by reference herein its objections and responses as set forth in its Supplemental Response to Discovery Request No. 2.

Further answering, Anda states that as a result of various meet and confer discussions with Plaintiffs, Anda is supplementing this Response further to provide information regarding the implementation of Anda’s Suspicious Order Monitoring Systems policies and procedures. In addition to correspondence, customer due diligence files (which include but are not limited to customer questionnaires, historical dispensing data and geographical information from each

customer), which have been produced to Plaintiffs as part of Anda's custodial and non-custodial document productions, Anda maintains certain information in electronic databases that Anda has queried to obtain information responsive to Plaintiffs' discovery requests. Accordingly, Anda now supplements this Response by producing reports created as a result of these queries. These reports were attached as **Exhibits A-D** to the Second Supplemental Response to Discovery Request No. 2.

Exhibit A is a report from Anda's TPS database which tracks the status of various data points in Anda's due diligence files (i.e., current customer status, current control approval status, current customer questionnaire and current dispensing data) for each of Anda's customers located within the geographic area encompassed in the three cases designated by the Court as Track One cases pursuant to Case Management Order No. 1 (Dkt. No. 232) (the "Track One Customers"). The data included in Exhibit A describes only the status within Anda for these various data points as of the date of this response and does not reflect the status of such data at any other time. Historical information, if any, is collected as part of the customers' due diligence folder, which has been previously produced.

Exhibit B is a report created from the TPS database which contains notes recorded by Anda's compliance team which are specific to Track One Customers.

Exhibit C is a report created from the TPS database which reflects the activity resulting from operation of Anda's electronic order monitoring system after processing orders for controlled substances placed by Track One Customers from the period December 2011 to May 2018. All orders flagged by the electronic order monitoring system were manually reviewed by the Anda compliance team. The results of this manual review are memorialized in the TPS database and reflected in Exhibit C. This report includes orders reviewed by: (i) Anda's own electronic order

monitoring system from December 2011 through March 2017; and (ii) the electronic order monitoring system operated by Buzzeo PDMA on behalf of Anda from March 2017 through May 2018.

Lastly, **Exhibit D** is a report from Anda’s Remedy database of customer notes relating to controlled substances generally and opioids specifically.

THIRD SUPPLEMENTAL RESPONSE TO DISCOVERY REQUEST NO. 2:

Anda adopts and expressly incorporates by reference herein its objections and responses as set forth in its Supplemental Response to Discovery Request No. 2 and Second Supplemental Response to Discovery Request No. 2.

Further answering, Anda states that as a result of various meet and confer discussions with Plaintiffs, Anda is supplementing this Response to identify historical versions of the previously supplied written Standard Operating Procedures identified by Bates range. These historical versions of Anda’s Standard Operating Procedures were adopted and effective as written as of the date set forth on the respective documents. All documents responsive to this Request have been previously produced to Plaintiffs and are contained within the production at the Bates numbers identified in the chart below:

SOP NO.	SOP NAME	REV. DATE	BATES RANGE
010	Controlled Substance Handling	8/20/2004	Anda_Opioids_MDL_0000152092 - Anda_Opioids_MDL_0000152104
	Controlled Substance Handling	9/26/2008	Anda_Opioids_MDL_0000079962- Anda_Opioids_MDL_0000079974
	Controlled Substance Handling	5/21/2010	Anda_Opioids_MDL_0000104966- Anda_Opioids_MDL_0000104979
	Controlled Substance Handling	4/5/2012	Anda_Opioids_MDL_0000143076-

			Anda_Opioids_MDL_0000143086¹
013	Damaged Controls	8/20/2004	Anda_Opioids_MDL_0000271369- Anda_Opioids_MDL_0000271370
	Damaged Controls	9/26/2008	Anda_Opioids_MDL_0000079976- Anda_Opioids_MDL_0000079977
	Damaged Controls	5/21/2010	Anda_Opioids_MDL_0000112237- Anda_Opioids_MDL_0000112238
028	Information needed to Set up a New Account	8/20/2004	Anda_Opioids_MDL_0000271410- Anda_Opioids_MDL_0000271411
	Information needed to Set up a New Account	5/21/2010	Anda_Opioids_MDL_0000277387- Anda_Opioids_MDL_0000277389
	Information needed to Set-up a New Account	8/2011	Anda_Opioids_MDL_0000112257- Anda_Opioids_MDL_0000112259
	Information needed to Set-up a New Account	4/5/2012	Anda_Opioids_MDL_0000332950- Anda_Opioids_MDL_0000332952
	Information needed to Set-up a New Account	8/26/2014	Anda_Opioids_MDL_0000084434- Anda_Opioids_MDL_0000084436
	Information needed to Set-up a New Account	1/5/2015	Anda_Opioids_MDL_0000036519- Anda_Opioids_MDL_0000036521
	Customer Due Diligence	2/6/2016	Anda_Opioids_MDL_0000398204- Anda_Opioids_MDL_0000398207
	Customer Due Diligence	2/13/2017	Anda_Opioids_MDL_0000145818- Anda_Opioids_MDL_0000145821
	Customer Due Diligence	2/26/2018	Anda_Opioids_MDL_0000144398- Anda_Opioids_MDL_0000144401
030	Cage and Vault Alarm Testing	8/20/2004	Anda_Opioids_MDL_0000271414- Anda_Opioids_MDL_0000271415
	Cage and Vault Alarm Testing	9/26/2008	Anda_Opioids_MDL_0000079983- Anda_Opioids_MDL_0000079984

¹ Documents which appear in boldface were previously identified in Anda’s Supplemental Response to Plaintiff’s First Combined Discovery Request.

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	Cage and Vault Alarm Testing	5/21/2010	Anda_Opioids_MDL_0000126924- Anda_Opioids_MDL_0000126925
	Cage, Vault and Building Alarm Testing	4/5/2012	Anda_Opioids_MDL_0000143090- Anda_Opioids_MDL_0000143091
040	Order of Interest Monitoring System/Suspicious Order Monitoring	4/5/2012	Anda_Opioids_MDL_0000527936- Anda_Opioids_MDL_0000527938
	Order of Interest Monitoring System/Suspicious Order Monitoring	8/26/2014	Anda_Opioids_MDL_0000084445- Anda_Opioids_MDL_0000084447
	Suspicious Order Monitoring	2/1/2015	Anda_Opioids_MDL_0000140495- Anda_Opioids_MDL_0000140497
	Suspicious Order Monitoring	3/4/2017	Anda_Opioids_MDL_0000144378- Anda_Opioids_MDL_0000144380
045	Remedy Review Process	4/5/2012	Anda_Opioids_MDL_0000143092- Anda_Opioids_MDL_0000143095
	Remedy Review Process	8/26/2014	Anda_Opioids_MDL_0000146905- Anda_Opioids_MDL_0000146907
046	CS Lost in Transit	8/26/2014	Anda_Opioids_MDL_0000140223- Anda_Opioids_MDL_0000140226
056	Monthly Reporting – to Various States	2/6/2016	Anda_Opioids_MDL_0000149875- Anda_Opioids_MDL_0000149877
064	Suspicious Account Reporting	10/2017	Anda_Opioids_MDL_0000144381- Anda_Opioids_MDL_0000144383
065	Description of Anda’s SOM Statistical Model	2/2/2018	Anda_Opioids_MDL_0000144384- Anda_Opioids_MDL_0000144397

Dated: April 12, 2019

As to objections:

/s/ James W. Matthews

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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of April 2019, the foregoing has been served via electronic mail on the following counsel, with a copy to mdl2804discovery@motleyrice.com and xalldefendants-mdl2804-service@arnoldporter.com.

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