

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)(6)**

Pursuant to Massachusetts Rule of Civil Procedure 12(b)(6), and for the reasons set forth in greater detail in the accompanying Memorandum and supplemental memoranda in support of this Motion, the affidavit of Robert J. Cordy, and its exhibits, 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 failure to state a claim. The Commonwealth’s FAC fails to plead that any Individual Director personally engaged in unlawful promotion of prescription opioids or instructed anyone else to do so.

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

**REQUEST FOR HEARING**

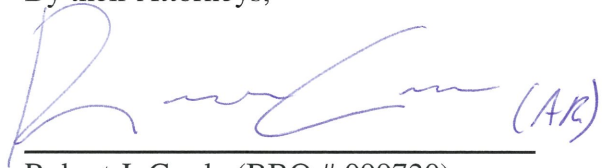
Pursuant to Superior Court Rule 9A(c)(2) and 9A(c)(3), the Individual Directors respectfully request a hearing on this motion because a hearing would aid the Court in resolving in an efficient and thorough manner the factual and legal issues presented so as to avoid needless litigation.

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

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**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)(6) was served by email upon the following counsel of record:

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Dated: April 1, 2019

  
Robert Cordy