COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
No. 1884-cv-01808 (BLS2)

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff,

v.

PURDUE PHARMA L.P., PURDUE PHARMA INC., RICHARD SACKLER, THERESA SACKLER, KATHE SACKLER, JONATHAN SACKLER, MORTIMER D.A. SACKLER, BEVERLY SACKLER, DAVID SACKLER, ILENE SACKLER LEFCOURT, PETER BOER, PAULO COSTA, CECIL PICKETT, RALPH SNYDERMAN, JUDITH LEWENT, CRAIG LANDAU, JOHN STEWART, MARK TIMNEY, and RUSSELL J. GASDIA,

Defendants.

MEMORANDUM OF LAW OF MEDIA CONSORTIUM IN SUPPORT OF EMERGENCY MOTION TO TERMINATE IMPOUNDMENT OF FIRST AMENDED COMPLAINT AND ACCOMPANYING EXHIBITS

INTRODUCTION

Non-parties Dow Jones & Company, Inc., publisher of *The Wall Street Journal*; Boston Globe Media Partners, LLC, publisher of *STAT* and *The Boston Globe*; Reuters News and Media Inc., owner of the Reuters news agency; The New York Times Company, publisher of *The New York Times*; and Trustees of Boston University, through its radio station, WBUR (collectively, the "Media Consortium"), respectfully submit this memorandum of law in support of their emergency motion to terminate the partial impoundment of the First Amended Complaint and its accompanying exhibits. The First Amended Complaint is a judicial record that is subject to a

"strong and sturdy" presumption of public access under both the common law and the First Amendment. *F.T.C. v. Standard Fin. Mgt. Corp.*, 830 F.2d 404, 410 (1st Cir. 1987). Under our law, "'only the most compelling reasons can justify non-disclosure of judicial records.'" *Id.*

The sole basis upon which the First Amended Complaint is partially impounded—that it contains information derived from discovery materials designated "confidential" in another litigation—is insufficient to overcome the public's rights of access. After conducting an appropriate balancing of all relevant factors under Rule 7 of the Uniform Rules of Impoundment Procedure, the Court should terminate impoundment of the unredacted version of the First Amended Complaint in its entirety, as well as the exhibits attached thereto. *Siedle v. Putnam Investments, Inc.*, 147 F.3d 7, 10 (1st Cir. 1998).

BACKGROUND

The Commonwealth filed this action on June 12, 2018. On December 3, 2018, the Commonwealth and defendants Purdue Pharma L.P., Purdue Pharma, Inc., Craig Landau, John Stewart and Mark Timney filed a joint motion requesting that a forthcoming First Amended Complaint be impounded. (Paper No. 24). The Court scheduled a hearing on the motion for December 13, 2018.

At the hearing, the Commonwealth furnished redacted and unredacted versions of the amended complaint to the Court and defense counsel. (*See* Order Regarding Impoundment, Paper No. 26). The defendants requested an opportunity to confer with the Commonwealth concerning the scope of the Commonwealth's proposed redactions. The Court agreed. It extended the deadline for filing an amended complaint to December 20, 2018, and set a further hearing for December 21, 2018. (*Id.*).

On December 20, 2018 Purdue Pharma L.P. and Purdue Pharma, Inc. (collectively, "Purdue,") filed a memorandum of law in support of their motion to impound the unredacted version of the First Amended Complaint. Purdue argued that the document should be impounded because some of its content derives from documents Purdue had designated as confidential pursuant to a protective order entered in a multi-district litigation matter, *In re National Prescription Opiate Litigation,* No. 17-MD-2804 (N.D. Ohio) (the "MDL case"), and because the complaint referenced facts concerning the decision-making process of Purdue's board.

On the same date, Defendants Craig Landau, John Stewart, and Mark Timney filed a motion requesting that information concerning their compensation, contained in Exhibit 2 to the Amended Complaint, be impounded based on asserted "privacy" interests. (Paper No. 27).

On December 21, 2018, the Court held a second hearing, after which it entered an order "provisionally" impounding the unredacted Amended Complaint: "Allowed in that portions of the amended complaint are impounded provisionally subject to further hearing on 1/25/19 @ 2:00 p.m. By agreement, Commonwealth is permitted to file today a redacted version of the Amended Complaint. Unredacted version is impounded." (Paper No. 28) (emphasis in original). The Court also allowed the motion to impound the compensation information, subject to "further hearing as to impoundment on 1/25/19." (Paper No. 27).

The Commonwealth filed a redacted version of the First Amended Complaint on or about December 21. Nearly the entire substance of pages 66-255 of that version of the complaint was redacted, with only names, subject headings, and certain bare conclusions open for public access.

On January 15, 2019, the Commonwealth filed a "Pre-Hearing Memorandum for the Hearing Set for January 25, 2019." The memorandum states that the Commonwealth has been

working with counsel for the defendants to narrow the scope of the redactions in the First Amended Complaint by agreement, in conjunction with a Special Master in the MDL Case. Attached to the Pre-Hearing Memorandum as Exhibit 3 is another version of the Amended Complaint, with certain previously-redacted paragraphs now available to the public. The newly-unredacted portions of the complaint concern the alleged direct and aggressive involvement of members of the Sackler family in the marketing of Oxycontin. Among other things, they relate to the Commonwealth's allegations that some of the Sacklers pushed Purdue's sales force to increase its sales of Oxycontin rapidly in Massachusetts, resulting in over-prescription of this dangerous drug.

Exhibit 2 to the Commonwealth's pre-hearing memorandum, contains a list of approximately 250 paragraphs or footnotes over which defendants continue to assert a need for redaction, along with the asserted bases for confidentiality. The asserted bases include: "mischaracterization of underlying document," "board of directors decision-making," "compensation information," "misleading citation," "irrelevant," "proprietary confidential study," "trade secret/confidential business negotiations," and "Russell Gasdia." The version of the Amended Complaint attached to the memorandum as Exhibit 3 shows that the redacted information appears to concern the alleged culpability of certain individual defendants for Purdue's misconduct.

In its pre-hearing memorandum, the Commonwealth requests that the Court order Purdue to submit a "final Motion to Impound" by March 15 in support of continued impoundment of the First Amended Complaint. (Pre-hearing Memo at 5). By implication, the Commonwealth appears to be requesting that the current impoundment remain in place until after the Court rules on this "final motion."

ARGUMENT

I. THE MEDIA CONSORTIUM IS PERMITTED TO SEEK TERMINATION OF IMPOUNDMENT VIA THIS MOTION.

The Media Consortium has properly moved to terminate or modify the Court's impoundment order pursuant to Rule 10 of the Uniform Rules of Impoundment Procedure. That rule provides that any "interested nonparty may, by motion supported by affidavit, seek to modify or terminate an order of impoundment." (URIP, Rule 10). An impoundment order, even one that is not entered "provisionally," has no continuing presumption of validity, and a party seeking to terminate impoundment "'does *not* bear the burden of demonstrating either that there has been a material change in circumstances or that whatever good cause may once have justified . . . impoundment no longer exists.'" *New England Internet Café, LLC, v. Clerk of the Superior Court for Criminal Business in Suffolk County,* 462 Mass. 76, 84-85 (2012) (emphasis in original), *quoting Republican Co, v. Appeals Court*, 442 Mass. 218, 224-25 (2004). Rather, "the party urging impoundment (or continued impoundment) bears the burden of 'demonstrating the existence of good cause.'" *New England Internet Café, LLC,* 462 Mass. at 83, *quoting Republican Co.,* 442 at 225. Here, that burden falls to the defendants.

II. THE COURT SHOULD TERMINATE IMPOUNDMENT OF THE AMENDED COMPLAINT AND ITS ASSOCIATED EXHIBITS.

A. The Amended Complaint Is a Presumptively Public Document Under the Common Law.

The courts have long recognized a "strong and sturdy" common-law presumption of public access to judicial documents. *Federal Trade Commission v. Standard Fin. Mgt. Corp.*, 830 F.2d 404, 410 (1st Cir. 1987); *see Nixon v. Warner Communications*, 435 U.S. 589, 597 (1978) ("It is clear that the courts of this country recognize a general right to inspect and copy

public records and documents, including judicial records and documents."). The presumption of access exists in part to allow the public to serve its essential function of monitoring the judiciary, fostering "the important values of quality, honesty and respect for our legal system." *Siedle v. Putnam Investments, Inc.*, 147 F.3d 7, 9-10 (1st Cir. 1998), *internal quotations omitted.* While the access right is "not unfettered," *id.* at 10, "[t]he citizens' right to know is not lightly to be deflected," and "'[o]nly the most compelling reasons can justify non-disclosure of judicial records.'" *Standard Fin. Mgt.*, 830 F.2d at 410, *quoting In re Knoxville News-Sentinel Co.*, 723 F.2d 470, 476 (6th Cir. 1983). "The mere fact that judicial records may reveal potentially embarrassing information is not in itself sufficient reason to block public access." *Siedle*, 147 F.3d at 10.

The right of access "extends, in the first instance, to 'materials on which a court relies in determining the litigants' substantive rights.'" *Standard Fin. Mgt.*, 830 F.2d at 408, *quoting Anderson v. Cryovac, Inc.*, 805 F.2d 1, 13 (1st Cir. 1986). Civil complaints obviously meet this standard—indeed, complaints provide the very foundation upon which Courts base their determination of the rights of the parties before them. Accordingly, courts routinely hold that civil complaints are "judicial documents" to which a common law presumption of access applies. *See Hansen v. Rhode Island's Only 24 Hour Truck & Auto Plaza, Inc.*, 863 F. Supp. 2d 122, 122 (D. Mass. 2012) ("There is a well-established presumption that the public has a right of access to judicial documents such as civil complaints."); *United Air Lines, Inc. v. Allen*, 645 F.Supp.2d 34, 36 (D. Mass. 2009) (same); *Keenan v. Town of Gates*, 414 F.Supp.2d 295 (N.D.N.Y. 2006) (declining to seal complaint and other court documents); *cf. Boston Herald, Inc. v. Sharpe*, 432 Mass. 593, 607 (2000) (affidavits filed in support of abuse prevention order). The right of access also extends to the exhibits to a complaint. *Standard Fin. Mgmt. Corp.,* 830 F.2d at 409

("relevant documents which are submitted to, and accepted by, a court of competent jurisdiction in the course of adjudicatory proceedings, become documents to which the presumption of public access applies."); *In re "Agent Orange" Product Liability Litig.,* 98 F.R.D. 539, 545 (E.D.N.Y.1983) ("Clearly, then, documents attached to and referred to in the parties' papers on the summary judgment motions are part of the court record and are entitled to the presumption of public access.").

Massachusetts courts impose a demanding "good cause" standard for the impoundment of court records—a standard that reflects the commitment "that every citizen should be able to satisfy himself with his own eyes as to the mode in which a public duty is performed." *Cowley v. Pulsifer*, 137 Mass. 392, 394 (1884). Openness of court records, the courts have held, "facilitates the citizen's desire to keep a watchful eye on the workings of public agencies, permits the media to publish information concerning the operation of government . . . and supports the public's right to know whether public servants, are carrying out their duties in an efficient and law-abiding manner.'" *Boston Herald*, 432 Mass. at 606, *quoting George W. Prescott Publ. Co. v. Register of Probate for Norfolk County*, 395 Mass. 274, 279 (1985) (internal quotations omitted). Without access to judicial records, "the public often would not have a 'full understanding' of the proceeding and therefore would not always be in a position to serve as an effective check on the system." *Globe Newspaper Co. v. Pokaski*, 868 F.2d 497, 502 (1st Cir. 1989), *quoting In re Globe Newspaper Co.,* 729 F.2d 47, 52 (1984).

Under Rule 7 of the Uniform Rules on Impoundment Procedure, (the procedural mechanism by which the common law and First Amendment rights of access are enforced in Massachusetts courts), a court considering whether "good cause" exists to impound court records must assess "all relevant factors," including "the nature of the parties and the controversy, the

type of information and the privacy interests involved, the extent of community interest, and the reason(s) for the request." (URIP, Rule 7). These factors are evaluated in light of the principle "that impoundment is always the exception to the rule, and the power to deny public access to judicial records is to be strictly construed in favor of the general principle of publicity." *Republican Co.*, 442 Mass. at 223 (internal quotations omitted and emphasis added). Importantly, the agreement of the parties is not sufficient, in itself, to constitute "good cause" for impoundment. (URIP, Rule 7(b)).

B. The Defendants Cannot Sustain Their Burden to Demonstrate Good Cause to Impound the Unredacted First Amended Complaint.

The defendants cannot sustain their burden to demonstrate good cause to justify the continued impoundment of the nearly 250 redacted paragraphs in the First Amended Complaint. As far as the record reveals, these paragraphs are impounded merely because they include information derived from documents designated "confidential" under a protective order entered in the MDL Case, and because a conferral process in that case is ongoing. Impoundment on this basis, however, improperly "conflat[es] the standards for entering a protective order under Rule 26 with the vastly more demanding standards for sealing off judicial records from public view." *Shane Grp., Inc. v. Blue Cross Blue Shield of Michigan*, 825 F.3d 299, 307 (6th Cir. 2016) ("that a mere protective order restricts access to discovery materials is not reason enough . . . to seal from public view materials that the parties have chosen to place in the court record.").

Indeed, the parties have already stipulated, in an order entered by the Court, that judicial records may not be impounded simply because a party has designated them "confidential." In the Protective Order governing this case, dated October 22, 2018, the parties agreed that "impoundment may only be ordered by the Court on a particularized showing; accordingly, in its consideration of whether any pleadings or documents may be filed under seal, the Court is not

bound by the designation of any material as 'Confidential' or 'Highly Confidential' and any such designation shall not create any presumption that documents so designated are entitled to confidential treatment pursuant to Mass. R. Civ. P. 26(c) or impoundment pursuant to the Uniform Rules of Impoundment Procedure." (Protective Order, Paper No. 22, at p. 6, ¶ 12). Yet, in spite of this agreed order, the Amended Complaint remains impounded solely in (misplaced) deference to confidentiality designations under a protective order.

Apart from the confidentiality designations, defendants seek to justify impoundment by citing inapposite decisions concerning the right of shareholders to access "board minutes and other documents showing the decision-making process of the board of directors" of a corporation. (Purdue Memo at 9). Such decisions, which consider only a stockholder's "interest in monitoring how the boards of directors of . . . corporations perform their managerial duties," have nothing to do with court files. *See, e.g., Disney v. Walt Disney Co.,* No. Civ. A. 234-N, 2005 WL 1538336 (Del. Ch. June 20, 2005). The weight of an individual shareholder's statutory right of access to corporate board materials pales in comparison to the "presumptively paramount" common law and First Amendment rights of the public to monitor the government—an interest that lies at the heart of our democratic system. *Standard Fin. Mgmt. Corp.,* 830 F.2d at 410; *Chitwood v. Vertex Pharm., Inc.*, 476 Mass. 667, 668 (2017) (construing statutory right of shareholder access pursuant to G.L. c. 156D, § 16.02(b)).

Nor have defendants cited any authority for their assertion that a complaint—particularly one filed by the chief law enforcement officer of the Commonwealth—can be redacted or impounded simply because it contains information concerning the financial compensation of individual defendants. (Purdue Memo at 10; Motion to Impound of Defendants Landau et al. at 2). Impoundment of such information "can be justified only by the risk of embarrassment and

adverse publicity, and such concerns, by themselves, never demonstrate 'good cause.'" *Globe Newspaper Co. v. Clerk of Suffolk Cty. Superior Court*, No. 01-5588-F, 2002 WL 202464, at *8 (Mass. Super. Feb. 4, 2002) (Gants, J.), *citing George W. Prescott Pub. Co.*, 395 Mass. at 279 ("[I]t is clear that allegations of potential embarrassment, or the fear of unjustified adverse publicity, are not sufficient" to impound court records); *Siedle*, 147 F.3d at 10 ("The mere fact that judicial records may reveal potentially embarrassing information is not in itself sufficient reason to block public access.")

On the other side of the ledger, the "extent of community interest" in the information set forth in the First Amended Complaint could hardly be more profound. URIP Rule 7. A recent report by the Massachusetts Taxpayers Foundation determined that in 2017 alone, the opioid epidemic cost Massachusetts **$15.2 billion** in direct expenses and lost labor. *See* Martha Bebinger, "Report: Opioid Epidemic Cost Massachusetts $15.2 Billion In 2017," *wbur.org*, Nov. 14, 2018.[1] The report shows that $1.9 billion of this staggering number amounts to state government spending; $2.1 billion in opioid-related health care spent by employers, and $9.7 billion in lost productivity. *Id.* Of course, the human cost behind these numbers is incalculable.[2]

Given this subject matter, any balancing of interests under Rule 7 must give overriding weight to the "extent of community interest" in this case. Indeed, under the circumstances, it is unlikely that defendants could justify the impoundment of *any* portion of, or exhibit to, the complaint. However, "[i]f there is good cause to impound documents, a judge is required to tailor the scope of the impoundment order so that it does not exceed the need for impoundment."

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[1] Available at https://www.wbur.org/commonhealth/2018/11/14/opioid-state-costs-mtf

[2] *See, e.g.*, Jeanne Whalen and Jon Kamp, "The Opioid Crisis: A Human Tragedy," *The Wall Street Journal* (Dec. 29, 2016) at https://www.wsj.com/graphics/toll-of-opioids/; Jeanne Whalen, "The Children of the Opioid Crisis," *The Wall Street Journal* (Dec. 15, 2016) at https://www.wsj.com/articles/the-children-of-the-opioid-crisis-1481816178.

Boston Herald, Inc., 432 Mass. at 605. Here, the blanket redactions to the First Amended Complaint—justified only by buzzwords like "board of directors decision-making," "compensation information," and "proprietary confidential study," and "trade secret/confidential business negotiations," come nowhere close to meeting this narrow tailoring standard.

C. The Public and the Press Have a First Amendment Right of Access to the Complaint.

In addition to the common-law right of access discussed above, every federal Court of Appeal to consider the question has held that there is a First Amendment right of access to civil court records and proceedings. *In re Guantanamo Bay Detainee Litig.*, 624 F. Supp. 2d 27, 36 (D.D.C. 2009) (noting that the courts have "uniformly held that the public has a First Amendment right of access to civil proceedings and records), *and collecting cases*; *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006) (holding that summary judgment papers were subject to the "qualified First Amendment right to attend judicial proceedings and to access certain judicial documents."); *Publicker Indus., Inc. v. Cohen*, 733 F.2d 1059, 1070 (3d Cir. 1984) ("Therefore, we hold that the First Amendment embraces a right of access to civil trials to ensure that [the] constitutionally protected discussion of governmental affairs is an informed one."), *internal citations and quotations omitted.*

To determine whether the First Amendment right applies to particular judicial documents, the courts employ a two-part test that considers: (1) "experience," whether the document has historically been available to the press and the public, and (2) "logic," whether "public access plays a significant positive role in the functioning of the particular process in question." *Press-Enterprise Co. v. Superior Court of California*, 478 U.S. 1, 8 (1986) ("*Press-Enterprise II*").[3]

[3] The First Circuit has not yet decided whether the First Amendment right of access applies to civil proceedings, as it does to criminal matters. *Globe Newspaper Co. v. Pokaski*, 868 F.2d 497, 502 (1st Cir. 1989) ("This circuit, along with other circuits, has established a First Amendment right of access to records submitted in connection with criminal proceedings."); *Anderson v. Cryovac, Inc.*, 805 F.2d 1, 11-

Where a First Amendment right of access applies, the right may only be overcome if the Court makes "specific, on the record findings . . . demonstrating that 'closure is essential to preserve higher values and is narrowly tailored to serve that interest.'" *Id.*, *quoting Press-Enter. Co. v. Superior Court of California, Riverside County*, 464 U.S. 501, 510 (1984) ("*Press-Enterprise I*").

As to the "experience" prong of the analysis, access to complaints has long been the norm in the courts—indeed, there is no history of sealing complaints upon which defendants could rely. Moreover, where a common law right of access exists, the courts have tended to conclude that there is a history of openness that satisfies the "experience" prong of the First Amendment test, because the common law right "is firmly rooted in our nation's history." *Lugosch*, 435 F.3d at 119.

The "logic" prong is easily met here as well. As explained above, the public has a compelling interest in monitoring the proceedings of this lawsuit, which concerns the greatest public health crisis of our time. *See Brown & Williamson Tobacco Corp. v. F.T.C.*, 710 F.2d 1165, 1179 (6th Cir. 1983) (noting, in its holding that First Amendment right of access applies to documents in civil cases, that "[c]ivil cases frequently involve issues crucial to the public—for example, discrimination, voting rights, antitrust issues, government regulation, bankruptcy, etc.") Only through access to the complaint and its exhibits can the public understand the scope of the Commonwealth's allegations and properly evaluate whether justice is being done in this important case.

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12 (1st Cir. 1986) (applying "experience" and "logic" test to discovery pleadings in civil case without deciding whether a First Amendment right to civil documents applies); *Standard Fin. Mgt. Co., Inc.*, 830 F.2d at 408 n. 3 (reserving question of whether First Amendment right of access applies to civil documents).

Because there is a First Amendment right of access to the Amended Complaint, the defendants must shoulder a heavier burden than that imposed by the common law: they must demonstrate that sealing is "necessary to preserve higher values" and that the sealing order "is narrowly tailored to achieve that aim." *Lugosch*, 435 F.3d at 124, 126. For the reasons discussed above with regard to the common law standard, they have no hope of doing so. *Id.* at 126. Of course, if the Court terminates redaction under the common law, it need not decide the First Amendment issue.

III. THE COURT SHOULD NOT AWAIT FURTHER PROCEEDINGS IN THE MDL CASE BEFORE TERMINATING IMPOUNDMENT.

In its pre-hearing memorandum, the Commonwealth requests that the Court order Purdue to submit a "final Motion to Impound" the unredacted First Amended Complaint by March 15, two months from now. The Commonwealth appears to be suggesting that the unredacted version of the First Amended Complaint should remain impounded at least until a decision on that anticipated motion. That is far too long a period of impoundment to withstand common law or First Amendment scrutiny.

In *Globe Newspaper Co. v. Pokaski*, 868 F.2d 497, 507 (1st Cir. 1989), the First Circuit held that sealing of court records "delays access to news, and delay burdens the First Amendment." *Id.* Indeed, "even a one to two day delay impermissibly burdens the First Amendment." *Id; see also Soto v. Romero–Barcelo (In re San Juan Star Co.)*, 662 F.2d 108, 113 (1st Cir.1981) ("The interest asserted is that of covering effectively an ongoing judicial proceeding of significant hard news interest. Time is of the essence to such coverage in an almost singular fashion.") "In light of the values which the presumption of access endeavors to promote, a necessary corollary to the presumption is that once found to be appropriate, access should be immediate and contemporaneous." *Grove Fresh Distributors, Inc. v. Everfresh Juice*

Co., 24 F.3d 893, 897 (7th Cir. 1994) (internal citations omitted). "The newsworthiness of a particular story is often fleeting. To delay or postpone disclosure undermines the benefit of public scrutiny and may have the same result as complete suppression." *Id.*, citing *Chicago Council of Lawyers v. Bauer*, 522 F.2d 242, 250 (7th Cir.1975), cert. denied, 427 U.S. 912 (1976) (it is "only when the litigation is pending and current news that the public's attention can be commanded."); *Courier-Journal v. Peers*, 747 S.W.2d 125, 129 (Ky. 1988) ("News is news when it happens and the news media needs access while it is still news and not history. The value of investigative reporting as a tool to discovery of matters of public importance is directly proportional to the speed of access.")

The First Amended Complaint has now been partially impounded for approximately one month. The portions of the complaint revealed earlier this week have shown that defendants have used the confidentiality designation and redaction process primarily to prevent embarrassment and adverse publicity—not to protect interests worthy of an order of impoundment. The Court should vindicate the public's right of contemporaneous access to the news on this important case, and terminate impoundment of the unredacted version of the First Amended Complaint immediately.

CONCLUSION

For the foregoing reasons, the Media Consortium of Dow Jones & Company, Inc., Boston Globe Media Partners, LLC, Reuters News and Media Inc., The New York Times Company, and Trustees of Boston University respectfully request that their Emergency Motion to Terminate Impoundment of the First Amended Complaint and its Accompanying Exhibits be granted.

Respectfully Submitted,

DOW JONES & COMPANY, INC.
BOSTON GLOBE MEDIA PARTNERS, LLC,
REUTERS NEWS AND MEDIA INC,
THE NEW YORK TIMES COMPANY, AND
TRUSTEES OF BOSTON UNIVERSITY,

By their Attorneys,

Robert A. Bertsche (BBO #554233)
Jeffrey J. Pyle (BBO #647438)
PRINCE LOBEL TYE LLP
One International Place, Suite 3700
Boston, MA 02110
(617) 456-8000 (tel.)
(617) 456-8100 (fax)
rbertsche@princelobel.com
jpyle@princelobel.com

Date: January 18, 2019

Certificate of Service

I, Jeffrey J. Pyle, hereby certify that on January 18, 2019, the foregoing document was served pursuant to Uniform Rule of Impoundment 4(a) by first-class mail and e-mail on counsel for all parties, as follows:

Syndenham Alexander, III
Gillian Feiner
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Attorneys for the Commonwealth of Massachusetts

Timothy C. Blank
Jon Olsson
Dechert LLP
One International Place, 40th Floor
Boston, MA 02110

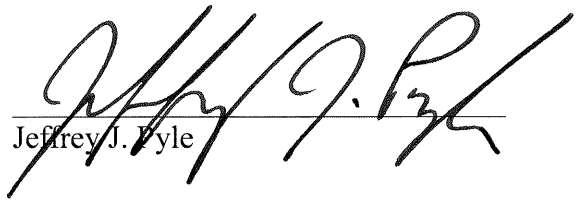
Attorneys for Defendants Purdue Pharma L.P. and Purdue Pharma Inc.

Joan Lukey
Samuel Rudman
Choate Hall & Stewart
Two International Place
Boston, MA 02110

Attorneys for Richard Sackler, Jonathan Sackler, Mortimer Sackler, Kathe Sackler, Ilene Sackler Lefcourt, Beverly Sackler, Theresa Sackler, David Sackler, Peter Boer, Paulo Costa, Cecil Pickett, Ralph Snyderman and Judy Lewent

James Carroll
Maya Florence
Skadden Arps Slate Meagher & Flom
500 Boylston Street
Boston, MA 02116

Attorneys for Craig Landau, John Stewart and Mark Timney



Jeffrey J. Pyle