

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION) **CASE NO. 1:17-MD-2804**
OPIATE LITIGATION)
) **JUDGE POLSTER**
)
) **ORDER REGARDING**
) **STATE COURT COORDINATION**

The Court issues this Order to clarify its intentions regarding related State-court litigation and participation by State Attorneys General (“AGs”) in settlement negotiations under the auspices of this MDL Court.

As stated earlier, this Court is currently dedicating its efforts toward achieving a global settlement of all opioid litigation. The Court recognizes it has no jurisdiction over (I) the AGs or their representatives, (ii) the State cases they have filed, or (iii) any civil investigations they may be conducting. The Court has invited participation by the AGs in MDL settlement negotiations because their participation is critical if there is to be any global resolution.

Further, nobody should construe the AGs’ participation in MDL settlement discussions as a limitation on litigation in the sovereign States.

The Court recognizes, however, that counsel in this MDL are also counsel for the parties in many related State court cases. The Court requests counsel in the MDL, as well as the AG’s, to be mindful of the impact of their litigation upon the orderly resolution of the MDL and global settlement of all opioid litigation. At the status hearing on March 6, 2018, the Court shall engage in discussions with counsel regarding this matter and their efforts at cooperation and coordination.

Further, in order to maximize coordination and cooperation between this MDL Court and the State courts, this Court now directs the Special Masters to develop a forum for State/Federal coordination, to encourage communication between the courts and participation by State court judges or officers.

Finally, pursuant to a request by certain AGs, the Court makes clear that, if a global settlement is achieved under the auspices of the MDL, this Court has no intention of imposing upon the States any common benefit fees.

IT IS SO ORDERED.

/s/ Dan Aaron Polster

DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE

Dated: February 27, 2018