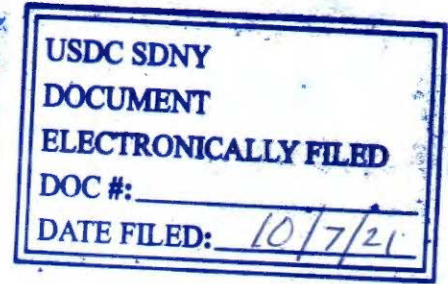


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



_____ a

In re: PURDUE PHARMA
BANKRUPTCY APPEALS

_____ x

This Filing Relates to

_____ x

ALL MATTERS

_____ x

- 21 cv 7532 (CM)
- 21 cv 7961 (CM)
- 21 cv 7962 (CM)
- 21 cv 7966 (CM)
- 21 cv 7969 (CM)
- 21 cv 8034 (CM)
- 21 cv 8042 (CM)
- 21 cv 8049 (CM)
- 21 cv 8055 (CM)
- 21 cv 8139 (CM)
- 21 cv 8271 (CM)

ORDER TO ALL COUNSEL

McMahon, J.:

The deluge of letters has begun.

It stops now.

I will not allow this matter to be litigated by letter. So stop writing them. I am not going to read them. I am a stickler for proper procedure, especially in a case like this one.

I need a list of all issues that you want addressed to be sent to chambers by 9 AM on Tuesday, October 12, in advance of our afternoon session. Any issue that has been raised by letter, and any issue that you are thinking of raising by letter between now and Tuesday, must be on that list, or we will not be discussing it on Tuesday. Since the issue of who is properly deemed an appellee has been raised, I will expect briefs to be filed by Tuesday morning on that question. Quite a few entities seem to have participated in the confirmation hearing, but this is an appeal and there are rules about who is a party to an appeal. I note that Advisory Opinion 100 identified certain entities (such as the UCC) as "parties" to a bankruptcy proceeding for conflict of interest purpose; if there is authority for the proposition that those entities either are or are not properly listed as appellees in this matter (assuming they did not file a notice of appeal), then I expect you to direct me to it. But not by letter.

In the future, any applications for rulings from the court must be made by notice of motion accompanied by a short (and I mean short) brief. If this is going to be a frequent occurrence, I will come up with rules that must be followed to bring issues to my attention. But it should not be a frequent occurrence. This is an appeal, folks, not a second confirmation hearing. I am obviously expecting a number of amicus motions, and we will set a timetable on Tuesday for the making of such motions and for very quick responses thereto.

What I want to discuss on Tuesday are: how soon we can get the principal issue on appeal briefed and argued, and what other aspects of Judge Drain's order are being appealed and by whom. I would also like to know whether anyone is planning to try to move this appeal directly to the Second Circuit (we read the press too, you know). Everything else, frankly, is collateral.

I hope you have a pleasant holiday weekend. Please remember that the court is closed on Monday. I will see you Tuesday afternoon. By the way, while we are trying to find an "overflow" courtroom, there are many matters on the calendar here at the Moynihan Courthouse on Tuesday, and so far we have been unable to find one. I expect that access for those not actively participating in the conference will be by phone. We will keep you informed.

Dated: October 7, 2021

A handwritten signature in black ink, appearing to be "C. Drain", written over a horizontal line.

U.S.D.J.

BY ECF TO ALL COUNSEL