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12 CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER

13 **UNITED STATES DISTRICT COURT**  
14 **NORTHERN DISTRICT OF CALIFORNIA**

15  
16 CITY AND COUNTY OF SAN FRANCISCO,  
17 et al.,

18 Plaintiffs,

19 vs.

20 PURDUE PHARMA L.P., et al.,

21 Defendants.

Case No. 3:18-cv-07591-CRB

**ANDA INC.’S FIRST SUPPLEMENTAL  
22 RESPONSES AND OBJECTIONS TO  
23 PLAINTIFF’S FIRST SET OF  
24 INTERROGATORIES TO ANDA, INC.**

Honorable Charles R. Breyer

25  
26 **PLAINTIFFS TRIAL**  
27 **EXHIBIT**  
28 **P-17504\_0001**

1 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant Anda, Inc. (herein  
2 “Anda”) hereby supplements its January 19, 2021 Responses and Objections to Plaintiff’s First Set of  
3 Interrogatories to it (the “Interrogatories”) as follows:

4 **PRELIMINARY STATEMENT**

5 1. The objections and responses provided herein are for use in this action and for no other  
6 purpose and are provided subject to that limitation.

7 2. Anda’s responses to the Interrogatories are made without in any way waiving or  
8 intending to waive:

9 a. any objections as to the competency, relevance, materiality, propriety, privilege,  
10 or admissibility as evidence, for any purpose, of any information or documents referred to or  
11 produced in response to the Interrogatories;

12 b. the right to object on any ground to the use of the information or documents  
13 produced in response to the Interrogatories at any hearings or at trial, or in any subsequent  
14 proceedings; or

15 c. the right at any time to revise, correct, add to, supplement, or clarify any of the  
16 responses contained herein.

17 3. Anda’s responses to the Interrogatories shall not be deemed to constitute admissions:

18 a. that any particular information, document or thing exists, is relevant, non-  
19 privileged, or admissible in evidence; or

20 b. that any statement or characterization in the Interrogatories is accurate or  
21 complete.

22 4. Anda reserves the right at any time to revise, supplement, correct, clarify, or add to these  
23 objections and responses. Anda further reserves the right to object on any ground and at any time to a  
24 demand for further responses to the Interrogatories, or for production of additional documents in  
25 response to the Interrogatories.

26 5. Anda’s objections and responses below are provided without prejudice to Anda’s right to  
27 produce evidence of any subsequently discovered facts. Anda therefore reserves its right to provide  
28 further responses as additional facts are ascertained.

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2 **GENERAL OBJECTIONS**

3 1. Anda objects to the Interrogatories insofar as they are vague, ambiguous, duplicative,  
4 overly broad, unduly burdensome or oppressive, or seek information or documents that are not relevant  
5 to any party’s claim or defense, not proportional to the needs of the case, and/or otherwise seek  
6 information beyond the scope provided for by the Federal Rules of Civil Procedure, or any other  
7 applicable laws or rules.

8 2. Anda objects to the Interrogatories as overly broad and unduly burdensome to the extent  
9 that the requested information is available from other sources, including publicly available sources  
10 and/or documents produced by the parties or third parties in *In Re National Prescription Opiate*  
11 *Litigation*, MDL No. 2804, Case No. 17-md-2804 (N.D. Ohio) (the “MDL”) or *The City and County of*  
12 *San Francisco, California and the People of the State of California, et al. v. Purdue Pharma L.P., et al.*,  
13 Case No. 3:18-cv-7591 (N.D. Cal.) (the “Litigation”).

14 3. Anda objects to the Interrogatories as overly broad and unduly burdensome to the extent  
15 they purport to seek documents and information not relevant nor reasonably likely to lead to the  
16 discovery of admissible evidence in the Litigation.

17 4. Anda objects to the Interrogatories as overly broad, unduly burdensome, oppressive, and  
18 not proportional to the needs of the case to the extent they purport to request information beyond the  
19 temporal and geographic scope relevant to this case. Unless otherwise indicated, Anda will provide  
20 information and/or documents in response to the Interrogatories using the geographic scope of the “Bay  
21 Area” counties in California as described in the Court’s ruling in Discovery Order No. 3 (Dkt. No. 419)<sup>1</sup>  
22 (the “Relevant Geographic Regions”) and temporal scope used in the MDL (the “Relevant Time  
23 Period”), and will supplement its responses to be consistent with any ruling by the Court applicable to  
24 Anda on the temporal and geographic scope of discovery.

25  
26  
27  
28 <sup>1</sup> Pursuant to Discovery Order No. 3, the “Bay Area” counties are “San Francisco, Alameda, Contra  
Costa, Sonoma, Marin, San Mateo, Santa Clara, Solano and Napa.” (Dkt. No. 419, p. 1.)

1           5.       Anda objects to the Interrogatories as overly broad, unduly burdensome, oppressive, and  
2 not proportional to the needs of the case with respect to Anda in particular, including without limitation  
3 due to the breadth of the requested information and/or documents.

4           6.       Anda objects to the Interrogatories to the extent that they seek to impose obligations  
5 broader than, or inconsistent with, Anda's obligations under the Federal Rules of Civil Procedure, the  
6 applicable local rules, other applicable laws or rules, and/or any other applicable court order(s).

7           7.       Anda objects to any implications and to any explicit or implicit characterization of facts,  
8 events, circumstances, or issues in the Interrogatories. Anda's responses to the Interrogatories are not  
9 intended to indicate that Anda adopts, concedes, or agrees with any implication or any explicit or  
10 implicit characterization of facts, events, circumstances, or issues described by Plaintiff in the  
11 Interrogatories, or that such implications or characterizations are accurate and/or relevant to the  
12 Litigation.

13          8.       Anda objects to the extent the Interrogatories incorrectly imply that Anda engaged in any  
14 of the conduct characterized or otherwise referenced in the Interrogatories. The responses to the  
15 Interrogatories are not intended to indicate that Anda adopts, concedes, or agrees with any such  
16 implications or characterizations, or that such implications or characterizations are accurate and/or  
17 relevant to the Litigation.

18          9.       Anda objects to the Interrogatories insofar as they seek communications or other  
19 information protected from discovery by the attorney-client privilege, work product doctrine, or other  
20 privilege or protection, or seek communications or other information otherwise immune or protected  
21 from discovery and/or disclosure. Anda does not intend to waive any applicable privileges or  
22 protections by supplying information in response to the Interrogatories. On the contrary, Anda  
23 specifically intends to preserve any and all applicable privileges or protections.

24          10.       Inadvertent disclosure of any information or production of any document in response to  
25 the Interrogatories shall not constitute a waiver of any privilege or any other ground for objecting to  
26 discovery with respect to such information or document (or any other information or document), or with  
27 respect to the subject matter thereof, nor shall such inadvertent production waive Anda's right to  
28

1 demand the return of such information or document pursuant to the terms of the relevant Case  
2 Management Order and Protective Order entered in this case.

3 11. Anda objects to the Interrogatories to the extent they seek any other confidential,  
4 proprietary, or commercially sensitive information and/or trade secrets. Anda will only produce such  
5 confidential, proprietary, or commercially sensitive information and/or trade secrets subject to the terms  
6 of the relevant Case Management Order and Protective Order entered in this case.

7 12. Anda objects to the “Definitions” and “Instructions” in the Interrogatories to the extent  
8 they purport to impose discovery obligations on Anda greater than those imposed or authorized by the  
9 Federal Rules of Civil Procedure, the applicable local rules, other applicable laws or rules, and/or any  
10 other applicable court order(s).

11 13. Anda objects to the Interrogatories definition of “You” and “Your” as vague, ambiguous,  
12 overly broad, and unduly burdensome, including without limitation to the extent it purports to include  
13 Anda’s corporate parent, subsidiaries, or affiliates.

14 14. Anda objects to the Interrogatories’ definition of “Document” to the extent it exceeds the  
15 scope of Fed. R. Civ. P. 34(a)(1)(A) or (B).

16 15. Anda objects to the Interrogatories’ definition of “Communications” as overly broad,  
17 unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and not  
18 proportional to the needs of the case, including without limitation because it purports to require the  
19 search and collection of sources such as “messages on ‘social networking’ sites” and “shared  
20 applications from cell phones.”

21 16. Anda objects to the Interrogatories’ definition of “Customer” as overly broad, unduly  
22 burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and not  
23 proportional to the needs of the case, including without limitation because it purports to include entities  
24 outside of the Relevant Geographic Regions. Anda will provide information in response to the  
25 Interrogatories as set forth in the individual Responses below and will supplement its Responses  
26 consistent with any ruling from the Court applicable to Anda on the geographic scope of discovery.

27 17. Anda objects to the Interrogatories’ definitions of “Opioid(s)” as vague, ambiguous, and  
28 overly broad, including, without limitation to the extent it purports to include substances “used to  
control pain, including, but not limited to, the drugs referenced in Plaintiff’s First Amended Complaint

1 in the above-referenced matter.” Anda will produce documents in response to these Interrogatories as  
2 set forth in the individual Responses below and consistent with the MDL Court’s rulings setting forth  
3 the products at issue, i.e., Discovery Ruling No. 2 (Dkt. 693) (“Defendants shall produce discovery  
4 related to all opioid products that are or ever were classified as Schedule II under the Controlled  
5 Substances Act”).

6 18. Anda objects to the Interrogatories’ definition of “Order(s) of Interest” as vague,  
7 ambiguous, overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of  
8 admissible evidence, and not proportional to the needs of the case. Anda further objects to the definition  
9 of “Order(s) of Interest” due to its incorporation of the defined terms “Opioid(s).”

10 19. Anda objects to the Interrogatories’ definition of “Suspicious Order” as vague and  
11 ambiguous to the extent it purports to be “defined by DEA.” DEA has not defined the term “suspicious  
12 order.” Anda further objects to the definition of “Suspicious Order” as overly broad, unduly  
13 burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and not  
14 proportional to the needs of the case. Anda further objects to the definition of “Suspicious Order” due to  
15 its incorporation of the defined terms “Opioid(s).”

16 20. Anda objects to the Interrogatories’ instruction that the Interrogatories cover the time  
17 period from “one year prior to the launch of each relevant Opioid through the date of Your response” as  
18 overly broad, unduly burdensome, and not proportional to the needs of the case, including without  
19 limitation because it purports to require Anda to search for and produce documents (to the extent they  
20 even exist and are accessible) that are outside the relevant statute(s) of limitations and are not relevant to  
21 Plaintiff’s claims. Anda will provide information from the Relevant Time Period in response to these  
22 Interrogatories.

23 21. Anda objects to the Interrogatories’ instruction regarding referencing “the Bates stamp  
24 range” of documents “produced in discovery in any MDL proceeding,” as well as to certain of the  
25 Interrogatories’ instruction to identify the Bates stamp range in response, as overly broad, unduly  
26 burdensome, and not proportional to the needs of the case, including without limitation because it  
27 purports to impose obligations on Anda beyond the requirements of the Federal Rules of Civil Procedure  
28 and this Court’s orders.

1           22.     Anda objects to the Interrogatories’ instruction regarding the production of electronically  
2 stored information (“ESI”), video, and audio files. Anda will produce documents and ESI in accordance  
3 with the ESI Order applicable in this case. (Dkt. No. 279.)

4           23.     Anda reserves the right to assert additional objections to the Interrogatories as appropriate  
5 and to amend or supplement the objections and responses herein in accordance with applicable rules and  
6 court order(s). Anda also reserves the right to object to the use of any of its responses – and/or any  
7 documents or other information produced in response to the Interrogatories – at trial or other hearing or  
8 proceeding, as Anda deems necessary and/or appropriate. To the extent that Anda may provide  
9 information in response to any Interrogatories herein, Anda does so without limiting or waiving any  
10 objections otherwise available to it.

11           Each of the General Objections set forth above are incorporated into Anda’s answers to the  
12 Interrogatories set forth below.

### 13                                   **ANSWERS TO INTERROGATORIES**

#### 14           **INTERROGATORY NO. 1:**

15           Identify and describe each Suspicious Order or Order of Interest that You identified from  
16 any of Your Customers in the State of California during the time period, including the basis for  
17 Your determination that the Order was a Suspicious Order or Order of Interest. After each entry,  
18 please Identify the Bates range which corresponds to each Suspicious Order to enable a finder of  
19 fact to correlate each Suspicious Order to each Document produced in response to Plaintiffs’  
20 Request for Production No. 3 dated April 16, 2020.

#### 21           **RESPONSE TO INTERROGATORY NO. 1:**

22           Anda objects to this Interrogatory by adopting and incorporating by reference its Preliminary  
23 Statement and General Objections. Anda further objects to this Interrogatory on the grounds that it is  
24 vague and ambiguous, particularly the terms “identified” and “determination.” Anda objects to this  
25 Interrogatory as vague, ambiguous, cumulative, duplicative, overly broad, unduly burdensome and  
26 oppressive, not proportional to the needs of the case, and for seeking information not relevant to the  
27 subject matter of this case, including, without limitation, insofar as it purports to require Anda to provide  
28 information unrelated to the Litigation; insofar as it purports to impose a geographic scope extending to

1 the entire state of California; insofar as it purports to impose a temporal scope of nearly twenty-five  
2 years; insofar as it seeks information previously provided in discovery; and insofar as it assumes facts.  
3 Anda further objects to this Interrogatory to the extent it seeks information protected by the attorney-  
4 client privilege, work product doctrine, and any other applicable privileges or protections. Anda  
5 specifically objects to the use of the terms “Suspicious Orders” and “Order of Interest” as such terms are  
6 vague, ambiguous, misleading, overly broad and unduly burdensome, and to the extent they call for  
7 legal conclusions. For purposes of responding to this Interrogatory, Anda defines the phrase “suspicious  
8 order” as any order for a Controlled Substance at issue in the Litigation that Anda, after application of  
9 its policies and procedures, concluded was suspicious, including any order Anda concluded was of  
10 “unusual size,” “deviat[ed] substantially from a normal pattern,” or was an “order[] of unusual  
11 frequency.” Anda further objects to this Interrogatory for seeking information regarding specific  
12 “Suspicious Orders,” when Plaintiff has expressly disclaimed the relevance of such information to its  
13 claims, in favor of aggregate proof. *See, e.g.*, Dec. 9, 2020 Tiffany Ellis Letter to Eric Buhr, p. 4 (“The  
14 People reiterate that the People do not attribute any injury that they have suffered to any individual  
15 suspicious orders or individual prescriptions, but to the aggregate of Defendants’ creation of and  
16 contribution to a public nuisance . . . the People will not identify suspicious orders or prescriptions tied  
17 to specific injury”).

18 Subject to Anda’s Preliminary Statement, General Objections, and Specific Objections, pursuant  
19 to Fed. R. Civ. P. 33(d), Anda directs Plaintiff to the documents listed by bates number on Appendix A  
20 attached hereto, which reference orders, including orders placed by customers in California, that Anda  
21 determined to be a “suspicious order” during the Relevant Time Period.

22 With respect to “Orders of Interest” as Anda understands that term, Anda will produce a report  
23 that reflects the activity resulting from operation of its electronic order monitoring system for orders  
24 placed for products at issue by customers in the Relevant Geographic Regions from December 2011 to  
25 December 2018. This report will include orders reviewed by: (i) Anda’s own electronic order  
26 monitoring system from December 2011 through March 2017; and (ii) the electronic order monitoring  
27 system operated by Buzzeo PDMA on behalf of Anda from March 2017 through December 2018.

28 Anda’s policies and procedures for identifying potentially suspicious orders, or orders of interest,



1 evolved over time in response to changing technology, guidance from DEA, and evolving industry  
2 customs, practices and standards. These policies and procedures at all times relevant to this action  
3 required manual review of potentially suspicious orders by Anda's compliance team. Specifically, from  
4 at least the beginning of the Relevant Time Period, Anda had an electronic system in place that  
5 precluded customers from placing orders for controlled substances above specified amounts. If a  
6 customer desired to place orders exceeding such a limit, Anda's compliance department conducted  
7 further due diligence of the customer and the request to increase permissible order quantity to determine  
8 whether any changes were warranted. If, following review, a customer were granted an increase in its  
9 limits, the customer would then be allowed to place an order within the new permissible limit.  
10 Beginning in December 2011, Anda augmented this system by implementing an electronic order  
11 monitoring system to review each order for a product at issue (among other products) as part of its order  
12 review process. All orders flagged by the electronic order monitoring system were manually reviewed  
13 by the Anda compliance team to make a determination whether such orders were appropriate for  
14 shipment or, in the alternative, whether the order would be deemed suspicious, cancelled and reported to  
15 DEA in accordance with Anda's policies and procedures.

16 In addition, pursuant to Fed. R. Civ. P. 33(d), Anda refers Plaintiff to the customer files related  
17 to its customers in the Relevant Geographic Regions that have been or will be produced for information  
18 relating to any suspicious orders or orders of interest related to those customers.

19 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1:**

20 Anda adopts and expressly incorporates by reference herein its objections and responses as set  
21 forth in its Response to Interrogatory No. 1.

22 Further answering, Anda states that as a result of various meet and confer discussions with  
23 Plaintiff, Anda is supplementing this Response to provide information regarding the implementation of  
24 Anda's Suspicious Order Monitoring Systems and its customer due diligence, including with respect to  
25 "orders of interest." In addition to correspondence and customer due diligence files (which include but  
26 are not limited to customer questionnaires, historical dispensing data and geographical information from  
27 each customer), which have been produced to Plaintiff as part of Anda's custodial and non-custodial  
28 document productions, Anda maintains certain information in electronic databases that Anda has queried

1 to obtain information responsive to Plaintiff's discovery requests. Accordingly, Anda now supplements  
2 this Response by producing reports created as a result of these queries. These reports are attached hereto  
3 as **Exhibits A-B**.

4 **Exhibit A** is a report which reflects the activity resulting from operation of Anda's electronic  
5 monitoring system for orders placed for products at issue by customers in the Relevant Geographic  
6 Regions from December 2011 to December 2018, as set forth and further described in Anda's Response  
7 to Interrogatory No. 1.

8 **Exhibit B** is a report which contains notes recorded by Anda's compliance team which are  
9 specific to its customers in the Relevant Geographic Regions.

10 **INTERROGATORY NO. 2:**

11 For each Suspicious Order from any of Your Customers in the State of California You  
12 identified but did not report to the DEA or California Board of Pharmacy during the time period, please  
13 describe in as much detail as possible the reasons you did not report each Order. After each entry, please  
14 Identify the Bates range which corresponds to each Suspicious Order to enable a finder of fact to  
15 correlate each Suspicious Order to each Document produced in response to Plaintiffs' Request for  
16 Production No. 3 dated April 16, 2020.

17 **RESPONSE TO INTERROGATORY NO. 2:**

18 Anda objects to this Interrogatory by adopting and incorporating by reference its Preliminary  
19 Statement and General Objections. Anda further objects to this Interrogatory on the grounds that it is  
20 vague and ambiguous, particularly the term "identified." Anda objects to this Interrogatory as overly  
21 broad, unduly burdensome and oppressive, not proportional to the needs of the case, and for seeking  
22 information not relevant to the subject matter of this case, including, without limitation, insofar as it  
23 purports to require Anda to provide information unrelated to the Litigation; insofar as it purports to  
24 impose a geographic scope extending to the entire state of California; insofar as it purports to impose a  
25 temporal scope of nearly twenty-five years; and insofar as it assumes facts. Anda further objects to this  
26 Interrogatory to the extent it seeks information protected by the attorney-client privilege, work product  
27 doctrine, and any other applicable privileges or protections. Anda specifically objects to the use of the  
28 term "Suspicious Order" as vague, ambiguous, misleading, overly broad and unduly burdensome, and

1 calling for legal conclusions. For purposes of responding to this Interrogatory, Anda defines the phrase  
2 “suspicious order” as any order for a Controlled Substance at issue in the Litigation that Anda, after  
3 application of its policies and procedures, concluded was suspicious, including any order Anda  
4 concluded was of “unusual size,” “deviat[ed] substantially from a normal pattern,” or was an “order[] of  
5 unusual frequency.” Anda further objects to this Interrogatory for seeking information regarding  
6 specific “Suspicious Order[s],” when Plaintiff has expressly disclaimed the relevance of such  
7 information to its claims, in favor of aggregate proof. *See, e.g.*, Dec. 9, 2020 Tiffany Ellis Letter to Eric  
8 Buhr, p. 4 (“The People reiterate that the People do not attribute any injury that they have suffered to  
9 any individual suspicious orders or individual prescriptions, but to the aggregate of Defendants’ creation  
10 of and contribution to a public nuisance . . . the People will not identify suspicious orders or  
11 prescriptions tied to specific injury”).

12 Subject to Anda’s Preliminary Statement, General Objections, and Specific Objections, Anda  
13 states that since at least September 2007, any order that Anda determined to be a “suspicious order” was  
14 reported to DEA, cancelled and not shipped. For orders placed by a customer located within the  
15 Relevant Geographic Regions during the period between January 1, 2006 and September 2007 that Anda  
16 determined to be “suspicious orders,” and that Anda shipped at or around the time it reported such  
17 orders to DEA, please see the following documents included on Appendix A:

18 Anda\_Opioids\_MDL\_0000124928; Anda\_Opioids\_MDL\_0000124943;  
19 Anda\_Opioids\_MDL\_0000124945; Anda\_Opioids\_MDL\_0000124963;  
20 Anda\_Opioids\_MDL\_0000125002; Anda\_Opioids\_MDL\_0000271707;  
21 Anda\_Opioids\_MDL\_0000280967.

22 **INTERROGATORY NO. 3:**

23 For each Suspicious Order from any of Your Customers in the State of California You reported  
24 to the DEA or California Board of Pharmacy during the time period, please Identify whether You  
25 declined the Order or shipped the Order.

26 **RESPONSE TO INTERROGATORY NO. 3:**

27 Anda objects to this Interrogatory by adopting and incorporating by reference its Preliminary  
28 Statement and General Objections. Anda further objects to this Interrogatory on the grounds that it is

1 vague and ambiguous, particularly the terms “declined,” and “shipped.” Anda objects to this  
2 Interrogatory as overly broad, unduly burdensome and oppressive, not proportional to the needs of the  
3 case, and for seeking information not relevant to the subject matter of this case, including, without  
4 limitation, insofar as it purports to require Anda to provide information unrelated to the Litigation;  
5 insofar as it purports to impose a geographic scope extending to the entire state of California; insofar as  
6 it purports to impose a temporal scope of nearly twenty-five years; and insofar as it assumes facts. Anda  
7 specifically objects to the use of the term “Suspicious Order” as vague, ambiguous, misleading, overly  
8 broad and unduly burdensome, and calling for legal conclusions. For purposes of responding to this  
9 Interrogatory, Anda defines the phrase “suspicious order” as any order for a Controlled Substance at  
10 issue in the Litigation that Anda, after application of its policies and procedures, concluded was  
11 suspicious, including any order Anda concluded was of “unusual size,” “deviat[ed] substantially from a  
12 normal pattern,” or was an “order[] of unusual frequency.” Anda further objects to this Interrogatory for  
13 seeking information regarding specific “Suspicious Order[s],” when Plaintiff has expressly disclaimed  
14 the relevance of such information to its claims, in favor of aggregate proof. *See, e.g.*, Dec. 9, 2020  
15 Tiffany Ellis Letter to Eric Buhr, p. 4 (“The People reiterate that the People do not attribute any injury  
16 that they have suffered to any individual suspicious orders or individual prescriptions, but to the  
17 aggregate of Defendants’ creation of and contribution to a public nuisance . . . the People will not  
18 identify suspicious orders or prescriptions tied to specific injury”).

19 Subject to Anda’s Preliminary Statement, General Objections, and Specific Objections, Anda  
20 incorporates by reference its response to Interrogatory No. 2.

21 **INTERROGATORY NO. 4:**

22 Describe Your understanding or knowledge of each of Your National Retail Pharmacy  
23 Customers’ Suspicious Order Monitoring Systems, including: how each Suspicious Order Monitoring  
24 System changed each year; the individual or individuals from each of Your National Retail Pharmacy  
25 Customers who provided you with that information; and the identify of each of Your Employees in  
26 charge of evaluating each of Your National Retail Pharmacy Customers’ Suspicious Order Monitoring  
27 Systems by year during the time period.  
28

1 **RESPONSE TO INTERROGATORY NO. 4:**

2           Anda objects to this Interrogatory by adopting and incorporating by reference its Preliminary  
3 Statement and General Objections. Anda further objects to this Interrogatory to the extent it seeks  
4 information protected by the attorney-client privilege, work product doctrine, and any other applicable  
5 privileges or protections. Anda further objects to this Interrogatory on the grounds that it is vague and  
6 ambiguous, particularly the terms “understanding,” “knowledge,” “National Retail Pharmacy  
7 Customers,” and “evaluating.” Anda objects to this Interrogatory as overly broad, unduly burdensome  
8 and oppressive, and for seeking information not relevant to the subject matter of this case, including,  
9 without limitation, insofar as it purports to require Anda to provide information unrelated to this case;  
10 insofar as it seeks materials that are available from other sources, including documents produced by the  
11 parties or third parties in this case; insofar as it purports to impose a geographic scope extending to any  
12 of Anda’s customers located anywhere without regard to their connection to the Litigation; insofar as it  
13 purports to impose a temporal scope of nearly twenty-five years; and insofar that it assumes facts that  
14 have not been established.

15           Subject to Anda’s Preliminary Statement, General Objections, and Specific Objections, Anda  
16 states that it is willing to meet and confer regarding this request.

17 **INTERROGATORY NO. 5:**

18           For each Opioid (branded or generic) that You sold or distributed in the State of California,  
19 provide a quarterly and annual sales summary, including for each Opioid: (1) the product name; (2) the  
20 base code for the product; (3) gross dollar sales for that Opioid; (4) the gross profit for that Opioid; (5)  
21 sales volume by number of pills or other dosage units for that Opioid; (6) sales volume by number of  
22 SKU units/bottles for that Opioid; (7) market share for that Opioid; and (8) the documents relied upon to  
23 generate the summary.

24 **RESPONSE TO INTERROGATORY NO. 5:**

25           Anda objects to this Interrogatory by adopting and incorporating by reference its Preliminary  
26 Statement and General Objections. Anda further objects to this Interrogatory on the grounds that it is  
27 vague and ambiguous, particularly the terms “sales,” and “market share.” Anda further objects to this  
28 Interrogatory as overly broad, unduly burdensome and oppressive, and for seeking materials not relevant

1 to the subject matter of this case, including, without limitation, insofar as it purports to require Anda to  
2 provide documents or information unrelated to this case; insofar as it purports to impose an unlimited  
3 geographic scope; and insofar as it purports to impose a temporal scope of nearly twenty-five years.  
4 Anda further objects to this Interrogatory to the extent that it seeks materials that are available from  
5 other sources, including documents produced by the parties or third parties in this case. Anda further  
6 objects to this Interrogatory to the extent it seeks information that Anda does not typically maintain in  
7 the normal course of its business for a specific geographic area, including gross profits by product and  
8 market share by product, and therefore will not be producing information in response to subparagraphs  
9 (4) and (7) of this Interrogatory.

10 Subject to Anda's Preliminary Statement, General Objections, and Specific Objections, Anda  
11 states that Plaintiff can derive the information requested by subparagraphs (1), (2), (5) and (6) from the  
12 transactional data Anda produced or will produce in this matter, and that the burden of deriving that  
13 information from the data provided is the same on Plaintiff as it is on Anda. Specifically, pursuant to  
14 Fed. R. Civ. P. 33(d), Anda refers to Plaintiff to the transactional data it produced on October 1, 2020,  
15 bates labeled Anda\_Opioid\_CA\_SF-Tx-Data-SF\_0000001, as well as to its forthcoming supplemental  
16 production of transactional data for additional customers in the State of California, which will provide  
17 the same data fields, and which contains information responsive to this request.

18 **INTERROGATORY NO. 6:**

19 Please Identify any Customers in the State of California with whom you Communicated  
20 regarding Your Compliance Assistance Program or Compliance Analysis Program, for each Customer  
21 that you Identify, please provide the dates of the Communication, the names of the employees involved  
22 in the Communication, the purpose of the Communication, and whether each Customer participated in  
23 Your Compliance Assistance Program or Compliance Analysis Program.

24 **RESPONSE TO INTERROGATORY NO. 6:**

25 Anda objects to this Interrogatory by adopting and incorporating by reference its Preliminary  
26 Statement and General Objections. Anda further objects to this Interrogatory to the extent it seeks  
27 information protected by the attorney-client privilege, work product doctrine, and any other applicable  
28 privileges or protections. Anda objects to this Interrogatory on the grounds that it is vague and

1 ambiguous, particularly the term “Customers in the State of California.” Anda further objects to this  
2 Interrogatory as overly broad, unduly burdensome and oppressive, including, without limitation, insofar  
3 as it purports to impose a geographic scope extending to the entire state of California; insofar as it  
4 purports to impose a temporal scope of nearly twenty-five years; and insofar as it assumes facts.

5 Subject to Anda’s Preliminary Statement, General Objections, and Specific Objections, Anda  
6 states that, based on its investigation to date, it is not aware of any information responsive to this  
7 Interrogatory.

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9  
10 DATED: February 18, 2021

**FOLEY & LARDNER LLP**  
Katy E. Koski

*/s/ Katy E. Koski*  
\_\_\_\_\_  
Alan R. Ouellette  
James W. Matthews (appearance *Pro Hac Vice*)  
Ana M. Francisco (appearance *Pro Hac Vice*)  
Katy E. Koski (appearance *Pro Hac Vice*)  
  
Attorneys for Defendant  
ANDA, INC.

1 VERIFICATION

2 I, Jay Spellman, hereby state that I am the Executive Director of Regulatory Compliance and  
3 Distribution for Defendant Anda, Inc. and verify that the statements made in the foregoing First  
4 Supplemental Responses and Objections to Plaintiff's First Set of Interrogatories to Anda, Inc. are true  
5 and correct to the best of my knowledge, information and belief.  
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9 Jay Spellman  
10 Executive Director of Regulatory Compliance and Distribution  
11 Anda, Inc.

12 Date:  
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