

IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OHIO

IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION

This document relates to:

THE MUSCOGEE (CREEK) NATION,  
  
PLAINTIFF,

v.

PURDUE PHARMA L.P., *et al.*,

DEFENDANTS;

*and*

THE BLACKFEET TRIBE OF THE  
BLACKFEET INDIAN RESERVATION,

PLAINTIFF,

v.

AMERISOURCEBERGEN DRUG  
CORPORATION, *et al.*,

DEFENDANTS.

MDL No. 2804

Master Docket No.:  
1:17-MD-02804-DAP

Hon. Judge Dan A. Polster

Case Nos.:  
1:18-op-45459-DAP  
1:18-op-45749-DAP

**ORDER REGARDING PAGE LIMITATIONS  
FOR BRIEFING ON MOTIONS TO DISMISS**

On July 23, 2018, the Court ordered the parties in *The Muscogee (Creek) Nation v. Purdue Pharma L.P.*, No. 18-OP-45459 (N.D. Ohio) and *The Blackfeet Tribe of the Blackfeet Indian Reservation v. AmerisourceBergen Drug Corp.*, No. 18-OP-45749 (N.D. Ohio) (collectively, the “Tribal Track Cases”), to “negotiate page limitations regarding briefing on the motions to dismiss, keeping in mind paragraphs 2.g–h of CMO-1, and submit a proposed order to Special Master Cohen by July 25, 2018,” and to “consolidate their briefing as much as possible.”

Plaintiffs and Distributors have agreed to the page limitations set forth below, but Distributors disagree with the concept of consolidated oppositions (i.e., Distributors would have each Plaintiff in the Tribal Track Cases file four opposition briefs, for a total of eight opposition briefs in the Tribal Track Cases – one in response to each opening brief filed by Defendants; conversely, Plaintiffs believe that each Plaintiff should be able to file a single brief that responds to all opening briefs Defendants filed against that Plaintiff). Various other Defendants have declined to indicate whether they agree to the page limitations set forth below.

Having considered the parties' positions, the Court now Orders as follows:

- Defendants will submit opening briefs on motions to dismiss that do not exceed a total of 185 pages in each of the Tribal Track Cases (for a total of 370 pages with respect to the Tribal Track Cases as a group). Opening briefs in each of the Tribal Track Cases will be comprised of an opening brief submitted by Distributors (50 pages), an opening brief submitted by Manufacturers (50 pages), an opening brief submitted by Chain Pharmacy Defendants (50 pages), and an opening brief submitted by Generic Manufacturer Defendants (35 pages).
- Each Plaintiff in the Tribal Track Cases will submit an opposition brief not to exceed 185 pages (for a total of 370 pages with respect to the Tribal Track Cases as a group).
- Defendants will submit reply briefs that do not exceed a total of 115 pages in each of the Tribal Track Cases (for a total of 230 pages with respect to the Tribal Track Cases as a group). Reply briefs in each of the Tribal Track Cases will be comprised of a reply brief submitted by Distributors (30 pages), a reply brief submitted by Manufacturers (30 pages), a reply brief submitted by Chain Pharmacy Defendants (30 pages), and a reply brief submitted by Generic Manufacturer Defendants (25 pages).

The parties shall avoid repetitive briefing. Thus, for example, a Defendant group (Distributors, Manufacturers, Chain Pharmacy Defendants, or Generic Manufacturer Defendants) may opt to submit a single opening brief with regard to both Plaintiffs. In that case, the Defendant group's single brief will not exceed the total number of pages allotted for briefing

with regard to each Plaintiff's case.

**IT IS SO ORDERED.**

July 26, 2018

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