

STATE OF NEW YORK SUPREME COURT
LITIGATION COORDINATING PANEL

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

560001/17
Sub # 5
LC Panel # 0001/2017

THE COUNTY OF SUFFOLK,

Plaintiff,

Index No. 613760/2016

v.

PURDUE PHARMA L.P.; PURDUE PHARMA INC.;
THE PURDUE FREDERICK COMPANY, INC.
TEVA PHARMACEUTICALS USA, INC.,
CEPHALON, INC.; JOHNSON & JOHNSON;
JANSSEN PHARMACEUTICALS, INC.;
ORTHOMCNEIL-JANSSEN PHARMACEUTICALS, INC.
N/K/A JANSSEN PHARMACEUTICALS, INC.;
JANSSEN PHARMACEUTICA, INC. N/K/A
JANSSEN PHARMACEUTICALS, INC.;
ENDO HEALTH SOLUTIONS INC.;
ENDO PHARMACEUTICALS, INC.;
RUSSELL PORTENOY; PERRY FINE;
SCOTT FISHMAN and LYNN WEBSTER,

Defendants.

ORDER GRANTING
DEFENDANTS' APPLICATION
TO COORDINATE CASES
AND FOR PARTIAL STAY
PURSUANT TO
22 NYCRR 202.69

AND OTHER MATTERS LISTED IN THE ATTACHED APPENDIX

FILED

JUL 19 2017

COUNTY CLERKS OFFICE
NEW YORK

Defendants Purdue Pharma L.P., Purdue Pharma, Inc., the Purdue Frederick Company, Inc., Teva Pharmaceuticals USA, Inc., Cephalon, Inc., Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals (now known as Janssen Pharmaceuticals, Inc.), and Janssen Pharmaceutica, Inc. (now known as Janssen Pharmaceuticals, inc.), Endo Health Solutions Inc., and Endo Pharmaceuticals Inc. (collectively, “Defendants”) submitted their application (the “Application”) to the State of New York Litigation Coordinating Panel (the “Panel”) for an order, pursuant to the Uniform Rules for New York State Trial Courts (“Uniform Civil Rules”) § 202.69, directing the pre-trial coordination of nine actions brought against Defendants by the following Counties of the State of New York: County of Broome, County of Dutchess, County of Erie, County of Nassau, County of Orange, County of Seneca, County of Suffolk, County of Schenectady, and County of Sullivan. Upon the request of the Defendants, the Panel had stayed these actions (except the action in the County of Suffolk) during the pendency of this Application.

The Panel considered the Defendants’ Application, as well as the Affirmations from Paul J. Hanly, Jr., Esq., counsel for eight of the nine Plaintiff counties, who have all consented to having coordination of all existing similar cases and any additional similar actions in the Suffolk County Supreme Court, as well as a stay of all actions except the action in Suffolk County during the pendency of this application.

Paul J. Napoli, Esq., who represents the County of Nassau, agrees in an Affirmation to coordinate these cases in Suffolk County, but requests a stay of all of the pending cases to include Suffolk County. There is pending a pre-answer motion to dismiss by the defendants Purdue Pharma, L.P., Purdue Pharma, Inc. and the Purdue Frederick Company, Inc., that was filed on January 23, 2017 in Suffolk County, which is now scheduled for a hearing on July 19, 2017. Counsel for Nassau County seeks to adjourn that potentially dispositive motion as it may have precedential impact under *res judicata*, not only upon the other eight county Plaintiffs with identical pleadings, but also upon Nassau County whose complaint is larger in scope and has added causes of action against numerous other Defendants not sued by the other counties. Therefore, counsel for Nassau County seeks to convert that motion hearing into a discussion

before the Coordinating Justice to conform the Plaintiffs' complaints into a more expansive uniform amended complaint. He also seeks an opportunity to respond in writing and be heard on any motion to dismiss. It is the understanding of the Panel that the motion to dismiss has been adjourned for further consideration.

Since the attorney for the County of Nassau has agreed to coordinate these matters in Suffolk County, this panel will accept his Affirmation of Consent and issue this Order of Coordination in Suffolk County, and will refer all requests for adjournments and other arguments to the Coordinating Justice, designated by the Administrative Judge of Suffolk County.

The Panel, now having considered all of the issues with respect to this Application, including judicial economy, finds that the purposes of Uniform Civil Rules § 202.69 are best served by granting Defendants' Application for coordination, with the consent from Plaintiffs' counsel. Accordingly, and upon due deliberation, it is hereby:

ORDERED, that the actions set forth above and in the appendix shall be Coordinated pursuant to the Uniform Civil Rules § 202.69 before a Coordinating Justice of that county; and it is further

ORDERED, that any actions that allege similar causes of action against the Defendants, that were filed in a Supreme Court of the State of New York, and which remain active, but are not listed in the above caption or the appendix, and any such actions that are filed hereafter shall likewise be Coordinated pursuant to the Uniform Civil Rules § 202.69 in the Supreme Court, County of Suffolk, before a Coordinating Justice of that county, unless the Panel rules otherwise; and it is further

ORDERED, that pursuant to the Uniform Civil Rules § 202.69(c)(1) of the State of New York, the Honorable C. Randall Hinrichs, the Administrative Judge for Civil Matters of the Supreme Court of Suffolk County, shall assign the Coordinating Justice; and it is further

ORDERED, that the Clerk of the Panel shall forthwith transmit a copy of this Decision and Order to counsel for all parties herein, the Justices to whom each of the above actions is currently assigned, and to the Honorable C. Randall Hinrichs, the Administrative Judge for Civil Matters of the Supreme Court of Suffolk County; and it is further

ORDERED, that within 15 days of receipt of a copy of this Order, counsel for the applicants (Defendants) shall serve a copy of the Panel's Decision and Order with notice of entry upon the Clerks of the Supreme Court for the Counties of Broome, Dutchess, Erie, Nassau, Orange, Seneca, Suffolk, Schenectady and Sullivan, who are directed, upon payment of appropriate fees, if any, to transmit the files in the listed actions that are pending in said Counties to the Clerk of the Supreme Court, County of Suffolk; and it is further

ORDERED, that with respect to any additional action that is to be Coordinated as provided in the second ordered provision hereof, upon service of a copy of the Decision and Order of the Panel with notice of entry, together with the affidavit of compliance or the decision of the Panel, upon the Clerk of the Court in which any such additional action is or hereafter shall be pending (other than the Supreme Court, County of Suffolk), said Clerk shall forthwith transfer to the Supreme Court, County of Suffolk, after the payment of appropriate fees, if any, the file in any such additional action that is to be Coordinated as provided in the Decision and Order in compliance with the Uniform Civil Rules § 202.69; and it is further

ORDERED, that the Clerk of the Supreme Court, County of Suffolk, shall assign a County of Suffolk index number, without fee, to any such additional action transferred to that County from another County as provided above and such number shall serve as a means of identification and orderly processing of any such case while it remains in the County of Suffolk for the purpose of Coordination.

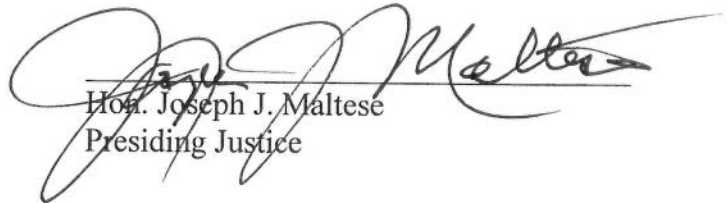
This constitutes the Order of the Panel. The Panel, by its Presiding Justice and with their consent, signs this Order.

Dated: July 17, 2017

Justices of the Panel:

Hon. Joseph J. Maltese,
Hon. Richard T. Aulisi
Hon. Joan A. Madden
Hon. Matthew Rosenbaum

For the Panel:



Hon. Joseph J. Maltese
Presiding Justice

FILED

JUL 19 2017

COUNTY CLERKS OFFICE
NEW YORK

APPENDIX

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BROOME**

THE COUNTY OF BROOME,

Plaintiff,

v.

PURDUE PHARMA L.P.; PURDUE
PHARMA INC.; THE PURDUE
FREDERICK COMPANY, INC.; TEVA
PHARMACEUTICALS USA, INC.;
CEPHALON, INC.; JOHNSON &
JOHNSON; JANSSEN
PHARMACEUTICALS, INC.; ORTHO-
MCNEIL-JANSSEN
PHARMACEUTICALS, INC. N/K/A
JANSSEN PHARMACEUTICALS, INC.;
JANSSEN PHARMACEUTICA, INC.
N/K/A JANSSEN PHARMACEUTICALS,
INC.; ENDO HEALTH SOLUTIONS INC.;
ENDO PHARMACEUTICALS, INC.;
RUSSELL PORTENOY; PERRY FINE;
SCOTT FISHMAN; and LYNN WEBSTER,

Defendants.

Index No. EFCA2017000252

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

THE COUNTY OF ERIE,

Plaintiff,

v.

PURDUE PHARMA L.P.; PURDUE
PHARMA INC.; THE PURDUE
FREDERICK COMPANY, INC.; TEVA
PHARMACEUTICALS USA, INC.;
CEPHALON, INC.; JOHNSON &
JOHNSON; JANSSEN

PHARMACEUTICALS, INC.; ORTHO-
MCNEIL-JANSSEN
PHARMACEUTICALS, INC.
N/K/A JANSSEN PHARMACEUTICALS,
INC.; JANSSEN PHARMACEUTICA, INC.
N/K/A JANSSEN PHARMACEUTICALS,
INC.; ENDO HEALTH SOLUTIONS INC.;
ENDO PHARMACEUTICALS, INC.;
RUSSELL PORTENOY; PERRY FINE;
SCOTT FISHMAN; and LYNN WEBSTER,

Defendants.

Index No. 801671/2017

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

THE COUNTY OF Orange,

Plaintiff,

v.

PURDUE PHARMA L.P.; PURDUE
PHARMA INC.; THE PURDUE
FREDERICK COMPANY, INC.; TEVA
PHARMACEUTICALS USA, INC.;
CEPHALON, INC.; JOHNSON &
JOHNSON; JANSSEN
PHARMACEUTICALS, INC.; ORTHO-
MCNEIL-JANSSEN
PHARMACEUTICALS, INC.
N/K/A JANSSEN PHARMACEUTICALS,
INC.; JANSSEN PHARMACEUTICA, INC.
N/K/A JANSSEN PHARMACEUTICALS,
INC.; ENDO HEALTH SOLUTIONS INC.;
ENDO PHARMACEUTICALS, INC.;
RUSSELL PORTENOY; PERRY FINE;
SCOTT FISHMAN; and LYNN WEBSTER,

Defendants.

Index No. EF003572-2017

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS**

THE COUNTY OF DUTCHESS,

Plaintiff,

v.

PURDUE PHARMA L.P.; PURDUE
PHARMA INC.; THE PURDUE
FREDERICK COMPANY, INC.; TEVA
PHARMACEUTICALS USA, INC.;
CEPHALON, INC.; JOHNSON &
JOHNSON; JANSSEN
PHARMACEUTICALS, INC.; ORTHO-
MCNEIL-JANSSEN
PHARMACEUTICALS, INC.
N/K/A JANSSEN PHARMACEUTICALS,
INC.; JANSSEN PHARMACEUTICA, INC.
N/K/A JANSSEN PHARMACEUTICALS,
INC.; ENDO HEALTH SOLUTIONS INC.;
ENDO PHARMACEUTICALS, INC.;
RUSSELL PORTENOY; PERRY FINE;
SCOTT FISHMAN; and LYNN WEBSTER,

Defendants.

Index No. 2017-51340

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SENECA**

THE COUNTY OF SENECA,

Plaintiff,

v.

PURDUE PHARMA L.P.; PURDUE
PHARMA INC.; THE PURDUE
FREDERICK COMPANY, INC.; TEVA
PHARMACEUTICALS USA, INC.;
CEPHALON, INC.; JOHNSON &
JOHNSON; JANSSEN
PHARMACEUTICALS, INC.; ORTHO-
MCNEIL-JANSSEN
PHARMACEUTICALS, INC.
N/K/A JANSSEN PHARMACEUTICALS,
INC.; JANSSEN PHARMACEUTICA, INC.
N/K/A JANSSEN PHARMACEUTICALS,
INC.; ENDO HEALTH SOLUTIONS INC.;
ENDO PHARMACEUTICALS, INC.;
RUSSELL PORTENOY; PERRY FINE;
SCOTT FISHMAN; and LYNN WEBSTER,

Defendants.

Index No. 51181/2017

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SULLIVAN

THE COUNTY OF SULLIVAN,

Plaintiff,

v.

PURDUE PHARMA L.P.; PURDUE
PHARMA INC.; THE PURDUE
FREDERICK COMPANY, INC.; TEVA
PHARMACEUTICALS USA, INC.;
CEPHALON, INC.; JOHNSON &
JOHNSON; JANSSEN
PHARMACEUTICALS, INC.; ORTHO-
MCNEIL-JANSSEN
PHARMACEUTICALS, INC.
N/K/A JANSSEN PHARMACEUTICALS,
INC.; JANSSEN PHARMACEUTICA, INC.
N/K/A JANSSEN PHARMACEUTICALS,
INC.; ENDO HEALTH SOLUTIONS INC.;
ENDO PHARMACEUTICALS, INC.;
RUSSELL PORTENOY; PERRY FINE;
SCOTT FISHMAN; and LYNN WEBSTER,

Defendants.

Index No. 2017/961

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU**

THE COUNTY OF NASSAU,

Plaintiff,

v.

PURDUE PHARMA L.P.; PURDUE
PHARMA INC.; THE PURDUE
FREDERICK COMPANY,
INC.; TEVA PHARMACEUTICALS USA,
INC.; CEPHALON, INC.; JOHNSON &
JOHNSON; JANSSEN
PHARMACEUTICALS, INC.; ORTHO-
MCNEIL-JANSSEN
PHARMACEUTICALS, INC. N/K/A
JANSSEN PHARMACEUTICALS, INC.;
JANSSEN PHARMACEUTICA, INC.
N/K/A JANSSEN PHARMACEUTICALS,
INC.; ENDO PHARMACEUTICALS, INC.;
ALLERGAN PLC F/K/A ACTAVIS PLC;
ACTAVIS, INC. F/K/A WATSON
PHARMACEUTICALS, INC.; WATSON
LABORATORIES, INC.; ACTAVIS LLC;
ACTAVIS PHARMA, INC. F/K/A
WATSON PHARMA, INC., ENDO
HEALTH SOLUTIONS INC.; MCKESSON
CORPORATION; CARDINAL HEALTH,
INC.; AMERISOURCEBERGEN
CORPORATION; RUSSELL PORTENOY;
PERRY FINE; SCOTT FISHMAN; LYNN
WEBSTER, and MICHAEL BELFIORE,

Defendants.

Index No. 605477/2017

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SCHENECTADY**

THE COUNTY OF SCHENECTADY,

Plaintiff,

v.

PURDUE PHARMA L.P.; PURDUE
PHARMA INC.; THE PURDUE
FREDERICK COMPANY, INC.; TEVA
PHARMACEUTICALS USA, INC.;
CEPHALON, INC.; JOHNSON &
JOHNSON; JANSSEN
PHARMACEUTICALS, INC.; ORTHO-
MCNEIL-JANSSEN
PHARMACEUTICALS, INC.
N/K/A JANSSEN PHARMACEUTICALS,
INC.; JANSSEN PHARMACEUTICA, INC.
N/K/A JANSSEN PHARMACEUTICALS,
INC.; ENDO HEALTH SOLUTIONS INC.;
ENDO PHARMACEUTICALS, INC.;
RUSSELL PORTENYOY; PERRY FINE;
SCOTT FISHMAN; and LYNN WEBSTER,

Defendants.

Index No. 2017/1209

FILED
JUL 19 2017
COUNTY CLERKS OFFICE
NEW YORK