

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

IN RE: NATIONAL PRESCRIPTION	)	CASE NO. 1:17-MD-2804
OPIATE LITIGATION	)	
	)	JUDGE POLSTER
This Document Relates to:	)	
“PBM Cases”	)	<u>ORDER REGARDING</u>
	)	<u>POST-MANDAMUS</u>
	)	<u>PROPOSALS</u>

This Court earlier entered an Order granting plaintiffs’ omnibus motions for leave to amend to add PBMs as defendants. *See* MDL docket no. 6650. The PBMs filed a petition for writ of mandamus, asking the Sixth Circuit Court of Appeals to “vacate [this Court’s] order granting leave to amend, and direct the District Court to deny plaintiffs’ omnibus motions for leave to amend.” *In re: OptumRx, Inc.*, case no. 26-3780 (6th Cir. 2026), petition at 41. The appellate court granted the writ, vacated this Court’s order granting leave to amend, and “directed [this Court] to conduct an individualized diligence analysis under Rule 16.” Order at 5 (MDL docket no. 6734).

Beginning with the plaintiffs’ request in April of 2024 for permission to file motions to amend all of their MDL cases, this Court has maintained that the extreme positions espoused by both sides would not work. Events have borne out that prediction. The parties and the Court must now formulate a process that comports with the Sixth Circuit’s directive to undertake individualized case analyses.

Accordingly, the Court now **ORDERS** the parties to meet and confer and submit detailed proposal(s) by **noon on October 30, 2026**, on how the Court should proceed, including a process for conducting individualized reviews of the motions to amend for each case at issue. The parties

should come to as much agreement as possible but may submit separate proposals.¹ The Court also intends to select additional bellwether PBM cases, so the proposals should also include suggestions regarding bellwether selections.

The Court will consider the parties' proposals and will enter an Order that may or may not adopt some or all of the parties' suggestions, along with the Court's own ideas. This Order will set forth a process to adjudicate the motions to amend and also a process for selecting the next set of PBM bellwether cases.

IT IS SO ORDERED.

/s/ Dan Aaron Polster

DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE

Dated: October 6, 2026

¹ The Court suggests that one way to proceed would be for the parties to enter a stipulation agreeing that good cause has been shown in some number of cases, which can then properly be amended to add the PBMs, but with all defenses that may be raised via motion to dismiss still preserved. In return, the remaining plaintiffs with weaker arguments for good cause would withdraw their motions to amend.