

**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
<i>The County of Summit, Ohio, et al. v.</i>)	
<i>Purdue Pharma L.P., et al.</i>)	ORDER REGARDING MOTION TO
Case No. 18-op-45090)	DISMISS FOR LACK OF PERSONAL
)	JURISDICTION AS TO TEVA LTD.
and)	
)	
<i>The County of Cuyahoga v.</i>)	
<i>Purdue Pharma L.P., et al.</i>)	
Case No. 1:17-op-45004)	

ORDER

By agreement of the parties, the Court’s August 5, 2019 Order (ECF No. 2131) regarding Teva Pharmaceutical Industries Ltd.’s (“Teva Ltd.”) motion to dismiss for lack of personal jurisdiction, is hereby **MODIFIED** as follows:

1. Teva Ltd. shall not be a Defendant in the Track One trial, which is currently scheduled to commence on October 21, 2019 (ECF No. 1306), and no evidentiary hearing on personal jurisdiction issues as to Teva Ltd. will take place during the Track One trial.

2. If a judgment is entered against any subsidiary of Teva Ltd. in the Track One trial, the Court will schedule an evidentiary hearing on Teva Ltd.’s motion to dismiss in accordance with Paragraph 4 below.

3. Plaintiffs acknowledge that they only seek to impose liability on Teva Ltd. derivatively, based on the alleged conduct of the direct and indirect subsidiaries of Teva Ltd. Therefore, in the event of a defense verdict for Teva Ltd.’s subsidiaries that are Defendants in the

Track One trial, Plaintiffs' claims against Teva Ltd will be dismissed. In the event of a Plaintiffs' verdict against Teva Ltd.'s subsidiaries that are defendants in the Track One trial and the Court subsequently determining that it has personal jurisdiction over Teva Ltd., Teva Ltd. will be responsible for its U.S. subsidiaries under an alter ego, successor, or other appropriate theory of liability previously asserted by Plaintiffs and determined by the Court.

In addition, the Court directs that within 21 days after a verdict is rendered in the Track One trial (if there is no defense verdict for the Teva Ltd.'s subsidiaries), the parties shall meet and confer regarding a schedule for further discovery by each side, briefing, and a proposed date for an evidentiary hearing on personal jurisdiction to take place no later than June 30, 2020. The schedule should be adequate to allow Teva Ltd. to supplement the record to address Plaintiffs' theories of personal jurisdiction set forth in Plaintiffs' Opposition (ECF No. 1815). The parties shall submit the proposed schedule to the Court no later than January 31, 2020.

IT IS SO ORDERED.

/s/ Dan Aaron Polster September 25, 2019
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE