

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT

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COMMONWEALTH OF MASSACHUSETTS,	:	
	:	
Plaintiff,	:	Civil Action
	:	No. 18-1808-BLS2
v.	:	
	:	<b>DECLARATION OF</b>
PURDUE PHARMA L.P, et al,	:	<b>JOHN STEWART IN SUPPORT</b>
	:	<b>OF MOTION TO DISMISS</b>
Defendants.	:	<b><u>FIRST AMENDED COMPLAINT</u></b>
	:	
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I, JOHN STEWART, declare under the penalties of perjury as follows:

1. I am a former Chief Executive Officer of Purdue Pharma L.P. and Purdue Pharma Inc. (collectively "Purdue"), defendants in the above-captioned action. I served as Chief Executive Officer ("CEO") of Purdue from June 2007 to December 2013.

2. I submit this Declaration for and on behalf of, and in support of, the motion submitted by myself and Defendants Craig Landau and Mark Timney 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 Florida. I also own a home in New York. 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. 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. As CEO of Purdue, I understood that Purdue's opioid medications were marketed and sold in every state in the United States, including Massachusetts. When I was presented with information by Purdue staff about, or made decisions regarding, Purdue's sales and marketing activities, it was on a nationwide basis. Massachusetts was of no particular commercial focus for me as CEO of Purdue, and I did not understand it to be of any particular focus for Purdue.

9. As CEO of Purdue, my office was located at Purdue's headquarters in Stamford, Connecticut and I conducted the vast majority of my Purdue-related activities in Connecticut. In particular, I did not participate 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. Purdue did not have any offices in Massachusetts during my tenure as CEO.

10. In my role as CEO of Purdue, 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. While I was CEO of Purdue, there were four layers of management between me and Purdue's Massachusetts sales representatives (as with sales representatives in every other state).

11. As CEO of Purdue, I did not personally engage in the marketing or promotion of Purdue's opioid medications in Massachusetts or any other state, or direct specific practices or activities in Massachusetts. In particular, I do not believe I directed any 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.

12. To the best of my recollection, I have only briefly visited Massachusetts three times since January 1, 2007. One of these trips was in a purely personal capacity: I spent a weekend in Chatham, Massachusetts in approximately 2008. I also made two trips to Massachusetts in my role as CEO of Purdue, each of which I believe lasted less than twenty-four hours. Neither of these trips was for the purpose of marketing or promoting Purdue's opioid medications. In particular:

- a. I made one trip to Massachusetts to attend a morning meeting of an American Cancer Society subgroup called CEOs Against Cancer, of which I was a member of the board of directors.
- b. I made another trip to Massachusetts to meet with the director of the Massachusetts General Hospital (MGH) pain program, in connection with reinstating a grant from Purdue that was initiated before I became CEO of Purdue. This meeting lasted a few hours, at most. The Commonwealth's allegation (§ 641) that the purpose of this trip was "to promote Purdue's opioids" is wrong. My meeting at MGH was focused on Purdue's grant to the MGH pain program and, to the best of my recollection, did not include any promotional discussion of Purdue's opioids or the use of opioids generally. By way of background, I understood that before I became CEO Purdue had committed to a grant to the

MGH pain program, but had been forced to defund the grant when Purdue lost patent protection for OxyContin and revenues sharply declined. After OxyContin's patent protection was restored, I was asked to travel to MGH to meet with personnel associated with the pain program and discuss reinstating Purdue's financial support. While I understand that the Commonwealth alleges that the goal of Purdue's grant to the MGH pain program was to "increas[e] prescriptions of opioids, including OxyContin," that is not consistent with my understanding of the goal of Purdue's grant during the time in which I was CEO of Purdue. (I note that many of the documents the Commonwealth cites regarding the MGH pain program grant date from 2002, five years before I became CEO of Purdue.) Rather, I understood that the purpose of Purdue's grant was to support the already existing MGH pain program, which I understood to be focused on a wide variety of topics relating to pain diagnosis and treatment. I did not understand the program to be focused on opioids as a particular form of pain treatment, let alone on Purdue's opioids.

13. I understand that the Commonwealth alleges (§ 663) that I directed a member of Purdue's staff to attend the International Conference on Opioids in Massachusetts in June 2012. I do not specifically recall this event, and have no recollection of directing anyone to attend it, nor would it have been my practice to decide who ought to attend which of the many medical conferences that occur across country each year. I note that the document the Commonwealth cites to support this allegation simply reflects that a report on the event was forwarded to me, and does not reflect any comment or direction by me. I cannot say that I even read it. Even if I was aware of this conference at the time, I do not believe the fact that it occurred in Massachusetts

would have been of any significance to me; during my tenure as CEO of Purdue, similar conferences occurred all over the country as well as internationally. As CEO, I generally approved the high-level budget that included funding for staff to attend such conferences, but to my recollection, did not determine which specific conferences Purdue personnel attended or who from Purdue should attend any such conference.

14. I understand that the Commonwealth has made a number of allegations (e.g., §§ 629, 664, 676, 681, and 682) relating to work performed for Purdue by McKinsey & Company. To the best of my recollection, the McKinsey work had a nationwide scope, and was not particularly focused on Massachusetts (or any other state). While I understand that the Commonwealth has identified an instance (§ 681) in which McKinsey cited a Massachusetts doctor as an example in a report it prepared for Purdue, I am not aware of any reason that McKinsey selected this doctor rather than one from another state. As CEO of Purdue, I was of course aware of McKinsey's work and occasionally met with McKinsey's managing director (who worked in Stamford, Connecticut) regarding their projects. However, I did not play a day-to-day role with the McKinsey projects, for which specific groups of Purdue personnel were generally responsible.

15. I understand that the Commonwealth alleges (§ 646) that I received "a map correlating dangerous prescribers in Massachusetts with reports of oxycodone poisoning, burglaries, and robberies." The Commonwealth's characterization is misleading, as the map in the document cited in support of this allegation is not at all focused on Massachusetts, but covers the entire Northeast quarter of the United States, including as far west as Indiana and as far south as Virginia. I do not recall being made aware of unusual patterns of opioid abuse or diversion in Massachusetts during my tenure as CEO of Purdue.

16. I understand that the Commonwealth also has alleged (§ 638) that I was informed by Purdue staff “that Purdue would promote opioids at more than a dozen programs in Massachusetts.” Contrary to the Commonwealth’s allegation, I do not recall being specifically informed of or focusing on programs in Massachusetts or any other state. In this regard, I note that the documents the Commonwealth cites in support of this allegation are 82-page and 71-page reports listing hundreds of Purdue grants nationwide. I strongly doubt that I would have taken the time to read the entirety of such reports. In any event, the Commonwealth’s assertion that Purdue’s grant program was intended to “promote opioids” is inaccurate. As I recall, and as the documents the Commonwealth cites reflect, Purdue provided financial grants to support a wide variety of programs developed and delivered by third-parties. Some of these programs did not relate to pain treatment at all (such as a breast cancer walk), and while many of them related to general aspects of pain management they were not specific to opioid medications. Moreover, as CEO of Purdue, I did not serve on Purdue’s grant committee and did not otherwise review or approve grants at the individual or state level; rather, my role was to approve the high-level budget for grant support nationwide, as a component of the overall annual corporate budget.

17. I understand that the Commonwealth has alleged (§ 647) that I was made aware of certain legislative developments in Massachusetts during my tenure as CEO. This is accurate, but only because I generally was briefed on relevant legislative and policy developments in states where Purdue did business. As CEO of Purdue, I did not personally lobby or attempt to influence legislation in Massachusetts. To the extent Purdue engaged in such activities, it was through Purdue’s state government relations department.

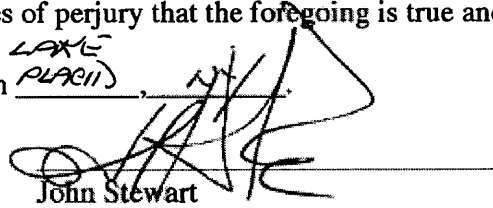
18. I also understand that the Commonwealth alleges (§ 630) that I requested a copy of a report about the Massachusetts OxyContin and Heroin Commission. While this is accurate,

my recollection is that I was interested in the report because it specifically mentioned Purdue's product, OxyContin; I would have been equally interested in such a report if had been issued by any of the other 49 states.

19. In sum, as CEO of Purdue, I had oversight over Purdue's activities nationwide, which included activities in every state. However, 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 28 day of February, 2019, in LAKE PLACID, NY.



John Stewart

**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 John Stewart 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



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Maya P. Florence