



E2E included proposals by McKinsey to “turbocharge” Purdue Pharma’s OxyContin sales including by focusing on the highest prescribers. In his role as a senior, relationship-focused partner on E2E, ELLING was among only a few McKinsey partners who participated in a meeting in August 2013 with members of the family who owned and controlled Purdue Pharma and ultimately approved E2E. ELLING continued to be listed on statements of work for engagements between McKinsey and Purdue that extended to 2018.

5. On July 3, 2018, the *Financial Times* reported that a former Purdue Pharma Board member had been named in a lawsuit filed by the Massachusetts Attorney General’s Office relating to Purdue Pharma’s unfair and deceptive practices in its marketing of OxyContin.

6. The next day, on July 4, 2018, ELLING emailed another McKinsey Partner (Individual 1) at his McKinsey email address under the subject line, “Howdy[.]” In the email, ELLING wrote the following: “Hope you’re well. Can you send me your private email address. Want to send you a note.” Individual 1 responded by providing his Gmail account address.

7. ELLING, using his McKinsey email address, then emailed Individual 1’s Gmail address and wrote:

Just saw in the FT that [a Purdue Pharma board member] is being sued by states attorneys general for her role on the [Purdue Pharma] Board. It probably makes sense to have a quick conversation with the risk committee to see ***if we should be doing anything other than [sic] eliminating all our documents and emails.*** Suspect not but as things get tougher there someone might turn to us. [Emphasis added].

8. INDIVIDUAL 1 responded to ELLING's email that same day: "Thanks for the heads up. Will do."

9. On August 5, 2018, a McKinsey consultant forwarded an article to ELLING from *Politico* regarding the Western District of Virginia's previous investigation of Purdue Pharma in the early 2000s and Purdue Pharma's resultant criminal conviction. On or about the same day, ELLING replied, "I saw this. A good article about a very very said [sic] situation."

10. On August 22, 2018, the *New York Times* published an article bearing the headline, "Snaring Doctors and Drug Dealers, Justice Dept. Intensifies Opioid Fight."

11. On August 22, ELLING emailed himself an apparent to-do list, with the subject line, "When home." The items listed included: "delete old pur [Purdue Pharma] documents from laptop[.]"

12. Forensic analysis of ELLING's McKinsey-issued laptop found that ELLING removed materials related to McKinsey's work for Purdue Pharma from the laptop, specifically:

- a. On or about August 24, 2018, ELLING initiated the process to move the "Purdue Pharma" folder in his Outlook account to the "Deleted Items" folder;
- b. On or about August 25, 2018, ELLING emailed himself the following: "Remove Purdue folder from garbage;"
- c. On or about August 26, 2018, ELLING initiated the process to permanently delete items from the Outlook "Deleted Items" folder; and

d. Between in or about April 2018 and in or about September 2018, ELLING removed a folder titled “Purdue” (which included a subfolder entitled “Strategy”) from his Windows operating system that contained more than 100 items for whom the filenames indicate they were from as far back as 2004 and included the name of the Purdue Pharma CEO at the time of the origination of the Purdue Pharma engagements with McKinsey and who was among the former Purdue Pharma executives who, in 2007, pled guilty and were convicted of misbranding.

13. ELLING was aware of investigations into Purdue Pharma’s conduct and knowingly deleted folders, documents, and emails from his McKinsey-issued laptop and in doing so, deleted documents that would have been pertinent to those investigations.

#### **COUNT ONE**

14. The Introduction is incorporated by reference and realleged.

15. Between in or about April 2018 and in or about September 2018, ELLING knowingly destroyed and concealed records and documents with the intent to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction of the United States Department of Justice and in relation to and contemplation of any such matter.

16. All in violation of 18 U.S.C. § 1519.

*Christopher R. Ramsey*

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*me*  
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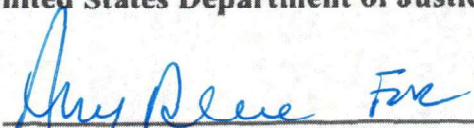
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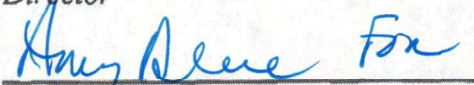
*William B. By*

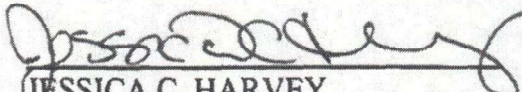


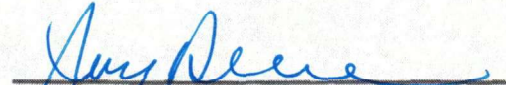
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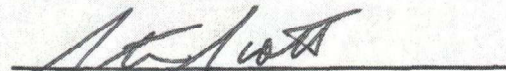
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