UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

In re	Chapter 11
INSYS THERAPEUTICS, INC., ***et al.***	Case No. 19-11292 (KG)
Debtors. [1]	Joint Administration Requested
INSYS THERAPEUTICS, INC., *et al.* **Plaintiffs,** **– against –** STATE OF ARIZONA, *ex. rel.* Mark Brnovich, Attorney General; STATE OF FLORIDA, Office of the Attorney General, Department of Legal Affairs; COMMONWEALTH OF KENTUCKY, *ex rel.* Andy Beshear, Attorney General; STATE OF MARYLAND; STATE OF MINNESOTA, by its Attorney General Lori Swanson, and Minnesota Board of Pharmacy; Gurbir Singh Grewal, Attorney General of New Jersey, on behalf of the STATE OF NEW JERSEY; and Sharon M. Joyce, acting director of the New Jersey State of Consumer Affairs State of New Jersey; STATE OF NEW MEXICO, *ex. rel.*, Hector Balderas, Attorney General; STATE OF NEW YORK; STATE OF NORTH CAROLINA; STATE OF RHODE ISLAND; CITY OF PRESCOTT; STATE OF ARKANSAS, *ex rel.* Scott Ellington *et al.*; CITY OF SANTA ANA, and the People of the State of California, by and through Santa Ana Attorney Sonia R. Carvalho; CITY OF NEW HAVEN; CITIES OF ANSONIA, DANBURY, DERBY, NORWALK; TOWNS OF STRATFORD, BERLIN, MIDDLEBURY, PROSPECT, SEYMOUR, WOLCOTT, BETHLEHEM, NEW MILFORD, ROXBURY, COVENTRY; CITY OF NEW BRITAIN; TOWN OF WALLINGFORD;	Adv. Pro. No. 19-50261 (KG)

[1] The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, as applicable, are: Insys Therapeutics, Inc. (7886); IC Operations, LLC (9659); Insys Development Company, Inc. (3020); Insys Manufacturing, LLC (0789); Insys Pharma, Inc. (9410); IPSC, LLC (6577); and IPT 355, LLC (0155). The Debtors' mailing address is 1333 South Spectrum Blvd #100, Chandler, Arizona 85286.

CITY OF MIDDLETOWN; TOWN OF WETHERSFIELD; LA SALLE COUNTY; CITY OF MANDERVILLE; CITY OF WORCESTER; CITY OF BOSTON, BOSTON PUBLIC HEALTH COMMISSION, BOSTON HOUSING AUTHORITY; TOWN OF WAKEFIELD; CITY OF FRAMINGHAM; CITY OF SALEM; CITY OF HAVERHILL; CITY OF GLOUCESTER; TOWN OF LYNNFIELD; TOWN OF CANTON; CITY OF SPRINGFIELD; CITY OF CHICOPEE; TOWN OF NATICK; TOWN OF WELLFLEET; CITY OF BALTIMORE; ANNE ARUNDEL COUNTY; CITY OF STERLING HEIGHTS; CHARTER TOWNSHIP OF HARRISON; CITY OF WARREN; COUNTY OF BURLINGTON; CLARK COUNTY; CITY OF RENO; COUNTY OF NASSAU; SUFFOLK COUNTY; CITY OF YONKERS; BOARD OF COUNTY COMMISSIONERS OF CLEVELAND COUNTY; COUNTY OF NORTHUMBERLAND; COUNTY OF ANDERSON; COUNTY OF BAMBERG; COUNTY OF BARNWELL; COUNTY OF COLLETON; COUNTY OF CHEROKEE; COUNTY OF OCONEE; COUNTY OF LEXINGTON; COUNTY OF ALLENDALE; COUNTY OF HAMPTON; COUNTY OF JASPER; COUNTY OF KERSHAW; FAIRFIELD COUNTY; GREENWOOD COUNTY; COUNTY OF LAURENS; COUNTY OF UNION; COUNTY OF YORK; COUNTY OF GREENVILLE; COUNTY OF DORCHESTER; COUNTY OF PICKENS; COUNTY OF SPARTANBURG; COUNTY OF ORANGEBURG; COUNTY OF LEE; COUNTY OF CHESTERFIELD; COUNTY OF BEAUFORT; COUNTY OF WILLIAMSBURG; COUNTY OF EDGEFIELD; COUNTY OF MCCORMICK; COUNTY OF SUMTER; COUNTY OF FLORENCE; COUNTY OF AIKEN; DILLON COUNTY; LANCASTER COUNTY; COUNTY OF MARION; COUNTY OF CALHOUN; COUNTY OF HORRY; ABBEVILLE COUNTY; COUNTY OF SALUDA; COUNTY OF CLARENDON; SHELBY COUNTY; COUNTY OF BEXAR; COUNTY OF BURLESON; COUNTY OF CAMERON; COUNTY OF EL PASO; COUNTY OF

HARRISON; COUNTY OF HIDALGO; COUNTY OF KERR; COUNTY OF LIBERTY; SAN PATRICIO COUNTY; COUNTY OF WALLER; MAVERICK COUNTY; COUNTY OF DUVAL; ROCKWALL COUNTY; ELLIS COUNTY; WEBER COUNTY; UINTAH COUNTY, DUCHESNE COUNTY, DAGGETT COUNTY AND TRI-COUNTY HEALTH DEPARTMENT; WASATCH COUNTY; COUNTY OF SUMMIT; TOOELE COUNTY; CACHE COUNTY AND RICH COUNTY; WASHINGTON COUNTY, KANE COUNTY, BEAVER COUNTY AND GARFIELD COUNTY; THE COUNTY BOARD OF ARLINGTON COUNTY; CITY OF PORTSMOUTH; CITY OF RICHMOND; THE COUNTY COMMISSION OF MASON COUNTY; ROANE COUNTY COMMISSION; CITY OF RIVERTON; COUNTY OF ALAMEDA; CITY OF WESTMINSTER; CITY OF IRVINE; CITY OF COSTA MESA; CITY OF FULLERTON; CITY OF SAN CLEMENTE; COUNTY OF KERN; CITY OF EL MONTE; TOWN OF ENFIELD; CITY OF NORWICH; CITY OF POCATELLO; TOWN OF RANDOLPH; CITY OF CAMBRIDGE; CITY OF ANNAPOLIS; CITY OF ROCHESTER; BELKNAP COUNTY; CITY OF BELMONT; CHESHIRE COUNTY; GRAFTON COUNTY; ROCKINGHAM COUNTY; STRAFFORD COUNTY; SULLIVAN COUNTY; CITY OF CLAREMONT; BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LINCOLN; COUNTY OF CURRY; JOHNSON COUNTY; COUNTY OF WALKER; DINWIDDIE COUNTY; NORTHUMBERLAND COUNTY; CITY OF CHESAPEAKE; ACCOMACK COUNTY; FRANKLIN COUNTY; CITY OF SALEM; CITY OF BRISTOL; ROANOKE COUNTY; CITY OF LEXINGTON; ROCKBRIDGE COUNTY; HALIFAX COUNTY; FAUQUIER COUNTY; ALLEGHANY COUNTY; FAIRFAX COUNTY BOARD OF SUPERVISORS; LOUISA COUNTY; MADISON COUNTY; FLOYD COUNTY; CITY OF COVINGTON; CITY OF ROANOKE; ; BOARD OF SUPERVISORS OF PRINCE WILLIAM COUNTY; COUNTY OF SUMMIT, SUMMIT

COUNTY COMBINED GENERAL HEALTH DISTRICT, CITY OF AKRON, CITY OF BARBERTON, VILLAGE OF BOSTON HEIGHTS, BOSTON TOWNSHIP, VILLAGE OF CLINTON, COPLEY TOWNSHIP, COVENTRY TOWNSHIP, CITY OF CUYAHOGA FALLS, CITY OF FAIRLAWN, CITY OF GREEN, VILLAGE OF LAKEMORE, VILLAGE OF MOGADORE, CITY OF MONROE FALLS, CITY OF NORTON, VILLAGE OF PENINSULA, VILLAGE OF RICHFIELD, VILLAGE OF SILVER LAKE, SPRINGFIELD TOWNSHIP, CITY OF STOW, CITY OF TALLMADGE, VALLEY FIRE DISTRICT; COUNTY OF CUYAHOGA; CITY OF CLEVELAND; CABELL COUNTY

Government Defendants.

DEBTORS' OPENING BRIEF IN SUPPORT OF THEIR MOTION FOR A PRELIMINARY INJUNCTION PURSUANT TO 11 U.S.C. § 105(a)

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The Debtors submit this opening brief in support of their motion for a preliminary injunction under 11 U.S.C. § 105(a) (the "**Motion**") to enjoin certain actions during these bankruptcy cases to the extent that the automatic stay may not apply because they are arguably within the "police powers" exception to the automatic stay. The Debtors seek this stay so that all pending litigation will be dealt with evenhandedly and efficiently in accordance with the relief sought in the Motion to Establish Estimation Procedures,[2] filed concurrently herewith. Specifically, by the Motion, the Debtors seek to stay: (i) the eleven[3] actions filed by the States Attorneys General, or other state governmental units charged with public health and safety enforcement ("**State AG Actions**"), against certain of the Debtors; (ii) four active lawsuits filed by numerous counties, cities, towns, and municipalities against certain of the Debtors pending in the multidistrict litigation, *In re National Prescription Opiate Litigation*, Case No. 1:17-md-02804 (MDL No. 2804), U.S. District Court for the Northern District of Ohio ("**MDL**"), and (iii) 152 other lawsuits also filed by numerous counties, cities, towns, and other municipalities that have not been consolidated into the MDL and that are pending in various jurisdictions around the country (collectively, "**Local Government Actions**" and together with the State AG Actions, "**Government Actions,**" all as identified in Appendix A hereto). The Debtors do not, by way of this Motion, seek a stay of any pending actions against them that are not currently active, including the over 750 cases in the MDL that have already been stayed by the MDL court. However, the Debtors reserve their right to move to stay should any additional action or investigation not

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[2] The Motion of Debtors for (I) Entry of Orders Pursuant to 11 U.S.C. § 105(a) and 502(c) (A) Establishing Procedures and Schedule for Estimation Proceedings and (B) Estimating Debtors' Aggregate Liability for Certain Categories of Unliquidated Claims, (II) Entry of Protective Order, and (III) Subordination of Certain Penalty Claims.

[3] There are ten pending actions brought by States Attorneys General, and, in Minnesota, a second action brought as an administrative proceeding by the Minnesota Board of Pharmacy.

included in the Motion become active during the Debtors' chapter 11 cases. In addition, while the Debtors expect that plaintiffs (the named defendants herein, the "**Government Plaintiffs**") will voluntarily halt activity in the Government Actions until the court rules on the Motion, the Debtors also reserve their right to move for any of the relief sought herein, or for any additional relief, by way of a temporary restraining order to the extent necessary to prevent imminent and irreparable harm.

PRELIMINARY STATEMENT

The automatic stay protects debtors from most types of litigation upon filing for bankruptcy. 11 U.S.C. § 362(a)(1). The automatic stay provides the debtors with a necessary "breathing spell" and ensures that all claims against a debtor are handled through the bankruptcy claims process. The Debtors in these cases are the precise type of debtors that would most benefit from such a breathing spell, as they are burdened by approximately 1,000 overlapping actions filed by various private parties and governmental entities against multiple defendants, including the Debtors, in courts across the country. Although these actions primarily seek monetary relief, the Debtors anticipate that the plaintiffs therein, including the Government Plaintiffs, may argue that all such actions are within the so-called "police powers exception" to the automatic stay.[4] *See* 11 U.S.C. § 362(a)(4).

A stay of the Government Actions is essential to realizing the Debtors' primary objective in these bankruptcy cases: maximizing the value of the estates and enabling the equitable and efficient distribution of proceeds to creditors. As detailed in the Debtors' First Day Declaration[5]

[4] For purposes of this Motion, the Debtors do not concede that the Government Actions fall within Section 362(b)(4)'s exception to the automatic stay, but do anticipate that some or all of the plaintiffs in the Government Actions will argue the exception applies.

[5] The Declaration of Andrew G. Long in Support of Debtors' Chapter 11 Petition and First Day Relief filed concurrently herewith.

and Motion to Establish Estimation Procedures, to facilitate that objective, contemporaneous with this filing, the Debtors are moving the Court to approve an estimation proceeding that will include unliquidated litigation claims against the Debtors, of which there are approximately 1,000 pending, including the Government Actions, personal injury actions, and actions by insurance companies, among others.[6] The Debtors are by no means seeking to avoid or minimize the claims of the Government Plaintiffs nor to deny those claimants due process. Rather, the goal of the proposed estimation proceeding is to provide a fair and efficient way of dealing with pending litigation and ensure a fair and proportionate recovery for claimants through an orderly, efficient, and fair process. Allowing certain litigation to proceed in a piecemeal fashion, by contrast, will result in needless costs that will dissipate the assets otherwise available for distribution to the Debtors' many stakeholders.

Permitting the continued prosecution of the Government Actions against the Debtors would impede, hinder, and/or frustrate the Debtors' ability to confirm a chapter 11 plan, while at the same time, also necessarily subject the Debtors to substantial, but ultimately unproductive, defense costs, materially lessening the Debtors' ability to maximize value and the recovery to creditors in the chapter 11 cases, including the Government Plaintiffs. Indeed, absent a stay, the Government Actions necessarily would continue to tax the Debtors' limited time, attention, and financial resources that the Debtors respectfully submit would be better preserved and utilized by dedicating them to the chapter 11 cases and the sales of their multiple products.

In short, as discussed in more detail below, all of the factors to be considered in determining whether a discretionary stay pursuant to 11 U.S.C. § 105(a) should be granted point toward the

[6] The Debtors do not seek to include all litigation filed against Insys in the relief sought through the Motion to Establish Estimation Procedures.

entry of such a stay. The Debtors' estates and all of their stakeholders would be irreparably harmed without a stay, the balance of hardships clearly supports a stay, and the absence of a stay would impede the establishment of mechanisms to address creditors' claims, thus harming the public interest.

STATEMENT OF FACTS

I. THE RELEVANT PARTIES AND EVENTS LEADING TO THIS BANKRUPTCY PROCEEDING

The Debtors are a specialty pharmaceutical company that develops and commercializes certain drugs and novel drug delivery systems for targeted therapies, with the goal of improving patients' quality of life and addressing unmet patient needs. Insys Therapeutics, Inc. ("**Insys**"), which sits at the top of the Debtors' organizational structure, was incorporated in Delaware in June 1990 and maintains its headquarters in Chandler, Arizona. The Debtors' primary operations include research and development (including preclinical and clinical trials and studies), manufacturing, marketing, and sales in support of certain drugs and novel drug delivery systems for targeted therapies. As of the date hereof (the "**Petition Date**"), the Debtors have two commercially marketed products: SUBSYS® ("**Subsys**") and SYNDROS® ("**Syndros**").[7] *See* Declaration of Andrew G. Long[8] ¶¶ 4-5.

Subsys is an opioid pain medication indicated for the management of breakthrough pain in cancer patients 18 years of age and older who are already receiving and who are tolerant to around-the-clock opioid therapy for their underlying persistent cancer pain. Subsys is the first and only medication approved by the U.S. Food and Drug Administration ("**FDA**") for patients with

[7] The Debtors' First Day Declaration contains a discussion of Syndros.

[8] The Declaration of Andrew G. Long in Support of Debtors' Motion for a Preliminary Injunction Pursuant to 11 U.S.C. § 105(a) and Motion for Entry of an Order Pursuant to 11 U.S.C. §§ 105(a) and 502(c) Establishing Procedures and Schedule for Estimation Proceedings ("**Long Declaration**").

breakthrough cancer pain that is offered as a sublingual spray that delivers fentanyl, an opioid agonist for absorption underneath the tongue, which may provide pain relief in as little as five minutes. Subsys was launched as a commercial product in March 2012. Long Declaration ¶¶ 6-7. From its launch through May 7, 2019, approximately 206,741 prescriptions of Subsys were dispensed. *Id.* ¶ 8. Subsys' percentage of total nationwide opioid prescriptions, however, was tiny:

Year	**Percentage of nationwide opioid prescriptions**[9]
2012	0.0021%
2013	0.0112%
2014	0.0213%
2015	0.0283%
2016	0.0194%
2017	0.0098%

In 2015, when Subsys' percentage was at its largest, it was prescribed only approximately 53,000 times, as compared with 187,000,000 opioid prescriptions nationwide.

Since late 2017, Insys, along with numerous other opioid manufactures, distributors, and retailers, has faced an onslaught of litigation claims (the "**Opioid Litigation**") in connection with its marketing and sale of Subsys that have continued to surge with the ongoing and heightened publicity surrounding the national opioid crisis. Most of the allegations against Insys in the Opioid Litigation focus specifically on two things: (1) the "Insys Speaker Program" and (2) the Insys Reimbursement Center, both of which were used, in part, to unlawfully encourage the prescription of, and payment for, Subsys. Through its speaker program, Insys paid healthcare professionals to make presentations to doctors regarding Subsys, including uses and dosage levels, and to otherwise

[9] Calculated using prescription data available to Debtors through the Symphony Health Pharmaceutical Audit Suite (PHAST™).

promote the product. In some circumstances, there were no appropriate attendees and/or no presentation was actually given. Insys terminated the speaker program for Subsys in early 2018 and has no plan to reinstate any program that involves compensating outside "speakers" in relation to Subsys. *Id.* ¶¶ 9-11.

Many plaintiffs in the Opioid Litigation allege that Insys also created a "prior authorization unit" called the Insys Reimbursement Center (and later called the Patient Services Center or Patient Services Hub) through which, under the direction of former employees, it allegedly employed a number of misleading tactics to secure authorization from insurers for certain Subsys prescriptions. Insys ceased performing prior authorizations in-house by the beginning of 2017. Insys does not currently have, and has no plan to reinstate, any program that involves its personnel making direct contact with insurance companies for the purpose of securing prior authorizations for Subsys prescriptions. *Id.* ¶ 12.

In light of these long-terminated practices and the recent criminal convictions of a number of former officers and employees of Insys, Insys has changed its management and the vast majority of its employees, to reset Insys on an entirely lawful approach to the marketing of its products. The CEO, General Counsel, and the heads of Commercial, Human Resources, and Clinical Development are all new to the company since July 2017, along with nearly all of the independent directors on the Board. In addition, most of the management team and the commercial organization, which includes Insys's sales force, is new to the company since 2015. *Id.* ¶ 14.

Insys is fully committed to ensuring that its promotion of Subsys does not include any written or oral claims that are false, misleading, or deceptive or that violate federal or state laws. Insys trains all sales representatives to promote Subsys consistent with its FDA-approved label, including with respect to titration and detailing on side effects for each patient, and to not promote

Subsys for off-label use. In addition, Insys's sales force is prohibited from promoting Subsys to a prescriber unless that prescriber (a) has all state and federal licenses required to prescribe Subsys, and (b) is enrolled in the TIRF REMS[10] program, or is an oncologist. Before promoting Subsys to non-oncologist members of the TIRF REMS program, the sales representative also must inquire whether the prescriber treats, or has a reasonable belief that the prescriber is likely to treat, patients for cancer pain. If the prescriber does not treat patients for cancer pain or Insys does not have a reasonable belief that the prescriber is likely to treat patients for cancer pain, the sales representative is strictly prohibited from promoting Subsys to that prescriber. *Id.* ¶¶ 15-16.

There are other mechanisms in place to ensure that the Debtors' continued marketing practices are compliant. Specifically, on June 5, 2019, Insys entered into a Corporate Integrity Agreement and Conditional Exclusion Release ("**CIA**") with the Office of Inspector General of the United States Department of Health and Human Services under which Insys has agreed to establish and maintain, for a period of five years, an extensive program intended to promote compliance with the statutes, regulations, and written directives of Medicare, Medicaid, and all other Federal health care programs and with the statutes, regulations, and written directives of the FDA. For example, the compliance program mandated under the CIA includes the appointment of a compliance officer and compliance committee, board compliance obligations, the establishment of written standards, and training and education requirements, among other elements. Among other conduct, Insys has agreed under the CIA to cease all payments to prescribers and non-Insys employee physicians for participating in any speaker programs and related activities in connection with any Insys product. *Id.* ¶ 17.

[10] The Transmucosal Immediate Release Fentanyl (TIRF) Risk Evaluation and Mitigation Strategy (REMS) program is an FDA-required program designed to ensure informed risk-benefit decisions before initiating treatment, and while patients are being treated, to ensure appropriate use of TIRF medications.

Additionally, the Debtors do not anticipate continuing to own or promote Subsys for a prolonged period. Under the CIA, Insys has agreed to stop all marketing and promotion of Subsys upon the earlier of a sale or 90 days from the effective date of the CIA. Therefore, the Debtors expect that all activity related to the sale and marketing of Subsys will necessarily cease by mid-September, 2019. *Id.* ¶ 18. As discussed in detail in the Debtors' First Day Declaration, to implement their chapter 11 strategy in an optimal manner, the Debtors intend to file a global bidding procedures and sale motion related to Subsys and the Debtors' other products to permit a flexible and expeditious postpetition sale process.

II. THE RELEVANT ACTIONS[11]

A. The State AG Actions

Insys is a defendant in legal proceedings commenced in connection with investigations conducted by the Offices of the Attorneys General, or other state governmental units charged with public health and safety enforcement, in the following states ("***States***"): Arizona, Florida, Kentucky, Maryland, Minnesota, New Jersey, New Mexico, New York, North Carolina, and Rhode Island. All of the States essentially allege that Insys employed fraudulent, illegal, and misleading marketing schemes to promote Subsys in the applicable state. The States generally assert causes of action related to deceptive acts and practices, including for violations of various consumer protection laws, fraud, negligent misrepresentation, commercial bribery, unjust enrichment, and, in some instances, public nuisance, and seek relief in the form of restitution, disgorgement, treble damages, civil penalties, and investigative and other costs. While certain of the States also seek injunctive relief, to the extent that the States seek to enjoin specific actions, as discussed above, the alleged conduct at the core of the allegations has already ceased; Insys is

[11] *See* Appendix A.

committed to an entirely lawful approach to the marketing of its products, such marketing will cease entirely by mid-September under Insys's CIA with the U.S. federal government, and Insys is likely to sell Subsys in the near term. *Id.* ¶¶ 13-18.

The State AG Actions are in various stages of motion practice and discovery. Two of the State AG Actions—brought by the states of Maryland and Minnesota—have administrative trials set to begin in August and September, 2019, respectively. As a result, significant activity is taking place in both cases and is expected to increase in the near term as these hearings approach. *Id.* ¶¶ 31, 34.

B. The Local Government Actions

Insys, along with numerous other opioid manufacturers, distributors, retailers, and prescribers, has been named in approximately 1,000 complaints brought by various cities, counties, states, and Native American tribes in state and federal courts throughout the country. Plaintiffs in these actions allege that Insys and other, vastly larger, manufacturers and distributors of prescription opioids grossly misrepresented the risks of long-term use of those drugs, which contributed to the current opioid crisis.

Whereas Insys entered the prescription opioid market in 2012, and reached a peak in 2015 of less than 0.03% of nationwide opioid prescriptions, many of the allegations directed at other, larger manufacturer defendants relate to a "push to expand prescription opioid use [that] began in the late 1990s," which allegedly involved specific categories of misrepresentations (e.g., the risk of addiction from chronic opioid therapy is low; opioid withdrawal can be avoided by tapering) intended to mislead physicians, patients, and the public at large about the risks and benefits of opioids. *See, e.g.,* Third Amended Complaint and Jury Demand, *The County of Summit, Ohio, et al. v. Purdue Pharma, L.P., et al.*, Case No. 17-md-2804 (MDL No. 2804) (N. D. Ohio March 21,

2019) [Docket No. 1466] ¶¶4, 172-173. Plaintiffs' claims against Insys are generally for public nuisance, negligence, consumer and/or common law fraud, and some complaints also lump Insys in with the other defendants for RICO violations and civil conspiracy.

The majority of Local Government Actions have been consolidated into the MDL. Nearly all of the cases in the MDL are currently stayed while a few cases have been selected to proceed.[12] Specifically, the MDL Court has ordered two litigation tracks of five total cases for accelerated discovery, motion practice, and trials, the first of which is scheduled to begin on October 21, 2019. Case Management Order No. 8 [Docket No. 1306], *In re National Prescription Opiate Litigation*, No. 1:17-md-2804 (Jan. 29, 2019). Track One is comprised of three cases brought by plaintiff municipalities located in the Northern District of Ohio, two of which are consolidated and scheduled for trial. Insys is named in those cases along with approximately 23 Defendant Families.[13] Track 2 includes claims of Cabell County Commission, West Virginia and City of Huntington, West Virginia.[14] Order [Docket No. 1218], *In re National Prescription Opiate Litigation*, No. 1:17-md-2804 (Dec. 31, 2018).

In addition, approximately 260 Local Government Actions against Insys that have not been transferred to the MDL[15] are pending in state and federal courts throughout the country. The Debtors have limited this Motion to 152 of those cases that are currently active. The majority of

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[12] As noted above, for purposes of this Motion, the Debtors do not seek a stay of the Local Government Actions that are currently stayed within the MDL, but reserve the right to seek to enjoin any of those actions should they become active during the pendency of these chapter 11 cases.

[13] "Defendant Families" are groups of related corporate entity defendants.

[14] Debtors have not, as of the filing of the Motion, been named as a defendant in the Track Two MDL case brought by the City of Huntington, West Virginia and therefore do not seek to stay that action.

[15] Including approximately 50 cases for which an application has been made to transfer the action to the MDL.

these cases are concentrated in state courts in Arizona, Connecticut, Massachusetts, New York, Oklahoma, Pennsylvania, South Carolina, and Texas. These cases are in various stages of motion practice and discovery.

ARGUMENT

I. THIS COURT SHOULD ENJOIN THE GOVERNMENT ACTIONS UNDER SECTION 105 OF THE BANKRUPTCY CODE.

Section 105(a) of the Bankruptcy Code authorizes this Court to "issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title." 11 U.S.C. § 105(a). This Court has broad, equitable powers under section 105(a) to "assure the orderly conduct of the reorganization proceedings." *Garrity v. Leffler (In re Neuman*), 71 B.R. 567, 571 (S.D.N.Y. 1987) (citing *In re Baldwin-United Corp. Litig.*, 765 F.2d 343, 348 (2d Cir. 1985)). For the reasons discussed below, this Court should exercise its discretion to enjoin the Government Actions under section 105(a) of the Bankruptcy Code to allow the Debtors to focus on their primary objective: maximizing value for stakeholders.[16]

A. Section 105(a) of the Bankruptcy Code Grants This Court Authority to Enjoin the Government Actions.

It is well-settled that section 105 of the Bankruptcy Code may be used to enjoin governmental civil actions against a debtor, even where the suit might otherwise be permitted to continue under one of section 362(b)'s exceptions to the automatic stay. *See Penn Terra Ltd. v. Dep't of Envtl. Res., Commonwealth. of Pa,* 733 F.2d 267, 273 (3d Cir. 1984) (holding, with respect to action by state's Department of Environmental Resources to enforce environmental clean-up order against debtor, that bankruptcy court "in its discretion, may issue an appropriate

[16] Pursuant to Rule 7065 of the Federal Rules of Bankruptcy Procedure, this Court has the equitable power to issue preliminary injunctions in accordance with the traditional standards for preliminary injunctive relief.

injunction, even if the automatic stay is not operative"); *see also In re Sec. Gas & Oil, Inc.*, 70 B.R. 786, 793 (Bankr. N.D. Cal. 1987) ("[i]ssuance of an injunction under Section 105 is appropriate where the threatened state activity would unduly interfere with the proper functioning of the Bankruptcy Code"); Transcript of Hearing (Oral Ruling), *TK Holdings, Inc. v. Hawaii (In re TK Holdings, Inc.)*, Case No. 17-11375 (BLS), Adv. Pro. No. 17-50880 (BLS) (Bankr. D. Del. Aug. 16, 2017), at 5:11-17 (granting preliminary injunction staying consumer protection actions brought by states attorneys general against debtors for ninety days).

The legislative history of section 362 addresses the relationship between that provision and section 105, explicitly recognizing that "acts not covered by the automatic stay are not beyond regulation by the bankruptcy court." *In re Sec. Gas & Oil, Inc.*, 70 B.R. at 792-93 (citing S. Rep. No. 989, 95th Cong., 2d Ses. 51 ("[Section 362(b)] lists seven exceptions to the automatic stay. *The effect of an exception is not to make the action immune from injunction*." (emphasis added))). With respect to a bankruptcy court's broad discretion, Congress observed:

> The court has ample other powers to stay actions not covered by the automatic stay . . . . The district court and the bankruptcy court as its adjunct have all the traditional injunctive powers of a court of equity. Stays or injunctions issued under these other Sections will not be automatic upon commencement of the case, but will be granted or issued under the usual rules for the issuance of injunctions. By excepting an act or action from the automatic stay, the bill simply requires that the trustee move the court into action, rather than requiring the stayed party to request relief from the stay. There are some actions, enumerated in the exceptions, that generally should not be stayed automatically upon commencement of the case, for reasons of either policy or practicality. Thus, *the court will have to determine whether a particular action which may be harming the estate should be stayed*.

S.Rep. No. 989, 95th Cong., 2d Ses. 51, *reprinted in* 1978 U.S. Code Cong. & Ad.News 5787, 5837 (emphasis added). Accordingly, courts have interpreted section 105 to authorize the bankruptcy court to enjoin actions brought by governmental entities where such actions interfere with, or impede upon, a debtor's reorganization or pose a threat to the debtor's estate. *See N.L.R.B.*

v. Superior Forwarding, Inc., 762 F.2d 695, 699 (8th Cir. 1985) ("It is of particular importance that bankruptcy courts be able to determine factually, on a case by case basis, whether regulatory proceedings will threaten the assets of the estate because otherwise the court's power to preserve the estate over which it presides is illusory . . . ."); *see also Penn Terra Ltd.*, 733 F.2d at 274 ("[L]ittle harm is done to congressional purpose in allowing some latitude in favor of State regulatory powers when interpreting § 362(b), since if, in a particular case, that latitude results in an impermissible dilution of federal bankruptcy policy, then the bankruptcy court may always issue an injunction tailored to fit those circumstances.").

B. The Preliminary Injunction Factors Weigh In Favor of Enjoining The Government Actions Against The Debtors.

In the bankruptcy context, courts utilize a somewhat modified version of the traditional four-factor test for obtaining injunctive relief. *See W.R. Grace & Co. v. Chakarian* (*In re W.R. Grace & Co.*), 386 B.R. 17, 33 (Bankr. D. Del. 2008) ("[A] bankruptcy court must consider whether the debtor has a reasonable likelihood of a successful reorganization.") (quoting *In re Excel Innovations, Inc.*, 502 F.3d 1086, 1096 (9th Cir. 2007)). Under this test, courts balance the debtor's reasonable likelihood of a successful reorganization; the imminent risk of irreparable harm to the debtor's estate in the absence of an injunction; the balance of harms between the debtor and its creditors; and the public interest in the grant or denial of an injunction. *See In re Lyondell Chem. Co.*, 402 B.R. 571, 588–89 (Bankr. S.D.N.Y. 2009); *see also Kos Pharm., Inc. v. Andrx Corp.,* 369 F.3d 700, 708 (3d Cir. 2004); *Video Pipeline, Inc. v. Buena Vista Home Entm't, Inc.,* 342 F.3d 191, 196 (3d Cir. 2003). As the Sixth Circuit observed, these considerations are "to be balanced" and are not "meant to be rigid and unbending requirements." *In re Eagle-Picher Indus., Inc.*, 963 F.2d 855, 859 (6th Cir. 1992). For the reasons stated below, this Court should enjoin the Government Actions against the Debtors.

1. The Debtors are Likely to Promote a Successful Plan of Reorganization.

In bankruptcy cases, likelihood of success equates to the probability of a successful plan of reorganization. *See e.g., Lane v. Phila. Newspapers, LLC (In re Phila. Newspapers, LLC)*, 423 B.R. 98, 106 (E.D. Pa. 2010). Here, the Debtors' prospects for successful chapter 11 cases weigh in favor of the requested preliminary injunction. *See, e.g.*, *In re W.R. Grace & Co.*, 386 B.R. at 33 (likelihood of successful reorganization where no party suggested that reorganization was unlikely). As described in more detail in the First Day Declaration, the Debtors are working with professionals to find the most effective ways to monetize their various assets. Such value-maximizing transactions may come in the form of section 363 sales, but the Debtors are also open to other types of transactions that will allow them to maximize value for all of their stakeholders. The Debtors are taking advantage of chapter 11, the "reorganization" chapter of the Bankruptcy Code, to deal with their liabilities, and in their case, the chapter 11 plan may be a chapter 11 plan of liquidation, an appropriate and common sense use of chapter 11.

Moreover, if approved, the Debtors' requested estimation procedures will significantly increase the chances of successful chapter 11 cases. As discussed in the Debtors' Motion to Establish Estimation Procedures, it would be difficult to formulate a confirmable plan with over 1,000 unliquidated claims. Given the volume of claims, litigating each of them would unduly delay administration of the Debtors' estates, potentially by years, if it were necessary to reduce all of them to final judgment. And, allowing certain claims to proceed with litigation piecemeal would be equally problematic, as it would run the risk of benefiting certain creditors over others while still resulting in delay and waste of resources. To maximize the likelihood of successful chapter 11 cases, the Debtors are requesting that the Court estimate particular categories of claims for purposes of allocation of plan consideration and setting plan distribution reserves. The Debtors may also seek to estimate particular claims for allowance purposes. Utilizing these estimation tools to take control over the large universe of litigation claims against the Debtors will very likely result in a successful chapter 11 plan.

2. *The Debtors Would Be Irreparably Harmed if the Government Actions Are Allowed to Proceed.*

The relief requested is necessary to prevent imminent, irreparable harm to the Debtors' estates and, in turn, irreparable harm to creditors, including the Government Plaintiffs. A reprieve from protracted, costly litigation is the only way to conserve the Debtors' limited resources and allow them to focus on maximizing value through an asset sale process and an estimation procedure aimed at expeditious and fair apportionment among stakeholders. It is imperative for the Debtors and their advisors to be afforded the ability to focus on these essential bankruptcy processes without the competing drain on their time and attention caused by the Government Actions.

A substantial diversion of resources to litigation costs could only lessen the recovery by creditors under the chapter 11 plan, a factor courts have repeatedly held weighs in favor of a stay. *See Superior Forwarding, Inc*., 762 F.2d at 699 (finding that, based upon a fact specific analysis, "the time and effort of management, as well as the expense required in defending against [regulatory proceedings], threatened the assets of the debtor's estate"); *see also Sec. & Exch. Comm'n v. First Fin. Grp. of Tex.*, 645 F.2d 429, 440 (5th Cir. 1981) ("To the extent that the exercise of this jurisdiction threatens the assets of the debtor's estate, the bankruptcy court may issue a stay of those proceedings."). As the Eight Circuit observed in *Superior Forwarding, Inc.*:

> It is of particular importance that bankruptcy courts be able to determine factually, on a case by case basis, whether regulatory proceedings will threaten the assets of the estate because otherwise the court's power to preserve the estate over which it presides is illusory: the costs incurred in defending against charges may deplete the estate.

762 F.2d at 699.

The same is true here. Allowing the Government Actions to proceed would disrupt the Debtors' efforts to maximize the value of their estates, including through an estimation process, and fairly and efficiently distribute proceeds to creditors, thus ultimately harming all stakeholders. Moreover, the irreparable harm that Debtors face here is not speculative, remote, or theoretical. *See In re FiberTower Network Servs. Corp.*, 482 B.R. 169, 182–90 (Bankr. N.D. Tex. 2012). The costs of defending the Government Actions, including, but not limited to, attorneys' fees and costs related to discovery, trial preparation, and trial, would obviously diminish the Debtors' financial resources. The Debtors anticipate that, absent a stay, they would spend approximately $8,500,000 to $9,000,000 in defending these and other government actions from June through December, 2019, but given the inherent uncertainty of litigation, the cost could be even higher. With the stay, the Debtors anticipate a significant savings of $1,000,000 to $1,500,000 per month. Long Declaration ¶ 25. As of the Petition Date, the Debtors have under $40,000,000 in cash on hand. The Debtors are, and will continue, losing money. The Debtors are hopeful that the upfront portion of the bids they receive by the end of July, 2019 will provide sufficient liquidity to get through these chapter 11 cases and make a distribution to creditors. However, until the results of the sale process, which is expected to conclude by the end of August, 2019, are known, preserving liquidity is particularly important. In light of these facts, the Debtors believe that the continued prosecution of the Government Actions would have a material impact on the Debtors' liquidity. *Id.* ¶¶ 26-27.

Allowing the Government Actions to proceed would diminish the Debtors' resources – real dollars that would otherwise be available to creditors – with no discernable benefit. In addition to depleting the available assets, allowing a portion of the claims against the Debtors to proceed in litigation would likely result in significant delay should any stakeholder seek to wait until the litigation claims are liquidated to complete the estimation of the remaining claims. Moreover, absent a stay, the Debtors' efforts to confirm a chapter 11 plan will be hampered by their direct participation in the Government Actions. The Debtors' leadership would be forced to prepare for and attend hearings and trials, assist in preparing discovery responses, devote time preparing for and participating in depositions, and help analyze and develop the Debtors' legal defenses. This would distract the Debtors' employees from, among other things, maximizing the value of the Debtors' estates by negotiating and executing sales of assets during this critical stage. In sum, if permitted to continue in litigation, the Government Actions will endanger the Debtors' estates and efforts to confirm a plan in these chapter 11 cases to the detriment of all creditors.

3. The Balance of Harms Weighs Heavily in Favor of Granting Injunctive Relief.

The balance of harms tips decidedly in favor of a stay. The relief requested will neither injure nor prejudice the Government Plaintiffs. Although the State and Local Governments may claim that they must proceed to prevent injury to their residents, or to obtain restitution payments for past harms, neither is true in this case. Rather, the effect on the Government Plaintiffs in having the Government Actions enjoined as to Insys is minimal. The Government Plaintiffs primarily seek to recover money damages, both actual and those in the nature of punitive relief, including civil penalties. The liquidation of the Government Plaintiffs' claims through continued litigation would unduly delay the administration of the case without altering the fact that these plaintiffs are entitled to only a ratable share of the assets available to unsecured creditors and a portion of the damages they seek are potentially subordinated. *See, e.g., Owens Corning v. Credit Suisse First Boston*, 322 B.R. 719, 724 (D. Del. 2005) ("[I]f subordination of punitive damage claims is mandated in Chapter 7 liquidations, it seems entirely appropriate to subordinate such claims in the Chapter 11 setting.")

To the extent the Government Plaintiffs are also seeking injunctive relief, such relief is of exceedingly limited, if any, utility given that the criticized core conduct has already ceased, the

Debtors' management has entirely turned over since the days of that conduct, new management has committed the Debtors to engaging only in marketing practices that strictly comply with federal and state laws and regulations. Long Declaration ¶¶ 13-18. In fact, as discussed above, through Insys's CIA with the U.S. federal government, there are specific mechanisms in place to ensure that the Debtors' continued marketing practices are compliant. In addition, the Debtors are seeking to sell substantially all of the assets related to Subsys, at which time the Debtors will cease all activity related to the sale and marketing of Subsys, and all such practices will necessarily cease by mid-September under the CIA. *Id.* ¶ 18. Accordingly, the claims for injunctive relief are effectively, if not literally, moot.

Importantly, granting a stay of the Government Actions as to Insys will not preclude the Government Plaintiffs from continuing to prosecute their claims against numerous other, far larger, defendants in the Opioid Litigation. *See* p. 9, *supra*. By staying the Government Actions against the Debtors, nothing prevents the Government Plaintiffs from effectively severing Insys and addressing their claims against Insys in the chapter 11 cases, while continuing to prosecute the MDL and other lawsuits against the other defendants.

Thus, the Debtors respectfully submit that staying the prosecution of the Government Actions against Insys would cause minimal, if any, harm to the Government Plaintiffs, and that any such harm is clearly outweighed by the benefits that would follow from preserving the estate's assets for a ratable distribution to all stakeholders.

4. Granting the Requested Injunctive Relief Will Be In the Public Interest.

The public interest weighs heavily in favor of granting the requested relief. As the Third Circuit found in *Penn Terra*, "in some individual situations, the exercise of State power, even for the protection of the public health and safety, may run so contrary to the policy of the Bankruptcy

Code that it should not be permitted." 733 F.2d at 273. In such instances, the bankruptcy court has the discretion to issue an injunction. *See id*. This is such an instance.

Courts have held that "timely resolution of the bankruptcy estate" is in the public interest. *In re W.R. Grace & Co*., 412 B.R. 657, 666 (D. Del. 2009); *see also In re Am. Film Techs., Inc.*, 175 B.R. 847, 849 (Bankr. D. Del. 1994) ("It is 'one of the paramount interests' of this court to assist the Debtor in its reorganization efforts."); *Rickel Home Centers, Inc. v. Baffa (In re Rickel Home Centers, Inc.)*, 199 B.R. 498, 501 (Bankr. D. Del. 1996) ("[T]here is a strong public interest in promoting a successful Chapter 11 reorganization."). As explained above, the Government Actions will needlessly retard the Debtors' reorganization, thereby delaying the establishment of mechanisms to address creditors' claims, and thus *harming* the public interest. *See id*. ("Actions that needlessly delay a fair settlement agreement deprive claimants of their proceeds while preventing the debtor from completing its reorganization."). One way to think about it is by using precious estate resources to litigate certain creditors' claims, other creditors are necessarily harmed.

Courts have also held that the interest in pursuing a successful chapter 11 plan may prevail over a claimant's right to immediate adjudication of its claims. *See In re Phila. Newspapers, LLC,* 407 B.R. 606, 617 (E.D. Pa. 2010). In other words, courts have found that "[b]ased on the irreparable harm to the Debtors that could ensue in the absence of injunctive relief, '[a]n injunction is proper to prevent the threatened extinction of a business.'" *In re Broadstripe, LLC*, 402 B.R. 646, 659 (Bankr. D. Del. 2009) ("In the face of the potential for significant injury to the Debtors' business value and reorganization efforts and the potential loss of service to [the Debtors'] customers, the public interest favors granting the requested injunctive relief to enable the Debtors to attempt to reorganize in Chapter 11.") (citing *Engine Specialties, Inc. v. Bombardier Ltd.,* 454 F.2d 527 (1st Cir. 1972)).

In this case, the public interest would be served through an order enjoining the Government Actions to ensure that the Debtors are able to maximize value through the sale of their assets and, by way of an estimation process, to facilitate the fair and efficient distribution of the proceeds to creditors. If a subset of litigation against the Debtors is allowed to proceed outside of the bankruptcy, the benefits of an orderly, equitable, and efficient universal estimation procedure could well be lost. The Debtors' assets would continue to be swallowed up by attorneys' fees and other litigation costs, and the race to the courthouse might result in inequitable recoveries for similarly situated creditors – or, worse, no recoveries at all for anyone. *See* Transcript of Hearing (Oral Ruling), *TK Holdings, Inc. v. Hawaii (In re TK Holdings, Inc.)*, Case No. 17-11375 (BLS), Adv. Pro. No. 17-50880 (BLS) (Bankr. D. Del. Aug. 16, 2017) at 24: 4-10 ("[T]he state actions represent the proverbial race to the courthouse…And any relief obtained by those entities in the state actions will necessarily be to the detriment of the citizens of other states."). The population of creditors, which is largely made up of government claimants, will be best served if all litigation is stayed and their claims estimated through a fair and efficient process. In sum, enjoining the Government Actions would *protect*, not harm, the public interest.

CONCLUSION

For the above reasons, the Debtors respectfully request that this Court preliminarily enjoin the continued prosecution of the Government Actions.

Dated: June 10, 2019
Wilmington, Delaware

/s/ Paul N. Heath

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Proposed Attorneys for the Debtors and Debtors in Possession

Appendix A

	Action Type	Underlying Plaintiff(s) (Last, First)	Case Name	Case Number	Court or Agency
	State AG				
1	State	State of Arizona, ex rel. Mark Brnovich, Attorney General	State of Arizona et al. v. Insys Therapeutics Inc. et al.	CV2017-012008	Arizona (Maricopa County Superior Court)
2	State	State of Florida, Office of the Attorney General, Department of Legal Affairs	State of Florida v. Purdue Pharma L.P. et al.	2018-CA-001438	Florida (Circuit Court of the Sixth Judicial Circuit, Pasco County, West Pasco Division New Port Richey)
3	State	Commonwealth of Kentucky, ex rel., Andy Beshear, Attorney General	State of Kentucky v. Insys Therapeutics Inc. et al.	18-CI-01845	Kentucky (Hardin County Circuit Court)
4	State	State of Maryland	State of Maryland v. Insys Therapeutics, Inc.	18-028-300480	Consumer Protection Division of the Office of the Attorney General (Office of Adminsitrative Hearings)
5	State	State of Minnesota, by its Attorney General Lori Swanson, and Minnesota Board of Pharmacy	State of Minnesota et al. v. Insys Therapeutics, Inc.	27-CV-17-9081	Minnesota (District Court for the County of Hennepin, Fourth Judicial District)
6	State	Minnesota Board of Pharmacy	In the Matter of Insys Therapeutics, Inc.	No. 84-0906-35288	Minnesota (Office of Administrative Hearings)
7	State	Gurbir S. Grewal, Attorney General of New Jersey, on behalf of the State of New Jersey, and Sharon M. Joyce, acting director of the New Jersey State of Consumer Affairs	Gurbir S. Grewal, Attorney General of New Jersey, on behalf of the State of New Jersey v. Insys Therapeutics, Inc.	C 000001 - 18	New Jersey (Superior Court, Chancery Division, Middlesex Vicinage)
8	State	State of New Mexico (Balderas)	State of New Mexico, ex. rel., Hector Balderas, Attorney General. v. Purdue Pharma L.P. et al.	1:18cv386 (D-101-CV-2017-02541)	D.N.M.
9	State	State of New York	People of the State of New York v. Insys Therapeutics, Inc.	450166/2018	New York (Supreme Court of New York County)
10	State	State of North Carolina	State of North Carolina v. Insys Therapeutics, Inc.	17cv015532	North Carolina (General Court of Justice Superior Court Division)
11	State	State of Rhode Island	State of Rhode Island v. Purdue Pharma L.P. et al.	PC-18-4555	Rhode Island (Superior Court)
	Local Government				
12	Non-MDL	City of Prescott	City of Prescott v. Allergan PLC et al.	3:19-cv-08165	D. Ariz.
13	Non-MDL	State of Arkansas, ex rel. Scott Ellington et al.	State of Arkansas, ex rel. Scott Ellington et al. v. Insys Therapeutics Inc. et al.	CV-2018-268	Arkansas (Circuit Court of Crittenden County)
14	Non-MDL	City of Santa Ana; and the People of the State of California, by and through Santa Ana Attorney Sonia R. Carvalho	City of Santa Ana; and the People of the State of California, by and through Santa Ana Attorney Sonia R. Carvalho v. Purdue Pharma L.P., et al.	CGC-19-574872	California (San Francisco County Superior Court)
15	Non-MDL	City of New Haven	City of New Haven v. Purdue Pharma L.P. et al.	HHD-CV17-6086134-S (NNH-CV17-6074956)	Connecticut (Superior Court, Judicial District of Hartford)
16	Non-MDL	City of New London	City of New London v. Purdue Pharma L.P. et al.	HHD-CV-18-6094421-S	Connecticut (Superior Court, Judicial District of New London)
17	Non-MDL	Cities of Ansonia, Danbury, Derby, Norwalk	City of Ansonia et al. v. Purdue Pharma L.P. et al.	HHD-CV-18-6098036-S (AAN-CV18-6028560-S)	Connecticut (Superior Court, Judicial District of Hartford)
18	Non-MDL	Towns of Stratford, Berlin, Middlebury, Prospect, Seymour, Wolcott, Bethlehem, New Milford, Roxbury, Coventry	Town of Stratford et al. v. Purdue Pharma L.P. et al.	HHD-CV18-6099290	Connecticut (Superior Court, Judicial District of Hartford)
19	Non-MDL	City of New Britain	City of New Britain v. Purdue Pharma L.P. et al.	HHD-CV18-6087132-S (HHB-CV18-6041154-S)	Connecticut (Superior Court, Judicial District of Hartford)
20	Non-MDL	Town of Wallingford	Town of Wallingford v. Purdue Pharma L.P. et al.	HHD-CV18-6094422-S	Connecticut (Superior Court, Judicial District of Hartford)
21	Non-MDL	City of Middletown	City of Middletown v. Purdue Pharma L.P. et al.	MMX-CV-19-6024949-S	Connecticut (Superior Court, Judicial District of Middlesex)
22	Non-MDL	Town of Wethersfield	Town of Wethersfield v. Purdue Pharma L.P. et al.	Pending	Connecticut (Superior Court, Judicial District of Hartford)
23	Non-MDL	La Salle County, Illinois	People of the State of Illinois v. Purdue Pharma, L.P. et al.	2019-L-000052	Illinois (La Salle County Circuit Court)
24	Non-MDL	City of Manderville	City of Mandeville v. Purdue Pharma L.P. et al.	2019-12787	Louisana (St. Tammany Parish District Court)

	Action Type	Underlying Plaintiff(s) (Last, First)	Case Name	Case Number	Court or Agency
25	Non-MDL	City of Worcester	City of Worcester v. Purdue Pharma L.P. et al.	4:18-cv-11958 (1885CV01160)	D. Mass.
26	Non-MDL	City of Boston, Boston Public Health Commission, Boston Housing Authority	City of Boston et al. v. Purdue Pharma L.P. et al.	1:18-cv-12174 (1884CV02860)	D. Mass.
27	Non-MDL	Town of Wakefield	Town of Wakefield v. Insys Therapeutics Inc. et al.	1984CV01499-BLS2	Massachusetts (Business Litigation Session in Suffolk Superior Court)
28	Non-MDL	City of Framingham	City of Framingham v. Insys Therapeutics Inc. et al.	1984CV01487-BLS2 (1881CV03483)	Massachusetts (Business Litigation Session in Suffolk Superior Court)
29	Non-MDL	City of Salem	City of Salem v. Purdue Pharma L.P. et al.	1877cv01767	Massachusetts (Essex County Superior Court)
30	Non-MDL	City of Haverhill	City of Haverhill v. Purdue Pharma L.P. et al.	1984-CV-01311-BLS2	Massachusetts (Business Litigation Session in Suffolk Superior Court)
31	Non-MDL	City of Gloucester	City of Gloucester v. Purdue Pharma L.P. et al.	1984-CV-01351-BLS2	Massachusetts (Business Litigation Session in Suffolk Superior Court)
32	Non-MDL	Town of Lynnfield	Town of Lynnfield v. Purdue Pharma L.P. et al.	1984-CV-01330-BLS2	Massachusetts (Business Litigation Session in Suffolk Superior Court)
33	Non-MDL	Town of Canton	Town of Canton v. Purdue Pharma L.P. et al.	1984CV01615-BLS2	Massachusetts (Business Litigation Session in Suffolk Superior Court)
34	Non-MDL	City of Springfield	City of Springfield v. Purdue Pharma L.P. et al.	1879-CV-00938	Massachusetts (Hampden County Superior Court)
35	Non-MDL	City of Chicopee	City of Chicopee v. Purdue Pharma L.P. et al.	1979-CV-00074	Massachusetts (Hampden County Superior Court)
36	Non-MDL	Town of Natick	Town of Natick v. Purdue Pharma L.P. et al.	1981-CV-00646	Massachusetts (Middlesex County Superior Court)
37	Non-MDL	Town of Wellfleet	Town of Wellfleet v. AmerisourceBergen Drug Corp. et al.	1:19-cv-11206	D. Mass.
38	Non-MDL	City of Baltimore	Mayor & City Council of Baltimore v. Purdue Pharma L.P. et al.	24-C-18-000515	Maryland (Baltimore City Circuit Court)
39	Non-MDL	Anne Arundel County	Anne Arundel County, Maryland v. Purdue Pharma L.P. et al.	1:18cv519 (C02CV18000021)	D. Md.
40	Non-MDL	City of Sterling Heights	City of Sterling Heights v. Pain Center USA, PLLC et al.	19-001563-CZ	Michigan (Macomb County Circuit Court)
41	Non-MDL	Charter Township of Harrison	Charter Township of Harrison v. Pain Center USA, PLLC et al.	19-001562-CZ	Michigan (Macomb County Circuit Court)
42	Non-MDL	City of Warren	City of Warren v. Pain Center USA, PLLC et al.	19-001561-CZ	Michigan (Macomb County Circuit Court)
43	Non-MDL	County of Burlington, New Jersey	County of Burlington, New Jersey v. Purdue Pharma L.P. et al.	BUR-L-000952-19	New Jersey (Burlington County Superior Court, Law Division)
44	Non-MDL	Clark County	Clark County v. Purdue Pharma L.P. et al.	A-17-765828-C	Nevada (Clark County District Court)
45	Non-MDL	City of Reno	City of Reno v. McKesson Corporation et al.	CV18-01895	Nevada (Second Judicial District Court, County of Washoe)
46	Non-MDL	County of Nassau	County of Nassau v. Purdue Pharma L.P. et al.	400008/2017	New York (County of Suffolk Supreme Court)
47	Non-MDL	Suffolk County	Suffolk County v. Purdue Pharma L.P. et al.	400000/2017	New York (County of Suffolk Supreme Court)
48	Non-MDL	City of Yonkers	City of Yonkers v. Purdue Pharma L.P. et al.	052919-W1	New York (County of Westchester Supreme Court)
49	Non-MDL	Board of County Commissioners of Cleveland County, Oklahoma	Board of County Commissioners of Cleveland County, State of Oklahoma v. Purdue Pharma L.P. et al.	CJ-2019-592	Oklahoma (Cleveland County District Court)
50	Non-MDL	County of Northumberland	County of Northumberland v. Purdue Pharma L.P. et al.	4:19-cv-00945	M.D. Pa.
51	Non-MDL	County of Anderson	County of Anderson v. Rite Aid of South Carolina, Inc. et al.	2018CP0401108	South Carolina (Anderson County Court of Common Pleas)
52	Non-MDL	County of Bamberg	County of Bamberg v. Rite Aid of South Carolina, Inc. et al.	2018CP0500189	South Carolina (Bamberg County Court of Common Pleas)
53	Non-MDL	County of Barnwell	County of Barnwell v. Rite Aid of South Carolina, Inc. et al.	2018CP0600329	South Carolina (Barnwell County Court of Common Pleas)
54	Non-MDL	County of Colleton	County of Colleton v. Rite Aid of South Carolina, Inc. et al.	2018CP1500438	South Carolina (Colleton County Court of Common Pleas)
55	Non-MDL	County of Cherokee	County of Cherokee v. Rite Aid of South Carolina, Inc. et al.	2018CP1100503	South Carolina (Cherokee County Court of Common Pleas)
56	Non-MDL	County of Oconee	Oconee County v. Rite Aid of South Carolina, Inc. et al.	2018CP3700458	South Carolina (County of Oconee Court of Common Pleas)
57	Non-MDL	County of Lexington	County of Lexington v. Rite Aid of South Carolina, Inc. et al.	2018CP3202207	South Carolina (Lexington County Court of Common Pleas)

	Action Type	Underlying Plaintiff(s) (Last, First)	Case Name	Case Number	Court or Agency
58	Non-MDL	County of Allendale	County of Allendale v. Rite Aid of South Carolina, Inc. et al.	2018CP0300125	South Carolina (Allendale County Court of Common Pleas)
59	Non-MDL	County of Hampton	County of Hampton v. Rite Aid of South Carolina, Inc. et al.	2018CP2500258	South Carolina (County of Hampton Court of Common Pleas)
60	Non-MDL	County of Jasper	County of Jasper v. Purdue Pharma Inc. et al.	2018CP2700332	South Carolina (Jasper County Court of Common Pleas)
61	Non-MDL	County of Kershaw	County of Kershaw v. Rite Aid of South Carolina, Inc. et al.	2018CP2800553	South Carolina (Kershaw County Court of Common Pleas)
62	Non-MDL	Fairfield County	County of Fairfield v. Rite Aid of South Carolina, Inc. et al.	2018CP2000272	South Carolina (Fairfield County Court of Common Pleas)
63	Non-MDL	Greenwood County	Greenwood County South Carolina v. Rite Aid of South Carolina, Inc. et al.	2018CP2400775	South Carolina (Greenwood County Court of Common Pleas)
64	Non-MDL	County of Laurens	Laurens County, South Carolina v. Rite Aid of South Carolina, Inc. et al.	2018CP3000606	South Carolina (Laurens County Court of Common Pleas)
65	Non-MDL	County of Union	Union County v. Rite Aid of South Carolina, Inc. et al.	2018CP4400288	South Carolina (Union County Court of Common Pleas)
66	Non-MDL	County of York	York County v. Rite Aid of South Carolina, Inc. et al.	2018CP4602446	South Carolina (York County Court of Common Pleas)
67	Non-MDL	County of Greenville	County of Greenville v. Rite Aid of South Carolina, Inc. et. al.	6:18-cv-01085 (2018CP2301294)	D.S.C.
68	Non-MDL	County of Dorchester	County of Dorchester v. Rite Aid of South Carolina, Inc. et al.	2018CP1801122	South Carolina (Dorchester County Court of Common Pleas)
69	Non-MDL	County of Pickens	County of Pickens v. Rite Aid of South Carolina, Inc. et al.	2018CP3900675	South Carolina (Pickens County Court of Common Pleas)
70	Non-MDL	County of Spartanburg	County of Spartanburg v. Rite Aid of South Carolina, Inc. et al.	2018-CP-4200760	South Carolina (Spartanburg County Court of Common Pleas)
71	Non-MDL	County of Orangeburg	County of Orangeburg v. Ride of South Carolina, Inc. et al.	2018CP3800841	South Carolina (Orangeburg County Court of Common Pleas)
72	Non-MDL	County of Lee	County of Lee v. Rite Aid of South Carolina, Inc. et al.	2018CP3100207	South Carolina (Lee County Court of Common Pleas)
73	Non-MDL	County of Chesterfield	County of Chesterfield v. Rite Aid of South Carolina, Inc. et al.	2018CP1300410	South Carolina (Chesterfield County Court of Common Pleas)
74	Non-MDL	County of Beaufort	County of Beaufort v. Rite Aid of South Carolina, Inc. et al.	2018CP0701245	South Carolina (Beaufort County Court of Common Pleas)
75	Non-MDL	County of Williamsburg	County of Williamsburg v. Purdue Pharma, Inc. et al.	2018CP4500276	South Carolina (Williamsburg County Court of Common Pleas)
76	Non-MDL	County of Edgefield	Edgefield County v. Purdue Pharma L.P. et al.	2019CP1900120	South Carolina (Edgefield County Court of Common Pleas)
77	Non-MDL	County of McCormick	McCormick County v. Purdue Pharma L.P. et al.	2019CP3500031	South Carolina (McCormick County Court of Common Pleas)
78	Non-MDL	County of Sumter	Sumter County v. Purdue Pharma L.P. et al.	2019CP4300891	South Carolina (Sumter County Court of Common Pleas)
79	Non-MDL	County of Florence	County of Florence v. Purdue Pharma et al.	2019CP2101213	South Carolina (Florence County Court of Common Pleas)
80	Non-MDL	County of Aiken	Aiken County v. Purdue Pharma L.P. et al.	2019CP0201086	South Carolina (Aiken County Court of Common Pleas)
81	Non-MDL	Dillon County	County of Dillon v. Purdue Pharma L.P. et al.	2019CP1700213	South Carolina (Dillon County Court of Common Pleas)
82	Non-MDL	Lancaster County	County of Lancaster v. Purdue Pharma L.P. et al.	2019CP2900540	South Carolina (Lancaster County Court of Common Pleas)
83	Non-MDL	County of Marion	County of Marion v. Purdue Pharma L.P. et al.	2019CP3300299	South Carolina (Marion County Court of Common Pleas)
84	Non-MDL	County of Calhoun	County of Calhoun v. Purdue Pharma L.P. et al.	2019CP0900065	South Carolina (Calhoun County Court of Common Pleas)
85	Non-MDL	County of Horry	County of Horry v. Purdue Pharma L.P. et al.	2019CP2602684	South Carolina (Horry County Court of Common Pleas)

	Action Type	Underlying Plaintiff(s) (Last, First)	Case Name	Case Number	Court or Agency
86	Non-MDL	Abbeville County	County of Abbeville v. Purdue Pharma L.P. et al.	2019-CP-01-00154	South Carolina (Abbeville County Court of Common Pleas)
87	Non-MDL	County of Saluda	County of Saluda v. Rite Aid of South Carolina, Inc. et al.	2019-CP-41-00111	South Carolina (Saluda County Court of Common Pleas)
88	Non-MDL	County of Clarendon	County of Clarendon v. Rite Aide of South Carolina, Inc. et al.	2019-CP-14-00236	South Carolina (Clarendon County Court of Common Pleas)
89	Non-MDL	Shelby County	Shelby County v. Purdue Pharma L.P. et al.	CT-004500-17	Tennessee (Circuit Court for Shelby County)
90	Non-MDL	County of Bexar	County of Bexar v. Purdue Pharma L.P. et al.	2018CI08728	Texas (Bexar County District Court)
91	Non-MDL	County of Burleson	County of Burleson v. Purdue Pharma L.P. et al.	29267	Texas (Burleson County District Court)
92	Non-MDL	County of Cameron	County of Cameron v. Purdue Pharma L.P. et al.	2018-DCL-02237	Texas (Cameron County District Court)
93	Non-MDL	County of El Paso	County of El Paso v. Purdue Pharma L.P. et al.	2018cv1928	Texas (District Court of El Paso County)
94	Non-MDL	County of Harrison	County of Harrison v. Purdue Pharma L.P. et al.	18-0442	Texas (District Court of Harrison County)
95	Non-MDL	County of Hidalgo	County of Hidalgo v. Purdue Pharma L.P. et al.	C-1349-18-C	Texas (District Court of Hidalgo County)
96	Non-MDL	County of Kerr	County of Kerr v. Purdue Pharma L.P. et al.	18389B	Texas (Kerr County District Court)
97	Non-MDL	County of Liberty	County of Liberty v. Purdue Pharma L.P. et al.	CV1813222	Texas (Liberty County District Court)
98	Non-MDL	San Patricio County	San Patricio County v. Purdue Pharma L.P. et al.	S-18-5625CV-A	Texas (San Patricio County District Court)
99	Non-MDL	County of Waller	County of Waller v. Purdue Pharma L.P. et al.	18-4-24828	Texas (Waller County District Court)
100	Non-MDL	Maverick County	Maverick County v. Purdue Pharma L.P. et al.	17-10-34909	Texas (District Court, 365th Judicial District, Maverick County)
101	Non-MDL	County of Duval	County of Duval v. Purdue Pharma L.P. et al.	DC-18-266	Texas (Duval County District Court)
102	Non-MDL	Rockwall County	Rockwall County v. Purdue Pharma L.P. et al.	1-19-0503	Texas (Rockwall County District Court)
103	Non-MDL	Ellis County	Ellis County v. Purdue Phama L.P. et al.	100921	Texas (Ellis County District Court)
104	Non-MDL	Weber County	Weber County v. Purdue Pharma L.P. et al.	180903087 (1:18-cv-0089)	Remanded from D. Utah to Second District Court, District of Utah
105	Non-MDL	Uintah County, Duchesne County, Daggett County and Tri-County Health Department	Unitah County v. Purdue Pharma L.P. et al.	180800056 (2:18-cv-000585)	Remanded from D. Utah to Utah's Eighth District Court
106	Non-MDL	Wasatch County	Wasatch County v. Purdue Pharma L.P. et al.	180800079	Utah (Second District Court)
107	Non-MDL	County of Summit	County of Summit v. Purdue Pharma L.P. et al.	180500119	Utah (Third District Court, County of Summit)
108	Non-MDL	Tooele County	Tooele v. Purdue Pharma L.P. et al.	180300423	Utah (Third District Court, County of Tooele)
109	Non-MDL	Cache County, Utah; and Rich County, Utah	Cache County, Utah; and Rich County, Utah v. Purdue Pharma L.P. et al.	190100112	Utah (Cache County District Court)
110	Non-MDL	Washington County, Utah; Kane County, Utah; Beaver County Utah; and Garfield County, Utah	Washington County, Utah; Kane County, Utah; Beaver County Utah; and Garfield County, Utah v. Purdue Pharma L.P. et al.	190500179	Utah (Washington County District Court)
111	Non-MDL	County Board of Arlington County	County Board of Arlington County v. Actavis Pharma, Inc. et al.	CL-19001081-00	Virginia (Arlington County Circuit Court)
112	Non-MDL	City of Portsmouth	City of Portsmouth (VA) v. Purdue Pharma L.P. et al.	740CL19000234-00	Virginia (City of Portsmouth Court)
113	Non-MDL	City of Richmond	City of Richmond v. AmerisourceBergen Drug Corporation et al	3:19-cv-00404	E.D. Va.
114	Non-MDL	The County Commission of Mason County et al.	The County Commission of Mason County et al. v. Purdue Pharma L.P. et al.	19-C-4 19-C-5 19-C-6 19-C-7 19-C-8 19-C-9	West Virgina (Marshall County Circuit Court)
115	Non-MDL	Roane County Commission	Roane County Commission et al. (WV) v. Mylan Pharmaceuticals, Inc. et al	19-C-96 to 19-C-108	West Virgina (Marshall County Circuit Court)
116	Non-MDL	City of Riverton	City fo Riverton v. Purdue Pharma L.P. et al.	1:19-cv-00109	D. Wyo.
117	Transfer to MDL Pending	County of Alameda	County of Alameda v.Purdue Pharma L.P. et al.	4:19-cv-02307 (RG-10912661)	N.D. Cal.
118	Transfer to MDL Pending	City of Westminster	City of Westminster et al. v. Purdue Pharma L.P. et al.	3:19-cv-02325 (CGC-19-574864)	N.D. Cal.
119	Transfer to MDL Pending	City of Irvine	City of Irvine et al. v. Purdue Pharma L.P. et al.	3:19-cv-02323 (CGC-19-574866)	N.D. Cal.
120	Transfer to MDL Pending	City of Costa Mesa	City of Costa Mesa et al. v. Purdue Pharma L.P. et al.	3:19-cv-02320 (CGC-19-574865)	N.D. Cal.
121	Transfer to MDL Pending	City of Fullerton	City of Fullerton et al. v. Purdue Pharma L.P. et al.	4:19-cv-02321 (CGC-19-574867)	N.D. Cal.
122	Transfer to MDL Pending	City of San Clemente	City of San Clemente et al. v. Purdue Pharma L.P. et al.	3:19-cv-02326 (CGC-19-574868)	N.D. Cal.

	Action Type	Underlying Plaintiff(s) (Last, First)	Case Name	Case Number	Court or Agency
123	Transfer to MDL Pending	County of Kern	County of Kern v. Purdue Pharma L.P. et al.	1:19-cv-00557 (T19-305)	E.D. Cal.
124	Transfer to MDL Pending	City of El Monte, CA	City of El Monte et al. Purdue Pharma L.P. et al.	2:19-cv-03588	E.D. Cal.
125	Transfer to MDL Pending	Town of Enfield	Town of Enfield v. Purdue Pharma L.P. et al.	3:19-cv-00789 (HHD-CV-19-6110751-S)	D. Conn.
126	Transfer to MDL Pending	City of Norwich	City of Norwich v. Purdue Pharma L.P. et al.	3:19-cv-00770 (KNL-CV-19-6040618-S)	D. Conn.
127	Transfer to MDL Pending	City of Pocatello	City of Pocatello v. Purdue Pharma L.P. et al.	4:19-cv-00189	D. Idaho
128	Transfer to MDL Pending	Town of Randolph	Town of Randolph v. Purdue Pharma L.P. et al.	1:19-cv-10813 (1982CV00400)	D. Mass.
129	Transfer to MDL Pending	City of Cambridge	City of Cambridge v. Purdue Pharma L.P. et al.	1:19-cv-11005 (1981CV01044)	D. Mass.
130	Transfer to MDL Pending	City of Annapolis, Maryland	City of Annapolis Maryland v. Purdue Pharma L.P. et al.	1:19-cv-01162 (C02CV19000594)	D. Md.
131	Transfer to MDL Pending	City of Rochester	City Rochester v. Purdue Pharma, L.P. et al.	0:19-cv-01317	D. Minn.
132	Transfer to MDL Pending	Belknap County	Belknap County v. Purdue Pharma L.P. et al.	1:19-cv-00326 (18-CV-00240)	D.N.H.
133	Transfer to MDL Pending	City of Belmont	Town of Belmont, NH v. Purdue Pharma L.P. et al.	18-CV-00241	D.N.H.
134	Transfer to MDL Pending	Cheshire County	Chesire County v. Purdue Pharama L.P. et al.	1:19-cv-00328 (18-CV-00168)	D.N.H.
135	Transfer to MDL Pending	Grafton County	Grafton County v. Purdue Pharma L.P. et al.	1:19-cv-00332 (18-CV-00323)	D.N.H.
136	Transfer to MDL Pending	Rockingham County	Rockingham County v. Purdue Pharma L.P. et al.	1:19-cv-00333 (18-cv-01100)	D.N.H.
137	Transfer to MDL Pending	Strafford County	Strafford County v. Purdue Pharma L.P. et al.	1:19-cv00325 (18-CV-00364)	D.N.H.
138	Transfer to MDL Pending	Sullivan County	Sullivan County v. Purdue Pharma L.P. et al.	1:19-cv-00334 (18-CV-00128)	D.N.H.
139	Transfer to MDL Pending	City of Claremont	City of Claremont, NH v. Purdue Pharma L.P. et al.	1:19-cv-00331 (18-CV-00127)	D.N.J.
140	Transfer to MDL Pending	Board of County Commissioners of the County of Lincoln, New Mexico	Board of County Commissioners of the County of Lincoln v. AmerisourceBergen Drug Corporation et al.	2:19-cv-00462	D.N.M.
141	Transfer to MDL Pending	County of Curry	County of Curry v. Purdue Pharma L.P. et al.	1:19-cv-00815	D. Or.
142	Transfer to MDL Pending	Johnson County	Johnson County v. Purdue Pharma L.P. et al.	4:19-cv-01637 (DC-C201800848)	S.D. Tex.
143	Transfer to MDL Pending	County of Walker	County of Walker v. Abbot Laboratories et al.	1929076	E.D. Va.
144	Transfer to MDL Pending	Dinwiddie County, Virginia	Dinwiddie County, Virginia v. Purdue Pharma L.P. et al.	3:19-cv-00242	E.D. Va.
145	Transfer to MDL Pending	Northumberland County, Virginia	Northumberland County, Virgina v. Purdue Pharma L.P. et al.	3:19-cv-00246	E.D. Va.
146	Transfer to MDL Pending	City of Chesapeake, Virginia	City of Chesapeake, Virginia v. Actavis, LLC et al.	2:19-cv-00183	W.D. Va.
147	Transfer to MDL Pending	Accomack County, Virginia	Accomack County, Virginia v. Purdue Pharma, L.P. et al.	2:19-cv-00184	W.D. Va.
148	Transfer to MDL Pending	Franklin County, Virginia	Franklin County, Virginia v. Purdue Pharma L.P. et al.	7:19-cv-00302	W.D. Va.
149	Transfer to MDL Pending	City of Salem, Virginia	City of Salem, Virginia v. Purdue Pharma L.P. et al.	7:19-cv-00273	W.D. Va.
150	Transfer to MDL Pending	City of Bristol, Virginia	City of Bristol, Virginia v. Purdue Pharma L.P. et al.	1:19-cv-00011	W.D. Va.
151	Transfer to MDL Pending	Roanoke County, Virginia	Roanoke County, Virgina v. Purdue Pharma L.P. et al.	7:19-cv-00271 (16-CL-9000435-00)	W.D. Va.
152	Transfer to MDL Pending	City of Lexington, Virginia	City Lexington, Virgina v. Purdue Pharma L.P. et al.	6:19-cv-00021	W.D. Va.
153	Transfer to MDL Pending	Rockbridge County, Virginia	Rockbridge County, Virgina v. Purdue Phama L.P. et al.	6:19-cv-00025	W.D. Va.
154	Transfer to MDL Pending	Halifax County, Virginia	Halifax County, Virginia v. Purdue Pharma L.P. et al.	4:19-cv-00021	W.D. Va.
155	Transfer to MDL Pending	Fauquier County, Virginia	Fauquier County v. Purdue Pharma L.P. et al.	CL-19000154-00	W.D. Va.
156	Transfer to MDL Pending	Alleghany County, Virginia	Alleghany County, Virginia v. Purdue Pharma L.P. et al.	7:19-cv-00275	E.D. Va.
157	Transfer to MDL Pending	Fairfax County Board of Supervisors	Fairfax County Board of Supervisors v. Purdue Pharma L.P. et al.	1:19-cv-00544	W.D. Va.
158	Transfer to MDL Pending	Louisa County, Virginia	Louisa County v. Purdue Pharma L.P. et al.	3:19-cv-00027	W.D. Va.
159	Transfer to MDL Pending	Madison County, Virginia	Madison County v. Purdue Pharma L.P. et al.	3:19-cv-00028	W.D. Va.
160	Transfer to MDL Pending	Floyd County, Virginia	Board of County Commissioners of the County of Cibola v. AmerisourceBergen Drug Corp. et al.	7:19-cv-00371	W.D. Va.
161	Transfer to MDL Pending	City of Covington, Virginia	City of Covington v. Purdue Pharam L.P. et al.	7:19-cv-00372	W.D. Va.
162	Transfer to MDL Pending	City of Roanoke, Virginia	City of Roanoke, Virginia v. Purdue Pharma L.P. et al.	7:19-cv-00272	W.D. Va.
163	Transfer to MDL Pending	Board of Supervisors of Prince William County, Virginia	Board of Supervisors, Prince William County v. Purdue Pharma L.P. et al.	1:19-cv-00365 (CL19002560-00)	E.D. Va.

	Action Type	Underlying Plaintiff(s) (Last, First)	Case Name	Case Number	Court or Agency
164	MDL	County of Summit, Summit County Combined General Health District, City of Akron, City of Barberton, Village of Boston Heights, Boston Township, Village of Clinton, Copley Township, Coventry Township, City of Cuyahoga Falls, City of Fairlawn, City of Green, Village of Lakemore, Village of Mogadore, City of Monroe Falls, City of Norton, Village of Peninsula, Village of Richfield, Village of Silver Lake, Springfield Township, City of Stow, City of Tallmadge, Valley Fire District	County of Summit, Ohio et al. v. Purdue Pharma et al.	1:18-op-45090-DAP (5:18-cv-00170; CV-2017-12-5235)	N.H. Oh. (JPML)
165	MDL	County of Cuyahoga	County of Cuyahoga v. Purdue Pharma L.P. et al.	1:17-op-45004-DAP (1:17-cv-02482; (CV-17-888099)	N.H. Oh. (JPML)
166	MDL	City of Cleveland	City of Cleveland v. AmerisourceBergen Drug Corporation et al.	1:18-op-45132	N.H. Oh. (JPML)
167	MDL	Cabell County	Cabell County Commission v. AmerisourceBergen Drug Coproration et al.	1:17-op-45053	N.H. Oh. (JPML)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

In re	Chapter 11
INSYS THERAPEUTICS, INC., *et al.*	Case No. 19-11292 (KG)
Debtors. [1]	Joint Administration Requested
INSYS THERAPEUTICS, INC., *et al.*	Adv. Pro. No. 19-50261 (KG)
Plaintiffs,	
– against –	
STATE OF ARIZONA, *ex. rel.* Mark Brnovich, Attorney General; STATE OF FLORIDA, Office of the Attorney General, Department of Legal Affairs; COMMONWEALTH OF KENTUCKY, *ex rel.* Andy Beshear, Attorney General; STATE OF MARYLAND; STATE OF MINNESOTA, by its Attorney General Lori Swanson, and Minnesota Board of Pharmacy; Gurbir Singh Grewal, Attorney General of New Jersey, on behalf of the STATE OF NEW JERSEY; and Sharon M. Joyce, acting director of the New Jersey State of Consumer Affairs State of New Jersey; STATE OF NEW MEXICO, *ex. rel.*, Hector Balderas, Attorney General; STATE OF NEW YORK; STATE OF NORTH CAROLINA; STATE OF RHODE ISLAND; CITY OF PRESCOTT; STATE OF ARKANSAS, *ex rel.* Scott Ellington *et al.*; CITY OF SANTA ANA, and the People of the State of California, by and through Santa Ana Attorney Sonia R. Carvalho; CITY OF NEW HAVEN; CITIES OF ANSONIA, DANBURY, DERBY, NORWALK; TOWNS OF STRATFORD, BERLIN, MIDDLEBURY, PROSPECT, SEYMOUR, WOLCOTT, BETHLEHEM, NEW MILFORD, ROXBURY, COVENTRY; CITY OF NEW BRITAIN; TOWN OF WALLINGFORD;	

[1] The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, as applicable, are: Insys Therapeutics, Inc. (7886); IC Operations, LLC (9659); Insys Development Company, Inc. (3020); Insys Manufacturing, LLC (0789); Insys Pharma, Inc. (9410); IPSC, LLC (6577); and IPT 355, LLC (0155). The Debtors' mailing address is 1333 South Spectrum Blvd #100, Chandler, Arizona 85286.

CITY OF MIDDLETOWN; TOWN OF WETHERSFIELD; LA SALLE COUNTY; CITY OF MANDERVILLE; CITY OF WORCESTER; CITY OF BOSTON, BOSTON PUBLIC HEALTH COMMISSION, BOSTON HOUSING AUTHORITY; TOWN OF WAKEFIELD; CITY OF FRAMINGHAM; CITY OF SALEM; CITY OF HAVERHILL; CITY OF GLOUCESTER; TOWN OF LYNNFIELD; TOWN OF CANTON; CITY OF SPRINGFIELD; CITY OF CHICOPEE; TOWN OF NATICK; TOWN OF WELLFLEET; CITY OF BALTIMORE; ANNE ARUNDEL COUNTY; CITY OF STERLING HEIGHTS; CHARTER TOWNSHIP OF HARRISON; CITY OF WARREN; COUNTY OF BURLINGTON; CLARK COUNTY; CITY OF RENO; COUNTY OF NASSAU; SUFFOLK COUNTY; CITY OF YONKERS; BOARD OF COUNTY COMMISSIONERS OF CLEVELAND COUNTY; COUNTY OF NORTHUMBERLAND; COUNTY OF ANDERSON; COUNTY OF BAMBERG; COUNTY OF BARNWELL; COUNTY OF COLLETON; COUNTY OF CHEROKEE; COUNTY OF OCONEE; COUNTY OF LEXINGTON; COUNTY OF ALLENDALE; COUNTY OF HAMPTON; COUNTY OF JASPER; COUNTY OF KERSHAW; FAIRFIELD COUNTY; GREENWOOD COUNTY; COUNTY OF LAURENS; COUNTY OF UNION; COUNTY OF YORK; COUNTY OF GREENVILLE; COUNTY OF DORCHESTER; COUNTY OF PICKENS; COUNTY OF SPARTANBURG; COUNTY OF ORANGEBURG; COUNTY OF LEE; COUNTY OF CHESTERFIELD; COUNTY OF BEAUFORT; COUNTY OF WILLIAMSBURG; COUNTY OF EDGEFIELD; COUNTY OF MCCORMICK; COUNTY OF SUMTER; COUNTY OF FLORENCE; COUNTY OF AIKEN; DILLON COUNTY; LANCASTER COUNTY; COUNTY OF MARION; COUNTY OF CALHOUN; COUNTY OF HORRY; ABBEVILLE COUNTY; COUNTY OF SALUDA; COUNTY OF CLARENDON; SHELBY COUNTY; COUNTY OF BEXAR; COUNTY OF BURLESON; COUNTY OF CAMERON; COUNTY OF EL PASO; COUNTY OF

HARRISON; COUNTY OF HIDALGO; COUNTY OF KERR; COUNTY OF LIBERTY; SAN PATRICIO COUNTY; COUNTY OF WALLER; MAVERICK COUNTY; COUNTY OF DUVAL; ROCKWALL COUNTY; ELLIS COUNTY; WEBER COUNTY; UINTAH COUNTY, DUCHESNE COUNTY, DAGGETT COUNTY AND TRI-COUNTY HEALTH DEPARTMENT; WASATCH COUNTY; COUNTY OF SUMMIT; TOOELE COUNTY; CACHE COUNTY AND RICH COUNTY; WASHINGTON COUNTY, KANE COUNTY, BEAVER COUNTY AND GARFIELD COUNTY; THE COUNTY BOARD OF ARLINGTON COUNTY; CITY OF PORTSMOUTH; CITY OF RICHMOND; THE COUNTY COMMISSION OF MASON COUNTY; ROANE COUNTY COMMISSION; CITY OF RIVERTON; COUNTY OF ALAMEDA; CITY OF WESTMINSTER; CITY OF IRVINE; CITY OF COSTA MESA; CITY OF FULLERTON; CITY OF SAN CLEMENTE; COUNTY OF KERN; CITY OF EL MONTE; TOWN OF ENFIELD; CITY OF NORWICH; CITY OF POCATELLO; TOWN OF RANDOLPH; CITY OF CAMBRIDGE; CITY OF ANNAPOLIS; CITY OF ROCHESTER; BELKNAP COUNTY; CITY OF BELMONT; CHESHIRE COUNTY; GRAFTON COUNTY; ROCKINGHAM COUNTY; STRAFFORD COUNTY; SULLIVAN COUNTY; CITY OF CLAREMONT; BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LINCOLN; COUNTY OF CURRY; JOHNSON COUNTY; COUNTY OF WALKER; DINWIDDIE COUNTY; NORTHUMBERLAND COUNTY; CITY OF CHESAPEAKE; ACCOMACK COUNTY; FRANKLIN COUNTY; CITY OF SALEM; CITY OF BRISTOL; ROANOKE COUNTY; CITY OF LEXINGTON; ROCKBRIDGE COUNTY; HALIFAX COUNTY; FAUQUIER COUNTY; ALLEGHANY COUNTY; FAIRFAX COUNTY BOARD OF SUPERVISORS; LOUISA COUNTY; MADISON COUNTY; FLOYD COUNTY; CITY OF COVINGTON; CITY OF ROANOKE; ; BOARD OF SUPERVISORS OF PRINCE WILLIAM COUNTY; COUNTY OF SUMMIT, SUMMIT

COUNTY COMBINED GENERAL HEALTH DISTRICT, CITY OF AKRON, CITY OF BARBERTON, VILLAGE OF BOSTON HEIGHTS, BOSTON TOWNSHIP, VILLAGE OF CLINTON, COPLEY TOWNSHIP, COVENTRY TOWNSHIP, CITY OF CUYAHOGA FALLS, CITY OF FAIRLAWN, CITY OF GREEN, VILLAGE OF LAKEMORE, VILLAGE OF MOGADORE, CITY OF MONROE FALLS, CITY OF NORTON, VILLAGE OF PENINSULA, VILLAGE OF RICHFIELD, VILLAGE OF SILVER LAKE, SPRINGFIELD TOWNSHIP, CITY OF STOW, CITY OF TALLMADGE, VALLEY FIRE DISTRICT; COUNTY OF CUYAHOGA; CITY OF CLEVELAND; CABELL COUNTY

Government Defendants.

DEBTORS' OPENING BRIEF IN SUPPORT OF THEIR MOTION FOR A PRELIMINARY INJUNCTION PURSUANT TO 11 U.S.C. § 105(a)

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Date: June 10, 2019
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Proposed Attorneys for the Debtors and Debtors in Possession

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The Debtors submit this opening brief in support of their motion for a preliminary injunction under 11 U.S.C. § 105(a) (the "**Motion**") to enjoin certain actions during these bankruptcy cases to the extent that the automatic stay may not apply because they are arguably within the "police powers" exception to the automatic stay. The Debtors seek this stay so that all pending litigation will be dealt with evenhandedly and efficiently in accordance with the relief sought in the Motion to Establish Estimation Procedures,[2] filed concurrently herewith. Specifically, by the Motion, the Debtors seek to stay: (i) the eleven[3] actions filed by the States Attorneys General, or other state governmental units charged with public health and safety enforcement ("**State AG Actions**"), against certain of the Debtors; (ii) four active lawsuits filed by numerous counties, cities, towns, and municipalities against certain of the Debtors pending in the multidistrict litigation, *In re National Prescription Opiate Litigation*, Case No. 1:17-md-02804 (MDL No. 2804), U.S. District Court for the Northern District of Ohio ("**MDL**"), and (iii) 152 other lawsuits also filed by numerous counties, cities, towns, and other municipalities that have not been consolidated into the MDL and that are pending in various jurisdictions around the country (collectively, "**Local Government Actions**" and together with the State AG Actions, "**Government Actions,**" all as identified in Appendix A hereto). The Debtors do not, by way of this Motion, seek a stay of any pending actions against them that are not currently active, including the over 750 cases in the MDL that have already been stayed by the MDL court. However, the Debtors reserve their right to move to stay should any additional action or investigation not

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[2] The Motion of Debtors for (I) Entry of Orders Pursuant to 11 U.S.C. § 105(a) and 502(c) (A) Establishing Procedures and Schedule for Estimation Proceedings and (B) Estimating Debtors' Aggregate Liability for Certain Categories of Unliquidated Claims, (II) Entry of Protective Order, and (III) Subordination of Certain Penalty Claims.

[3] There are ten pending actions brought by States Attorneys General, and, in Minnesota, a second action brought as an administrative proceeding by the Minnesota Board of Pharmacy.

included in the Motion become active during the Debtors' chapter 11 cases. In addition, while the Debtors expect that plaintiffs (the named defendants herein, the "**Government Plaintiffs**") will voluntarily halt activity in the Government Actions until the court rules on the Motion, the Debtors also reserve their right to move for any of the relief sought herein, or for any additional relief, by way of a temporary restraining order to the extent necessary to prevent imminent and irreparable harm.

PRELIMINARY STATEMENT

The automatic stay protects debtors from most types of litigation upon filing for bankruptcy. 11 U.S.C. § 362(a)(1). The automatic stay provides the debtors with a necessary "breathing spell" and ensures that all claims against a debtor are handled through the bankruptcy claims process. The Debtors in these cases are the precise type of debtors that would most benefit from such a breathing spell, as they are burdened by approximately 1,000 overlapping actions filed by various private parties and governmental entities against multiple defendants, including the Debtors, in courts across the country. Although these actions primarily seek monetary relief, the Debtors anticipate that the plaintiffs therein, including the Government Plaintiffs, may argue that all such actions are within the so-called "police powers exception" to the automatic stay.[4] *See* 11 U.S.C. § 362(a)(4).

A stay of the Government Actions is essential to realizing the Debtors' primary objective in these bankruptcy cases: maximizing the value of the estates and enabling the equitable and efficient distribution of proceeds to creditors. As detailed in the Debtors' First Day Declaration[5]

[4] For purposes of this Motion, the Debtors do not concede that the Government Actions fall within Section 362(b)(4)'s exception to the automatic stay, but do anticipate that some or all of the plaintiffs in the Government Actions will argue the exception applies.

[5] The Declaration of Andrew G. Long in Support of Debtors' Chapter 11 Petition and First Day Relief filed concurrently herewith.

and Motion to Establish Estimation Procedures, to facilitate that objective, contemporaneous with this filing, the Debtors are moving the Court to approve an estimation proceeding that will include unliquidated litigation claims against the Debtors, of which there are approximately 1,000 pending, including the Government Actions, personal injury actions, and actions by insurance companies, among others.[6] The Debtors are by no means seeking to avoid or minimize the claims of the Government Plaintiffs nor to deny those claimants due process. Rather, the goal of the proposed estimation proceeding is to provide a fair and efficient way of dealing with pending litigation and ensure a fair and proportionate recovery for claimants through an orderly, efficient, and fair process. Allowing certain litigation to proceed in a piecemeal fashion, by contrast, will result in needless costs that will dissipate the assets otherwise available for distribution to the Debtors' many stakeholders.

Permitting the continued prosecution of the Government Actions against the Debtors would impede, hinder, and/or frustrate the Debtors' ability to confirm a chapter 11 plan, while at the same time, also necessarily subject the Debtors to substantial, but ultimately unproductive, defense costs, materially lessening the Debtors' ability to maximize value and the recovery to creditors in the chapter 11 cases, including the Government Plaintiffs. Indeed, absent a stay, the Government Actions necessarily would continue to tax the Debtors' limited time, attention, and financial resources that the Debtors respectfully submit would be better preserved and utilized by dedicating them to the chapter 11 cases and the sales of their multiple products.

In short, as discussed in more detail below, all of the factors to be considered in determining whether a discretionary stay pursuant to 11 U.S.C. § 105(a) should be granted point toward the

[6] The Debtors do not seek to include all litigation filed against Insys in the relief sought through the Motion to Establish Estimation Procedures.

entry of such a stay. The Debtors' estates and all of their stakeholders would be irreparably harmed without a stay, the balance of hardships clearly supports a stay, and the absence of a stay would impede the establishment of mechanisms to address creditors' claims, thus harming the public interest.

STATEMENT OF FACTS

I. THE RELEVANT PARTIES AND EVENTS LEADING TO THIS BANKRUPTCY PROCEEDING

The Debtors are a specialty pharmaceutical company that develops and commercializes certain drugs and novel drug delivery systems for targeted therapies, with the goal of improving patients' quality of life and addressing unmet patient needs. Insys Therapeutics, Inc. ("**Insys**"), which sits at the top of the Debtors' organizational structure, was incorporated in Delaware in June 1990 and maintains its headquarters in Chandler, Arizona. The Debtors' primary operations include research and development (including preclinical and clinical trials and studies), manufacturing, marketing, and sales in support of certain drugs and novel drug delivery systems for targeted therapies. As of the date hereof (the "**Petition Date**"), the Debtors have two commercially marketed products: SUBSYS® ("**Subsys**") and SYNDROS® ("**Syndros**").[7] *See* Declaration of Andrew G. Long[8] ¶¶ 4-5.

Subsys is an opioid pain medication indicated for the management of breakthrough pain in cancer patients 18 years of age and older who are already receiving and who are tolerant to around-the-clock opioid therapy for their underlying persistent cancer pain. Subsys is the first and only medication approved by the U.S. Food and Drug Administration ("**FDA**") for patients with

[7] The Debtors' First Day Declaration contains a discussion of Syndros.

[8] The Declaration of Andrew G. Long in Support of Debtors' Motion for a Preliminary Injunction Pursuant to 11 U.S.C. § 105(a) and Motion for Entry of an Order Pursuant to 11 U.S.C. §§ 105(a) and 502(c) Establishing Procedures and Schedule for Estimation Proceedings ("**Long Declaration**").

breakthrough cancer pain that is offered as a sublingual spray that delivers fentanyl, an opioid agonist for absorption underneath the tongue, which may provide pain relief in as little as five minutes. Subsys was launched as a commercial product in March 2012. Long Declaration ¶¶ 6-7. From its launch through May 7, 2019, approximately 206,741 prescriptions of Subsys were dispensed. *Id.* ¶ 8. Subsys' percentage of total nationwide opioid prescriptions, however, was tiny:

Year	**Percentage of nationwide opioid prescriptions**[9]
2012	0.0021%
2013	0.0112%
2014	0.0213%
2015	0.0283%
2016	0.0194%
2017	0.0098%

In 2015, when Subsys' percentage was at its largest, it was prescribed only approximately 53,000 times, as compared with 187,000,000 opioid prescriptions nationwide.

Since late 2017, Insys, along with numerous other opioid manufactures, distributors, and retailers, has faced an onslaught of litigation claims (the "**Opioid Litigation**") in connection with its marketing and sale of Subsys that have continued to surge with the ongoing and heightened publicity surrounding the national opioid crisis. Most of the allegations against Insys in the Opioid Litigation focus specifically on two things: (1) the "Insys Speaker Program" and (2) the Insys Reimbursement Center, both of which were used, in part, to unlawfully encourage the prescription of, and payment for, Subsys. Through its speaker program, Insys paid healthcare professionals to make presentations to doctors regarding Subsys, including uses and dosage levels, and to otherwise

[9] Calculated using prescription data available to Debtors through the Symphony Health Pharmaceutical Audit Suite (PHAST™).

promote the product. In some circumstances, there were no appropriate attendees and/or no presentation was actually given. Insys terminated the speaker program for Subsys in early 2018 and has no plan to reinstate any program that involves compensating outside "speakers" in relation to Subsys. *Id.* ¶¶ 9-11.

Many plaintiffs in the Opioid Litigation allege that Insys also created a "prior authorization unit" called the Insys Reimbursement Center (and later called the Patient Services Center or Patient Services Hub) through which, under the direction of former employees, it allegedly employed a number of misleading tactics to secure authorization from insurers for certain Subsys prescriptions. Insys ceased performing prior authorizations in-house by the beginning of 2017. Insys does not currently have, and has no plan to reinstate, any program that involves its personnel making direct contact with insurance companies for the purpose of securing prior authorizations for Subsys prescriptions. *Id.* ¶ 12.

In light of these long-terminated practices and the recent criminal convictions of a number of former officers and employees of Insys, Insys has changed its management and the vast majority of its employees, to reset Insys on an entirely lawful approach to the marketing of its products. The CEO, General Counsel, and the heads of Commercial, Human Resources, and Clinical Development are all new to the company since July 2017, along with nearly all of the independent directors on the Board. In addition, most of the management team and the commercial organization, which includes Insys's sales force, is new to the company since 2015. *Id.* ¶ 14.

Insys is fully committed to ensuring that its promotion of Subsys does not include any written or oral claims that are false, misleading, or deceptive or that violate federal or state laws. Insys trains all sales representatives to promote Subsys consistent with its FDA-approved label, including with respect to titration and detailing on side effects for each patient, and to not promote

Subsys for off-label use. In addition, Insys's sales force is prohibited from promoting Subsys to a prescriber unless that prescriber (a) has all state and federal licenses required to prescribe Subsys, and (b) is enrolled in the TIRF REMS[10] program, or is an oncologist. Before promoting Subsys to non-oncologist members of the TIRF REMS program, the sales representative also must inquire whether the prescriber treats, or has a reasonable belief that the prescriber is likely to treat, patients for cancer pain. If the prescriber does not treat patients for cancer pain or Insys does not have a reasonable belief that the prescriber is likely to treat patients for cancer pain, the sales representative is strictly prohibited from promoting Subsys to that prescriber. *Id.* ¶¶ 15-16.

There are other mechanisms in place to ensure that the Debtors' continued marketing practices are compliant. Specifically, on June 5, 2019, Insys entered into a Corporate Integrity Agreement and Conditional Exclusion Release ("**CIA**") with the Office of Inspector General of the United States Department of Health and Human Services under which Insys has agreed to establish and maintain, for a period of five years, an extensive program intended to promote compliance with the statutes, regulations, and written directives of Medicare, Medicaid, and all other Federal health care programs and with the statutes, regulations, and written directives of the FDA. For example, the compliance program mandated under the CIA includes the appointment of a compliance officer and compliance committee, board compliance obligations, the establishment of written standards, and training and education requirements, among other elements. Among other conduct, Insys has agreed under the CIA to cease all payments to prescribers and non-Insys employee physicians for participating in any speaker programs and related activities in connection with any Insys product. *Id.* ¶ 17.

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[10] The Transmucosal Immediate Release Fentanyl (TIRF) Risk Evaluation and Mitigation Strategy (REMS) program is an FDA-required program designed to ensure informed risk-benefit decisions before initiating treatment, and while patients are being treated, to ensure appropriate use of TIRF medications.

Additionally, the Debtors do not anticipate continuing to own or promote Subsys for a prolonged period. Under the CIA, Insys has agreed to stop all marketing and promotion of Subsys upon the earlier of a sale or 90 days from the effective date of the CIA. Therefore, the Debtors expect that all activity related to the sale and marketing of Subsys will necessarily cease by mid-September, 2019. *Id.* ¶ 18. As discussed in detail in the Debtors' First Day Declaration, to implement their chapter 11 strategy in an optimal manner, the Debtors intend to file a global bidding procedures and sale motion related to Subsys and the Debtors' other products to permit a flexible and expeditious postpetition sale process.

II. THE RELEVANT ACTIONS[11]

A. The State AG Actions

Insys is a defendant in legal proceedings commenced in connection with investigations conducted by the Offices of the Attorneys General, or other state governmental units charged with public health and safety enforcement, in the following states ("***States***"): Arizona, Florida, Kentucky, Maryland, Minnesota, New Jersey, New Mexico, New York, North Carolina, and Rhode Island. All of the States essentially allege that Insys employed fraudulent, illegal, and misleading marketing schemes to promote Subsys in the applicable state. The States generally assert causes of action related to deceptive acts and practices, including for violations of various consumer protection laws, fraud, negligent misrepresentation, commercial bribery, unjust enrichment, and, in some instances, public nuisance, and seek relief in the form of restitution, disgorgement, treble damages, civil penalties, and investigative and other costs. While certain of the States also seek injunctive relief, to the extent that the States seek to enjoin specific actions, as discussed above, the alleged conduct at the core of the allegations has already ceased; Insys is

[11] *See* Appendix A.

committed to an entirely lawful approach to the marketing of its products, such marketing will cease entirely by mid-September under Insys's CIA with the U.S. federal government, and Insys is likely to sell Subsys in the near term. *Id.* ¶¶ 13-18.

The State AG Actions are in various stages of motion practice and discovery. Two of the State AG Actions—brought by the states of Maryland and Minnesota—have administrative trials set to begin in August and September, 2019, respectively. As a result, significant activity is taking place in both cases and is expected to increase in the near term as these hearings approach. *Id.* ¶¶ 31, 34.

B. The Local Government Actions

Insys, along with numerous other opioid manufacturers, distributors, retailers, and prescribers, has been named in approximately 1,000 complaints brought by various cities, counties, states, and Native American tribes in state and federal courts throughout the country. Plaintiffs in these actions allege that Insys and other, vastly larger, manufacturers and distributors of prescription opioids grossly misrepresented the risks of long-term use of those drugs, which contributed to the current opioid crisis.

Whereas Insys entered the prescription opioid market in 2012, and reached a peak in 2015 of less than 0.03% of nationwide opioid prescriptions, many of the allegations directed at other, larger manufacturer defendants relate to a "push to expand prescription opioid use [that] began in the late 1990s," which allegedly involved specific categories of misrepresentations (e.g., the risk of addiction from chronic opioid therapy is low; opioid withdrawal can be avoided by tapering) intended to mislead physicians, patients, and the public at large about the risks and benefits of opioids. *See, e.g.,* Third Amended Complaint and Jury Demand, *The County of Summit, Ohio, et al. v. Purdue Pharma, L.P., et al.*, Case No. 17-md-2804 (MDL No. 2804) (N. D. Ohio March 21,

2019) [Docket No. 1466] ¶¶4, 172-173. Plaintiffs' claims against Insys are generally for public nuisance, negligence, consumer and/or common law fraud, and some complaints also lump Insys in with the other defendants for RICO violations and civil conspiracy.

The majority of Local Government Actions have been consolidated into the MDL. Nearly all of the cases in the MDL are currently stayed while a few cases have been selected to proceed.[12] Specifically, the MDL Court has ordered two litigation tracks of five total cases for accelerated discovery, motion practice, and trials, the first of which is scheduled to begin on October 21, 2019. Case Management Order No. 8 [Docket No. 1306], *In re National Prescription Opiate Litigation*, No. 1:17-md-2804 (Jan. 29, 2019). Track One is comprised of three cases brought by plaintiff municipalities located in the Northern District of Ohio, two of which are consolidated and scheduled for trial. Insys is named in those cases along with approximately 23 Defendant Families.[13] Track 2 includes claims of Cabell County Commission, West Virginia and City of Huntington, West Virginia.[14] Order [Docket No. 1218], *In re National Prescription Opiate Litigation*, No. 1:17-md-2804 (Dec. 31, 2018).

In addition, approximately 260 Local Government Actions against Insys that have not been transferred to the MDL[15] are pending in state and federal courts throughout the country. The Debtors have limited this Motion to 152 of those cases that are currently active. The majority of

[12] As noted above, for purposes of this Motion, the Debtors do not seek a stay of the Local Government Actions that are currently stayed within the MDL, but reserve the right to seek to enjoin any of those actions should they become active during the pendency of these chapter 11 cases.

[13] "Defendant Families" are groups of related corporate entity defendants.

[14] Debtors have not, as of the filing of the Motion, been named as a defendant in the Track Two MDL case brought by the City of Huntington, West Virginia and therefore do not seek to stay that action.

[15] Including approximately 50 cases for which an application has been made to transfer the action to the MDL.

these cases are concentrated in state courts in Arizona, Connecticut, Massachusetts, New York, Oklahoma, Pennsylvania, South Carolina, and Texas. These cases are in various stages of motion practice and discovery.

ARGUMENT

I. THIS COURT SHOULD ENJOIN THE GOVERNMENT ACTIONS UNDER SECTION 105 OF THE BANKRUPTCY CODE.

Section 105(a) of the Bankruptcy Code authorizes this Court to "issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title." 11 U.S.C. § 105(a). This Court has broad, equitable powers under section 105(a) to "assure the orderly conduct of the reorganization proceedings." *Garrity v. Leffler (In re Neuman*), 71 B.R. 567, 571 (S.D.N.Y. 1987) (citing *In re Baldwin-United Corp. Litig.*, 765 F.2d 343, 348 (2d Cir. 1985)). For the reasons discussed below, this Court should exercise its discretion to enjoin the Government Actions under section 105(a) of the Bankruptcy Code to allow the Debtors to focus on their primary objective: maximizing value for stakeholders.[16]

A. Section 105(a) of the Bankruptcy Code Grants This Court Authority to Enjoin the Government Actions.

It is well-settled that section 105 of the Bankruptcy Code may be used to enjoin governmental civil actions against a debtor, even where the suit might otherwise be permitted to continue under one of section 362(b)'s exceptions to the automatic stay. *See Penn Terra Ltd. v. Dep't of Envtl. Res., Commonwealth. of Pa,* 733 F.2d 267, 273 (3d Cir. 1984) (holding, with respect to action by state's Department of Environmental Resources to enforce environmental clean-up order against debtor, that bankruptcy court "in its discretion, may issue an appropriate

[16] Pursuant to Rule 7065 of the Federal Rules of Bankruptcy Procedure, this Court has the equitable power to issue preliminary injunctions in accordance with the traditional standards for preliminary injunctive relief.

injunction, even if the automatic stay is not operative"); *see also In re Sec. Gas & Oil, Inc.*, 70 B.R. 786, 793 (Bankr. N.D. Cal. 1987) ("[i]ssuance of an injunction under Section 105 is appropriate where the threatened state activity would unduly interfere with the proper functioning of the Bankruptcy Code"); Transcript of Hearing (Oral Ruling), *TK Holdings, Inc. v. Hawaii (In re TK Holdings, Inc.)*, Case No. 17-11375 (BLS), Adv. Pro. No. 17-50880 (BLS) (Bankr. D. Del. Aug. 16, 2017), at 5:11-17 (granting preliminary injunction staying consumer protection actions brought by states attorneys general against debtors for ninety days).

The legislative history of section 362 addresses the relationship between that provision and section 105, explicitly recognizing that "acts not covered by the automatic stay are not beyond regulation by the bankruptcy court." *In re Sec. Gas & Oil, Inc.*, 70 B.R. at 792-93 (citing S. Rep. No. 989, 95th Cong., 2d Ses. 51 ("[Section 362(b)] lists seven exceptions to the automatic stay. *The effect of an exception is not to make the action immune from injunction*." (emphasis added))). With respect to a bankruptcy court's broad discretion, Congress observed:

> The court has ample other powers to stay actions not covered by the automatic stay . . . . The district court and the bankruptcy court as its adjunct have all the traditional injunctive powers of a court of equity. Stays or injunctions issued under these other Sections will not be automatic upon commencement of the case, but will be granted or issued under the usual rules for the issuance of injunctions. By excepting an act or action from the automatic stay, the bill simply requires that the trustee move the court into action, rather than requiring the stayed party to request relief from the stay. There are some actions, enumerated in the exceptions, that generally should not be stayed automatically upon commencement of the case, for reasons of either policy or practicality. Thus, *the court will have to determine whether a particular action which may be harming the estate should be stayed*.

S.Rep. No. 989, 95th Cong., 2d Ses. 51, *reprinted in* 1978 U.S. Code Cong. & Ad.News 5787, 5837 (emphasis added). Accordingly, courts have interpreted section 105 to authorize the bankruptcy court to enjoin actions brought by governmental entities where such actions interfere with, or impede upon, a debtor's reorganization or pose a threat to the debtor's estate. *See N.L.R.B.*

v. Superior Forwarding, Inc., 762 F.2d 695, 699 (8th Cir. 1985) ("It is of particular importance that bankruptcy courts be able to determine factually, on a case by case basis, whether regulatory proceedings will threaten the assets of the estate because otherwise the court's power to preserve the estate over which it presides is illusory . . . ."); *see also Penn Terra Ltd.*, 733 F.2d at 274 ("[L]ittle harm is done to congressional purpose in allowing some latitude in favor of State regulatory powers when interpreting § 362(b), since if, in a particular case, that latitude results in an impermissible dilution of federal bankruptcy policy, then the bankruptcy court may always issue an injunction tailored to fit those circumstances.").

B. The Preliminary Injunction Factors Weigh In Favor of Enjoining The Government Actions Against The Debtors.

In the bankruptcy context, courts utilize a somewhat modified version of the traditional four-factor test for obtaining injunctive relief. *See W.R. Grace & Co. v. Chakarian* (*In re W.R. Grace & Co.*), 386 B.R. 17, 33 (Bankr. D. Del. 2008) ("[A] bankruptcy court must consider whether the debtor has a reasonable likelihood of a successful reorganization.") (quoting *In re Excel Innovations, Inc.*, 502 F.3d 1086, 1096 (9th Cir. 2007)). Under this test, courts balance the debtor's reasonable likelihood of a successful reorganization; the imminent risk of irreparable harm to the debtor's estate in the absence of an injunction; the balance of harms between the debtor and its creditors; and the public interest in the grant or denial of an injunction. *See In re Lyondell Chem. Co.*, 402 B.R. 571, 588–89 (Bankr. S.D.N.Y. 2009); *see also Kos Pharm., Inc. v. Andrx Corp.,* 369 F.3d 700, 708 (3d Cir. 2004); *Video Pipeline, Inc. v. Buena Vista Home Entm't, Inc.,* 342 F.3d 191, 196 (3d Cir. 2003). As the Sixth Circuit observed, these considerations are "to be balanced" and are not "meant to be rigid and unbending requirements." *In re Eagle-Picher Indus., Inc.*, 963 F.2d 855, 859 (6th Cir. 1992). For the reasons stated below, this Court should enjoin the Government Actions against the Debtors.

1. The Debtors are Likely to Promote a Successful Plan of Reorganization.

In bankruptcy cases, likelihood of success equates to the probability of a successful plan of reorganization. *See e.g., Lane v. Phila. Newspapers, LLC (In re Phila. Newspapers, LLC)*, 423 B.R. 98, 106 (E.D. Pa. 2010). Here, the Debtors' prospects for successful chapter 11 cases weigh in favor of the requested preliminary injunction. *See, e.g.*, *In re W.R. Grace & Co.*, 386 B.R. at 33 (likelihood of successful reorganization where no party suggested that reorganization was unlikely). As described in more detail in the First Day Declaration, the Debtors are working with professionals to find the most effective ways to monetize their various assets. Such value-maximizing transactions may come in the form of section 363 sales, but the Debtors are also open to other types of transactions that will allow them to maximize value for all of their stakeholders. The Debtors are taking advantage of chapter 11, the "reorganization" chapter of the Bankruptcy Code, to deal with their liabilities, and in their case, the chapter 11 plan may be a chapter 11 plan of liquidation, an appropriate and common sense use of chapter 11.

Moreover, if approved, the Debtors' requested estimation procedures will significantly increase the chances of successful chapter 11 cases. As discussed in the Debtors' Motion to Establish Estimation Procedures, it would be difficult to formulate a confirmable plan with over 1,000 unliquidated claims. Given the volume of claims, litigating each of them would unduly delay administration of the Debtors' estates, potentially by years, if it were necessary to reduce all of them to final judgment. And, allowing certain claims to proceed with litigation piecemeal would be equally problematic, as it would run the risk of benefiting certain creditors over others while still resulting in delay and waste of resources. To maximize the likelihood of successful chapter 11 cases, the Debtors are requesting that the Court estimate particular categories of claims for purposes of allocation of plan consideration and setting plan distribution reserves. The Debtors may also seek to estimate particular claims for allowance purposes. Utilizing these estimation tools to take control over the large universe of litigation claims against the Debtors will very likely result in a successful chapter 11 plan.

2. The Debtors Would Be Irreparably Harmed if the Government Actions Are Allowed to Proceed.

The relief requested is necessary to prevent imminent, irreparable harm to the Debtors' estates and, in turn, irreparable harm to creditors, including the Government Plaintiffs. A reprieve from protracted, costly litigation is the only way to conserve the Debtors' limited resources and allow them to focus on maximizing value through an asset sale process and an estimation procedure aimed at expeditious and fair apportionment among stakeholders. It is imperative for the Debtors and their advisors to be afforded the ability to focus on these essential bankruptcy processes without the competing drain on their time and attention caused by the Government Actions.

A substantial diversion of resources to litigation costs could only lessen the recovery by creditors under the chapter 11 plan, a factor courts have repeatedly held weighs in favor of a stay. *See Superior Forwarding, Inc*., 762 F.2d at 699 (finding that, based upon a fact specific analysis, "the time and effort of management, as well as the expense required in defending against [regulatory proceedings], threatened the assets of the debtor's estate"); *see also Sec. & Exch. Comm'n v. First Fin. Grp. of Tex.*, 645 F.2d 429, 440 (5th Cir. 1981) ("To the extent that the exercise of this jurisdiction threatens the assets of the debtor's estate, the bankruptcy court may issue a stay of those proceedings."). As the Eight Circuit observed in *Superior Forwarding, Inc.*:

> It is of particular importance that bankruptcy courts be able to determine factually, on a case by case basis, whether regulatory proceedings will threaten the assets of the estate because otherwise the court's power to preserve the estate over which it presides is illusory: the costs incurred in defending against charges may deplete the estate.

762 F.2d at 699.

The same is true here. Allowing the Government Actions to proceed would disrupt the Debtors' efforts to maximize the value of their estates, including through an estimation process, and fairly and efficiently distribute proceeds to creditors, thus ultimately harming all stakeholders. Moreover, the irreparable harm that Debtors face here is not speculative, remote, or theoretical. *See In re FiberTower Network Servs. Corp.*, 482 B.R. 169, 182–90 (Bankr. N.D. Tex. 2012). The costs of defending the Government Actions, including, but not limited to, attorneys' fees and costs related to discovery, trial preparation, and trial, would obviously diminish the Debtors' financial resources. The Debtors anticipate that, absent a stay, they would spend approximately $8,500,000 to $9,000,000 in defending these and other government actions from June through December, 2019, but given the inherent uncertainty of litigation, the cost could be even higher. With the stay, the Debtors anticipate a significant savings of $1,000,000 to $1,500,000 per month. Long Declaration ¶ 25. As of the Petition Date, the Debtors have under $40,000,000 in cash on hand. The Debtors are, and will continue, losing money. The Debtors are hopeful that the upfront portion of the bids they receive by the end of July, 2019 will provide sufficient liquidity to get through these chapter 11 cases and make a distribution to creditors. However, until the results of the sale process, which is expected to conclude by the end of August, 2019, are known, preserving liquidity is particularly important. In light of these facts, the Debtors believe that the continued prosecution of the Government Actions would have a material impact on the Debtors' liquidity. *Id.* ¶¶ 26-27.

Allowing the Government Actions to proceed would diminish the Debtors' resources – real dollars that would otherwise be available to creditors – with no discernable benefit. In addition to depleting the available assets, allowing a portion of the claims against the Debtors to proceed in litigation would likely result in significant delay should any stakeholder seek to wait until the litigation claims are liquidated to complete the estimation of the remaining claims. Moreover, absent a stay, the Debtors' efforts to confirm a chapter 11 plan will be hampered by their direct participation in the Government Actions. The Debtors' leadership would be forced to prepare for and attend hearings and trials, assist in preparing discovery responses, devote time preparing for and participating in depositions, and help analyze and develop the Debtors' legal defenses. This would distract the Debtors' employees from, among other things, maximizing the value of the Debtors' estates by negotiating and executing sales of assets during this critical stage. In sum, if permitted to continue in litigation, the Government Actions will endanger the Debtors' estates and efforts to confirm a plan in these chapter 11 cases to the detriment of all creditors.

3. The Balance of Harms Weighs Heavily in Favor of Granting Injunctive Relief.

The balance of harms tips decidedly in favor of a stay. The relief requested will neither injure nor prejudice the Government Plaintiffs. Although the State and Local Governments may claim that they must proceed to prevent injury to their residents, or to obtain restitution payments for past harms, neither is true in this case. Rather, the effect on the Government Plaintiffs in having the Government Actions enjoined as to Insys is minimal. The Government Plaintiffs primarily seek to recover money damages, both actual and those in the nature of punitive relief, including civil penalties. The liquidation of the Government Plaintiffs' claims through continued litigation would unduly delay the administration of the case without altering the fact that these plaintiffs are entitled to only a ratable share of the assets available to unsecured creditors and a portion of the damages they seek are potentially subordinated. *See, e.g., Owens Corning v. Credit Suisse First Boston*, 322 B.R. 719, 724 (D. Del. 2005) ("[I]f subordination of punitive damage claims is mandated in Chapter 7 liquidations, it seems entirely appropriate to subordinate such claims in the Chapter 11 setting.")

To the extent the Government Plaintiffs are also seeking injunctive relief, such relief is of exceedingly limited, if any, utility given that the criticized core conduct has already ceased, the

Debtors' management has entirely turned over since the days of that conduct, new management has committed the Debtors to engaging only in marketing practices that strictly comply with federal and state laws and regulations. Long Declaration ¶¶ 13-18. In fact, as discussed above, through Insys's CIA with the U.S. federal government, there are specific mechanisms in place to ensure that the Debtors' continued marketing practices are compliant. In addition, the Debtors are seeking to sell substantially all of the assets related to Subsys, at which time the Debtors will cease all activity related to the sale and marketing of Subsys, and all such practices will necessarily cease by mid-September under the CIA. *Id.* ¶ 18. Accordingly, the claims for injunctive relief are effectively, if not literally, moot.

Importantly, granting a stay of the Government Actions as to Insys will not preclude the Government Plaintiffs from continuing to prosecute their claims against numerous other, far larger, defendants in the Opioid Litigation. *See* p. 9, *supra*. By staying the Government Actions against the Debtors, nothing prevents the Government Plaintiffs from effectively severing Insys and addressing their claims against Insys in the chapter 11 cases, while continuing to prosecute the MDL and other lawsuits against the other defendants.

Thus, the Debtors respectfully submit that staying the prosecution of the Government Actions against Insys would cause minimal, if any, harm to the Government Plaintiffs, and that any such harm is clearly outweighed by the benefits that would follow from preserving the estate's assets for a ratable distribution to all stakeholders.

4. Granting the Requested Injunctive Relief Will Be In the Public Interest.

The public interest weighs heavily in favor of granting the requested relief. As the Third Circuit found in *Penn Terra*, "in some individual situations, the exercise of State power, even for the protection of the public health and safety, may run so contrary to the policy of the Bankruptcy

Code that it should not be permitted." 733 F.2d at 273. In such instances, the bankruptcy court has the discretion to issue an injunction. *See id*. This is such an instance.

Courts have held that "timely resolution of the bankruptcy estate" is in the public interest. *In re W.R. Grace & Co*., 412 B.R. 657, 666 (D. Del. 2009); *see also In re Am. Film Techs., Inc.*, 175 B.R. 847, 849 (Bankr. D. Del. 1994) ("It is 'one of the paramount interests' of this court to assist the Debtor in its reorganization efforts."); *Rickel Home Centers, Inc. v. Baffa (In re Rickel Home Centers, Inc.)*, 199 B.R. 498, 501 (Bankr. D. Del. 1996) ("[T]here is a strong public interest in promoting a successful Chapter 11 reorganization."). As explained above, the Government Actions will needlessly retard the Debtors' reorganization, thereby delaying the establishment of mechanisms to address creditors' claims, and thus *harming* the public interest. *See id*. ("Actions that needlessly delay a fair settlement agreement deprive claimants of their proceeds while preventing the debtor from completing its reorganization."). One way to think about it is by using precious estate resources to litigate certain creditors' claims, other creditors are necessarily harmed.

Courts have also held that the interest in pursuing a successful chapter 11 plan may prevail over a claimant's right to immediate adjudication of its claims. *See In re Phila. Newspapers, LLC*, 407 B.R. 606, 617 (E.D. Pa. 2010). In other words, courts have found that "[b]ased on the irreparable harm to the Debtors that could ensue in the absence of injunctive relief, '[a]n injunction is proper to prevent the threatened extinction of a business.'" *In re Broadstripe, LLC*, 402 B.R. 646, 659 (Bankr. D. Del. 2009) ("In the face of the potential for significant injury to the Debtors' business value and reorganization efforts and the potential loss of service to [the Debtors'] customers, the public interest favors granting the requested injunctive relief to enable the Debtors to attempt to reorganize in Chapter 11.") (citing *Engine Specialties, Inc. v. Bombardier Ltd.*, 454 F.2d 527 (1st Cir. 1972)).

In this case, the public interest would be served through an order enjoining the Government Actions to ensure that the Debtors are able to maximize value through the sale of their assets and, by way of an estimation process, to facilitate the fair and efficient distribution of the proceeds to creditors. If a subset of litigation against the Debtors is allowed to proceed outside of the bankruptcy, the benefits of an orderly, equitable, and efficient universal estimation procedure could well be lost. The Debtors' assets would continue to be swallowed up by attorneys' fees and other litigation costs, and the race to the courthouse might result in inequitable recoveries for similarly situated creditors – or, worse, no recoveries at all for anyone. *See* Transcript of Hearing (Oral Ruling), *TK Holdings, Inc. v. Hawaii (In re TK Holdings, Inc.)*, Case No. 17-11375 (BLS), Adv. Pro. No. 17-50880 (BLS) (Bankr. D. Del. Aug. 16, 2017) at 24: 4-10 ("[T]he state actions represent the proverbial race to the courthouse…And any relief obtained by those entities in the state actions will necessarily be to the detriment of the citizens of other states."). The population of creditors, which is largely made up of government claimants, will be best served if all litigation is stayed and their claims estimated through a fair and efficient process. In sum, enjoining the Government Actions would *protect*, not harm, the public interest.

CONCLUSION

For the above reasons, the Debtors respectfully request that this Court preliminarily enjoin the continued prosecution of the Government Actions.

Dated: June 10, 2019
Wilmington, Delaware

/s/ Paul N. Heath
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Appendix A

	Action Type	Underlying Plaintiff(s) (Last, First)	Case Name	Case Number	Court or Agency
	State AG				
1	State	State of Arizona, ex rel. Mark Brnovich, Attorney General	State of Arizona et al. v. Insys Therapeutics Inc. et al.	CV2017-012008	Arizona (Maricopa County Superior Court)
2	State	State of Florida, Office of the Attorney General, Department of Legal Affairs	State of Florida v. Purdue Pharma L.P. et al.	2018-CA-001438	Florida (Circuit Court of the Sixth Judicial Circuit, Pasco County, West Pasco Division New Port Richey)
3	State	Commonwealth of Kentucky, ex rel., Andy Beshear, Attorney General	State of Kentucky v. Insys Therapeutics Inc. et al.	18-CI-01845	Kentucky (Hardin County Circuit Court)
4	State	State of Maryland	State of Maryland v. Insys Therapeutics, Inc.	18-028-300480	Consumer Protection Division of the Office of the Attorney General (Office of Adminsitrative Hearings)
5	State	State of Minnesota, by its Attorney General Lori Swanson, and Minnesota Board of Pharmacy	State of Minnesota et al. v. Insys Therapeutics, Inc.	27-CV-17-9081	Minnesota (District Court for the County of Hennepin, Fourth Judicial District)
6	State	Minnesota Board of Pharmacy	In the Matter of Insys Therapeutics, Inc.	No. 84-0906-35288	Minnesota (Office of Administrative Hearings)
7	State	Gurbir S. Grewal, Attorney General of New Jersey, on behalf of the State of New Jersey, and Sharon M. Joyce, acting director of the New Jersey State of Consumer Affairs	Gurbir S. Grewal, Attorney General of New Jersey, on behalf of the State of New Jersey v. Insys Therapeutics, Inc.	C 000001 - 18	New Jersey (Superior Court, Chancery Division, Middlesex Vicinage)
8	State	State of New Mexico (Balderas)	State of New Mexico, ex. rel., Hector Balderas, Attorney General. v. Purdue Pharma L.P. et al.	1:18cv386 (D-101-CV-2017-02541)	D.N.M.
9	State	State of New York	People of the State of New York v. Insys Therapeutics, Inc.	450166/2018	New York (Supreme Court of New York County)
10	State	State of North Carolina	State of North Carolina v. Insys Therapeutics, Inc.	17cv015532	North Carolina (General Court of Justice Superior Court Division)
11	State	State of Rhode Island	State of Rhode Island v. Purdue Pharma L.P. et al.	PC-18-4555	Rhode Island (Superior Court)
	Local Government				
12	Non-MDL	City of Prescott	City of Prescott v. Allergan PLC et al.	3:19-cv-08165	D. Ariz.
13	Non-MDL	State of Arkansas, ex rel. Scott Ellington et al.	State of Arkansas, ex rel. Scott Ellington et al. v. Insys Therapeutics Inc. et al.	CV-2018-268	Arkansas (Circuit Court of Crittenden County)
14	Non-MDL	City of Santa Ana; and the People of the State of California, by and through Santa Ana Attorney Sonia R. Carvalho	City of Santa Ana; and the People of the State of California, by and through Santa Ana Attorney Sonia R. Carvalho v. Purdue Pharma L.P., et al.	CGC-19-574872	California (San Francisco County Superior Court)
15	Non-MDL	City of New Haven	City of New Haven v. Purdue Pharma L.P. et al.	HHD-CV17-6086134-S (NNH-CV17-6074956)	Connecticut (Superior Court, Judicial District of Hartford)
16	Non-MDL	City of New London	City of New London v. Purdue Pharma L.P. et al.	HHD-CV-18-6094421-S	Connecticut (Superior Court, Judicial District of New London)
17	Non-MDL	Cities of Ansonia, Danbury, Derby, Norwalk	City of Ansonia et al. v. Purdue Pharma L.P. et al.	HHD-CV-18-6098036-S (AAN-CV18-6028560-S)	Connecticut (Superior Court, Judicial District of Hartford)
18	Non-MDL	Towns of Stratford, Berlin, Middlebury, Prospect, Seymour, Wolcott, Bethlehem, New Milford, Roxbury, Coventry	Town of Stratford et al. v. Purdue Pharma L.P. et al.	HHD-CV18-6099290	Connecticut (Superior Court, Judicial District of Hartford)
19	Non-MDL	City of New Britain	City of New Britain v. Purdue Pharma L.P. et al.	HHD-CV18-6087132-S (HHB-CV18-6041154-S)	Connecticut (Superior Court, Judicial District of Hartford)
20	Non-MDL	Town of Wallingford	Town of Wallingford v. Purdue Pharma L.P. et al.	HHD-CV18-6094422-S	Connecticut (Superior Court, Judicial District of Hartford)
21	Non-MDL	City of Middletown	City of Middletown v. Purdue Pharma L.P. et al.	MMX-CV-19-6024949-S	Connecticut (Superior Court, Judicial District of Middlesex)
22	Non-MDL	Town of Wethersfield	Town of Wethersfield v. Purdue Pharma L.P. et al.	Pending	Connecticut (Superior Court, Judicial District of Hartford)
23	Non-MDL	La Salle County, Illinois	People of the State of Illinois v. Purdue Pharma, L.P. et al.	2019-L-000052	Illinois (La Salle County Circuit Court)
24	Non-MDL	City of Manderville	City of Mandeville v. Purdue Pharma L.P. et al.	2019-12787	Louisana (St. Tammany Parish District Court)

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25	Non-MDL	City of Worcester	City of Worcester v. Purdue Pharma L.P. et al.	4:18-cv-11958 (1885CV01160)	D. Mass.
26	Non-MDL	City of Boston, Boston Public Health Commission, Boston Housing Authority	City of Boston et al. v. Purdue Pharma L.P. et al.	1:18-cv-12174 (1884CV02860)	D. Mass.
27	Non-MDL	Town of Wakefield	Town of Wakefield v. Insys Therapeutics Inc. et al.	1984CV01499-BLS2	Massachusetts (Business Litigation Session in Suffolk Superior Court)
28	Non-MDL	City of Framingham	City of Framingham v. Insys Therapeutics Inc. et al.	1984CV01487-BLS2 (1881CV03483)	Massachusetts (Business Litigation Session in Suffolk Superior Court)
29	Non-MDL	City of Salem	City of Salem v. Purdue Pharma L.P. et al.	1877cv01767	Massachusetts (Essex County Superior Court)
30	Non-MDL	City of Haverhill	City of Haverhill v. Purdue Pharma L.P. et al.	1984-CV-01311-BLS2	Massachusetts (Business Litigation Session in Suffolk Superior Court)
31	Non-MDL	City of Gloucester	City of Gloucester v. Purdue Pharma L.P. et al.	1984-CV-01351-BLS2	Massachusetts (Business Litigation Session in Suffolk Superior Court)
32	Non-MDL	Town of Lynnfield	Town of Lynnfield v. Purdue Pharma L.P. et al.	1984-CV-01330-BLS2	Massachusetts (Business Litigation Session in Suffolk Superior Court)
33	Non-MDL	Town of Canton	Town of Canton v. Purdue Pharma L.P. et al.	1984CV01615-BLS2	Massachusetts (Business Litigation Session in Suffolk Superior Court)
34	Non-MDL	City of Springfield	City of Springfield v. Purdue Pharma L.P. et al.	1879-CV-00938	Massachusetts (Hampden County Superior Court)
35	Non-MDL	City of Chicopee	City of Chicopee v. Purdue Pharma L.P. et al.	1979-CV-00074	Massachusetts (Hampden County Superior Court)
36	Non-MDL	Town of Natick	Town of Natick v. Purdue Pharma L.P. et al.	1981-CV-00646	Massachusetts (Middlesex County Superior Court)
37	Non-MDL	Town of Wellfleet	Town of Wellfleet v. AmerisourceBergen Drug Corp. et al.	1:19-cv-11206	D. Mass.
38	Non-MDL	City of Baltimore	Mayor & City Council of Baltimore v. Purdue Pharma L.P. et al.	24-C-18-000515	Maryland (Baltimore City Circuit Court)
39	Non-MDL	Anne Arundel County	Anne Arundel County, Maryland v. Purdue Pharma L.P. et al.	1:18cv519 (C02CV18000021)	D. Md.
40	Non-MDL	City of Sterling Heights	City of Sterling Heights v. Pain Center USA, PLLC et al.	19-001563-CZ	Michigan (Macomb County Circuit Court)
41	Non-MDL	Charter Township of Harrison	Charter Township of Harrison v. Pain Center USA, PLLC et al.	19-001562-CZ	Michigan (Macomb County Circuit Court)
42	Non-MDL	City of Warren	City of Warren v. Pain Center USA, PLLC et al.	19-001561-CZ	Michigan (Macomb County Circuit Court)
43	Non-MDL	County of Burlington, New Jersey	County of Burlington, New Jersey v. Purdue Pharma L.P. et al.	BUR-L-000952-19	New Jersey (Burlington County Superior Court, Law Division)
44	Non-MDL	Clark County	Clark County v. Purdue Pharma L.P. et al.	A-17-765828-C	Nevada (Clark County District Court)
45	Non-MDL	City of Reno	City of Reno v. McKesson Corporation et al.	CV18-01895	Nevada (Second Judicial District Court, County of Washoe)
46	Non-MDL	County of Nassau	County of Nassau v. Purdue Pharma L.P. et al.	400008/2017	New York (County of Suffolk Supreme Court)
47	Non-MDL	Suffolk County	Suffolk County v. Purdue Pharma L.P. et al.	400000/2017	New York (County of Suffolk Supreme Court)
48	Non-MDL	City of Yonkers	City of Yonkers v. Purdue Pharma L.P. et al.	052919-W1	New York (County of Westchester Supreme Court)
49	Non-MDL	Board of County Commissioners of Cleveland County, Oklahoma	Board of County Commissioners of Cleveland County, State of Oklahoma v. Purdue Pharma L.P. et al.	CJ-2019-592	Oklahoma (Cleveland County District Court)
50	Non-MDL	County of Northumberland	County of Northumberland v. Purdue Pharma L.P. et al.	4:19-cv-00945	M.D. Pa.
51	Non-MDL	County of Anderson	County of Anderson v. Rite Aid of South Carolina, Inc. et al.	2018CP0401108	South Carolina (Anderson County Court of Common Pleas)
52	Non-MDL	County of Bamberg	County of Bamberg v. Rite Aid of South Carolina, Inc. et al.	2018CP0500189	South Carolina (Bamberg County Court of Common Pleas)
53	Non-MDL	County of Barnwell	County of Barnwell v. Rite Aid of South Carolina, Inc. et al.	2018CP0600329	South Carolina (Barnwell County Court of Common Pleas)
54	Non-MDL	County of Colleton	County of Colleton v. Rite Aid of South Carolina, Inc. et al.	2018CP1500438	South Carolina (Colleton County Court of Common Pleas)
55	Non-MDL	County of Cherokee	County of Cherokee v. Rite Aid of South Carolina, Inc. et al.	2018CP1100503	South Carolina (Cherokee County Court of Common Pleas)
56	Non-MDL	County of Oconee	Oconee County v. Rite Aid of South Carolina, Inc. et al.	2018CP3700458	South Carolina (County of Oconee Court of Common Pleas)
57	Non-MDL	County of Lexington	County of Lexington v. Rite Aid of South Carolina, Inc. et al.	2018CP3202207	South Carolina (Lexington County Court of Common Pleas)

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58	Non-MDL	County of Allendale	County of Allendale v. Rite Aid of South Carolina, Inc. et al.	2018CP0300125	South Carolina (Allendale County Court of Common Pleas)
59	Non-MDL	County of Hampton	County of Hampton v. Rite Aid of South Carolina, Inc. et al.	2018CP2500258	South Carolina (County of Hampton Court of Common Pleas)
60	Non-MDL	County of Jasper	County of Jasper v. Purdue Pharma Inc. et al.	2018CP2700332	South Carolina (Jasper County Court of Common Pleas)
61	Non-MDL	County of Kershaw	County of Kershaw v. Rite Aid of South Carolina, Inc. et al.	2018CP2800553	South Carolina (Kershaw County Court of Common Pleas)
62	Non-MDL	Fairfield County	County of Fairfield v. Rite Aid of South Carolina, Inc. et al.	2018CP2000272	South Carolina (Fairfield County Court of Common Pleas)
63	Non-MDL	Greenwood County	Greenwood County South Carolina v. Rite Aid of South Carolina, Inc. et al.	2018CP2400775	South Carolina (Greenwood County Court of Common Pleas)
64	Non-MDL	County of Laurens	Laurens County, South Carolina v. Rite Aid of South Carolina, Inc. et al.	2018CP3000606	South Carolina (Laurens County Court of Common Pleas)
65	Non-MDL	County of Union	Union County v. Rite Aid of South Carolina, Inc. et al.	2018CP4400288	South Carolina (Union County Court of Common Pleas)
66	Non-MDL	County of York	York County v. Rite Aid of South Carolina, Inc. et al.	2018CP4602446	South Carolina (York County Court of Common Pleas)
67	Non-MDL	County of Greenville	County of Greenville v. Rite Aid of South Carolina, Inc. et. al.	6:18-cv-01085 (2018CP2301294)	D.S.C.
68	Non-MDL	County of Dorchester	County of Dorchester v. Rite Aid of South Carolina, Inc. et al.	2018CP1801122	South Carolina (Dorchester County Court of Common Pleas)
69	Non-MDL	County of Pickens	County of Pickens v. Rite Aid of South Carolina, Inc. et al.	2018CP3900675	South Carolina (Pickens County Court of Common Pleas)
70	Non-MDL	County of Spartanburg	County of Spartanburg v. Rite Aid of South Carolina, Inc. et al.	2018-CP-4200760	South Carolina (Spartanburg County Court of Common Pleas)
71	Non-MDL	County of Orangeburg	County of Orangeburg v. Ride of South Carolina, Inc. et al.	2018CP3800841	South Carolina (Orangeburg County Court of Common Pleas)
72	Non-MDL	County of Lee	County of Lee v. Rite Aid of South Carolina, Inc. et al.	2018CP3100207	South Carolina (Lee County Court of Common Pleas)
73	Non-MDL	County of Chesterfield	County of Chesterfield v. Rite Aid of South Carolina, Inc. et al.	2018CP1300410	South Carolina (Chesterfield County Court of Common Pleas)
74	Non-MDL	County of Beaufort	County of Beaufort v. Rite Aid of South Carolina, Inc. et al.	2018CP0701245	South Carolina (Beaufort County Court of Common Pleas)
75	Non-MDL	County of Williamsburg	County of Williamsburg v. Purdue Pharma, Inc. et al.	2018CP4500276	South Carolina (Williamsburg County Court of Common Pleas)
76	Non-MDL	County of Edgefield	Edgefield County v. Purdue Pharma L.P. et al.	2019CP1900120	South Carolina (Edgefield County Court of Common Pleas)
77	Non-MDL	County of McCormick	McCormick County v. Purdue Pharma L.P. et al.	2019CP3500031	South Carolina (McCormick County Court of Common Pleas)
78	Non-MDL	County of Sumter	Sumter County v. Purdue Pharma L.P. et al.	2019CP4300891	South Carolina (Sumter County Court of Common Pleas)
79	Non-MDL	County of Florence	County of Florence v. Purdue Pharma et al.	2019CP2101213	South Carolina (Florence County Court of Common Pleas)
80	Non-MDL	County of Aiken	Aiken County v. Purdue Pharma L.P. et al.	2019CP0201086	South Carolina (Aiken County Court of Common Pleas)
81	Non-MDL	Dillon County	County of Dillon v. Purdue Pharma L.P. et al.	2019CP1700213	South Carolina (Dillon County Court of Common Pleas)
82	Non-MDL	Lancaster County	County of Lancaster v. Purdue Pharma L.P. et al.	2019CP2900540	South Carolina (Lancaster County Court of Common Pleas)
83	Non-MDL	County of Marion	County of Marion v. Purdue Pharma L.P. et al.	2019CP3300299	South Carolina (Marion County Court of Common Pleas)
84	Non-MDL	County of Calhoun	County of Calhoun v. Purdue Pharma L.P. et al.	2019CP0900065	South Carolina (Calhoun County Court of Common Pleas)
85	Non-MDL	County of Horry	County of Horry v. Purdue Pharma L.P. et al.	2019CP2602684	South Carolina (Horry County Court of Common Pleas)

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86	Non-MDL	Abbeville County	County of Abbeville v. Purdue Pharma L.P. et al.	2019-CP-01-00154	South Carolina (Abbeville County Court of Common Pleas)
87	Non-MDL	County of Saluda	County of Saluda v. Rite Aid of South Carolina, Inc. et al.	2019-CP-41-00111	South Carolina (Saluda County Court of Common Pleas)
88	Non-MDL	County of Clarendon	County of Clarendon v. Rite Aide of South Carolina, Inc. et al.	2019-CP-14-00236	South Carolina (Clarendon County Court of Common Pleas)
89	Non-MDL	Shelby County	Shelby County v. Purdue Pharma L.P. et al.	CT-004500-17	Tennessee (Circuit Court for Shelby County)
90	Non-MDL	County of Bexar	County of Bexar v. Purdue Pharma L.P. et al.	2018CI08728	Texas (Bexar County District Court)
91	Non-MDL	County of Burleson	County of Burleson v. Purdue Pharma L.P. et al.	29267	Texas (Burleson County District Court)
92	Non-MDL	County of Cameron	County of Cameron v. Purdue Pharma L.P. et al.	2018-DCL-02237	Texas (Cameron County District Court)
93	Non-MDL	County of El Paso	County of El Paso v. Purdue Pharma L.P. et al.	2018cv1928	Texas (District Court of El Paso County)
94	Non-MDL	County of Harrison	County of Harrison v. Purdue Pharma L.P. et al.	18-0442	Texas (District Court of Harrison County)
95	Non-MDL	County of Hidalgo	County of Hidalgo v. Purdue Pharma L.P. et al.	C-1349-18-C	Texas (District Court of Hidalgo County)
96	Non-MDL	County of Kerr	County of Kerr v. Purdue Pharma L.P. et al.	18389B	Texas (Kerr County District Court)
97	Non-MDL	County of Liberty	County of Liberty v. Purdue Pharma L.P. et al.	CV1813222	Texas (Liberty County District Court)
98	Non-MDL	San Patricio County	San Patricio County v. Purdue Pharma L.P. et al.	S-18-5625CV-A	Texas (San Patricio County District Court)
99	Non-MDL	County of Waller	County of Waller v. Purdue Pharma L.P. et al.	18-4-24828	Texas (Waller County District Court)
100	Non-MDL	Maverick County	Maverick County v. Purdue Pharma L.P. et al.	17-10-34909	Texas (District Court, 365th Judicial District, Maverick County)
101	Non-MDL	County of Duval	County of Duval v. Purdue Pharma L.P. et al.	DC-18-266	Texas (Duval County District Court)
102	Non-MDL	Rockwall County	Rockwall County v. Purdue Pharma L.P. et al.	1-19-0503	Texas (Rockwall County District Court)
103	Non-MDL	Ellis County	Ellis County v. Purdue Phama L.P. et al.	100921	Texas (Ellis County District Court)
104	Non-MDL	Weber County	Weber County v. Purdue Pharma L.P. et al.	180903087 (1:18-cv-0089)	Remanded from D. Utah to Second District Court, District of Utah
105	Non-MDL	Uintah County, Duchesne County, Daggett County and Tri-County Health Department	Unitah County v. Purdue Pharma L.P. et al.	180800056 (2:18-cv-000585)	Remanded from D. Utah to Utah's Eighth District Court
106	Non-MDL	Wasatch County	Wasatch County v. Purdue Pharma L.P. et al.	180800079	Utah (Second District Court)
107	Non-MDL	County of Summit	County of Summit v. Purdue Pharma L.P. et al.	180500119	Utah (Third District Court, County of Summit)
108	Non-MDL	Tooele County	Tooele v. Purdue Pharma L.P. et al.	180300423	Utah (Third District Court, County of Tooele)
109	Non-MDL	Cache County, Utah; and Rich County, Utah	Cache County, Utah; and Rich County, Utah v. Purdue Pharma L.P. et al.	190100112	Utah (Cache County District Court)
110	Non-MDL	Washington County, Utah; Kane County, Utah; Beaver County Utah; and Garfield County, Utah	Washington County, Utah; Kane County, Utah; Beaver County Utah; and Garfield County, Utah v. Purdue Pharma L.P. et al.	190500179	Utah (Washington County District Court)
111	Non-MDL	County Board of Arlington County	County Board of Arlington County v. Actavis Pharma, Inc. et al.	CL-19001081-00	Virginia (Arlington County Circuit Court)
112	Non-MDL	City of Portsmouth	City of Portsmouth (VA) v. Purdue Pharma L.P. et al.	740CL19000234-00	Virginia (City of Portsmouth Court)
113	Non-MDL	City of Richmond	City of Richmond v. AmerisourceBergen Drug Corporation et al	3:19-cv-00404	E.D. Va.
114	Non-MDL	The County Commission of Mason County et al.	The County Commission of Mason County et al. v. Purdue Pharma L.P. et al.	19-C-4 19-C-5 19-C-6 19-C-7 19-C-8 19-C-9	West Virgina (Marshall County Circuit Court)
115	Non-MDL	Roane County Commission	Roane County Commission et al. (WV) v. Mylan Pharmaceuticals, Inc. et al	19-C-96 to 19-C-108	West Virgina (Marshall County Circuit Court)
116	Non-MDL	City of Riverton	City fo Riverton v. Purdue Pharma L.P. et al.	1:19-cv-00109	D. Wyo.
117	Transfer to MDL Pending	County of Alameda	County of Alameda v.Purdue Pharma L.P. et al.	4:19-cv-02307 (RG-10912661)	N.D. Cal.
118	Transfer to MDL Pending	City of Westminster	City of Westminster et al. v. Purdue Pharma L.P. et al.	3:19-cv-02325 (CGC-19-574864)	N.D. Cal.
119	Transfer to MDL Pending	City of Irvine	City of Irvine et al. v. Purdue Pharma L.P. et al.	3:19-cv-02323 (CGC-19-574866)	N.D. Cal.
120	Transfer to MDL Pending	City of Costa Mesa	City of Costa Mesa et al. v. Purdue Pharma L.P. et al.	3:19-cv-02320 (CGC-19-574865)	N.D. Cal.
121	Transfer to MDL Pending	City of Fullerton	City of Fullerton et al. v. Purdue Pharma L.P. et al.	4:19-cv-02321 (CGC-19-574867)	N.D. Cal.
122	Transfer to MDL Pending	City of San Clemente	City of San Clemente et al. v. Purdue Pharma L.P. et al.	3:19-cv-02326 (CGC-19-574868)	N.D. Cal.

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123	Transfer to MDL Pending	County of Kern	County of Kern v. Purdue Pharma L.P. et al.	1:19-cv-00557 (T19-305)	E.D. Cal.
124	Transfer to MDL Pending	City of El Monte, CA	City of El Monte et al. Purdue Pharma L.P. et al.	2:19-cv-03588	E.D. Cal.
125	Transfer to MDL Pending	Town of Enfield	Town of Enfield v. Purdue Pharma L.P. et al.	3:19-cv-00789 (HHD-CV-19-6110751-S)	D. Conn.
126	Transfer to MDL Pending	City of Norwich	City of Norwich v. Purdue Pharma L.P. et al.	3:19-cv-00770 (KNL-CV-19-6040618-S)	D. Conn.
127	Transfer to MDL Pending	City of Pocatello	City of Pocatello v. Purdue Pharma L.P. et al.	4:19-cv-00189	D. Idaho
128	Transfer to MDL Pending	Town of Randolph	Town of Randolph v. Purdue Pharma L.P. et al.	1:19-cv-10813 (1982CV00400)	D. Mass.
129	Transfer to MDL Pending	City of Cambridge	City of Cambridge v. Purdue Pharma L.P. et al.	1:19-cv-11005 (1981CV01044)	D. Mass.
130	Transfer to MDL Pending	City of Annapolis, Maryland	City of Annapolis Maryland v. Purdue Pharma L.P. et al.	1:19-cv-01162 (C02CV19000594)	D. Md.
131	Transfer to MDL Pending	City of Rochester	City Rochester v. Purdue Pharma, L.P. et al.	0:19-cv-01317	D. Minn.
132	Transfer to MDL Pending	Belknap County	Belknap County v. Purdue Pharma L.P. et al.	1:19-cv-00326 (18-CV-00240)	D.N.H.
133	Transfer to MDL Pending	City of Belmont	Town of Belmont, NH v. Purdue Pharma L.P. et al.	18-CV-00241	D.N.H.
134	Transfer to MDL Pending	Cheshire County	Chesire County v. Purdue Pharama L.P. et al.	1:19-cv-00328 (18-CV-00168)	D.N.H.
135	Transfer to MDL Pending	Grafton County	Grafton County v. Purdue Pharma L.P. et al.	1:19-cv-00332 (18-CV-00323)	D.N.H.
136	Transfer to MDL Pending	Rockingham County	Rockingham County v. Purdue Pharma L.P. et al.	1:19-cv-00333 (18-cv-01100)	D.N.H.
137	Transfer to MDL Pending	Strafford County	Strafford County v. Purdue Pharma L.P. et al.	1:19-cv00325 (18-CV-00364)	D.N.H.
138	Transfer to MDL Pending	Sullivan County	Sullivan County v. Purdue Pharma L.P. et al.	1:19-cv-00334 (18-CV-00128)	D.N.H.
139	Transfer to MDL Pending	City of Claremont	City of Claremont, NH v. Purdue Pharma L.P. et al.	1:19-cv-00331 (18-CV-00127)	D.N.J.
140	Transfer to MDL Pending	Board of County Commissioners of the County of Lincoln, New Mexico	Board of County Commissioners of the County of Lincoln v. AmerisourceBergen Drug Corporation et al.	2:19-cv-00462	D.N.M.
141	Transfer to MDL Pending	County of Curry	County of Curry v. Purdue Pharma L.P. et al.	1:19-cv-00815	D. Or.
142	Transfer to MDL Pending	Johnson County	Johnson County v. Purdue Pharma L.P. et al.	4:19-cv-01637 (DC-C201800848)	S.D. Tex.
143	Transfer to MDL Pending	County of Walker	County of Walker v. Abbot Laboratories et al.	1929076	E.D. Va.
144	Transfer to MDL Pending	Dinwiddie County, Virginia	Dinwiddie County, Virginia v. Purdue Pharma L.P. et al.	3:19-cv-00242	E.D. Va.
145	Transfer to MDL Pending	Northumberland County, Virginia	Northumberland County, Virgina v. Purdue Pharma L.P. et al.	3:19-cv-00246	E.D. Va.
146	Transfer to MDL Pending	City of Chesapeake, Virginia	City of Chesapeake, Virginia v. Actavis, LLC et al.	2:19-cv-00183	W.D. Va.
147	Transfer to MDL Pending	Accomack County, Virginia	Accomack County, Virginia v. Purdue Pharma, L.P. et al.	2:19-cv-00184	W.D. Va.
148	Transfer to MDL Pending	Franklin County, Virginia	Franklin County, Virginia v. Purdue Pharma L.P. et al.	7:19-cv-00302	W.D. Va.
149	Transfer to MDL Pending	City of Salem, Virginia	City of Salem, Virginia v. Purdue Pharma L.P. et al.	7:19-cv-00273	W.D. Va.
150	Transfer to MDL Pending	City of Bristol, Virginia	City of Bristol, Virginia v. Purdue Pharma L.P. et al.	1:19-cv-00011	W.D. Va.
151	Transfer to MDL Pending	Roanoke County, Virginia	Roanoke County, Virgina v. Purdue Pharma L.P. et al.	7:19-cv-00271 (16-CL-9000435-00)	W.D. Va.
152	Transfer to MDL Pending	City of Lexington, Virginia	City Lexington, Virgina v. Purdue Pharma L.P. et al.	6:19-cv-00021	W.D. Va.
153	Transfer to MDL Pending	Rockbridge County, Virginia	Rockbridge County, Virgina v. Purdue Phama L.P. et al.	6:19-cv-00025	W.D. Va.
154	Transfer to MDL Pending	Halifax County, Virginia	Halifax County, Virginia v. Purdue Pharma L.P. et al.	4:19-cv-00021	W.D. Va.
155	Transfer to MDL Pending	Fauquier County, Virginia	Fauquier County v. Purdue Pharma L.P. et al.	CL-19000154-00	W.D. Va.
156	Transfer to MDL Pending	Alleghany County, Virginia	Alleghany County, Virginia v. Purdue Pharma L.P. et al.	7:19-cv-00275	E.D. Va.
157	Transfer to MDL Pending	Fairfax County Board of Supervisors	Fairfax County Board of Supervisors v. Purdue Pharma L.P. et al.	1:19-cv-00544	W.D. Va.
158	Transfer to MDL Pending	Louisa County, Virginia	Louisa County v. Purdue Pharma L.P. et al.	3:19-cv-00027	W.D. Va.
159	Transfer to MDL Pending	Madison County, Virginia	Madison County v. Purdue Pharma L.P. et al.	3:19-cv-00028	W.D. Va.
160	Transfer to MDL Pending	Floyd County, Virginia	Board of County Commissioners of the County of Cibola v. AmerisourceBergen Drug Corp. et al.	7:19-cv-00371	W.D. Va.
161	Transfer to MDL Pending	City of Covington, Virginia	City of Covington v. Purdue Pharam L.P. et al.	7:19-cv-00372	W.D. Va.
162	Transfer to MDL Pending	City of Roanoke, Virginia	City of Roanoke, Virginia v. Purdue Pharma L.P. et al.	7:19-cv-00272	W.D. Va.
163	Transfer to MDL Pending	Board of Supervisors of Prince William County, Virginia	Board of Supervisors, Prince William County v. Purdue Pharma L.P. et al.	1:19-cv-00365 (CL19002560-00)	E.D. Va.

	Action Type	Underlying Plaintiff(s) (Last, First)	Case Name	Case Number	Court or Agency
164	MDL	County of Summit, Summit County Combined General Health District, City of Akron, City of Barberton, Village of Boston Heights, Boston Township, Village of Clinton, Copley Township, Coventry Township, City of Cuyahoga Falls, City of Fairlawn, City of Green, Village of Lakemore, Village of Mogadore, City of Monroe Falls, City of Norton, Village of Peninsula, Village of Richfield, Village of Silver Lake, Springfield Township, City of Stow, City of Tallmadge, Valley Fire District	County of Summit, Ohio et al. v. Purdue Pharma et al.	1:18-op-45090-DAP (5:18-cv-00170; CV-2017-12-5235)	N.H. Oh. (JPML)
165	MDL	County of Cuyahoga	County of Cuyahoga v. Purdue Pharma L.P. et al.	1:17-op-45004-DAP (1:17-cv-02482; (CV-17-888099)	N.H. Oh. (JPML)
166	MDL	City of Cleveland	City of Cleveland v. AmerisourceBergen Drug Corporation et al.	1:18-op-45132	N.H. Oh. (JPML)
167	MDL	Cabell County	Cabell County Commission v. AmerisourceBergen Drug Coproration et al.	1:17-op-45053	N.H. Oh. (JPML)