

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

**IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:
*County of Monroe, Michigan v. Purdue
Pharma, L.P., et al.*
Case No. 18-op-45158

MDL No. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**DEFENDANTS AMERISOURCEBERGEN DRUG CORP.,
CARDINAL HEALTH, INC., AND McKESSON CORP.’S
MOTION FOR ORAL ARGUMENT ON MOTION TO DISMISS**

Defendants AmeriSourceBergen Drug Corp., Cardinal Health, Inc., and McKesson Corp. (collectively, the “Distributor Defendants”) respectfully request that the Court hold oral argument on their Motion to Dismiss Plaintiff’s Second Amended Complaint. Due to the volume and complexity of the issues raised in the parties’ briefing on the motion, oral argument will give the parties an opportunity to explain and clarify their positions and respond to any questions or concerns from the Court to help in the Court’s decision-making process.

This Court has routinely found oral argument to be appropriate and helpful in ruling on motions to dismiss in MDLs or other complex litigation dealing with issues of great public importance. *See, e.g., In re Polyurethane Foam Antitrust Litg.*, 799 F. Supp. 2d 777, 781 (N.D. Ohio 2011); *In re Travel Agent Comm’n Antitrust Litg.*, MDL No. 1561, Case No. 1:03 CV 30000, 2007 U.S. Dist LEXIS 79918, at *6 (N.D. Ohio Oct. 29, 2007).

Here, the Second Amended Complaint is 913 paragraphs long, and Plaintiff asserts seven separate causes of action against the Distributor Defendants, and the Distributor Defendants have moved to dismiss them all. Further, the Court’s resolution of the Distributor Defendants’ Motion to Dismiss will inform the entire docket of more than 900 cases in the MDL and narrow the

issues in this litigation significantly. Indeed, that is one reason the Court selected this case for motion practice at this time. Given the importance and complexity of the issues raised, oral argument will assist the Court in ruling on the motions and facilitate the creation of a clear record in this important litigation.

For the foregoing reasons, and for good cause shown, the Distributor Defendants respectfully request that the Court hold oral argument on their Motion to Dismiss.

Dated: July 31, 2018

Respectfully submitted,

/s/ Robert A. Nicholas

Robert A. Nicholas
Shannon E. McClure
REED SMITH LLP
Three Logan Square
1717 Arch Street, Suite 3100
Philadelphia, PA 19103
Tel: (215) 851-8100
Fax: (215) 851-1420
rnicholas@reedsmith.com
smcclure@reedsmith.com

*Counsel for AmerisourceBergen Corporation
and AmerisourceBergen Drug Corporation*

/s/ Geoffrey Hobart

Geoffrey Hobart
Mark Lynch
Christian Pistilli
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street NW
Washington, DC 20001
Tel: (202) 662-5281
ghobart@cov.com
mlynch@cov.com
cpistilli@cov.com

Counsel for McKesson Corporation

/s/ Enu Mainigi

Enu Mainigi
F. Lane Heard III
Steven M. Pyser
Ashley W. Hardin
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, DC 20005
Tel: (202) 434-5000
Fax: (202) 434-5029
EMainigi@wc.com
lheard@wc.com
spyser@wc.com
ahardin@wc.com
Counsel for Cardinal Health, Inc.

CERTIFICATE OF SERVICE

I, Robert A. Nicholas, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Robert A. Nicholas
Robert A. Nicholas