

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION

MDL No. 2804

ORDER VACATING CONDITIONAL TRANSFER ORDER

Before the Panel:* Plaintiff in an Eastern District of Virginia action (*Arlington County*) moves under Panel Rule 7.1 to vacate our order conditionally transferring its action, which is listed on the attached Schedule A, to the Northern District of Ohio for inclusion in MDL No. 2804. Defendants¹ oppose the motion to vacate.

After considering the argument of counsel, we grant the motion to vacate. Without doubt, the action shares factual questions with the other MDL cases. But Judge Anthony J. Trenga granted plaintiff's motion to remand to state court on January 3, 2020, finding that there was no federal officer removal jurisdiction over the action. (Judge Trenga previously remanded the action after finding that diversity jurisdiction did not exist on May 6, 2019). The action is currently stayed, at a minimum, until the Fourth Circuit rules on the motion to stay defendants are expected to soon file before that court. Transferring *Arlington County* to the MDL at this time would undermine efficiency by complicating its procedural posture. If *Arlington County* remains in federal court, the parties should renotify the Panel of the action's status as a potential tag-along action. *See* Panel Rules 1.1(h), 7.1 and 7.2.

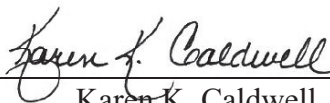
* Judges Ellen Segal Huvelle and Nathaniel Gorton did not participate in the decision of this matter.

¹ Amerisourcebergen Drug Corporation, Cardinal Health, Inc., McKesson Corporation, Cardinal Health 110, LLC, AmerisourceBergen Corporation, Cardinal Health 100, Inc., Cardinal Health 107, LLC, Cardinal Health 108, LLC, Cardinal Health 110, LLC, Cardinal Health 121, LLC, Cardinal Health 122, LLC, Cardinal Health 128, LLC, Cardinal Health 132, LLC, Cardinal Health 200, LLC, Cardinal Health 5, LLC, Cardinal Health Pharmacy Services, LLC, and Cardinal Health, Inc.

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IT IS THEREFORE ORDERED that the Panel's conditional transfer order designated as "CTO-122" is vacated with respect to this action.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in cursive script, reading "Karen K. Caldwell".

Karen K. Caldwell
Chair

R. David Proctor
Matthew F. Kennelly

Catherine D. Perry
David C. Norton

IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION

MDL No. 2804

SCHEDULE A

Eastern District of Virginia

THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA v. MALLINCKRODT PLC,
ET AL., C.A. No. 1:19-01446