

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION)	
OPIATE LITIGATION)	CASE NO. 1:17-MD-2804
)	
)	JUDGE DAN A. POLSTER
)	
This document relates to:)	
)	
<i>Bolton, et al. v. Bynes, Jr., et al.,</i>)	
Case No. 18-OP-46138)	
)	

NOTICE OF APPEAL

Notice is hereby given that Defendants, Pembroke Pharmacy, Inc. and Willie C. Conley, Jr. RPH (hereinafter collectively “Defendants”), whose initially-filed state court action (“State Action”) was transferred after removal to the National Prescription Opiate Litigation Multi-District Litigation (“MDL”) on October 3, 2018, (Transfer Order, ECF No. 1018), hereby appeals to the United States Court of Appeals for the Sixth Circuit from this Court’s February 16, 2018, ORDER REGARDING REMANDS (ECF No. 130) (the “February 2018 Moratorium”). The February 2018 Moratorium, which continues indefinitely this Court’s moratorium on filing and/or deciding all remand motions, set forth in earlier orders, dated January 11, 2018, (Min. Initial Pretrial Conf., ECF No. 70) and December 14, 2017, (Min Teleconf. & Sched. Order, ECF No. 4), effectively serves as “an injunction to stay proceedings in a State court” in violation of 28 U.S.C. § 2283. This Notice of Appeal is being filed pursuant to 28 U.S.C. § 1292(a)(1), Fed. R. App. P. 4 (a)(1)(A), and Fed. R. App. P. 4 (a)(3), in a timely manner within fourteen (14) days of the filing of Plaintiff’s, the City of Jacksonville, Notice of Appeal (ECF No. 1061) in regard to the same Order and on similar grounds, which was filed

within 30 days of the October 3, 2018, transfer of Defendants' State Action to the MDL, wherein Defendants became bound by the February 2018 Moratorium.

DATED: November 8, 2018

Respectfully submitted,

DREW ECKL & FARNHAM, LLP

/s/ Lisa N. Higgins _____

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CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2018, a copy of foregoing Notice of Appeal was filed electronically. Notice of this filing will be sent by operation of the Court’s electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court’s system.

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