

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT  
C.A. NO. 1884-cv-01808-BLS2

COMMONWEALTH OF MASSACHUSETTS,

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

**HEARING REQUESTED**

**INDIVIDUAL DIRECTOR DEFENDANTS’ MOTION TO DISMISS  
FIRST AMENDED COMPLAINT PURSUANT TO  
MASSACHUSETTS RULE OF CIVIL PROCEDURE 12(b)(2)**

Pursuant to Massachusetts Rule of Civil Procedure 12(b)(2), defendants Peter Boer, Paulo Costa, Ilene Sackler Lefcourt, Judith Lewent, Cecil Pickett, Beverly Sackler, David Sackler, Jonathan Sackler, Kathe Sackler, Mortimer D.A. Sackler, Richard Sackler, Theresa Sackler, and Ralph Snyderman (the “**Individual Directors**” of Purdue Pharma, Inc.), through undersigned counsel, respectfully move the Court to dismiss the Commonwealth’s First Amended Complaint (“**FAC**”) as specifically directed at them personally for lack of personal jurisdiction. As explained in greater detail in the accompanying Memorandum in support of this Motion, the supplemental memorandum, the declarations by each of the Individual Directors, the affidavit of Robert J. Cordy, and its exhibits, dismissal is warranted because the Commonwealth has not pled facts sufficient to satisfy the Massachusetts long-arm statute, G.L. c. 223A, §3, or to demonstrate that the exercise of personal jurisdiction would be consistent with the constitutional

guarantee of due process. The materials before the Court demonstrate that the Commonwealth cannot establish that any Individual Director engaged in any conduct giving rise to the Commonwealth's claim that occurred in, or was specifically directed at, Massachusetts.

WHEREFORE, the Individual Directors ask the Court to dismiss with prejudice the Commonwealth's FAC.

### **REQUEST FOR HEARING**

Pursuant to Superior Court Rule 9A(c)(2) and 9A(c)(3), the Individual Directors respectfully request a hearing on this motion because a hearing would aid the Court in resolving in an efficient and thorough manner the factual and legal issues presented so as to avoid protracted litigation in an improper forum.

Dated: April 1, 2019

Respectfully submitted,

DEFENDANTS PETER BOER, PAULO COSTA, ILENE SACKLER LEFCOURT, JUDITH LEWENT, CECIL PICKETT, BEVERLY SACKLER, DAVID SACKLER, JONATHAN SACKLER, KATHE SACKLER, MORTIMER D.A. SACKLER, RICHARD SACKLER, THERESA SACKLER, AND RALPH SNYDERMAN.

By their Attorneys,



Robert J. Cordy (BBO # 099720)

rcordy@mwe.com

Matthew Knowles (BBO # 678935)

mknowles@mwe.com

Annabel Rodriguez (BBO # 696001)

anrodriguez@mwe.com

McDERMOTT WILL & EMERY LLP

28 State Street

Boston, Massachusetts 02109

Tel: 617-535-4000

Fax: 617-535-3800

**CERTIFICATE OF SERVICE**

I, Robert Cordy, hereby certify that on April 1, 2019, pursuant to an agreement among the parties, a true copy of the Individual Director Defendants' Motion to Dismiss First Amended Complaint Pursuant to Massachusetts Rule Of Civil Procedure 12(b)(2) was served by email upon the following counsel of record:

Sydenham B. Alexander, III, Esq.  
Gillian Feiner, Esq.  
Eric M. Gold, Esq.  
Jeffrey Thomas Walker  
Jenny L. Wojewoda  
Massachusetts Attorney General's Office  
One Ashburton Place  
Boston, MA 02108  
617-727-2200  
*sandy.alexander@state.ma.us*  
*eric.gold@state.ma.us*  
*gillian.feiner@mass.gov*

*Commonwealth of Massachusetts*

Timothy C. Blank, Esq.  
Christopher R. Boisvert, Esq.  
Jon Olsson, Esq.  
Dechert LLP  
One International Place  
100 Oliver Street, 40<sup>th</sup> Floor  
Boston, MA 02110-2605  
*timothy.blank@dechert.com*  
*jon.olsson@dechert.com*

*Purdue Pharma Inc.*  
*Purdue Pharma LP*

James Richard Carroll, Esq.  
Maya Peri Florence, Esq.  
Skadden Arps Slate Meagher & Flom  
500 Boylston Street  
Boston, MA 02116  
617-573-4800  
*james.carroll@skadden.com*  
*maya.florence@skadden.com*

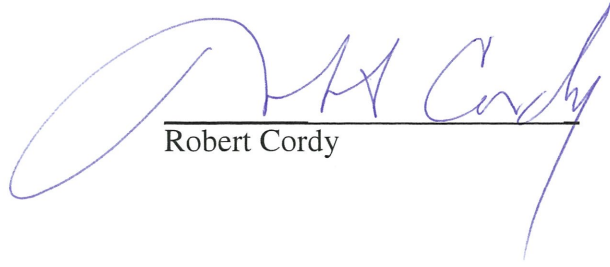
*Craig Landau*  
*John Stewart*  
*Mark Timney*

Patrick Fitzgerald, Esq.  
Skadden Arps Slate Meagher & Flom  
155 N. Wacker Drive  
Chicago, IL 60606  
*patrick.fitzgerald@skadden.com*

Juliet A. Davison, Esq.  
Julie B. Porter, Esq.  
Davison Law, LLC  
280 Summer Street, 5<sup>th</sup> Floor  
Boston, MA 02210  
617-345-9990  
*juliet@davisonlawllc.com*

*Russell J. Gasdia*

Dated: April 1, 2019



Robert Cordy