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The Honorable Marshall Ferguson
Hearing Date: October 28, 2020
Without Oral Argument

**STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,

Plaintiff,

v.

MCKESSON DRUG CORPORATION;
CARDINAL HEALTH INC.; and
AMERISOURCEBERGEN DRUG
CORPORATION,

Defendants.

NO. 19-2-06975-9

ORDER GRANTING THE STATE OF
WASHINGTON'S MOTION FOR
RELIEF FROM ABDC'S
DISCOVERY MISCONDUCT
~~PROPOSED~~

CLERK'S ACTION REQUIRED

ORDER

This matter came before the Court on the State of Washington's Motion for Relief from AmerisourceBergen Drug Corporation (ABDC)'s Discovery Misconduct. The Court has reviewed the State's Motion, the Declaration of David Ackerman, and exhibits thereto; ABDC's Opposition; the State's Reply; and all supporting papers thereto.

Based on the foregoing, IT IS HEREBY ORDERED that the State's Motion is GRANTED.

The Court HEREBY FINDS that ABDC is in contempt of the Court's July 6, 2020 Order requiring it to present prepared representatives for CR 30(b)(6) deposition on or before October 5, 2020 (Dkt. #250);

ORDER GRANTING THE STATE OF
WASHINGTON'S MOTION FOR RELIEF
FROM ABDC'S DISCOVERY
MISCONDUCT ~~PROPOSED~~
CAUSE NO. 19-2-06975-9SEA

ATTORNEY GENERAL OF WASHINGTON
Complex Litigation Division
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(206) 464-7744

COPY

1 The Court FURTHER FINDS that ABDC waived any objections to the document
2 requests in the State's January 31, 2020 Rule 30(b)(6) Notice.

3 It is ORDERED that ABDC shall produce any outstanding documents requested in the
4 January 31, 2020 Rule 30(b)(6) Notice concerning Topics 2-14 within ten court days of this
5 Order;

6 It is FURTHER ORDERED that, within seven court days, ABDC shall produce a
7 complete set of its Board documents for the period 2006-2018, including both Board and Board
8 committee materials, without redacting them for relevance. Specifically, while ABDC may
9 redact a document where the redaction is supported by a privilege or work product claim, it may
10 not redact a responsive document for relevance, responsiveness, or other non-privilege concern;

11 It is FURTHER ORDERED that ABDC shall offer one or more prepared witnesses to
12 testify on Topics 11 and 13, whose job responsibilities overlap with the subjects of the testimony
13 to be offered, within fourteen days of this Order. Neither the time expended in the prior
14 deposition on Topics 11 and 13, nor the time spent taking new testimony as to these same topics
15 shall count against the State's fourteen-hour time limit for the CR 30(b)(6) deposition of ABDC;

16 It is FURTHER ORDERED that ABDC shall pay all fees and costs the State incurred
17 ~~deposing the unprepared witness, those~~ expended in connection with the motion presently before
18 this Court, and time spent rescheduling depositions. If the parties are unable to agree as to the
19 amount of fees and costs, the State shall submit a fee petition within ten court days.

20 Dated this 17th day of November, 2020.

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23 _____
24 THE HONORABLE MARSHALL FERGUSON
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ROBERT W. FERGUSON
Attorney General

s/ Martha Rodríguez López

MARTHA RODRÍGUEZ LÓPEZ, WSBA No. 35466
ANDREW R.W. HUGHES, WSBA No. 49515
NATHAN K. BAYS, WSBA No. 43025
BRIAN H. ROWE, WSBA No. 56817
SPENCER W. COATES, WSBA No. 49683
Assistant Attorneys General
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
martha.rodriguezlopez@atg.wa.gov
andrew.hughes@atg.wa.gov
nathan.bays@atg.wa.gov
brian.rowe@atg.wa.gov
spencer.coates@atg.wa.gov

Attorneys for Plaintiff State of Washington

1 Thomas J. McGarrigle, Atty
E-Mailbox
2 E-Mailbox
E-Mailbox
3

tmcgarrigle@reedsmith.com
Docketing-SEA@lanepowell.com
Docketing-PDX@lanepowell.com
ABDCWA@LanePowell.com

4 DATED this 15th day of October 2020, at Seattle, Washington.

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6 *s/ Martha Rodríguez López*

MARTHA RODRÍGUEZ LÓPEZ, WSBA No. 35466
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