

UNITED STATES DISTRICT
COURT NORTHERN DISTRICT
OF OHIO EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION)
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CASE NO. 1:17-MD-2804
JUDGE POLSTER
CASE MANAGEMENT ORDER
NUMBER SIX

In CMO-1 and CMO-4, the Court set forth briefing schedules for motions to dismiss in several MDL cases. *See* docket no. 232 at ¶2, pp. 2-5; docket no. 485. The Court now adds to and amends this schedule as set out below.

- In paragraph 2.d of CMO-1, the Court stated it would set briefing deadlines for one or more **Indian Tribe** cases. The Court now sets briefing deadlines for *The Muscogee (Creek) Nation v. Purdue Pharma L.P.*, No. 18-OP-45459 (N.D. Ohio) and *The Blackfeet Tribe of The Blackfeet Indian Reservation v. AmerisourceBergen Drug Corp.*, No. 18-OP-45749 (N.D. Ohio): (1) amended complaints shall be filed no later than August 3, 2018; and (2) motions to dismiss shall be filed 28 days thereafter. Except as set forth below, paragraphs 2.f - 2.k of CMO-1 apply.
- Nothing in this order shall preclude the setting of additional potential bellwether cases if deemed necessary and appropriate.
- The parties shall negotiate page limitations regarding briefing on the motions to dismiss, keeping in mind paragraphs 2.g-h of CMO-1, and submit a proposed order to Special Master Cohen by July 25, 2018. The parties shall consolidate their briefing as much as possible.

- Regarding amicus briefing, Indian Tribes other than Muscogee Nation and Blackfeet Tribe may file one consolidated brief of no more than 20 pages on issues related to the manufacturer Defendants, one consolidated brief of no more than 20 pages on issues related to the distributor Defendants, and one consolidated brief of no more than 20 pages on issues related to the pharmacy Defendants. Alternatively, other Indian Tribes may file one consolidated amicus brief of no more than 60 pages, instead of three 20-page amicus briefs.
- Each amicus brief shall be filed no later than seven days after Muscogee Nation and Blackfeet Tribe respond to the motions to dismiss. Defendants' reply briefs shall respond to the Muscogee Nation and Blackfeet Tribe brief and the amicus briefs. Defendants' reply briefs shall be filed no later than 28 days after the Indian Tribe amicus briefs are filed.

IT IS SO ORDERED.

/s/ Dan Aaron Polster

**DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE**

Dated: July 23, 2018