

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  
*PBM Cases* )  
 ) ORDER SETTING NEW  
 ) BELLWETHER PROCESS FOR PBMs

On September 23, 2024, the Court held a zoom status conference with the PBMs and the PEC. The Court discussed whether, in light of the recent Rule 30(b)(6) deposition, the *Webb County*<sup>1</sup> bellwether case should continue on its current track. Based on the status reports filed by the PBMs and the PEC on September 20, 2024, along with discussions during the zoom status conference, the Court concludes that *Webb County* should be discontinued as a PBM bellwether case. Since this leaves the parties with only one remaining bellwether case,<sup>2</sup> the Court concludes a new bellwether case is necessary to provide the Court and the parties necessary information about the strengths of the parties' claims and defenses. Accordingly, the Court now sets forth the following process through which the PBMs and the PEC will select *one* new bellwether case.

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<sup>1</sup> *County of Webb, Texas v. Purdue Pharma, L.P.*, No. 18-op-45175 (Case Track 15).

<sup>2</sup> *City of Rochester v. Purdue Pharma, L.P.*, No. 19-op-45853 (Case Track 12)

**By 4:00pm on October 7, 2024:** The PEC shall file a document certifying which of the previously identified PBM defendant cases<sup>3</sup> had litigation holds properly implemented at the time the underlying complaints were filed.

**By 4:00pm on October 21, 2024:** The PBMs shall jointly file a document selecting two potential bellwether cases from the list supplied by the PEC. The selected cases may not be cases filed in the Second Circuit, where the other remaining PBM bellwether case was originally filed.

**By 4pm on October 28, 2024:** The PEC shall file a document striking one of the PBMs' two picked cases.

**By 4pm on November 12, 2024:** The parties shall submit a joint proposed case management order for the new bellwether case.

**IT IS SO ORDERED.**

/s/ Dan Aaron Polster September 23, 2024  
**DAN AARON POLSTER**  
**UNITED STATES DISTRICT JUDGE**

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<sup>3</sup> See docket no. 5589.