

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 )

) MDL No. 2804

) Case No. 17-md-2804

) Judge Dan Aaron Polster

**DEFENDANT ANDA, INC.'S FIRST SUPPLEMENTAL OBJECTIONS  
AND RESPONSES TO PLAINTIFFS' FIRST AND SECOND  
NOTICES OF DEPOSITION PURSUANT TO RULE 30(B)(6)**

Defendant Anda, Inc. (herein "Anda") hereby submits these first supplemental objections and responses to Plaintiffs' First and Second Notices of Deposition Pursuant to Rule 30(b)(6) and Document Requests pursuant to Rule 30(b)(2) and Rule 34 ("First Notice" and "Second Notice," collectively the "Notices"). Subject to and without waiver of the general objections set forth below, and as further limited by the specific responses and objections set forth below, Anda supplements its original response by providing substantive information to Topic Nos. 1 and 2 of the Second Notice in writing in lieu of designating a representative to testify regarding these topics.



## **PRELIMINARY STATEMENT AND GENERAL OBJECTIONS**

Anda incorporates herein by reference the Preliminary Statement and General Objections set forth in Anda's original responses to the First and Second Notices, which Anda served on August 29, 2018.

### **SUPPLEMENTAL RESPONSE TO SECOND NOTICE OF DEPOSITION PURSUANT TO RULE 30(B)(6)**

#### **TOPIC 1:**

Defendant's document retention policy for hard copy and electronic documents, including but not limited to:

- a. Defendant's policies and procedures for preserving documents in connection with litigation;
- b. Defendant's filing system for both hard copies of documents and electronic copies of documents;
- c. The identification and description of all files identified and/or searched for purposes of responding to plaintiffs' requests for production;
- d. The current and any prior system(s) used for purposes of creating, transmitting, storing, backing up, retrieving, and deleting E-mail and/or electronic records, including but not limited to, the name and version, installation dates, number of users, and location of users' mail files;
- e. Defendant's retention of records related to reporting information to the ARCOS system maintained by the DEA;
- f. Defendant's retention of records related to reporting of suspicious orders to the DEA; and
- g. Defendant's storage and retention of all sales transactions of all controlled substances (opioid products).

#### **FIRST SUPPLEMENTAL RESPONSE TO TOPIC 1:**

Anda objects to this Topic by adopting and incorporating by reference its Preliminary Statement and General Objections. Anda further objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product doctrine, and any other applicable privileges or protections. Anda further objects to this Topic as overbroad, unduly burdensome, oppressive, and not proportional to the needs of the case, including, without limitation, insofar as it purports to require Anda to provide information outside the limited

responsive time period set forth in the Court’s Discovery Ruling No. 2 (Dkt. No. 693) and Discovery Ruling No. 3 (Dkt. No. 762), and insofar as it purports to require Anda to provide information unrelated to the Track One Cases, particularly to the extent it is not limited to the records and file systems of departments actually involved in the distribution of opioids in the Track One jurisdictions. Anda further objects to this Topic to the extent it seeks information that is more properly sought through written discovery, including interrogatories and requests for production of documents. Anda further objects because this Topic is unwarranted and seeks discovery on discovery, and Plaintiffs have not provided an adequate factual basis demonstrating their need for discovery on this Topic. Anda further objects to this Topic as overbroad, insofar as “including, but not limited to” does not describe with reasonable particularity the matters for examination as required by Rule 30(b)(6).

Subject to and without waiving the foregoing objections and limitations, Anda provides the following information in writing in lieu of designating a representative to testify on this topic:

**Anda’s Document Retention Policy Generally**

Anda maintains all records in a readily retrievable format including both electronic and manual depending on the specific record at issue. All custodians in Anda’s electronic or physical environment are expected to manage their mailboxes and physical files based on the corporate mandates set by Anda’s legal and compliance teams. In the ordinary course of Anda’s business, email is kept in a user’s active mailbox for 90 days; emails older than 90 days are archived. Emails are not subject to any central auto-deletion function, and are retained indefinitely unless manually deleted by the user.

Other records are retained for a period of time as set forth in the records retention

schedule. For example, board records such as minutes and governance documents are retained indefinitely. Regulatory submissions such as those to the United States Food and Drug Administration are also retained indefinitely. Agreements and contracts that are in effect are retained indefinitely, while those that have expired are retained for 15 years. Certain financial records such as financial statements, income statements, balance sheets and capital schedules are retained for 7 years.

When Anda is or reasonably anticipates being involved in litigation, an assessment that is made by and with the advice of counsel, Anda's legal department issues a legal hold notice distributed to departments and employees of Anda likely to have documents, materials or information (collectively, "records") relevant to that potential or actual litigation. The legal hold notice instructs its recipients to preserve and keep as-is all records relevant to the potential or actual litigation to which the notice relates. The legal hold notice further instructs its recipients to not destroy, delete, alter, modify or discard any present and future records relevant to the potential or actual litigation to which the notice relates. The legal hold notice requires strict compliance with its instructions, and further requires its recipients to acknowledge receipt of and to report compliance with the notice.

To comply with its discovery obligations in this case, Anda searched for the custodial files of all custodians requested by plaintiffs, including active mailboxes and archived emails, workstations and personal drives. In addition, Anda searched for non-custodial files in centrally located sources, such as its shared network drives and other centralized repositories and databases.

**Anda's Retention of Certain Records Related to Its Distribution of Controlled Substances**

Anda retains for a minimum of three years all ARCOS records. Anda retains for a

minimum of three years all DEA records, including all financial and shipping records for all Anda registrants. With the exception of executed order forms for Anda's Olive Branch, MS distribution center which are kept at that center, all other records relevant to this category are maintained at Anda's headquarters in Weston, FL. Anda maintains suspicious order reports indefinitely. Further, Anda's transactional invoice details for the period of 1996 to the present are maintained electronically.

**TOPIC 2:**

Your current and historical corporate organizational structure, both legal and operational, including but not limited to the names and roles of the following:

- a. Your Board of Directors and Board of Directors for each subsidiary and related entity;
- b. Officers including those designated with the functional equivalent of:
  - i. Chief Executive Officer;
  - ii. Chief Financial Officer;
  - iii. Chief Operating Officer;
  - iv. General Counsel;
  - v. Director of Sales;
  - vi. Director of Marketing;
  - vii. Director of Regulatory Compliance;
  - viii. Director of Government Affairs; and
  - ix. Director of Distribution;
- c. All committees and sub-committees of Your Board of Directors and Board of Directors for each subsidiary and/or entity;
- d. Employees (and compensation structure) related to servicing clients in Case Track 1 ("CT1") jurisdictions;
- e. Ownership and control of distribution operations;
- f. Departments, subsidiaries, committees, including but not limited to those related to the following: sales, marketing, regulatory compliance, internal or external audits, government affairs, distribution, and compensation;
- g. Chain of command;
  - i. Legal chain of command; and

- ii. Operational chain of command.
- h. Wholly owned subsidiaries, affiliates and DEA registrations;
- i. Employees knowledgeable about any marketing services You have offered to manufacturers of prescription opiates;
- j. Mergers, acquisitions and other corporate restructuring.

**FIRST SUPPLEMENTAL RESPONSE TO TOPIC 2:**

Anda objects to this Topic by adopting and incorporating by reference its Preliminary Statement and General Objections. Anda further objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product doctrine, and any other applicable privileges or protections. Anda further objects to this Topic as overbroad, unduly burdensome, oppressive, and not proportional to the needs of the case, including, without limitation, insofar as it purports to require Anda to provide information outside the limited responsive time period and geographic scope set forth in the Court's Discovery Ruling No. 2 (Dkt. No. 693) and Discovery Ruling No. 3 (Dkt. No. 762), and insofar as it purports to require Anda to provide information unrelated to the Track One Cases. Anda further objects to this Topic to the extent it seeks information that is more properly sought through written discovery, including interrogatories and requests for production of documents. Anda objects to the extent that it calls upon Anda to designate a representative to testify regarding individuals or entities other than Anda, Inc. Anda further objects to the extent this Topic is duplicative of Interrogatory Nos. 1, 3, 18, 27, and 28.

Subject to and without waiving the foregoing objections and limitations, Anda responds to this topic in writing by providing the following information in lieu of designating a representative to testify on this topic:

Anda's origin dates back to August 1992, when Anda Generics, Inc. was founded as a

subsidiary of Andrx Pharmaceuticals, Inc. Anda Generics' name was changed to Anda, Inc. in 1999, and, thereafter, Anda, Inc. was owned by Andrx Corporation ("Andrx").

Watson Pharmaceuticals, Inc. ("Watson") acquired Andrx on November 7, 2006. In 2012, Watson acquired Actavis plc ("Actavis") and its subsidiaries; the newly formed entity retained the Actavis name. In 2015, Actavis acquired Allergan plc ("Allergan") and its subsidiaries; the newly formed entity retained the Allergan name.

On October 3, 2016, Teva Pharmaceuticals Industries Limited acquired Anda from Allergan.

Anda is currently headquartered in Weston, FL, from where all operations are overseen, including distribution operations. Anda owns and operates a distribution center in Weston, FL (DEA# RA0180733), and one in Olive Branch, MS (DEA# RA0481894). Anda previously owned and operated a distribution center in Groveport, OH (DEA# RA0287020). The following entities are or have been subsidiaries and/or affiliates of Anda, Inc.: Anda Marketing, Inc.; Anda Pharmaceuticals, Inc.; Anda Puerto Rico, Inc.; and Anda Veterinary Supply, Inc.

Anda's business departments can be characterized as follows: finance, human resources, information technology, logistics and operations, purchasing, regulatory compliance and training, and sales<sup>1</sup> and marketing. Over the time period relevant to the Track One cases, the legal departments of Anda's parent companies have also supported Anda's business.

Information regarding Anda's officers is provided in the table below:

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<sup>1</sup> Information regarding sales compensation plans can be found in the documents Anda produced on November 16, 2018, which can be identified by the "Anda HR" notation in the custodian field and include the following: Anda\_Opioids\_MDL\_0001096414, Anda\_Opioids\_MDL\_0001096415, Anda\_Opioids\_MDL\_0001096417, Anda\_Opioids\_MDL\_0001096422, Anda\_Opioids\_MDL\_0001096423, Anda\_Opioids\_MDL\_0001096424, Anda\_Opioids\_MDL\_0001096436, Anda\_Opioids\_MDL\_0001096437, Anda\_Opioids\_MDL\_0001096477, Anda\_Opioids\_MDL\_0001096486, Anda\_Opioids\_MDL\_0001096490, Anda\_Opioids\_MDL\_0001096491, Anda\_Opioids\_MDL\_0001096501, Anda\_Opioids\_MDL\_0001096508, Anda\_Opioids\_MDL\_0001096516, Anda\_Opioids\_MDL\_0001096517, Anda\_Opioids\_MDL\_0001096528, Anda\_Opioids\_MDL\_0001096529, Anda\_Opioids\_MDL\_0001096539.

<b>Officers</b>	<b>Name</b>	<b>Employment Period During the Relevant Timeframe</b>
President	Al Paonessa, III	2006 - 2014
	Charles (Chip) Phillips	2015 - present
Vice President of Sales/Marketing	Wayne Roberts	2006 - 2009
	William Versosky	2010 - 2016
	Brian Witte	2010 - 2015
Vice President of Operations/Logistics	Patrick Cochrane	2006 - present
Vice President, Finance	Tricia Hew Chen	2012 - present
Executive Director of Regulatory Compliance	Michael Cochrane	2006 - 2016
	Jay Spellman	2016 - present

Dated: January 11, 2019

*/s/ James W. Matthews* \_\_\_\_\_

James W. Matthews (pro hac vice)

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of January 2019, the foregoing was served via electronic mail on counsel of record at [mdl2804discovery@motleyrice.com](mailto:mdl2804discovery@motleyrice.com) and [xALLDEFENDANTS-MDL2804-Service@arnoldporter.com](mailto:xALLDEFENDANTS-MDL2804-Service@arnoldporter.com).

*/s/ James W. Matthews*

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James W. Matthews