

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

IN RE: NATIONAL PRESCRIPTION)	MDL No. 2804
OPIATE LITIGATION)	
)	Case No. 17-md-2804
THIS DOCUMENT RELATES TO:)	
)	Judge Dan Aaron Polster
ALL CASES)	
)	<u>MINUTES OF INITIAL PRETRIAL</u>
)	<u>CONFERENCE - 1/9/2018</u>

The Court held an Initial Pretrial Conference with Counsel on January 9, 2018, at which time the Court solicited and obtained the consensus of Counsel to focus everyone's present efforts on abatement and remediation of the opioid crisis rather than pointing fingers and litigating legal issues. Counsel thought it would be beneficial to select a day for an information session to educate the Court and each other on supply-chain dynamics and other issues relevant to resolving this MDL, and to further pursue settlement discussions. The Court has scheduled that conference for **9:00 a.m. Eastern Time on Wednesday, January 31, 2018**. The morning will be devoted solely to an exchange of information, and the afternoon will be devoted to preliminary settlement discussions.

To that end, Plaintiffs' Counsel agreed to bring to the conference a representative group of approximately 6-7 Government Entity Plaintiffs, and a representative for the Hospitals and Third-Party Payors. Defense Counsel agreed to bring a small number of senior executives from both the Manufacturer Defendants and from the Distributor Defendants. The Court also directed Defense Counsel to bring a representative group of Insurers to the conference. Finally, the Court directed Attorney Tyler Tarney to bring Dr. Russell Portenoy to the conference.

Because this MDL addresses a nationwide crisis and resolution of the crisis involves more than the parties and attorneys who are in this MDL, the Court volunteered to try to get an experienced person with relevant knowledge from the FDA and from the DEA to attend the conference in person. This effort is underway. The Court also said that it would invite representation from both State Attorney General groups, i.e., those who have filed cases in state court and those who have not. These invitations have been extended.

The Court expects Counsel to confer prior to the January 31 conference, agree on a program for the morning session, and file a single proposed agenda **no later than 12:00 p.m. Eastern Time on January 26, 2018**. Counsel shall also confer and be prepared to offer suggestions on a schedule for regular meetings and a deadline for submitting proposed agenda items. The Court also invited Counsel to exchange and submit to the Court any suggestions for abating the opioid crisis.

Due to the number of persons the Court expects to attend the January 31 conference, only Leadership Counsel may attend.¹ A transcript will be made of the information session and will subsequently be made available to all Counsel.

As Counsel are to focus their efforts on resolution, the Court hereby **continues the moratorium on all substantive filings**.

IT IS SO ORDERED.

/s/ Dan A. Polster January 11, 2018
Dan Aaron Polster
United States District Judge

¹Plaintiffs' Leadership Counsel includes Plaintiffs' Liaison and Lead Counsel and the Executive Committee. Defendants' Leadership Counsel includes Manufacturer Defendants' Liaison Counsel and Steering Committee, Distributor Defendants' Liaison Counsel and Steering Committee, and Physician Defendants' Liaison Counsel and Steering Committee.