

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

*County of Summit, Ohio, et al. v. Purdue
Pharma L.P., et al.*

Case No. 1:18-OP-45090

*The County of Cuyahoga v. Purdue Pharma
L.P., et al.*

Case No. 17-OP-45004

*City of Cleveland v. AmerisourceBergen
Drug Corp., et al.*

Case No. 18-OP-45132

MDL NO. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**JOINT MOTION TO MODIFY CMO 7 TO EXTEND
THE TRIAL DATE TO OCTOBER 21, 2019**

Counsel for Plaintiffs and Defendants in the Track 1 cases currently set for trial beginning on September 4, 2019, respectfully move the Court to modify the schedule in CMO 7 as set forth below and to adjourn the trial date to October 21, 2019. Counsel believe that this modest extension will balance the need to proceed to trial on important issues with the interest of the parties and Special Masters in having a modest amount of additional time to address outstanding discovery that remains outstanding despite exhaustive efforts.

The Track 1 parties propose amending the litigation schedule as set forth below:

- **March 25, 2019** – Plaintiffs shall serve expert reports and, for each expert, provide three proposed deposition dates between **April 9 and April 26, 2019**.¹

¹ The parties shall work in good faith to provide expert deposition dates that are reasonably distributed across the deposition time period and if necessary, agree to conduct depositions on some weekends in order to reasonably accommodate scheduling issues. The parties recognize that

- **May 10, 2019** – Defendants shall serve expert reports and, for each expert, provide three proposed deposition dates between **May 20 and June 7, 2019**.
- **June 28, 2019** – Deadline for *Daubert* and dispositive motions.
- **July 31, 2019** – Deadline for responses to *Daubert* and dispositive motions.
- **August 16, 2019** – Deadline for replies in support of *Daubert* and dispositive motions.
- **Date to be set by the Court** – Hearings on *Daubert* and dispositive motions.
- **Date to be set by the Court** – Final Pretrial hearing.
- **October 21, 2019** – Trial.

In addition, within seven (7) days of this Joint Motion, the parties will agree on a close of discovery date or submit their positions to Special Master Cohen for a ruling.

The parties remain appreciative of the Court and the Special Masters’ extensive efforts to address the unprecedented volume of discovery and legal issues in this litigation and their efforts to assist the parties in advancing this case towards trial.

January 25, 2019

Respectfully submitted,

<p><i>/s/ Mark S. Cheffo</i> Mark S. Cheffo DECHERT LLP Three Bryant Park 1095 Avenue of the Americas New York, NY 10036 Tel: (212) 698-3500 Mark.Cheffo@dechert.com</p> <p><i>Co-Liaison Counsel for the Manufacturer Defendants</i></p>	<p><i>/s/ Joseph F. Rice</i> Joseph F. Rice MOTLEY RICE LLC 28 Bridgeside Blvd. Mount Pleasant, SC 29464 Tel: 843-216-9000 Fax: (843) 216-9290 jrice@motleyrcie.com</p> <p><i>Co-Lead Plaintiffs’ Counsel – MDL 2804</i></p>
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new relevant information or facts may come forward after the expert filing date that would support a request that a report be amended or supplement with the approval of the Special Master or Court.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of January 2019, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF System. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF System.

/s/ Mark S. Cheffo