

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION

This document relates to:  
*West Boca Medical Center, Inc. v.*  
*AmerisourceBergen Drug Corp., et al.*,  
No. 18-op-45530

MDL No. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**MANUFACTURER DEFENDANTS' JOINT  
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, the Manufacturer Defendants<sup>1</sup> move this Court to dismiss all claims asserted against them in Plaintiff's Complaint for failure to state a claim upon which relief can be granted. This Motion will be supported by the pleadings, the record, a Memorandum of Law in Support of the Manufacturer Defendants' Joint Motion to Dismiss Plaintiffs' Complaint, which is filed contemporaneously herewith and incorporated herein by reference, oral argument, and any other evidence requested or permitted by the Court.

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<sup>1</sup> This motion incorporates the definition of "Manufacturer Defendants" set forth in the *Summit* MTD at 1 n.2. Defendant Noramco, Inc. ("Noramco"), a company referenced in the Complaint as a former affiliate of Janssen (*see* Compl. ¶ 98), joins in this Motion to the extent applicable. Noramco does not (and did not at all material times relevant hereto) manufacture, package, brand, market, distribute, or sell the finished drug products at issue in this litigation, and it reserves all rights and defenses specific to it. In addition, although the arguments raised herein apply equally to Teva Pharmaceutical Industries Ltd., Allergan plc, and Mallinckrodt plc, these parties do not join this Motion for the same reasons stated in the *Summit* MTD at 1 n.2.

**WHEREFORE**, the Manufacturer Defendants respectfully request that the Court grant their Motion in its entirety and dismiss all of Plaintiff's claims against them with prejudice.

Dated: June 29, 2018

Respectfully submitted,

By: /s/ Steven A. Reed

Steven A. Reed  
Eric W. Sitarchuk  
Rebecca J. Hillyer  
MORGAN, LEWIS & BOCKIUS LLP  
1701 Market St.  
Philadelphia, PA 19103-2921  
Tel: (215) 963-5603  
steven.reed@morganlewis.com  
eric.sitarchuk@morganlewis.com  
rebecca.hillyer@morganlewis.com

Brian M. Ercole  
MORGAN, LEWIS & BOCKIUS LLP  
200 S. Biscayne Blvd., Suite 5300  
Miami, FL 33131-2339  
Tel: (305) 415-3000  
brian.ercole@morganlewis.com

*Attorneys for Teva Pharmaceuticals, USA, Inc.,  
Cephalon, Inc., Watson Laboratories, Inc., Actavis  
LLC, and Actavis Pharma, Inc. f/k/a Watson  
Pharma, Inc.*

By: /s/ Mark S. Cheffo (consent)

Mark S. Cheffo  
Sheila L. Birnbaum  
Hayden A. Coleman  
DECHERT LLP  
Three Bryant Park  
1095 Avenue of the Americas  
New York, NY 10036  
Tel: (212) 698-3500  
Mark.Cheffo@dechert.com  
Sheila.Birnbaum@dechert.com  
Hayden.Coleman@dechert.com

*Attorneys for Defendants Purdue Pharma L.P.,  
Purdue Pharma Inc., and The Purdue Frederick  
Company*

By: /s/ Charles C. Lifland (consent)

Charles C. Lifland  
Sabrina H. Strong  
O'MELVENY & MYERS LLP  
400 S. Hope Street  
Los Angeles, CA 90071  
Tel: (213) 430-6000  
clifland@omm.com  
sstrong@omm.com

*Attorneys for Defendants Janssen Pharmaceuticals, Inc., Johnson & Johnson, Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc., and Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc.*

By: /s/ Jonathan L. Stern (consent)

Jonathan L. Stern  
Arnold & Porter Kaye Scholer LLP  
601 Massachusetts Ave. NW  
Washington, DC 20001  
Tel: (202) 942-5000  
jonathan.stern@arnoldporter.com

Sean O. Morris  
Arnold & Porter Kaye Scholer LLP  
777 S. Figueroa St., Suite 4400  
Los Angeles, CA 90017  
Tel: (213) 243-4000  
sean.morris@arnoldporter.com

*Attorneys for Defendants Endo Health Solutions Inc. and Endo Pharmaceuticals Inc.*

*Attorneys for Defendants Par Pharmaceutical, Inc. and Par Pharmaceuticals Companies, Inc. (not yet served or appearing)*

By: /s/ Brien T. O'Connor (consent)

Brien T. O'Connor  
Andrew J. O'Connor  
ROPES & GRAY LLP  
Prudential Tower  
800 Boylston St.  
Boston, MA 02199-3600  
Tel: (617) 235-4650  
Brien.O'Connor@ropesgray.com  
Andrew.O'Connor@ropesgray.com

*Attorneys for Defendant Mallinckrodt LLC*

By: /s/ Donna M. Welch (consent)

Donna M. Welch, P.C.  
KIRKLAND & ELLIS LLP  
300 North LaSalle, Chicago, IL 60654  
Tel: (312) 862-2000  
donna.welch@kirkland.com

*Attorney for Defendant Allergan Finance, LLC  
f/k/a/ Actavis, Inc. f/k/a Watson Pharmaceuticals,  
Inc.*

By: /s/ Eric H. Zagrans (consent)

Eric H. Zagrans (0013108)  
ZAGRANS LAW FIRM LLC  
6100 Oak Tree Boulevard, Suite 200  
Cleveland, Ohio 44131  
Tel: (216) 771-1000  
eric@zagrans.com

J. Matthew Donohue  
Joseph L. Franco  
HOLLAND & KNIGHT LLP  
2300 U.S. Bancorp Tower  
111 S.W. Fifth Avenue  
Portland, OR 97204  
Tel: (503) 243-2300  
matt.donohue@hklaw.com  
joe.franco@hklaw.com

Nicholas A. Sarokhanian  
HOLLAND & KNIGHT LLP  
200 Crescent Court, Suite 1600  
Dallas, TX 75201  
Tel: 214.964.9500  
nicholas.sarokhanian@hklaw.com

*Attorneys for Insys Therapeutics, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 29, 2018, a copy of the foregoing **Manufacturer Defendants' Joint Motion to Dismiss Plaintiffs' Complaint** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

*By: /s/ Steven A. Reed*  
MORGAN, LEWIS & BOCKIUS LLP  
1701 Market St.  
Philadelphia, PA 19103-2921  
Tel: (215) 963-5603