

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

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

***APPLIES TO ALL CASES***

**Case No. 1:17-CV-2804**

**Hon. Dan A. Polster**

**THE MANUFACTURER AND DISTRIBUTOR DEFENDANTS' JOINT MOTION  
REGARDING APPOINTMENT OF STEERING COMMITTEES  
AND DEFENDANTS' CO-LIAISON COUNSEL**

Pursuant to the Court's December 14 and 20 2017, Minute Orders, the Manufacturer Defendants<sup>1</sup> and Distributor Defendants<sup>2</sup> submit this joint Motion Regarding the Appointment of a Steering Committees and Defendants' Liaison Counsel.

**I. PROPOSAL FOR MANUFACTURER AND DISTRIBUTOR DEFENDANTS' STEERING COMMITTEES**

Given the significant differences in allegations and claims against the various groups of Defendants, the Manufacturer and Distributor Defendants respectfully recommend that the Court establish separate tracks for the Manufacturer and Distributor defendant groups to ensure that the

---

<sup>1</sup> The Manufacturer Defendants are Purdue Pharma L.P., Purdue Pharma Inc., and The Purdue Frederick Company Inc.; Teva Pharmaceuticals USA, Inc. and Cephalon Inc.; Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica Inc.; Endo Health Solutions Inc. and Endo Pharmaceuticals Inc.; Allergan Finance, LLC f/k/a Actavis, Inc. f/k/a Watson Pharmaceuticals, Inc., Watson Laboratories, Inc., Actavis LLC, and Actavis Pharma, Inc; Mallinckrodt LLC; and Insys Therapeutics, Inc.

<sup>2</sup> The Distributor Defendants are Cardinal Health, Inc., AmerisourceBergen Drug Company, McKesson Corporation, CVS Indiana, L.L.C., Wal-Mart Stores East, LP, and Masters Pharmaceutical, Inc. Counsel for Distributor Defendants have attempted to confer with counsel or representatives of each distributor named in any litigation pending before this Court and believe they have the consent of all distributors.

MDL is structured in an efficient manner from the start. Each track, in turn, will benefit from its own steering committee. For the defense side, the Manufacturer and Distributor Defendants respectfully recommend that the Court establish a Manufacturer Defendants' Steering Committee and a Distributor Defendants' Steering Committee. These Committees would include representatives for each of the primary Manufacturer and Distributor Defendants. As to other Defendants that are not within the Manufacturer and Distributor defense groups, such as individual health care or pharmacy Defendants, the Manufacturer and Distributor Defendants propose that the Court establish a third Steering Committee to include these individual Defendants.

The Manufacturer Defendants nominate the following representatives for the Manufacturer Defendants' Committee:

Attorney Representative	Defendant(s)
Mark S. Cheffo QUINN EMANUEL URQUHART & SULLIVAN LLP 51 Madison Avenue, 22nd Floor New York, NY 10010 (212) 849-7000 <a href="mailto:markcheffo@quinnemanuel.com">markcheffo@quinnemanuel.com</a>	Purdue Pharma L.P., Purdue Pharma Inc., and The Purdue Frederick Company Inc.
Steven A. Reed MORGAN, LEWIS & BOCKIUS LLP 1701 Market St. Philadelphia, PA 19103 (215) 963-5603 <a href="mailto:steven.reed@morganlewis.com">steven.reed@morganlewis.com</a>	Teva Pharmaceuticals USA, Inc., Cephalon Inc., Watson Laboratories, Inc., Actavis LLC, and Actavis Pharma, Inc. f/k/a Watson Pharma, Inc.
Charles C. Lifland O'MELVENY & MYERS LLP 400 South Hope Street Los Angeles, CA 90071 (213) 430-6665 <a href="mailto:clifland@omm.com">clifland@omm.com</a>	Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc.

<p>Jonathan L. Stern                  ARNOLD &amp; PORTER KAYE                  SCHOLER LLP                  601 Massachusetts Ave, NW                  Washington, DC 20001                  (202) 942-5018  <a href="mailto:jonathan.stern@apks.com">jonathan.stern@apks.com</a></p>	<p>Endo Health Solutions Inc. and Endo                  Pharmaceuticals Inc.</p>
<p>Donna Welch                  KIRKLAND &amp; ELLIS LLP                  300 North LaSalle                  Chicago, IL 60654                  (312) 862-2425  <a href="mailto:donna.welch@kirkland.com">donna.welch@kirkland.com</a></p>	<p>Allergan Finance, LLC f/k/a Actavis, Inc. f/k/a                  Watson Pharmaceuticals, Inc.</p>
<p>Brien T. O'Connor                  ROPES &amp; GRAY LLP                  Prudential Tower, 800 Boylston Street                  Boston, MA 02199                  (617) 951-7385  <a href="mailto:brien.o'connor@ropesgray.com">brien.o'connor@ropesgray.com</a></p>	<p>Mallinckrodt LLC</p>
<p>J. Matthew Donohue                  HOLLAND &amp; KNIGHT LLP                  2300 U.S. Bancorp Tower                  111 S.W. Fifth Avenue                  Portland, OR 97204                  (503) 517-2913  <a href="mailto:matt.donohue@hklaw.com">matt.donohue@hklaw.com</a></p>	<p>Insys Therapeutics, Inc.</p>

The Distributor Defendants nominate the following representatives for the Distributors

Defendants' Steering Committee:

Attorney Representative	Defendant(s)
<p>Enu Mainigi, Partner                  Williams &amp; Connolly LLP                  725 Twelfth Street NW                  Washington, DC 20005                  (202) 434-5000  <a href="mailto:emainigi@wc.com">emainigi@wc.com</a></p>	<p>Cardinal Health, Inc.; Cardinal Health 110,                  LLC</p>

Attorney Representative	Defendant(s)
Robert A. Nicholas, Partner ReedSmith Three Logan Square 1717 Arch Street, Suite 3100 Philadelphia, PA 19103 (215) 851-8100 <a href="mailto:rnicholas@reedsmith.com">rnicholas@reedsmith.com</a>	AmerisourceBergen Drug Company
Mark Lynch, Senior Counsel Covington & Burling LLP One CityCenter 850 Tenth Street NW Washington, DC 20001-4956 (202) 662-5544 <a href="mailto:mlynch@cov.com">mlynch@cov.com</a>	McKesson Corporation
Eric R. Delinsky, Partner Zuckerman Spaeder LLP 1800 M Street NW, Suite 1000 Washington, DC 20036-5807 (202) 778-1831 <a href="mailto:edelinsky@zuckerman.com">edelinsky@zuckerman.com</a>	CVS Indiana, L.L.C.
James R. Wooley, Partner Jones Day North Point 901 Lakeside Avenue Cleveland, Ohio 44114-1190 (216) 586-7345 <a href="mailto:jrwooley@jonesday.com">jrwooley@jonesday.com</a>	Wal-Mart Stores East, LP
John Andrew "Jack" Smith, Member Flaherty Sensabaugh Bonasso PLLC 200 Capitol Street Charleston, WV 25338-3843 (304) 205-6386 <a href="mailto:jsmith@flahertylegal.com">jsmith@flahertylegal.com</a>	Masters Pharmaceutical, Inc.

The above nominees all have experience handling complex multi-party litigations, an ability to work cooperatively with the other committees, and a willingness to dedicate the time and resources necessary to effectively aid the Court in the coordinated proceeding.<sup>3</sup>

## **II. PROPOSAL FOR DEFENDANTS' CO-LIAISON COUNSEL**

The Manufacturer and Distributor Defendants also propose that the Court appoint five Co-Liaison Counsel. The Co-Liaison Counsel would include two representatives for the Manufacturer Defendants and three representatives for the Distributor Defendants. The Manufacturer Defendants' Co-Liaison Counsel would be:

- Mark S. Cheffo, Quinn Emanuel Urquhart & Sullivan LLP, 51 Madison Avenue, 22nd Floor, New York, NY 10010, (212) 849-7000, [markcheffo@quinnemanuel.com](mailto:markcheffo@quinnemanuel.com)
- Carole Rendon, BakerHostetler, 127 Public Square, Suite 2000, Cleveland, OH 44114, (216) 861-7420, [crendon@bakerlaw.com](mailto:crendon@bakerlaw.com)

The Distributor Defendants' Co-Liaison Counsel would be:

- Enu A. Mainigi, Williams & Connolly, LLP, 725 Twelfth Street, N.W., Washington, D.C. 20005, (202) 434-5420, [emainigi@wc.com](mailto:emainigi@wc.com)
- Shannon McClure, Reed Smith, Three Logan Square, 1717 Arch Street, Suite 3100, Philadelphia, PA, 19103, (215) 851-8100, [smcclure@reedsmith.com](mailto:smcclure@reedsmith.com)
- Ralph E. Cascarilla, Walter Haverfield, LLP, 1301 East Ninth Street, Suite 3500 Cleveland, OH 44114, (216) 916-2346, [rcascarilla@walterhav.com](mailto:rcascarilla@walterhav.com)

---

<sup>3</sup> Counsel for the Manufacturers and Distributors also acknowledge and appreciate the professional and productive interactions with Joe Rice, Paul Hanly, Paul Farrell, and Peter Weinberger in connection with efforts related to the parties' proposals of Special Master candidates and other case management issues.

DATED: December 22, 2017

Respectfully submitted,

By           /s/ Mark S. Cheffo

Mark S. Cheffo  
Sheila L. Birnbaum  
Hayden A. Coleman  
QUINN EMANUEL URQUHART &  
SULLIVAN LLP  
51 Madison Avenue, 22nd Floor  
New York, NY 10010  
Tel: (212) 849-7000  
Fax: (212) 849-7100  
[markcheffo@quinnemanuel.com](mailto:markcheffo@quinnemanuel.com)

*Attorneys for Defendants PURDUE PHARMA  
L.P., PURDUE PHARMA INC., THE PURDUE  
FREDERICK COMPANY INC.*

By           /s/ Charles C. Lifland

Charles C. Lifland  
O'MELVENY & MYERS LLP  
400 South Hope Street  
Los Angeles, CA 90071  
Tel: (213) 430-6000  
Fax: (213) 430-6407  
[clifland@omm.com](mailto:clifland@omm.com)

*Attorneys for Defendants JOHNSON  
& JOHNSON, JANSSEN PHARMACEUTICALS,  
INC., ORTHO-MCNEIL-JANSSEN  
PHARMACEUTICALS, INC. N/K/A JANSSEN  
PHARMACEUTICALS, INC., and JANSSEN  
PHARMACEUTICA, INC. N/K/A JANSSEN  
PHARMACEUTICALS, Inc.*

By */s/ Donna Welch*

Donna Welch  
KIRKLAND & ELLIS LLP  
300 North LaSalle, Chicago, IL 60654  
Tel: (312) 862-2000  
Fax: (312) 862-2200  
[donna.welch@kirkland.com](mailto:donna.welch@kirkland.com)

*Attorneys for Defendants ALLERGAN FINANCE,  
LLC f/k/a ACTAVIS, INC. f/k/a WATSON  
PHARMACEUTICALS, INC., and  
ALLERGAN PLC f/k/a ACTAVIS PLC*

By */s/ Jonathan L. Stern*

Jonathan L. Stern  
ARNOLD & PORTER KAYE SCHOLER, LLP  
601 Massachusetts Ave., NW  
Washington, DC 20001  
Tel: (202) 942-5000  
Fax: (202) 942-5999  
Email: [jonathan.stern@apks.com](mailto:jonathan.stern@apks.com)

*Attorney for Defendants ENDO HEALTH  
SOLUTIONS INC., ENDO PHARMACEUTICALS  
INC.*

By */s/ Steven A. Reed*  
Steven A. Reed  
MORGAN, LEWIS & BOCKIUS LLP  
1701 Market Street  
Philadelphia, PA 19103  
Tel: (215) 963-5603  
Fax: (215) 963-5001  
[steven.reed@morganlewis.com](mailto:steven.reed@morganlewis.com)

*Attorneys for Defendants TEVA  
PHARMACEUTICAL INDUSTRIES, LTD.; TEVA  
PHARMACEUTICALS USA, INC.; CEPHALON,  
INC.; WATSON LABORATORIES, INC.;  
ACTAVIS LLC; and ACTAVIS PHARMA, INC*

By */s/ Brien T. O'Connor*  
Brien T. O'Connor  
ROPES & GRAY LLP  
Prudential Tower, 800 Boylston Street  
Boston, MA 02199  
Tel: (617) 235-4650  
Fax: INSERT  
[brien.o'connor@ropesgray.com](mailto:brien.o'connor@ropesgray.com)

*Attorneys for Defendants MALLINCKRODT LLC*



By           /s/ J. Matthew Donohue  
J. Matthew Donohue  
HOLLAND & KNIGHT LLP  
2300 U.S. Bancorp Tower  
111 S.W. Fifth Avenue  
Portland, OR 97204  
(503) 517-2913  
[matt.donohue@hklaw.com](mailto:matt.donohue@hklaw.com)

*Attorneys for Insys*

By           /s/ Enu Mainigi  
Enu Mainigi  
F. Lane Heard III  
Steven M. Pysner  
Ashley W. Hardin  
Williams & Connolly LLP  
725 Twelfth Street NW  
Washington, DC 20005  
(202) 434-5000  
[emainigi@wc.com](mailto:emainigi@wc.com)

*Attorneys for Distributor Defendants Cardinal Health, Inc.; Cardinal Health 110, LLC*

By           /s/ Robert A. Nicholas  
Robert A. Nicholas  
ReedSmith  
Three Logan Square  
1717 Arch Street, Suite 3100  
Philadelphia, PA 19103  
(215) 851-8100  
[rnicholas@reedsmith.com](mailto:rnicholas@reedsmith.com)

*Attorney for Distributor Defendant AmerisourceBergen Drug Company*

By /s/ Mark Lynch

Mark Lynch  
Covington & Burling LLP  
One CityCenter  
850 Tenth Street NW  
Washington, DC 20001-4956  
(202) 662-5544  
[mlynch@cov.com](mailto:mlynch@cov.com)

*Attorney for Distributor Defendant McKesson Corporation*

By /s/ Eric R. Delinsky

Eric R. Delinsky  
Zuckerman Spaeder LLP  
1800 M Street NW, Suite 1000  
Washington, DC 20036-5807  
(202) 778-1831  
[edelinsky@zuckerman.com](mailto:edelinsky@zuckerman.com)

*Attorney for Distributor Defendant CVS Indiana, L.L.C.*

By /s/ James R. Wooley

James R. Wooley  
Jones Day  
North Point  
901 Lakeside Avenue  
Cleveland, Ohio 44114-1190  
(216) 586-7345  
[jrwooley@jonesday.com](mailto:jrwooley@jonesday.com)

*Attorney for Distributor Defendant Wal-Mart Stores East, LP*

By /s/ John Andrew "Jack" Smith

John Andrew "Jack" Smith  
Flaherty Sensabaugh Bonasso PLLC  
200 Capitol Street  
Charleston, WV 25338-3843  
(304) 205-6386  
[jsmith@flahertylegal.com](mailto:jsmith@flahertylegal.com)

*Attorney for Distributor Defendant Masters Pharmaceutical, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that, this 22nd day of December, 2017, I electronically filed a copy of the above and foregoing with Clerk of the Court using the ECF system, which sent notification of such filing to counsel of record.

/s/ Mark S. Cheffo\_\_\_\_\_