

Motion denied, for the reasons stated  
in the response brief at docket no. 5685.

IT IS SO ORDERED.

s/Dan Aaron Polster

**DAN AARON POLSTER**

**U.S. DISTRICT JUDGE**

Dated: October 17, 2024

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

**THIS DOCUMENT RELATES TO:**

*All TPP Cases*

**MDL NO. 2804**

**Case No. 17-MD-2804**

**Judge Dan Aaron Polster**

**PBM DEFENDANTS' MOTION TO STRIKE THE ALLEGATIONS AND CLAIMS  
AGAINST THEM IN THE CONSOLIDATED AND AMENDED THIRD PARTY PAYOR  
CLASS ACTION COMPLAINT**

Express Scripts, Inc., OptumRx, Inc., and their affiliates (**PBM Defendants**) jointly move to strike the allegations and claims against them from the Consolidated and Amended Third Party Payor Class Action Complaint and Jury Demand (**Amended TPP Class Complaint**).

On September 20, 2024, the PEC and counsel for plaintiffs in the third-party payor track cases (**TPP Plaintiffs**) filed a Notice of Service related to “All TPP Cases.” See Dkt. 5638. The Notice stated that the TPP Plaintiffs had “served the Defendants, the Court, and the Special Master” that same day with the Amended TPP Class Complaint in *American Federation of State, County, & Municipal Employees District Council 37 Health & Security Plan, et al. v. Purdue Pharma, L.P., et al.*, Case No. 1:17-cv-2585, 1:18-op-45013-DAP. *Id.* at 1. The Notice further stated that the TPP Plaintiffs “hereby submit the proposed amended complaint and identify this case as an appropriate non-bellwether case in which to state class allegations.” *Id.* at 2.

In the Amended TPP Class Complaint, three plaintiffs—the American Federation of State, County, and Municipal Employees District Council 37 Health & Security Plan (**District Council 37**); Bios Companies, Inc. Welfare Plan; and Bios Companies, Inc. as plan sponsor and fiduciary of Bios Companies, Inc. Welfare Plan (together, the **Bios Plaintiffs**)—purport to add the PBM