

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  
*All Cases* )  
 ) ORDER REGARDING DISMISSALS  
 ) OF “REMNANT DEFENDANTS”  
 )  
 )  
 )

On July 2, 2024, at the request of this Court and the urging of Defendants, the PEC issued a “Remnant Defendants” Letter to all plaintiffs’ counsel in the MDL. The purpose of that letter was to encourage all MDL plaintiffs to streamline their complaints by dismissing all defendants except those the plaintiff truly intends to pursue.

Virtually every plaintiff that sued a Remnant Defendant responded to the Letter. Many plaintiffs: (1) stated they would dismiss some or all of the Remnant Defendants; and (2) then actually filed dismissals. However, some plaintiffs responded saying they would dismiss Remnant Defendants, but did not actually do so.

In order to move things along, on November 14, 2024, the Court ordered counsel who had not yet responded to the Remnant Defendants Letter to do so by November 26, 2024, or face dismissals of their “**cases in their entirety with prejudice** for failure to prosecute.” Docket no. 5762 at 2 (emphasis added). Notably, the Court stated clearly that failure to respond would lead

to dismissal of the plaintiff's *entire case*, not just plaintiff's claims against Remnant Defendants. "Responding" includes actual dismissal of the Remnant Defendants, not merely promising it.

Accordingly, this Order serves to establish a final deadline. The Court now **ORDERS** all plaintiffs who responded to the Remnant Defendants Letter by indicating their intention to dismiss certain Remnant Defendants to file those dismissals by Friday, January 17, 2025. Dismissals should be entered on the appropriate individual member-case dockets (*not* the master MDL docket). Failure to do so by that date will result in the Court dismissing the plaintiff's entire case *with prejudice*.

**IT IS SO ORDERED.**

/s/ Dan Aaron Polster December 26, 2024  
**DAN AARON POLSTER**  
**UNITED STATES DISTRICT JUDGE**