

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE SUBOXONE) Case No. 1:24-md-3092
(BUPRENORPHINE/NALOXONE))
FILM PRODUCTS LIABILITY) MDL No. 3092
LITIGATION)
) Judge J. Philip Calabrese
This Document Applies to All Cases)
)

OPINION AND ORDER

On August 22, 2024, in *Bennett v. Indivior Inc.*, No. 1:24-sf-65011, Plaintiff filed a stipulation of dismissal with prejudice of Defendants Indivior PLC, Reckitt Benckiser LLC, and Reckitt Benckiser Healthcare (UK) Ltd. (*Bennett* ECF No. 14.) Although the parties filed this stipulation pursuant to Rule 41, Rule 41 applies to *actions*, not individual claims or parties. Therefore, the Court treats the stipulation as a motion under Rule 21.

At the status conference held on September 4, 2024, the Court discussed dismissal as to these Defendants in the other cases within the MDL, both the filed cases and those identified on Schedule A. (ECF No. 144, PageID #: 3311.) The parties agree to the dismissal of Defendants Indivior PLC, Reckitt Benckiser LLC, and Reckitt Benckiser Healthcare (UK) Ltd. in each of these cases, and the Court determined that dismissal without prejudice under Rule 21 appropriate at this juncture. (*Id.*)

Rule 21 provides that “[o]n motion or on its own, the court may at any time, on just terms, add or drop a party.” Fed. R. Civ. P. 21. Unless the parties agree

otherwise, the Court generally drops a party under Rule 21 without prejudice. *See Michaels Bldg. Co. v. Ameritrust Co. N.A.*, 848 F.2d 674, 682 (6th Cir. 1988).

Dismissal of a party under Rule 21 is committed to the sound discretion of the district court. *Hiller v. HSBC Fin. Corp.*, 589 F. App'x 320, 321 (6th Cir. 2015) (per curiam) (citing *Sutherland v. Michigan Dep't of Treasury*, 344 F.3d 603, 612 (6th Cir. 2003)). For the reasons previously stated (*see* ECF No. 144, PageID #: 3311), the Court dismisses Defendants Indivior PLC, Reckitt Benckiser LLC, and Reckitt Benckiser Healthcare (UK) Ltd. without prejudice in all actions except *Bennett* No. 1:24-sf-65011, where the parties agreed to dismissal with prejudice.

For these reasons, the Court **DISMISSES WITHOUT PREJUDICE** Plaintiffs' claims against Defendants Indivior PLC, Reckitt Benckiser LLC, and Reckitt Benckiser Healthcare (UK) Ltd. and drops them as parties from all cases in this litigation—both those already filed and those listed on Schedule A. The Court **DISMISSES WITH PREJUDICE** Plaintiff's claims against these Defendants in the *Bennett* case.

Plaintiffs shall bear their own costs and attorneys' fees with respect to the dropped parties.

SO ORDERED.

Dated: September 10, 2024

A handwritten signature in black ink, appearing to read "J. Calabrese", written in a cursive style.

J. Philip Calabrese
United States District Judge
Northern District of Ohio