

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

COUNTY OF WAYNE and
COUNTY OF OAKLAND,

Plaintiffs,

Case No. 17-cv-13334
Hon. Matthew F. Leitman

v.

PURDUE PHARMA L.P., *et al.*,

Defendants.

**ORDER (1) GRANTING DEFENDANTS' MOTION TO STAY
PROCEEDINGS (ECF #16), (2) TERMINATING DEFENDANTS' MOTION
FOR EXTENSION OF TIME TO ANSWER PLAINTIFFS' COMPLAINT
AS MOOT (ECF #14), AND (3) CANCELLING NOVEMBER 16, 2017,
TELEPHONIC STATUS CONFERENCE**

On October 12, 2017, Plaintiffs the County of Wayne and the County of Oakland filed this action against twelve Defendant pharmaceutical manufacturers and/or distributors. (*See* Compl., ECF #1.) In the Complaint, Plaintiffs assert claims under Michigan and federal law related to the sale and distribution of certain prescription opioid products. (*See id.*) Plaintiffs have now served the Complaint on six of the named Defendants. (*See* Proofs of Service, ECF ## 7-12.)

On November 9, 2017, Defendants AmerisourceBergen Corporation and McKesson Corporation filed a motion for an extension of time to answer or otherwise respond to the Complaint (the "Motion to Extend"). (*See* ECF #14.) In

that motion, AmerisourceBergen and McKesson assert that “[o]ver 90 opioid-related complaints have been filed in federal district courts throughout the United States” and that a “motion is pending before the Judicial Panel on Multidistrict Litigation to transfer [these] cases for coordinated and consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407.” (*Id.* at Pg. ID 2304-05.) That motion is scheduled to be heard on November 30, 2017. (*See id.* at Pg. ID 2305.) Plaintiffs filed with the Judicial Panel on Multidistrict Litigation a “Notice of Related Action” in which they stated that this action “involves common questions of law and fact with the action filed by moving plaintiffs in [the multidistrict] proceedings.” *In Re National Prescription Opiate Litigation* (MDL No. 2804) (ECF #184). Plaintiffs therefore asked that their action “be considered as a related action for purposes of th[e] pending multidistrict litigation.”¹ *Id.*

AmerisourceBergen and McKesson ask the Court to allow them to respond to the Complaint after the Judicial Panel on Multidistrict Litigation issues a ruling on the consolidation motion. (*See id.* at 2305-06.)

Also on November 9, 2017, Defendants Purdue Pharma L.P., Cephalon, Inc., Teva Pharmaceuticals USA, Inc., Janssen Pharmaceuticals, Inc., and Insys Therapeutics, Inc. filed a motion to stay this action (the “Motion to Stay”). (*See ECF*

¹ Plaintiffs have not taken any position in this Court with respect to the motion to consolidate in front of the Judicial Panel on Multidistrict Litigation.

#16.) These Defendants seek a stay of proceedings pending the Judicial Panel on Multidistrict Litigation's ruling on the consolidation motion. (*See id.*)

The Court has reviewed Defendants' motions and Plaintiffs' responses (*see* ECF ## 26 and 27) and deems it appropriate to decide the motions without oral argument. *See* E.D. Mich. Local Rule 7.1(f)(2). The Court concludes that a short stay of proceedings is appropriate in order to allow the Judicial Panel on Multidistrict Litigation to hear and rule on the consolidation motion currently pending before that panel.

Accordingly, **IT IS HEREBY ORDERED** that:

- The Motion to Stay (ECF #16) is **GRANTED** as follows: This action shall be **STAYED** until January 15, 2018. If this action has not been consolidated and transferred to multidistrict litigation at that time, the Court will convene a telephonic status conference to discuss whether it is appropriate to lift the stay. No Defendant need answer or otherwise respond to the Complaint until further order of the Court.
- The Motion to Extend (ECF #14) is **TERMINATED AS MOOT**.
- The scheduled November 16, 2017, telephonic status conference (*see* ECF #22) is **CANCELLED**.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: November 15, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 15, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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