

HarrisMartin: Federal Judicial Panel Sends Pending Prescription Opioid Cases to Nationwide MDL Docket in Ohio

WASHINGTON, D.C. — Prescription opioid lawsuits filed in federal courts throughout the country will be coordinated before a single judge in Ohio, a federal judicial panel indicated on Tuesday.

In an order issued moments ago, Judge Dan A. Polster of the U.S. District Court for the Northern District of Ohio “consented to the assignment of actions involved” in the opioid litigation.

Plaintiffs first filed a motion in September requesting establishment of a multidistrict litigation docket for the pending suits, which are filed mostly by state and local governmental agencies against the distributors and manufacturers of prescription opioid painkillers.

The initial motion asked that the cases be consolidated before judges in either Ohio or Illinois. In the ensuing months, several respondents to the motion suggested a variety of venues in which the cases should be docketed, while others noted that an MDL would prove too complicated given the numerous defendants and unique circumstances surrounding each governmental plaintiffs’ alleged injuries.

At the time the JPML heard arguments on the motion, 66 cases were on file in nearly one dozen different federal courts. That number has since ballooned to more than 150 pending cases. All of the cases substantially allege that the manufacturers and/or distributors of opioid painkillers should be held liable for the more than \$75 billion economic burden imposed annually on local and state agencies as a result of opioid misuse.

The plaintiffs also seek injunctive relief to prevent future misuse of opioid drugs and the ensuing addiction. According to the plaintiffs, the prescription opioid defendants violated the Controlled Substances Act and Code of Federal Regulations, which imposed a closed system specifically designed to prevent opioid misuse and addiction.

The initial motion to transfer was filed by James C. Peterson of Hill, Peterson, Carper, Bee & Deitzler in Charleston, W.Va.

In Re: National Prescription Opiate Litigation, MDL No. 2804 (JPML).

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