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15 and ZNAT INSURANCE COMPANY

16 **UNITED STATES DISTRICT COURT**  
17 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
18 **WESTERN DIVISION**

19 ZENITH INSURANCE COMPANY  
20 and ZNAT INSURANCE COMPANY,

21 Plaintiffs,

22 v.

23 AMERISOURCEBERGEN DRUG  
24 CORPORATION; CARDINAL  
25 HEALTH, INC.; McKESSON  
26 CORPORATION; PURDUE PHARMA  
27 L.P.; PURDUE PHARMA, INC.; THE  
28 PURDUE FREDERICK COMPANY,  
INC.; TEVA PHARMACEUTICAL  
INDUSTRIES, LTD.; TEVA  
PHARMACEUTICALS USA, INC.;  
CEPHALON, INC.; JOHNSON &  
JOHNSON; JANSSEN  
PHARMACEUTICALS, INC.;  
ORTHO- MCNEIL-JANSSEN

Civil Action No.: 2:18-cv-08479

**NOTICE OF PENDENCY OF  
OTHER ACTIONS OR  
PROCEEDINGS**

1 PHARMACEUTICALS, INC. n/k/a  
2 JANSSEN PHARMACEUTICALS,  
3 INC.; JANSSENPHARMACEUTICA  
4 INC. n/k/a JANSSEN  
5 PHARMACEUTICALS, INC.;  
6 NORAMCO, INC.; ENDO HEALTH  
7 SOLUTIONS INC.; ENDO  
8 PHARMACEUTICALS, INC.;  
9 ALLERGAN PLC f/k/a ACTAVIS  
10 PLS; WATSON  
11 PHARMACEUTICALS, INC. n/k/a  
12 ACTAVIS, INC.; WATSON  
13 LABORATORIES, INC.; ACTAVIS  
14 LLC; ACTAVIS PHARMA, INC. f/k/a  
15 WATSON PHARMA, INC.;  
16 MALLINCKRODT PLC and  
17 MALLINCKRODT LLC.

18 Defendants.

19 Plaintiffs Zenith Insurance Company and ZNAT Insurance Company  
20 (hereinafter identified jointly as “Zenith”), by and through its undersigned counsel  
21 of record, hereby notifies the Court and all opposing parties pursuant to Civil Local  
22 Rule 83-1.4 that the above captioned case involves the similar subject matter and  
23 Defendants as another action that is presently pending in another federal district  
24 court.

25 **In Re: National Prescription Opiate Litigation**

26 The multi-district litigation entitled *In Re: National Prescription Opiate*  
27 *Litigation*, Case 17-MD-02804-DAP (“Opioid MDL”), is pending in the United  
28 States District Court for the Northern District of Ohio, Eastern Division. It has  
been assigned to the Honorable Dan Aaron Polster.

The Opioid MDL is a multi-district litigation for all federal cases involving  
suits filed against prescription opiate manufacturers and distributors. These cases  
specifically concern the alleged improper marketing of and inappropriate

NOTICE OF PENDENCY OF OTHER ACTIONS OR PROCEEDINGS

1 distribution of various prescription opiate medications.

2 The Opioid MDL’s initial transfer order set forth that “the actions in this  
3 litigation involve common questions of fact, and that centralization in the Northern  
4 District of Ohio will serve the convenience of the parties and witnesses and  
5 promote the just and efficient conduct of the litigation.” Moreover, the initial  
6 transfer order provides that, “although all of the cases on the motion [to transfer]  
7 before us involve claims brought by political subdivisions, we have been notified  
8 of potential tag-along actions brought by individuals, consumers, hospitals and  
9 third party payor.” Zenith are such a third party payors that the court had  
10 envisioned. A true and correct copy of the December 12, 2017 transfer order is  
11 attached hereto as Exhibit A.

12 **Potential Transfer of *Zenith* action to the Northern District of Ohio and**  
13 **Opioid MDL**

14 In the coming days, Zenith will file a motion to transfer venue pursuant to 28  
15 U.S.C. § 1404 (a). Among the facts justifying such a transfer are the following: the  
16 above referenced and cited transfer order from the Opioid MDL; most if not all of  
17 the named Defendants in the Zenith action are Defendants in the Opioid MDL; and  
18 the Zenith action contains similar allegations, based on a shared set of facts, which  
19 assert claims similar or the same to those asserted by Plaintiffs currently parties to  
20 the Opioid MDL. Further, transfer of the Zenith action to the Opioid MDL in the

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1 Norther District of Ohio will avoid conflicts, conserve the courts' and the parties'  
2 resources, and promote an efficient determination of all actions involved.

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5 Dated this 2<sup>nd</sup> day of October, 2018

**GROTEFELD HOFFMANN**

6  
7 /s/Maura Walsh Ochoa

8 Maura Walsh Ochoa  
9 Marc Polansky  
10 Attorneys for Plaintiffs