

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

United Food and Commercial Workers
Health and Welfare Fund of Northeastern
Pennsylvania

Sheet Metal Workers Local No. 25
Health & Welfare Fund

Louisiana Assessors Insurance Fund

Pioneer Telephone Cooperative Inc. Employee
Benefits Plan

**MDL No. 2804
Case No. 17-md-2804**

Judge Dan Aaron Polster

**Case No. 1:17-OP-45177
Case No. 1:18-OP-45002
Case No. 1:18-OP-46223
Case No. 1:18-OP-46186**

**THIRD PARTY PAYOR BELLWETHERS' NOTICE OF CLAIMS TO BE
LITIGATED AS PART OF CURRENT BELLWETHER PROCEEDING**

On October 2, 2024, this Court entered the Second Amended Case Management Order for Third Party Payor Bellwether Cases (the “CMO”). ECF 5666. The Third Party Payor Bellwether Cases include *United Food and Commercial Workers Health and Welfare Fund of Northeastern Pennsylvania v. Purdue Pharma, LP, et al.*, (“UFCW NEPA”), Case No. 1:17-OP-45177; *Local No. 25 Sheet Metal Workers Health & Welfare Fund v. Purdue Pharma, LP, et al.*, (“Local 25”), Case No. 1:18-OP-45002; *Louisiana Assessors Insurance Fund a/k/a The Insurance Committee of the Assessors’ Insurance Fund v. AmerisourceBergen Drug Corp., et al.*, (“LAIF”), Case No. 1:18-OP-46223; and *Pioneer Telephone Cooperative Inc. Employee Benefits Plan et al. v. Purdue Pharma, LP, et al.*, (“Pioneer”), Case No. 1:18-OP-46186. ECF 5225.

The Second Amended CMO provides that within seven days following its entry, *i.e.*, by October 9, 2024, each TPP Bellwether Plaintiff shall identify in a formal notice filed on the docket,

the claims to be litigated as part of the current bellwether proceedings as reflected in Special Master David R. Cohen's email dated September 27, 2024. Dkt. No. 5666 at §(A)(1). The CMO further provides that the remaining claims from each complaint will be severed pursuant to Fed.R.Civ.P. 42(b) and stayed pending further Order.¹ *Id.*

NOW COME the TPP Bellwether Plaintiffs who identify the following claims to be litigated as part of the current bellwether proceeding, while fully reserving all other claims, which are severed and stayed:²

UFCW NEPA – Case Track 16 (CT16):

1. RICO Claims
2. Consumer Fraud Claim
3. Civil Conspiracy

Local 25 – Case Track 17 (CT17):

1. RICO Claims
2. Civil Conspiracy

LAIF – Case Track 18 (CT18):

1. RICO Claims
2. Louisiana State Racketeering Claims
3. Civil Conspiracy
4. Louisiana Unfair Trade Practices/ Consumer Protection Claim

Pioneer – Case Track 19 (CT19):

1. RICO Claims
2. Civil Conspiracy

¹ Thus, the only claims that Defendants will be required to move to dismiss or answer at this time are those claims identified in this notice. *See* Dkt. No. 5666.

² TPP Bellwether Plaintiffs' Amended Complaints assert a variety of claims against Defendants. In addition to the claims to be litigated listed here, Plaintiffs requested that their unjust enrichment claims (Local 25 and Pioneer) and ERISA claim (Pioneer) be included in the claims to be litigated in their respective bellwether tracks. *See, e.g.* Dkt. No. 5666, n. 2. Despite Plaintiffs' intention to pursue these additional claims now, the Court made a case management decision to sever the TPP Bellwether Plaintiffs' claims other than (1) Federal RICO and state law analogs; (2) Conspiracy; and (3) Consumer Fraud, as reflected in Special Master Cohen's email dated September 27, 2024, and in turn, memorialized here.

WHEREFORE, Third Party Payor Bellwethers pray this notice be deemed good and sufficient, and further reserve all claims severed and stayed.

Dated: October 9, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2024, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF system.

s/Peter H. Weinberger

Peter H. Weinberger