

(except those regarding which a bankruptcy stay has been entered). Whether a single trial goes forward against all Defendant Families at once, or instead the case is tried in some other fashion, will be at the discretion of the transferor court after remand.

The Court directs the parties to meet and confer and, on or before November 15, 2023, submit proposed Case Management Orders (“CMOs”) for these four cases. The CMOs may include deadlines for amendment of complaints. *See In re: Nat’l Prescription Opiate Litig.*, 2022 WL 20701236, at *2 (6th Cir. Nov. 10, 2022) (MDL docket no. 4747) (confirming that, because “[this MDL Court’s] original scheduling order allowed plaintiffs to amend whenever their case was selected as a bellwether,” amendment was allowed). Parties named in any amended complaints will be limited to the following nine Defendant Families: (1) the Big Three Manufacturers – Johnson and Johnson, Teva, and Allergan; (2) the Big Three Distributors – Cardinal, McKesson, and Cencora; and (3) the Big Three Pharmacies – Walgreens, Walmart, and CVS.

The parties shall agree on as much as possible on the proposed CMOs and should work with Special Master Cohen to address any disagreements. If disagreements remain, the parties will submit competing CMOs, highlighting the areas of disagreement, and the Court will resolve them.

IT IS SO ORDERED.

/s/ Dan Aaron Polster

DAN AARON POLSTER

UNITED STATES DISTRICT JUDGE

Dated: October 25, 2023