

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION ) MDL 2804  
OPIATE LITIGATION )  
 ) Case No. 1:17-md-2804  
THIS DOCUMENT RELATES TO: )  
 ) Judge Dan Aaron Polster  
*City of Palm Bay v. Purdue Pharma L.P., et* )  
*al.*, Case No. 1:18-op-46132 ) NUNC PRO TUNC ORDER<sup>1</sup>

Before the Court is Defendant, Edge Pharmacy’s Motion to Dismiss Plaintiff’s Complaint, Or, In the Alternative, For a More Definite Statement. **Doc. #: 1062**. Defendant’s Motion is **DENIED WITHOUT PREJUDICE** pursuant to the Court’s moratorium on all substantive filings and Case Management Order One (“CMO-1”). Doc. #: 232.

In the early stages of this MDL, the Court put a moratorium on all substantive filings. *See* Doc. #: 4 at 4; Doc. #: 70 at 2. Further, CMO-1, which applies to *all* cases, sets forth cases that have been selected to proceed with briefing on motions to dismiss as well as “Track One” cases that have been selected to proceed to bellwether trials. *See* Doc. No. 232 at ¶¶ 2-3.

*City of Palm Bay v. Purdue Pharma L.P., et al.*, Case No. 1:18-op-46132 is not listed in paragraph two or three of CMO-1, and is therefore subject to the moratorium. Counsel are advised to familiarize themselves with the MDL docket and the case management orders and to not waste judicial resources by filing motions that are subject to the moratorium on substantive motions.

For the reasons stated, Defendant’s Motion to Dismiss or for a More Definite Statement is **DENIED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

/s/ Dan Aaron Polster November 1, 2018  
**DAN AARON POLSTER**  
**UNITED STATES DISTRICT JUDGE**

<sup>1</sup> This *nunc pro tunc* order is issued to change the word “dismissed” to “denied” and correct a spelling mistake.