

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT

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 COMMONWEALTH OF MASSACHUSETTS,
 :
 Plaintiff, :
 :
 v. :
 PURDUE PHARMA L.P, et al, :
 :
 Defendants. :
 ----- x

Civil Action
 No. 18-1808-BLS2
 : **DECLARATION OF**
 : **CRAIG LANDAU IN SUPPORT**
 : **OF MOTION TO DISMISS**
 : **FIRST AMENDED COMPLAINT**

I, CRAIG LANDAU, M.D., declare under the penalties of perjury as follows:

1. I am the Chief Executive Officer of Purdue Pharma Inc. and Purdue Pharma L.P. (collectively "Purdue"), defendants in the above-captioned action. I have been the Chief Executive Officer ("CEO") of Purdue since June 2017. I previously served as Chief Medical Officer and Head of Clinical Development for Purdue until 2013.
2. I submit this Declaration for and on behalf of, and in support of, the motion submitted by myself and Defendants Mark Timney and John Stewart to dismiss the First Amended Complaint filed against us by the Commonwealth of Massachusetts (the "Commonwealth"). I make this Declaration based on my own personal knowledge to the best of my recollection, and following a review of the Complaint in the above-captioned action. As a general matter, I note that many of the Complaint's allegations against me are not supported by, and in some instances are directly contradicted by, the documents the Commonwealth cites.
3. I am a resident of the state of Connecticut. I also own homes in Florida and in Canada. I have never resided in Massachusetts.

4. I do not, nor have I ever, owned, leased, or possessed any real property in Massachusetts. I do not have any assets secured by property in Massachusetts.

5. I have never had any bank or brokerage accounts located in Massachusetts.

6. I do not pay taxes in Massachusetts, nor have I ever done so. I am not now, and have never been, registered to vote in Massachusetts.

7. I have never been an owner, officer, or employee of any business located or headquartered in the Commonwealth of Massachusetts.

8. As CEO of Purdue, my office is located at Purdue's headquarters in Stamford, Connecticut, and I conduct the vast majority of my Purdue-related activities in Connecticut. In my prior roles with Purdue, I conducted the vast majority of my Purdue-related activities from Purdue's headquarters in Connecticut. Purdue did not have any offices in Massachusetts during the periods in which I was employed with Purdue.

9. I have not participated in any meetings of the Purdue Board of Directors (the "Board"), including those identified in the Complaint in this action, within the Commonwealth of Massachusetts.

10. Since January 1, 2007, I have had minimal contacts with Massachusetts and none of my contacts with Massachusetts have been in my role as CEO of Purdue. To the best of my recollection, since January 1, 2007, while employed by Purdue, I have only visited Massachusetts for one-week personal vacations to Martha's Vineyard with my family, which occurred more than five years ago.

11. I understand that the Commonwealth alleges that I attended the International Conference on Opioids in Massachusetts in June 2012 (¶ 811) and June 2013 (¶ 814). In fact, I

did not attend either event. I was apparently registered for the June 2012 event, but did not attend. I also did not attend, nor do I believe I even registered for, the June 2013 conference.

12. The fact that the International Conference on Opioids was held in Massachusetts had no bearing on my decision to register for the June 2012 event; rather I believe I considered attending because the agenda was relevant to Purdue's work on opioid risk mitigation. Along the same lines, I understand that the Commonwealth alleges (§ 794) that I directed a Purdue employee to attend a different conference on opioid risk management in Massachusetts in September 2007. I do not specifically recall this conference nor do I recall directing a Purdue employee to attend, but if I did, the fact that it was in Massachusetts would not have been a relevant consideration. Throughout my tenure with Purdue, similar conferences have occurred in locations around the country and internationally, and members of Purdue's Regulatory Affairs, Clinical Development, Risk Management, and other departments regularly attended such meetings in various locations.

13. I have never regularly conducted or solicited business in Massachusetts, nor otherwise engaged in a consistent course of conduct in Massachusetts, either as CEO of Purdue or otherwise. In February 2018, soon after I became CEO of Purdue and at my direction, Purdue ceased deploying sales personnel to promote its opioid medications to prescribers. Prior to this time, I understood that Purdue's opioid medications were marketed and sold in every state in the United States. However, Massachusetts has not been a state of particular focus for me, and I have not understood it to be of particular focus for Purdue.

14. In my roles as Chief Medical Officer and Head of Clinical Development for Purdue, I was not responsible for the sales, marketing or promotion of Purdue's opioid medications. On the two occasions when I attended Purdue's National Sales Meeting, it was to

provide an update to the sales force on Purdue's drug development pipeline and Purdue's plans to bring additional medicines to the market to benefit patients with unmet clinical need.

Similarly, while I was occasionally asked to review materials used by or provided to Purdue's sales force, it was in order to provide a medical and/or clinical perspective.

15. In the eight months that I served as CEO of Purdue prior to February 2018, I was not involved in the day-to-day marketing activities or promotion of prescription opioids in Massachusetts or any other state. Nor was I involved in the management or direct oversight of Purdue sales representatives in Massachusetts or any other state. During that period there were at least four levels of management between me and Purdue's Massachusetts sales representatives (as in every other state). As noted above, soon after I became CEO, I decided to cease all sales representative interactions with prescribers regarding Purdue's opioid products.

16. I have not personally directed or engaged in the marketing or promotion of Purdue's opioid medications in Massachusetts nor personally made or directed any payments to any Massachusetts doctors. I have not directed any other Purdue employee to visit particular doctors in Massachusetts, to make payments to any particular doctors in Massachusetts, nor to engage in any particular promotional activities in Massachusetts.

17. Since becoming CEO of Purdue, I have not directly participated in the negotiation of any contracts with Massachusetts entities. I understand that the Commonwealth has alleged (¶¶ 798, 812) that in my prior roles with Purdue, I signed agreements with a Massachusetts company, Analgesic Research, relating to Purdue's Butrans and Hysingla products. I did not personally negotiate these contracts (in Massachusetts or elsewhere) nor meet with Analgesic Research in Massachusetts in connection with either alleged agreement. To the best of my recollection, the agreements were negotiated by other Purdue departments and presented to me

for my signature in my role as Head of Clinical Development. In any event, Purdue's agreements with Analgesic Research related solely to the clinical development of Butrans and Hysingla, including clinical trial design, discussion of risk mitigation considerations, and review of materials required for submission of New Drug Applications to the Food and Drug Administration ("FDA") for their review. These agreements were not related to Purdue's commercial plans for Butrans or Hysingla nor to the marketing and promotion of Butrans or Hysingla following their approval by FDA.

18. I understand that the Commonwealth also alleges (§ 799) that in March 2009 I "informed a staff member that [I] was working with Massachusetts opioid maker Collegium Pharmaceuticals on a strategy to position extended-release and long acting opioids as safer than immediate release opioids." This allegation is wrong. First, I note that it is not supported by the document the Commonwealth cites, which is an email communication between me and an FDA employee regarding Purdue's efforts to lead a consortium of manufacturers of extended-release opioid medications in working on developing a class-wide risk mitigation strategy for extended-release opioids. As the document reflects, the request to work in a consortium came from FDA. I also do not believe I have taken steps to suggest that extended-release opioids are safer than immediate-release opioids, as I personally do not believe that proposition to be true. I also did not work with or have discussions with Collegium regarding Purdue's marketing strategy, as Collegium has been and remains a direct competitor of Purdue's.

19. Also with respect to Collegium, I understand that the Commonwealth alleges (§ 823) that I was involved with Purdue's efforts to address claims made by Collegium regarding the advertised safety of Collegium's own abuse-deterrent opioid. It is accurate that I was concerned about Collegium's claims, because I recognize that all opioids carry risks of abuse,

misuse and diversion; however, the fact that Collegium is located in Massachusetts had no bearing whatsoever on my thinking.

20. I understand that the Commonwealth alleges (§ 801) that I "targeted" Massachusetts by reviewing and commenting on a presentation that included data regarding "doctor shopping" in Massachusetts. The Commonwealth's allegation is highly misleading. It is accurate that I reviewed an April 2010 draft presentation to Purdue's Board that included data regarding "doctor shopping" in Massachusetts. However, a review of the full document reflects that it was created by the head of Purdue's Risk Management department and focused on risk mitigation efforts nationwide. The document did not relate to sales or promotion "targeting," nor was it focused on Massachusetts. While the presentation cited some Massachusetts data, I believe that was because the presentation happened to cite a published study by Dr. Nathaniel Katz, a Massachusetts physician who is a well-known and respected expert in opioid clinical trial design and risk management. Moreover, the conclusion that in Massachusetts doctor shopping was higher for oxycodone than for other opioids (if true) would not have been notable to me. In 2010, it was widely known that oxycodone products were being abused more often than other opioids nationwide; indeed, this was the primary reason that Purdue chose to reformulate OxyContin with abuse-deterrent properties and, following approval by FDA, replace the original product with the reformulated version in all 50 states.

21. I also understand that the Commonwealth alleges (§ 805) that I "met with the [Purdue] executive committee to discuss legislation that had been introduced in Massachusetts to ban extended-release oxycodone, including Purdue's OxyContin." I do not recall being part of such a discussion, although I may have attended a meeting at which the legislation was discussed in the form of an update. I believe that legislation proposing to ban extended-release oxycodone

would have been notable regardless of the location where it was proposed. I do not believe I was directly involved in any attempts to influence this or any other Massachusetts legislation concerning opioids.

22. I understand that the Commonwealth alleges (§ 824) that I wrote a letter to the President of Tufts University in November of 2017; in fact, this letter was drafted by others and presented to me for my signature. I have no personal connection to Tufts, nor its President, and have never been to Tufts University. The fact that the letter was addressed to an institution in Massachusetts would not have been of any significance to me; in my role as CEO of Purdue, I have signed numerous letters directed to entities in states across the country.

23. I also understand that the Commonwealth alleges (§ 826) that I took out an ad in major newspapers, knowing and intending that it would reach audiences in Massachusetts. In fact, the open letter was drafted by others and presented to me for my signature. I understand that the ad appeared in several publications with a national audience and do not believe that it was designed or intended to reach Massachusetts subscribers any more than audiences in any other state. I also note that the Commonwealth mischaracterizes the ad, which it says emphasized the abuse-deterrent properties of Purdue's opioid medications "without disclosing" that such properties "provide no protection against the most common form of abuse – simply swallowing the pills." In fact, the ad specifically states: "Opioids with abuse-deterrent properties are not abuse-proof and don't prevent addiction, but they are part of a multifaceted approach to addressing the prescription opioid abuse crisis."

24. In sum, as CEO of Purdue, I have oversight over Purdue's activities nationwide, which by default includes activities in Massachusetts as well as every other state. However, in my role as CEO and my prior roles with Purdue, I have never willingly nor unwillingly

undertaken any action to submit myself to the jurisdiction of the Commonwealth of
Massachusetts.

I declare under the penalties of perjury that the foregoing is true and correct.

Executed this 27th day of February, 2019, in Stamford, CT.



Craig Landau

CERTIFICATE OF SERVICE

I, Maya P. Florence, hereby certify that on March 1, 2019, pursuant to an agreement among the parties, a true copy of the foregoing Declaration Of Craig Landau In Support Of Motion To Dismiss The First Amended Complaint was served by email upon the following counsel of record:

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Dated: March 1, 2019



Maya P. Florence