

**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

The Court enters this Order to clarify a provision contained in Case Management Order Number 1 (docket no. 232). Paragraph 6.b of CMO-1 states:

Amendment of Pleadings and Addition of Parties. In cases other than those mentioned in paragraphs 2 and 3, Plaintiffs shall file any amended pleading, including any amendment to add a party to a case, **no later than Friday, May 25, 2018**. After that date, no complaint shall be amended by Plaintiffs to add a party or otherwise, absent leave of Court or stipulation of the parties. The deadline for Defendants to add a party without leave of Court shall be **45 days before the close of fact discovery** applicable to a particular case.

Counsel for plaintiffs have contacted the Court asking whether paragraph 6.b applies to every case transferred to the MDL and whether there will be any other opportunities to amend. The answer is that, if a plaintiff in an MDL case wants to file an amended complaint *without* leave of Court, it must do so by May 25, 2018. Thereafter, all cases not designated in paragraphs 2 or 3 of CMO-1 are stayed until further order of a Court. If a case is later designated as a bellwether for motion practice or trial, a separate CMO will be entered that will provide for another opportunity to amend. And, plaintiffs retain the right to move to file further amended pleadings if deemed appropriate, such as

because additional defendants were identified by ARCOS data.

This clarification does not relieve plaintiffs from any other obligations set out in CMO-1, such as timely submission of fact sheets.

/s/ Dan Aaron Polster _____
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE

Dated: May 3, 2018