

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

IN RE NATIONAL PRESCRIPTION OPIATE
LITIGATION

This document relates to:

Track One Cases

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

Approved.
It is SO ORDERED.
s/Dan Aaron Polster
United States District Judge
Oct. 9, 2019

**JOINT STIPULATION REGARDING ACTAVIS, WALGREENS,
AMERISOURCEBERGEN AND SCHEIN DEFENDANTS**

In the upcoming Track One Trial, Plaintiffs have named as Defendants eleven members of the Actavis corporate family (Watson Laboratories, Inc.; Actavis LLC; Actavis Pharma, Inc. f/k/a Watson Pharma, Inc.; Warner Chilcott Co., LLC; Actavis South Atlantic LLC; Actavis Elizabeth LLC; Actavis Mid Atlantic LLC; Actavis Totowa LLC; Actavis Kadian LLC; Actavis Laboratories UT, Inc. f/k/a Watson Laboratories Inc.-Salt Lake City; and Actavis Laboratories FL, Inc. f/k/a Watson Laboratories, Inc.-Florida), as well as two members of each of the following corporate families: Walgreens (Walgreen Co. and Walgreen Eastern Co.); AmerisourceBergen (AmerisourceBergen Drug Corp. and, in the Cuyahoga Complaint only, AmerisourceBergen Corp.), and, in the Summit Complaint only, Henry Schein (Henry Schein, Inc. and Henry Schein Medical Systems, Inc.). The parties wish to simplify the presentation of evidence concerning all four corporate families at trial, and to reduce the number of live-streamed corporate witnesses who must testify pursuant to Docket No. 2594 (p.3), by treating each of the corporate families as a single corporate defendant for purposes of the trial. Therefore, Cuyahoga County, Summit County, Watson Laboratories, Inc.; Actavis LLC; Actavis Pharma, Inc. f/k/a Watson Pharma, Inc.; Warner Chilcott Co., LLC; Actavis South Atlantic LLC; Actavis Elizabeth LLC; Actavis Mid Atlantic LLC; Actavis Totowa LLC; Actavis Kadian LLC; Actavis

Laboratories UT, Inc. f/k/a Watson Laboratories Inc.-Salt Lake City; and Actavis Laboratories FL, Inc. f/k/a Watson Laboratories, Inc.-Florida, Walgreen Co., Walgreen Eastern Co., AmerisourceBergen Corp., AmerisourceBergen Drug Corp., Henry Schein, Inc., and Henry Schein Medical Systems, Inc., hereby agree and stipulate as follows:

1. For the Actavis Corporate Family, Plaintiffs will proceed to trial only against Actavis LLC, and will dismiss with prejudice the claims against the remaining ten corporate entities. Plaintiffs will only be able to obtain live-streamed testimony pursuant to Docket No. 2594 from one corporate witness from the Actavis family.
2. Plaintiffs will proceed to trial only against Walgreen Co., AmerisourceBergen Drug Corp., and, in the Summit case, Henry Schein, Inc., and will dismiss with prejudice their claims against Defendants Walgreen Eastern Co., AmerisourceBergen Corp., and Henry Schein Medical Systems, Inc. Plaintiffs will only be able to obtain live-streamed testimony pursuant to Docket No. 2594 from corporate witnesses from the three retained defendants, but not from the three dismissed defendants.
3. Actavis LLC, Walgreen Co., AmerisourceBergen Drug Corp., and Henry Schein, Inc. agree that all witnesses previously designated by Plaintiffs for testimony from any of the four corporate families may still be called to testify at trial, regardless of the witnesses' corporate affiliation, and they agree not to contest the admissibility of such testimony on the ground that the witness came from a separate corporate entity within their corporate family. (All other objections to admissibility are preserved.)
4. Actavis LLC, Walgreen Co., AmerisourceBergen Drug Corp., and Henry Schein, Inc. agree not to contest the authenticity of any documentary evidence produced by any dismissed member of their corporate family and also agree not to contest the admissibility of such documentary evidence on the ground that it came from a separate corporate entity within their corporate family. (All other objections to admissibility are preserved.)
5. Any evidence or other information adduced at the Track One Trial from or concerning a dismissed defendant may be proffered as evidence against the remaining defendant(s) from that defendant family and used to establish liability against the remaining defendant(s) in that defendant family in the Track One Trial.
6. Actavis LLC, Walgreen Co., AmerisourceBergen Drug Corp., and Henry Schein, Inc. will not argue that any of the dismissed defendants, rather than the retained defendant, is the responsible entity in the Track One Trial.

s/W. Mark Lanier

W. Mark Lanier
LANIER LAW FIRM
10940 W. Sam Houston Pkwy N., Ste 100
Houston, TX 77064
(713) 659-5200
(713) 659-2204 (Fax)
wml@lanierlawfirm.com

Trial Counsel

s/Peter H. Weinberger

Peter H. Weinberger (0022076)
SPANGENBERG SHIBLEY & LIBER
1001 Lakeside Avenue East, Suite 1700
Cleveland, OH 44114
(216) 696-3232
(216) 696-3924 (Fax)
pweinberger@spanglaw.com

Plaintiffs' Liaison Counsel

s/Hunter J. Shkolnik

Hunter J. Shkolnik
NAPOLI SHKOLNIK
360 Lexington Ave., 11th Floor
New York, NY 10017
(212) 397-1000
(646) 843-7603 (Fax)
hunter@napolilaw.com

*Counsel for Plaintiff Cuyahoga County,
OH*

s/Donald A. Migliori

Donald A. Migliori
MOTLEY RICE LLC
28 Bridgeside Blvd.
Mount Pleasant, SC 29464
(843) 216-9241
(843) 416-5481 (Fax)
dmigliori@motleyrice.com

Counsel for Plaintiff Summit County, OH

s/Shannon E. McClure

Shannon E. McClure
REED SMITH LLP
Three Logan Square
1717 Arch Street, Suite 3100
Philadelphia, PA 19103
(215) 851-8100
(215) 851-1420 (Fax)
smcclure@reedsmith.com

*Counsel for
AmerisourceBergen Drug Corporation*

s/Kaspar J. Stoffelmayr

Kaspar J. Stoffelmayr
BARTLIT BECK LLP
54 West Hubbard Street
Chicago, IL 60654
Phone: (312) 494-4434
Fax: (312) 494-4440
kaspar.stoffelmayr@bartlitbeck.com

Counsel for the Walgreens Defendants

s/Harvey Bartle IV

Harvey Bartle IV
MORGAN LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103
(215) 963-5521
(215) 963-5001 (Fax)
harvey.bartle@morganlewis.com

Counsel for Actavis Defendants

s/Cynthia Timms

Cynthia Timms
LOCKE LORD LLP
2200 Ross Avenue, Suite 2800
Dallas, TX 75201
(214) 740-8000
(214) 740-8800 (Fax)
ctimms@lockelord.com

Counsel for Henry Schein, Inc.