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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION

CASE NO. 1:17-MD-2804 JUDGE POLSTER CASE MANAGEMENT ORDER

NUMBER FIVE

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): (1) an amended complaint
shall be filed no later than July 9, 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.

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 2, 2018. The parties shall consolidate their briefing as much as possible.

Regarding amicus briefing, Indian Tribes other than Muscogee Nation 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.

• Each amicus brief shall be filed no later than seven days after Muscogee Nation responds to the motions to dismiss. Defendants' reply briefs shall respond to the Muscogee Nation 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.

<u>/s/ Dan Aaron Polster</u> DAN AARON POLSTER UNITED STATES DISTRICT JUDGE

Dated: June 26, 2018