

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT

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COMMONWEALTH OF MASSACHUSETTS, :

Plaintiff, :

Civil Action  
No. 18-1808-BLS2

v. :

PURDUE PHARMA L.P, et al, :

Defendants. :

**DECLARATION OF  
MARK TIMNEY IN SUPPORT  
OF MOTION TO DISMISS  
FIRST AMENDED COMPLAINT**

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I, MARK TIMNEY, 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 January 2014 to June 2017.

2. I submit this Declaration for and on behalf of, and in support of, the motion submitted by myself and Defendants Craig Landau 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 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 in 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 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. Purdue did not have any offices in Massachusetts during my tenure as CEO. While serving as CEO of Purdue, I never visited Massachusetts or otherwise conducted Purdue business there.

10. 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.

11. Since January 1, 2007, I have had minimal contacts with Massachusetts, and none have been in my capacity as CEO of Purdue. To my knowledge, the full extent of my contacts with Massachusetts since January 1, 2007 include:

- a. Prior to becoming CEO of Purdue, I served as President of Merck US. I believe that in that capacity I visited Massachusetts once in order to attend business meetings with Massachusetts health care systems and also attended pharmaceutical and/or biotechnology industry conferences held in Massachusetts on two or three occasions, many years ago.
- b. Since leaving my position as CEO of Purdue, I have had in-person meetings with companies located in Massachusetts, none of which involved opioid medications. I believe that I have participated in approximately 4 meetings in Massachusetts since leaving my position as Purdue Chief Executive Officer. These meetings did not have anything to do with Purdue nor opioids.

12. 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. In my role as CEO of Purdue, there were at least three levels of management between me and Purdue's sales representatives in Massachusetts (as well as every other state), including after the executive in charge of sales and marketing resigned.

13. 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. I did not

personally make any payments to Massachusetts physicians nor did I ever visit any prescribers in Massachusetts.

14. I understand that the Commonwealth has alleged (§ 770) that I reported to the Board regarding Massachusetts legislation prohibiting dispensing a non-abuse deterrent opioid formulation from being dispensed if an abuse-deterrent formulation was available. The fact that the legislation passed in Massachusetts was not of any particular significance to me; rather, from my perspective, the legislation was significant because it was the first such law in the country and I expected it to have a public health benefit. I would have reported on legislation of this type regardless of which state it passed in. I also was not personally involved in Purdue's lobbying efforts related to the Massachusetts legislation, which I understand began before I arrived at Purdue. Purdue's efforts in this regard were overseen by personnel at least two levels below me in Purdue's organizational structure.

15. I understand that the Commonwealth has alleged (§ 763) that I directed the creation of a call center from which Purdue staff could telephone doctors to convey promotional messages. Contrary to the Commonwealth's allegations, I believe Purdue's efforts to establish a call center were underway before I arrived at Purdue and, to my knowledge, the call center was not used for affirmative outreach. Rather, I understood that healthcare providers would be made aware that the call center was a resource they could call if they were interested in receiving information regarding Purdue's medications. I do not know where the call center was located and never visited it, but have no reason to believe it was in Massachusetts. I believe that the call center was available to health care providers across the nation and was not specifically focused on or designed to reach providers in Massachusetts.

16. I understand that the Commonwealth has made a number of allegations (§§ 759-764,767) regarding sales initiatives in place during my tenure as CEO of Purdue. These initiatives had nationwide scope, and were not specifically focused on Massachusetts, which was of no greater importance than any other state from a sales strategy perspective. While the Commonwealth cites a document that identifies four "high value geographies" (including Massachusetts) (§ 767), I did not consider Massachusetts to be a "high value geography". I also note that I am not the author of the document the Commonwealth cites and do not know whether I saw it. I also did not personally participate in any sales or marketing efforts focused on the Partners or Steward hospital systems.

17. I understand that the Commonwealth has alleged (§ 781) that I sent a Purdue employee to attend a meeting on the opioid crisis at Tufts. I do not specifically recall directing anyone from Purdue to attend this meeting. During my tenure as CEO, Purdue employees attended conferences and meetings in states across the country, often without my specific knowledge or direction. To the extent that I may have discussed whether a Purdue employee should attend a particular conference or meeting, I believe I would have focused on the meeting topic and agenda, rather than the location. The fact that such a meeting was to occur in Massachusetts, as opposed to any other state, would not have been of any particular importance to me. I also note that the document the Commonwealth cites in support of this allegation is an email on which I appear to only have been copied. As CEO of Purdue, I received hundreds of emails every day and did not read all of those emails.

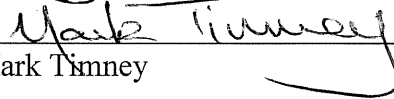
18. I also understand that the Commonwealth has cited a letter to the editor of the *Boston Globe* that ran over my signature in November 2016 (§ 779). I believe this letter was

conceived of and drafted by others at Purdue, not by me, and do not believe that the fact that the *Boston Globe* is a Massachusetts newspaper was of any particular importance.

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 27 day of February, 2019, in ~~Pasigpaway~~ N.J.

  
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Mark Timney

**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 Mark Timney 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