

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION) **CASE NO. 1:17-MD-2804**
OPIATE LITIGATION)
) **JUDGE POLSTER**
)
) **ORDER**

In CMO-1, the Court ordered that, by May 11, 2018, “Defendants shall notify the parties and the Court that they have identified a **single** MDL case filed by a third-party payor” for briefing. *See* docket no. 232 at 4 (emphasis added). Instead, Manufacturer Defendants chose one case, *MSPA Claims 1, LLC, v. Anda, Inc.*, No. 18-OP-45526, and Distributor Defendants chose another, *Cleveland Bakers and Teamsters Health and Welfare Fund v. Purdue Pharma L.P.*, No. 1:18-OP-45432.

MSPA was originally filed in Florida state court and removed to federal court. A motion to remand to state court is pending. *Cleveland Bakers* was originally filed in this Court and advances claims under federal law. Because it is possible the Court does not have jurisdiction over *MSPA*, and the jurisdictional issue would need to be determined before the Court could address motions to dismiss, the Court concludes *Cleveland Bakers* is a better choice. The Court will issue a briefing schedule in a separate order.

/s/ Dan Aaron Polster

DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE

Dated: May 17, 2018