

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

THE CITY OF NEW CASTLE; CITY OF)
ALIQUIPPA; and UNION TOWNSHIP, on behalf)
of themselves and all others similarly situated,)

Plaintiffs,)

v.)

Case No. _____
Action Filed: March 16, 2018
Action Served: April 4, 2018

PURDUE PHARMA L.P.; PURDUE PHARMA,)
INC.; THE PURDUE FREDERICK COMPANY,)
INC.; TEVA PHARMACEUTICALS USA, INC.;)
CEPHALON, INC.; JOHNSON & JOHNSON;)
JANSSEN PHARMACEUTICALS, INC.;)
ORTHO-MCNEIL-JANSSEN)
PHARMACEUTICALS, INC. N/K/A JANSSEN)
PHARMACEUTICALS, INC.; JANSSEN)
PHARMACEUTICA, INC. N/K/A JANSSEN)
PHARMACEUTICALS, INC.; ENDO)
HEALTH SOLUTIONS INC.; ALLERGAN PLC,)

Defendants.)

**DEFENDANTS TEVA PHARMACEUTICALS USA, INC. AND CEPHALON, INC.'S
NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1332, 1441, 1446, and 1453, defendants Teva Pharmaceuticals USA, Inc. and Cephalon, Inc. (“Teva”) hereby give notice of removal of this action, captioned *The City of New Castle et al. v. Purdue Pharma L.P. et al.*, bearing Case ID 180301961, from the Court of Common Pleas of Philadelphia County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania. Pursuant to 28 U.S.C. § 1446(a), Teva provides the following statement of the grounds for removal:¹

BACKGROUND

1. On March 16, 2018, Plaintiffs, the City of New Castle, the City of Aliquippa, and Union Township, filed a putative class action Complaint (attached hereto, with process papers served upon Teva, as **Exhibit 1**) in the Court of Common Pleas of Philadelphia County, Pennsylvania. The Complaint asserts claims against the following defendants: Purdue Pharma L.P.; Purdue Pharma Inc.; The Purdue Frederick Company, Inc.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Janssen Pharmaceutica Inc. n/k/a Janssen Pharmaceuticals, Inc.; Endo Health Solutions Inc.; and Allergan PLC.²

¹ On February 13, the City of New Castle filed a substantially similar lawsuit against the same defendants named in this action which was removed to this Court. *See City of New Castle v. Purdue Pharma L.P. et al.*, No. 2:18-cv-00952-TJS (E.D. Pa.), Doc. 1 (Not. of Removal). The plaintiff voluntarily dismissed that lawsuit after removal (*id.*, Doc. 9) and then filed this action in state court. This action, like the prior one, is removable under the Class Action Fairness Act.

² The body of the Complaint references an entity, Endo Pharmaceuticals Inc., that does not appear in the caption as created by Plaintiffs and is not listed as a defendant in the state court action. (*See* Compl. at 1 (referencing Endo Pharmaceuticals Inc.)) Plaintiffs have not requested a summons for Endo Pharmaceuticals Inc., nor have Plaintiffs served it with the Complaint. Teva takes no position on whether Endo Pharmaceuticals Inc. is a proper party to this action, but in any event its presence or absence in this action does not affect removal under the Class Action Fairness Act.

2. This action is just one of hundreds of opioid-related lawsuits filed across the country against Defendants (and others) alleging harms stemming from abuse of opioid medications. On December 5, 2017, the Judicial Panel on Multidistrict Litigation (“JPML”) created a Multidistrict Litigation (“MDL”) in the Northern District of Ohio that would include this case and the many others like it, *i.e.*, cases in which “cities, counties and states . . . allege that . . . manufacturers of prescription opioid medications overstated the benefits and downplayed the risks of the use of their opioids and aggressively marketed . . . these drugs to physicians” *In re Nat’l Prescription Opiate Litig.*, MDL No. 2804, Doc. 328 (Dec. 5, 2017 Transfer Order) (attached hereto as **Exhibit 2**). As the JPML found in centralizing these cases, “centralization will substantially reduce the risk of duplicative discovery, minimize the possibility of inconsistent pretrial obligations, and prevent conflicting rulings on pretrial motions. Centralization will also allow a single transferee judge to coordinate with numerous cases pending in state courts.” *Id.* at 3. To date, more than 450 actions have been transferred to the MDL, with more cases (including this one) surely to follow. *Id.*, Doc. 1123 (Apr. 4, 2018 Finalized CTO-18).

3. The Complaint purports to assert claims on behalf of a class of “[a]ll political subdivisions, municipalities, cities, townships and counties in the Commonwealth of Pennsylvania who incurred damages as a result [of] Defendants’ marketing of prescription opioids.” (Compl. ¶ 67.)

4. The Complaint asserts three causes of action against all Defendants: (1) consumer fraud-deceptive practices, 73 P.S. § 201-1–201-9.3 *et seq.*; (2) public nuisance; and (3) unjust enrichment. (*Id.* ¶¶ 79-99.)

5. Teva received the Complaint through service on April 4, 2018. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served on Teva is attached hereto

as **Exhibit 1**. A copy of the state court docket and all documents filed in the state court action (other than the Complaint) is attached hereto as **Exhibit 3**.

VENUE AND JURISDICTION

6. Venue is proper in this Court pursuant to 28 U.S.C. §§ 118, 1391, 1441(a), 1446(a), and 1453(b) because the Court of Common Pleas of Philadelphia County, Pennsylvania, where the Complaint was filed, is a state court within the Eastern District of Pennsylvania.

7. This Court has subject matter jurisdiction under the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1332(d), because (1) there is minimal diversity between the parties; (2) there are at least 100 class members; and (3) the amount in controversy exceeds \$5,000,000, exclusive of interest and costs.

I. THIS COURT HAS SUBJECT MATTER JURISDICTION UNDER CAFA

8. CAFA provides for broad federal jurisdiction with a strong preference that interstate class actions be heard in federal court if properly removed. *Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S. Ct. 547, 554 (2014) (holding that “no antiremoval presumption attends cases invoking CAFA”); *Portillo v. Nat’l Freight, Inc.*, 169 F. Supp. 3d 585, 592 n.9 (D.N.J. 2016) (quoting *Dart Cherokee* and explaining that “CAFA should be read broadly, with a strong preference that interstate class actions be heard in a federal court” (quotation marks omitted)).

9. Under CAFA, federal courts have jurisdiction over class actions where the amount in controversy “exceeds the sum or value of \$5,000,000, the aggregate number of proposed class members is 100 or more, and any class member is a citizen of a state different from any defendant.” *Vodenichar v. Halcón Energy Props., Inc.*, 733 F.3d 497, 503 (3d Cir. 2013) (quoting 28 U.S.C. § 1332(d)(2), (d)(2)(A), (d)(5)(B)).

10. Evidentiary proof that these requirements are met need not be submitted with the

notice of removal. The notice is sufficient if it constitutes a “short and plain statement of the grounds for removal.” *Dart Cherokee*, 135 S. Ct. at 553 (quoting 28 U.S.C. § 1446(a)); *Skywark v. Healthbridge Mgmt., LLC*, No. 15-00058-BJR, 2015 WL 13621058, at *2 (W.D. Pa. July 22, 2015).

A. The Parties are Minimally Diverse

11. Plaintiffs’ lawsuit satisfies CAFA’s minimal diversity requirement. Unlike traditional diversity jurisdiction, which requires complete diversity of citizenship between the parties, CAFA requires only minimal diversity. 28 U.S.C. § 1332(d)(2)(A). This requirement is met where any member of the putative class is a citizen of a state different from any defendant. *Vodenichar*, 733 F.3d at 503.

12. For diversity purposes, political subdivisions (such as Plaintiffs) are citizens of the state in which they are located. *See Moor v. Alameda Cty.*, 411 U.S. 693, 721 (1973) (holding that Alameda County is a California citizen for purposes of diversity jurisdiction). A corporation is “a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business” 28 U.S.C. § 1332(c)(1).

13. Plaintiff City of New Castle is a city in Lawrence County, Pennsylvania.
(Compl. ¶ 23.)

14. Plaintiff City of Aliquippa is a city in Beaver County, Pennsylvania. (*Id.* ¶ 24.)

15. Plaintiff Union Township is a township in Washington County, Pennsylvania.
(*Id.* ¶ 25.)

16. Defendant Purdue Pharma Inc. is a New York corporation with its principal place of business in Stamford, Connecticut. (*Id.* ¶ 31.)

17. Defendant The Purdue Frederick Company, Inc. is a New York corporation with

its principal place of business in Stamford, Connecticut. (*Id.* ¶ 32.)

18. Defendant Johnson & Johnson is a New Jersey corporation with its principal place of business in New Brunswick, New Jersey. (*Id.* ¶ 38.)

19. Because Plaintiffs are citizens of Pennsylvania, and Defendants Purdue Pharma Inc., The Purdue Frederick Company, Inc., and Johnson & Johnson are citizens of states other than Pennsylvania, CAFA’s minimal diversity requirement is satisfied. 28 U.S.C. § 1332(d)(2)(A).

B. Plaintiffs’ Proposed Class Includes At Least 100 Members

20. Plaintiffs seek to represent a putative class consisting of “[a]ll political subdivisions, municipalities, cities, townships and counties in the Commonwealth of Pennsylvania who incurred damages as a result [of] Defendants’ marketing of prescription opioids.” (Compl. ¶ 67.) Plaintiffs allege that the class consists of “hundreds of entities.” (*Id.* ¶ 69.) Thus, the proposed class includes at least 100 members.

C. The Amount in Controversy Exceeds \$5,000,000

21. Under CAFA, jurisdiction exists when the amount in controversy—calculated by aggregating the claims of all class members—exceeds \$5,000,000, exclusive of interest and costs. 28 U.S.C. § 1332(d)(6).

22. “[A] defendant’s notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold.” *Dart Cherokee*, 135 S. Ct. at 554. “[W]hen a defendant seeks federal-court adjudication, the defendant’s amount-in-controversy allegation should be accepted when not contested by the plaintiff or questioned by the court.” *Id.* at 553. Thus, federal jurisdiction exists “unless it appears, to a legal certainty, that the plaintiff was never entitled to recover the jurisdictional amount.” *Kaufman v. Allstate New Jersey Ins. Co.*, 561 F.3d 144, 151 (3d Cir. 2009). In determining whether the amount in

controversy is satisfied, the Court may consider compensatory and statutory damages, as well as punitive damages. *Frederico v. Home Depot*, 507 F.3d 188, 198-99 (3d Cir. 2007).

23. Plaintiffs bring this action on behalf of a putative class of “hundreds of entities” (Compl. ¶ 69) and seek compensatory, treble, and punitive damages, as well as statutory penalties (*id.* Prayer for Relief). The Complaint alleges that Plaintiffs and the putative class incurred damages that include “costs of reimbursement of prescription opioids for long-term daily use and the cost of treatment of opioid addiction and other adverse medical conditions associated with long-term use incurred by the Class members’ health plans and/or paid directly by them.” (*Id.* ¶ 17.) Plaintiffs also seek damages for “costs of increased medical services directly associated with opioids including increased emergency response costs, increased costs of Plaintiffs’ law enforcement authorities, its criminal justice system and social and health agencies[.]” (*Id.* ¶ 18.) Finally, Plaintiffs demand judgment on their own behalf “in excess of” \$50,000 “on each Cause of Action,” totaling a minimum of \$150,000. (*Id.* Prayer for Relief.)

24. Given that there are allegedly hundreds of putative class members, if each class member allegedly sustained damages in an amount that on average equals the amount Plaintiffs seek, the amount in controversy is easily satisfied. 28 U.S.C. § 1332(d)(6).

III. ALL OTHER REMOVAL REQUIREMENTS ARE SATISFIED

A. This Notice of Removal Is Timely

25. This Notice of Removal is timely filed. Teva received the Complaint through service on April 4, 2018. Because Teva filed the Notice of Removal on April 9, 2018, removal is timely. *See* 28 U.S.C. § 1446(b)(1).

B. Consent to Removal Is Not Required Under CAFA

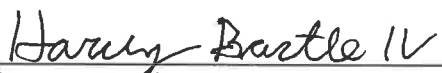
26. CAFA eliminates the need for the removing party to obtain the consent of other

defendants. 28 U.S.C. § 1453. Therefore, Teva need not obtain the consent of the other defendants to remove this case.

CONCLUSION

WHEREFORE, Teva hereby removes this action from the Court of Common Pleas of Philadelphia County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania.

DATED: April 9, 2018



Harvey Bartle IV
Steven A. Reed
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103
(215) 963-5000
harvey.bartle@morganlewis.com
steven.reed@morganlewis.com

Attorneys for Defendants
TEVA PHARMACEUTICALS USA, INC. and
CEPHALON, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing is being served upon the following by regular United States mail, postage prepaid:

Arnold Levin
Daniel C. Levin
Charles E. Schaffer
LEVIN SEDRAN & BERMAN LLP
510 Walnut Street, Ste. 500
Philadelphia, PA 19106

Attorneys for Plaintiff

Mark S. Cheffo
Hayden A. Coleman
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010

Patrick J. Fitzgerald
R. Ryan Stoll
SKADDEN, ARPS, SLATE, MEAGHER &
FLOM LLP
4 Times Square
New York, NY 10036

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

Charles C. Lifland
O'MELVENY & MYERS LLP
400 S. Hope Street
Los Angeles, CA 90071

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

Donna Welch, P.C.
Martin L. Roth
Timothy Knapp
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, Illinois 60654
(312) 862-2000

Jennifer G. Levy, P.C.
KIRKLAND & ELLIS LLP
655 Fifteenth Street, NW
Washington, DC 20005
(202) 879-5000

Attorneys for Defendant Allergan PLC

Ingo W. Sprie, Jr.
ARNOLD & PORTER KAYE SCHOLER LLP
250 West 55th Street
New York, NY 10019-9710
(212) 836-8000

Sean Morris
ARNOLD & PORTER KAYE SCHOLER LLP
777 S. Figueroa Street
44th Floor
Los Angeles, CA 90017
(213) 243-4000

Attorneys for Defendant Endo Health Solutions Inc.

Dated: April 9, 2018


Harvey Battle IV

EXHIBIT 1

Rec'd Legal 4/4/18 JWA

Court of Common Pleas of Philadelphia County
Trial Division

For Prothonotary Use Only (Docket Number)

Civil Cover Sheet

MARCH 2018

001961

E-Filing Number: 1803039020

PLAINTIFF'S NAME
THE CITY OF NEW CASTLE

DEFENDANT'S NAME
PURDUE PHARMA L.P.

PLAINTIFF'S ADDRESS
230 N. JEFFERSON STREET MUNICIPAL BUILDING
NEW CASTLE PA 16101

DEFENDANT'S ADDRESS
ONE STAMFORD FORUM 201 TRESSER BLVD
STAMFORD CT 06901

PLAINTIFF'S NAME
CITY OF ALIQUIPPA

DEFENDANT'S NAME
PURDUE PHARMA INC.

PLAINTIFF'S ADDRESS
581 FRANKLIN AVENUE
ALIQUIPPA PA 15001

DEFENDANT'S ADDRESS
ONE STAMFORD FORUM 201 TRESSER BLVD
STAMFORD PA 06901

PLAINTIFF'S NAME
UNION TOWNSHIP

DEFENDANT'S NAME
THE PURDUE FREDERICK COMPANY INC.

PLAINTIFF'S ADDRESS
3904 FINLEYVILLE-ELRAMA ROAD
FINLEYVILLE PA 15332

DEFENDANT'S ADDRESS
ONE STAMFORD FORUM 201 TRESSER BLVD
STAMFORD PA 06901

TOTAL NUMBER OF PLAINTIFFS

TOTAL NUMBER OF DEFENDANTS

3

11

COMMENCEMENT OF ACTION

- Complaint
- Writ of Summons
- Petition Action
- Transfer From Other Jurisdictions
- Notice of Appeal

AMOUNT IN CONTROVERSY

- \$50,000.00 or less
- More than \$50,000.00

COURT PROGRAMS

- Arbitration
- Jury
- Non-Jury
- Other CLASS ACTION

- Mass Tort
- Savings Action
- Petition

- Commerce
- Minor Court Appeal
- Statutory Appeals

- Settlement
- Minors
- W/D/Survival

CASE TYPE AND CODE

C1 - CLASS ACTION

STATUTORY BASIS FOR CAUSE OF ACTION

RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)

**FILED
PRO PROTHY**

MAR 16 2018

M. BRYANT

IS CASE SUBJECT TO
COORDINATION ORDER?

YES NO

2018 MAR 20 11:20

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: THE CITY OF NEW CASTLE, CITY OF ALIQUIPPA, UNION TOWNSHIP
Papers may be served at the address set forth below.

NAME OF PLAINTIFFS/PETITIONER'S/APPELLANT'S ATTORNEY

DANIEL C. LEVIN

ADDRESS

510 WALNUT STREET, STE. 500
LEVIN SEDRAN & BERMAN
PHILADELPHIA PA 19106

PHONE NUMBER

(215) 592-1500

FAX NUMBER

none entered

SUPREME COURT IDENTIFICATION NO

80013

E-MAIL ADDRESS

dlevin@lfsblaw.com

SIGNATURE OF FILING ATTORNEY OR PARTY

DANIEL LEVIN

DATE SUBMITTED

Friday, March 16, 2018, 11:56 am

COMPLETE LIST OF DEFENDANTS:

1. PURDUE PHARMA L.P.
ONE STAMFORD FORUM 201 TRESSER BLVD
STAMFORD CT 06901
2. PURDUE PHARMA INC.
ONE STAMFORD FORUM 201 TRESSER BLVD
STAMFORD IA 06901
3. THE PURDUE FREDERICK COMPANY INC.
ONE STAMFORD FORUM 201 TRESSER BLVD
STAMFORD PA 06901
- ✓ 4. TEVA PHARMACEUTICALS USA, INC.
1090 HORSHAM ROAD
NORTH WHALES PA 19454
5. CEPHALON, INC.
1090 HORSHAM ROAD
NORTH WHALES PA 19454
6. JOHNSON & JOHNSON
1 JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933
7. JANSSEN PHARMACEUTICALS, INC.
1125 TRENTON HARBOUTON ROAD
TITUSVILLE NJ 08560
8. ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC.
ALIAS: N/K/A JANSSEN PHARMACEUTICALS, INC.
1125 TRENTON HARBOUTON ROAD
TITUSVILLE NJ 08560
9. JANSSEN PHARMACEUTICA, INC.
ALIAS: N/K/A JANSSEN PHARMACEUTICALS, INC.
1125 TRENTON HARBOUTON ROAD
TITUSVILLE NJ 08560
10. ENDO HEALTH SOLUTIONS, INC.
1400 ATWATER DRIVE
MALVERN PA 19355
11. ALLERGAN PLC
MORRIS CORPORATE CENTER III 400 INTERFACE PARKWAY
PARSIPPANY NJ 07054

LEVIN SEDRAN & BERMAN LLP
ARNOLD LEVIN, ESQUIRE
DANIEL C. LEVIN, ESQUIRE
CHARLES E. SCHAEFFER, ESQUIRE
Identification No. 02280, 80013 & 76259
510 Walnut Street, Suite 500
Philadelphia, PA 19106
(215) 592-1500

Filed and Attested by the
Office of Judicial Records
18 MAR 2018 11:56 am
M. BRYANT

Attorneys for Plaintiffs

JURY TRIAL DEMANDED
TWELVE JURORS REQUESTED

THE CITY OF NEW CASTLE, CITY OF :
ALIQUIPPA and UNION TOWNSHIP, on :
behalf of themselves and all others :
similarly situated, :

COURT OF COMMON PLEAS OF

PHILADELPHIA COUNTY

Plaintiffs, :

v. :

NO.

PURDUE PHARMA L.P. :
One Stamford Forum :
201 Tresser Boulevard :
Stamford, Connecticut 06901 :

And :

PURDUE PHARMA INC. :
One Stamford Forum :
201 Tresser Boulevard :
Stamford, Connecticut 06901 :

And :

THE PURDUE FREDERICK COMPANY, :
INC. :

One Stamford Forum :
201 Tresser Boulevard :
Stamford, Connecticut 06901 :

And :

TEVA PHARMACEUTICALS USA, INC. :
1090 Horsham Road :
North Whales, Pennsylvania 19454 :

And :

CEPHALON, INC. :
1090 Horsham Road :
North Whales, Pennsylvania 19454 :

And :

JOHNSON & JOHNSON :
1 Johnson & Johnson Plaza :

CLASS ACTION COMPLAINT

2018 MAR 20 PM 1:20

PHILADELPHIA, PA

New Brunswick, New Jersey 08933 :
 And :
 JANSSEN PHARMACEUTICALS, INC. :
 1125 Trenton Harbouton Road :
 Titusville, New Jersey 08560-0200 :
 And :
 ORTHO-McNEIL-JANSSEN :
 PHARMACEUTICALS, INC. N/K/A :
 JANSSEN PHARMACEUTICALS, INC. :
 1125 Trenton Harbouton Road :
 Titusville, New Jersey 08560-0200 :
 And :
 JANSSEN PHARMACEUTICA, INC. :
 N/K/A JANSSEN PHARMACEUTICALS, :
 INC. :
 1125 Trenton Harbouton Road :
 Titusville, New Jersey 08560-0200 :
 And :
 ENDO HEALTH SOLUTIONS INC. :
 1400 Atwater Drive :
 Malvern, Pennsylvania 19355 :
 And :
 ALLERGAN PLC :
 Morris Corporate Center III :
 400 Interpace Parkway :
 Parsippany, NJ 07054 :
 Defendants. :

2018 MAR 20 P 1:20
 JAMES H. COOPER

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME PONDIMIN OR REDUX TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA

PHILADELPHIA BAR ASSOCIATION
Lawyer Referral and Information Service
1101 Market Street, 11th Floor
Philadelphia, Pennsylvania 19107
215-238-6300

**ABAJO PARA AVERIGUAR DONDE SE PUEDE
CONSEGUIR ASISTENCIA LEGAL.**

ASOCIACIÓN DE LICENCIADOS DE FILADELFA
Servicio De Referencia E Información Legal
1101 Market Street, 11th Floor
Filadelfia, Pennsylvania 19107
215-238-6300

CLASS ACTION COMPLAINT

Plaintiffs, The City of New Castle (“New Castle”), the City of Aliquippa (“Aliquippa”) and Union Township (“Union”) (collectively, “Plaintiffs”) bring this action on behalf of themselves and other similarly situated townships, cities, municipalities and other counties in the Commonwealth of Pennsylvania against Defendants, Purdue Pharma L.P., Purdue Pharma Inc., The Purdue Frederick Company, Inc., Teva Pharmaceuticals USA, Inc., Cephalon, Inc., Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., n/k/a Janssen Pharmaceuticals, Inc., Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Endo Health Solutions, Inc., and Endo Pharmaceuticals, Inc., (collectively, “Defendants”) and alleges as follows:

I. INTRODUCTION

1. Plaintiffs, like many other cities, municipalities, counties and townships across the Commonwealth of Pennsylvania are suffering from severe public health and safety crisis arising out of the unlawful and deceptive marketing and sale of prescription opioids by Defendants.

2. The deceptive marketing and sale of prescription opioids for medical use in New Castle, Aliquippa and Union are responsible for an opioid epidemic.

3. As a result of the opioid epidemic, Plaintiffs have suffered a public health and safety crisis which has and will continue to cause a lack of economic productivity and diminished quality of life in their cities and township. Further, Plaintiffs have expended money to contain the epidemic and its adverse impacts on public health and safety which has caused Plaintiffs to suffer damages. The opioid crisis has affected the citizens of New Castle, Aliquippa, Union and other cities, municipalities, counties and townships across the

2018 MAR 20 PM 1:20
U.S. DISTRICT COURT
WESTERN DISTRICT OF PA

Commonwealth of Pennsylvania resulting in crime, family and social disfunction. In addition, the opioid epidemic has caused health consequences to the citizens of New Castle, Aliquippa, Union and other cities, municipalities, counties and townships. Finally, the city agencies have been responsible for coping and containing the epidemic crisis by expending unnecessary money to discharge their duties.

4. The opioid epidemic has affected New Castle's, Union's and Aliquippa's agencies including police, fire and hospitals which costs have greatly increased in an effort to control the opioid epidemic.

5. The opioid epidemic has affected New Castle's, Union's and Aliquippa's agencies which include its police department.

6. The opioid epidemic has also affected the law enforcement authorities which include the criminal justice system, social services, health and municipal or governmental agencies. Plaintiffs have been forced to incur substantial costs as a provider of health coverage to its employees, their families and emergency health services as a result of the opioid epidemic.

7. The costs incurred by Plaintiffs are similar to costs that are incurred by cities, townships, counties and municipalities across the Commonwealth of Pennsylvania. The epidemic is directly a result of the commercial activities of Defendants.

8. The opioid drugs that are prescribed by the Defendants are dangerous and have severe adverse side effects to its users. The Defendants marketed and promoted the prescription drugs for long-term use to treat chronic pain. However, the overwhelming weight of medical and scientific authority is that the prescription opioids should not be used for long-term treatment of chronic pain.

9. The opioids include brand name drugs like OxyContin and Percocet and generics like oxycodone and hydrocodone. The oxycodone is derived from properties similar to opium and heroin, and, as such are highly addictive and dangerous and are regulated by the United States Food and Drug Administration (“FDA”) as controlled substances.

10. While opioids provide effective treatment for short-term, post-surgical and trauma-related pain, the Defendants have manufactured, promoted and marketed the opioids for management of chronic pain and/or long-term use by misleading consumers and providers regarding their appropriate use. Opioids should not be prescribed for long-term treatment.

11. Opioids are addictive drugs. Defendants knew that barring exceptional circumstances, opioids are too addictive and too debilitating for long-term use.

12. The Defendants knew with prolonged use, the effectiveness of opioids will be outweighed by the risks of side effects and addiction.

13. Defendants knew of controlled studies where the risks of addiction and adverse outcomes were significantly minimized by prescribing opioids for limited short-term use. Despite this information, Defendants marketed opioids for long-term use creating a false perception of the safety and efficacy of opioids. Defendants had a highly deceptive marketing campaign that began in the late 1990’s up until 2006.

14. Defendants were able to convince doctors to prescribe opioids for long-term use even though Defendants were aware of the negative consequences of using opioids for long-term use.

15. Defendants were aware that opioid use should be short-term because opioids are addictive and debilitating when prescribed and taken for long-term use.

16. Plaintiffs brings this class action on their own behalf and on behalf of similarly situated Pennsylvania governmental entities to obtain mandatory injunctive relief, compensatory and punitive damages. Plaintiffs seek that Defendants cease all promotional activities of prescribing opioids as safe and effective treatment for chronic pain and long-term use.

17. Plaintiffs and members of the Class also seek actual damages to recover costs of reimbursement of prescription opioids for long-term daily use and the cost of treatment of opioid addiction and other adverse medical conditions associated with long-term use incurred by the Class members' health plans and/or paid directly by them.

18. Plaintiffs and members of the Class also seek recovery of its costs of increased medical services directly associated with opioids including increased emergency response costs, increased costs of Plaintiffs' law enforcement authorities, its criminal justice system and social and health agencies which are attributable to the long-term use of prescription opioids to treat chronic pain.

19. Plaintiffs brings this action against Defendants for public nuisance, violation of Pennsylvania Unfair Trade Practices and Consumer Protection Law and unjust enrichment.

II. JURISDICTION AND VENUE

20. This Court has jurisdiction over this action pursuant to 42 Pa.C.S. § 931(a). The amount in controversy exceeds \$50,000 exclusive of interest and costs.

21. Venue is proper in Philadelphia County because Defendants conduct substantial amounts of business in Philadelphia County.

22. This action is not removable to federal court. Among other things, there is insufficient diversity for removal. Plaintiffs' class only includes municipalities, counties, townships and political subdivisions in the Commonwealth of Pennsylvania. 100% of the Class

are citizens of the same state as primary Defendants, Teva Pharmaceuticals USA, Inc., Cephalon, Inc. and Endo Health Solutions, Inc.

III. PARTIES

23. Plaintiff, New Castle is a city and is the County Seat in Lawrence County, Pennsylvania. It is home to approximately 20,000 residents.

24. Plaintiff, Aliquippa is a city in Beaver County, Pennsylvania. It is home to approximately 20,000 residents.

25. Plaintiff, Union is a township in Washington County, Pennsylvania. It is home to approximately 6,000 residents.

26. New Castle, Union and Aliquippa provide a wide range of social services on behalf of their residents including health related services. In addition, New Castle and Aliquippa provide funding for, including but not limited to, the Police Department and Fire Department. New Castle, specifically funds its District Attorney's Office, New Castle Defenders Association and Social Services. Union funds its own Police Department.

27. All Plaintiffs fund their own benefits plan on behalf of their full time employees through which it pays medical costs including cost of treatment for opioid addiction, related diseases and/or conditions, etc.

28. Plaintiffs self fund their own worker's compensation and disability plan through which they pay disability costs and related benefits for covered employees.

29. Plaintiffs' health, prescription, workers' compensation and disability plans are administered by third party service providers that are in the business of administering employee health plan accounts and worker's compensation and disability benefits.

30. Defendant, Purdue Pharma L.P. (“PPL”) is a limited partnership organized under the laws of Delaware with its principal place of business in Stamford, Connecticut.

31. Defendant Purdue Pharma Inc. (“PPI”) is a New York corporation with its principal place of business in Stamford, Connecticut.

32. Defendant, The Purdue Frederick Company, Inc. (“PFC”) is a New York corporation with its principal place of business in Stamford, Connecticut.

33. PPL, PPI and PFC (collectively, “Purdue”) are engaged in the manufacture, promotion, distribution and sale of opioids nationally, throughout the Commonwealth of Pennsylvania, including the following:

Table 1. Purdue Opioids

Drug Name	Chemical Name	Schedule
OxyContin	Oxycodone hydrochloride extended release	Schedule II
MS Contin	Morphine sulfate extended release	Schedule II
Dilaudid	Hydromorphone hydrochloride	Schedule II
Dilaudid-HP	Hydromorphone hydrochloride	Schedule II
Butrans	Byprenorpine	Schedule III
Hysingla ER	Hydrocodone bitrate	Schedule II
Targiniq ER	Oxycodone hydrochloride and naloxone hydrochloride	Schedule II

34. Defendant, Teva Pharmaceuticals USA, Inc. (“Teva USA”) is a Delaware corporation with its principal place of business in North Wales, Pennsylvania. Teva USA is a wholly owned subsidiary of Teva Pharmaceutical Industries, Ltd. (“Teva Ltd.”), an Israeli corporation.

35. Defendant, Cephalon, Inc. is a Delaware corporation with its former place of business in Frazer, Pennsylvania. In 2011, Teva Ltd. acquired Cephalon, Inc.

36. Teva USA and Cephalon, Inc. (collectively, “Cephalon”) work together to manufacture, promote, distribute and sell both brand name and generic versions of the opioids nationally, throughout the Commonwealth of Pennsylvania, including the following:

Table 2. Cephalon Opioids

Drug Name	Chemical Name	Schedule
Actiq	Fentanyl citrate	Schedule II
Fentora	Fentanyl citrate	Schedule II

37. Teva USA was in the business of selling generic opioids, including a generic form of OxyContin from 2005 to 2009 nationally, throughout the Commonwealth of Pennsylvania.

38. Defendant, Johnson & Johnson (“J&J”) is a New Jersey corporation with its principal place of business in New Brunswick, New Jersey.

39. Defendant, Janssen Pharmaceutical, Inc. (“Janssen Pharmaceuticals”) is a Pennsylvania corporation with its principal place of business in Titusville, New Jersey, and is a wholly owned subsidiary of J&J.

40. Janssen Pharmaceuticals, Inc. was formerly known as Ortho-McNeil-Janssen Pharmaceuticals, Inc., which in turn was formerly known as Janssen Pharmaceutica, Inc.

41. Defendant, Ortho-McNeil-Janssen Pharmaceuticals, Inc. (“OMP”), now known as Janssen Pharmaceuticals, Inc. is a Pennsylvania corporation with its principal place of business in Titusville, New Jersey.

42. J&J is the only company that owns more than 10% of Janssen Pharmaceuticals stock. Upon information and belief, J&J controls the sale and development of Janssen Pharmaceuticals drugs and Janssen Pharmaceuticals profits inure to J&J’s benefit.

43. J&J, Janssen Pharmaceuticals, OMP and Janssen Pharmaceutica (collectively, “Janssen”) are or have been engaged in the manufacture, promotion, distribution and sale of opioids nationally, throughout the Commonwealth of Pennsylvania, including the following:

Table 3. Janssen Opioids

Drug Name	Chemical Name	Schedule
Duragesic	Fentanyl	Schedule II
Nucynta	Tapentadol extended release	Schedule II
Nucynta Er	Tapentadol	Schedule II

44. Together, Nucynta and Nucynta ER accounted for \$172 million in sales in 2014. Prior to 2009, Duragesic accounted for at least \$1 billion in annual sales.

45. Defendant, Endo Health Solutions, (“EHS”) is a Delaware corporation with its principal place of business in Malvern, Pennsylvania.

46. Defendant, Endo Pharmaceuticals, Inc. (“EPI”) is a wholly owned subsidiary of EHS and is a Delaware corporation with its principal place of business in Malvern, Pennsylvania.

47. EHS and EPI (collectively, “Endo”) manufacture, promote, distribute and sell opioids nationally, throughout the Commonwealth of Pennsylvania, including the following:

Table 4. Endo Opioids

Drug Name	Chemical Name	Schedule
Opana ER	Oxymorphone hydrochloride extended release	Schedule II
Opana	Oxymorphone hydrochloride	Schedule II
Percodan	Oxymorphone hydrochloride and aspirin	Schedule II
Percocet	Oxymorphone hydrochloride and acetaminophen	Schedule II

48. Defendant, Allergan PLC is a publicly traded company, traded on the New York Stock Exchange. It is incorporated in Ireland with its principal place of business in Dublin, Ireland. Its U.S. headquarters are located in Parsippany, New Jersey. Actavis PLC acquired

Allergan PLC in March, 2015 and the combined company changed its name to Allergan PLC in March, 2015.

49. Defendant, Allergan PLC acquired, merged with, or otherwise combined with several Actavis entities (including Actavis PLC and Actavis, Inc.), Watson entities (including Watson Pharmaceuticals, Inc. and Watson Laboratories, Inc.) and Warner Chilcott entities (including Warner Chilcott Company, LLC and Warner Chilcott PLC) that manufactured, marketed and sold opioids. Upon information and belief, profits from the sale of opioid products by Actavis, Watson and Warner Chilcott ultimately inured or inure to the benefit of Defendant Allergan PLC.

50. At all times material hereto, Defendant Allergan PLC and the Actavis, Watson and Warner Chilcott entities (collectively referred to herein as "Allergan/Actavis") promoted, marketed and sold both brand name and generic versions of opioids throughout the Commonwealth of Pennsylvania.

Table 5. Allergan/Actavis Opioids

Drug Name	Chemical Name	Schedule
Kadian	Morphine sulfate extended release	Schedule II
Norco	Hydrocodone bitartrate and acetaminophen	Schedule II
Generic Duragesic	Fentanyl	Schedule II
Generic Kadian	Morphine sulfate extended release	Schedule II
Generic Opana	Oxymorphone hydrochloride	Schedule II

IV. FACTS

51. The pain relieving properties of opioids are well recognized by the medical community. Prescription opioids are similar and related to illegal drugs including heroin.

Prescription opioids are controlled substances regulated by the US Drug Enforcement Administration since 1970.

52. Studies and articles from the 70's and 80's made clear the reasons to avoid opioids, especially for long-term use and treatment of chronic pain.

53. In fact, leading journals advocated the prohibition of the use of opioid therapy for chronic pain.

54. Medical research shows that discontinuing opioids that have been prescribed for just a few weeks causes withdrawal symptoms which include severe anxiety, nausea, vomiting, headaches, agitation, insomnia, tremors, hallucinations, delirium, pain and other serious symptoms which will persist depending on how long the prescription opioids were used.

55. Further, the longer that you are on opioids and as your tolerance is increased, the dosage that is needed to achieve the required result becomes greater. Thus, patients who are on opioids for long use, their dosages escalate because of their tolerance to the drug which, in turn, causes an increased risk of overdosing and addiction.

56. However, despite this above information, Defendants promoted opioids for long-term use. In fact, in 2013 the FDA warned of grave risks of opioids. The FDA further warned that the use of prescription opioid drugs, even under medical supervision, can cause life threatening harm. The FDA warned that long-term use of opioids should be used as a last resort when other treatments are inadequate.

57. The FDA expanded its warnings for immediate release to apply to opioid pain medications. Defendants were well aware of the harms from long-term use of opioids which the FDA warned about.

58. Despite the underlying knowledge of prescription opioids and its risk to users, Defendants successfully marketed and achieved the dramatic expansion of prescription opioids for use for medical purposes in the last 20 years. From 1999 - 2010 the sale of prescription opioids in the US nearly quadrupled.

59. In 2010, nearly 20% of all doctor visits resulted in a prescription of an opioid.

60. Nearly 70% of adults nationwide have used opioid pain medication in their lifetime and approximately 30% have used opioids in the previous year.

61. In 2012 7% of adults age 20 and over reported using a prescription opioid in the past 30 days.

62. In 2017, the CDC noted, prescription opioid related deaths and admissions for treatment of opioid use disorder, have increased in parallel with increased opioids prescribed in the United States which quadrupled from 1999 – 2010. The sales of opioid pain medication have increased in parallel with opioid related deaths.

63. The principal cause of the opioid epidemic in 1999 – 2014 was the unprecedented increase in use of prescription opioids.

64. The CDC and other researchers have concluded that prescription opioids are the principal causative factor driving both epidemics and opioid addiction and overdoses.

65. Defendants' marketing campaign of prescription opioids to physicians, pharmacist and patients has proximately caused damage to Plaintiffs and members of the Class. Defendants created a false perception it was safe to use prescription opioids for an extended period of time or long-term use.

66. The unbranded marketing materials that Defendants provided did not disclose the risks of addiction, abuse, misuse and overdose.

V. CLASS ALLEGATIONS

67. Plaintiffs bring this action against Defendants on behalf of themselves and as a class action, pursuant to Pennsylvania Rules of Civil Procedure 1701 *et seq.* on behalf of the following class:

All political subdivisions, municipalities, cities, townships and counties in the Commonwealth of Pennsylvania who incurred damages as a result Defendants' marketing of prescription opioids.

68. Plaintiffs reserve the right to modify or amend the definition of the proposed class before the Court determines whether certification is appropriate. The Class does not include any entities outside of the Commonwealth of Pennsylvania.

69. The proposed class is so numerous that the case would be impracticable under the circumstances. While the exact number of members of the Class is unknown to Plaintiffs, it is upon information and belief that the Class consists of hundreds of entities.

70. The individual class members are ascertainable, as the names and addresses of all class members can be identified through public records.

71. Numerous questions of law or fact arise from Defendant's conduct that are common to the Class, including but not limited to:

- a. Whether Defendants unlawfully marketed prescription opioids in a manner that was unsafe to citizens of the Commonwealth of Pennsylvania;
- b. Whether prescription opioids are intended for long-term use;
- c. Whether prescription opioids are safe for long-term use;
- d. Whether prescription opioids prescribed for long-term use are addictive;
- e. Whether prescription opioids should have been marketed for long-term use;
- f. Whether municipalities, cities, counties, townships and other political subdivisions have been harmed as a result of Defendants marketing prescription opioids for long-term use;
- g. Whether Plaintiffs and class members are entitled to damages;

- h. Whether Plaintiffs and class members are entitled to injunctive relief; and
- i. Whether Defendants are liable.

72. These and other questions are common to the Class and predominate over any questions affecting only individual class members.

73. Plaintiff's claims are typical of the Class in that Plaintiffs suffered damages as a result of Defendants' marketing of prescription opioids for long-term use when they are unsafe for long-term use.

74. Plaintiffs will fairly and adequately represent the interests of the Class in that it has no conflict with any other members of the Class. Furthermore, Plaintiffs have retained competent counsel experienced in class action and other complex commercial litigation.

75. Defendants have acted on grounds generally applicable to the Class, thereby making final injunctive relief appropriate with respect to the Class as a whole.

76. This class action is superior to the alternatives, if any, for the fair and efficient adjudication of this controversy. Prosecution as a class action will eliminate the possibility of repetitive litigation. There will be no material difficulty in the management of this action as a class action.

77. The prosecution of separate actions by individual class members would create the risk of inconsistent or varying adjudications, establishing incompatible standards of conduct for Defendants.

78. Class members who have already retained counsel will have the option, if they have the financial ability, to opt-out and prosecute their actions individually, should they so choose, without the use of a class action. However, numerous counties, municipalities, townships and cities will not have the financial resources to retain a lawyer to prosecute this

action. A class action will be an effective procedural mechanism to allow smaller cities, counties, municipalities and townships to be reimbursed for harm done by Defendants.

**FIRST CAUSE OF ACTION
CONSUMER FRAUD-DECEPTIVE PRACTICES 73 P.S. § 201-1 – 201-9.3 *et seq.*
(AGAINST ALL DEFENDANTS)**

79. Plaintiffs incorporate the allegations within all prior paragraphs within this Complaint as if they were fully set forth herein.

80. 73 P.S. § 201-1 – 201-9.3 *et seq.*, (“Pennsylvania Unfair Trade Practices and Consumer Protection Law” or “UTPCPL”) makes it unlawful for a person or business to employ “unfair methods of competition” and “unfair or deceptive acts or practices” by representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation or connection that he does not have. 73 P.S. § 201.2(4)(v).

81. Defendants have engaged in unfair or deceptive acts or practices in violation of UTPCPL as set forth above.

82. Defendants’ practices as described herein are unfair or deceptive acts or practices that violate UTPCPL because the practices were and are intended to deceive consumers and occurred and continue to occur in the course of conduct involving trade and commerce in New Castle, Aliquippa, Union and throughout the Commonwealth of Pennsylvania.

83. At all times relevant to this Complaint, Defendants, directly, through their control of third parties, and/or by aiding and abetting third parties, violated the UTPCPL by making and disseminating untrue, false and misleading statements to Pennsylvania prescribers and consumers to promote the sale and use of opioids to treat chronic pain, including for long-term use, or by causing untrue, false and misleading statements about opioids to be made or

disseminated to Pennsylvania and County prescribers and consumers in order to promote the sale and use of opioids to treat chronic pain, including for long-term use. These untrue, false and misleading statements included, but were not limited to:

- a. Misrepresenting the truth about how opioids lead to addiction;
- b. Misrepresenting that opioids improve function;
- c. Misrepresenting that addiction risk can be managed;
- d. Misleading doctors, patients and payors through the use of misleading terms like “pseudoaddiction”;
- e. Falsely claiming that withdrawal is simply managed;
- f. Misrepresenting that increased doses pose no significant additional risks;
- g. Falsely omitting or minimizing the adverse effects of opioids and overstating the risks of alternative forms of pain treatment and management.

84. At all times relevant to this Complaint, Defendants, directly, through their control of third parties, and by aiding and abetting third parties, also violated the UTPCPL by making statements that omitted or concealed material facts to promote the sale and use of opioids to treat chronic pain, including for long-term use. Defendants and their third-party allies repeatedly failed to disclose or minimized material facts about the risks of opioids, including the risk of addiction and their risks compared to alternative treatments. Such material omissions were deceptive and misleading in their own right, and further rendered even otherwise truthful statements about opioids untrue, false and misleading, creating a misleading impression of the risks, benefits and superiority of opioids for treatment of chronic pain, including for long-term use.

85. At all times relevant to this Complaint, Defendants, directly, through their control of third parties and by aiding and abetting third parties, made and disseminated the foregoing untrue, false and misleading statements and material omissions, through an array of marketing channels, including but not limited to: in-person and other forms of detailing; speaker events, including meals, conferences and teleconferences; CMEs; studies and journal articles and supplements; advertisements; and brochures and other patient education materials.

86. Defendants knew at the time of making or disseminating these misstatements and material omissions, or causing these misstatements and material omissions statements to be made or disseminated, that they were untrue, false or misleading and therefore likely to deceive the public. In addition, Defendants knew or should have known that their marketing and promotional efforts created an untrue, false and misleading impression of the risks, benefits and superiority of opioids.

87. In sum, Defendants: (a) directly engaged in untrue, false and misleading marketing; (b) disseminated the untrue, false and misleading marketing through third parties; and (c) aided and abetted the untrue, false and misleading marketing third parties.

88. All of this conduct, separately and collectively, was intended to deceive Pennsylvania consumers who used or paid for opioids for chronic pain; Pennsylvania physicians who prescribed opioids to consumers to treat chronic pain; and Pennsylvania payors, including New Castle, Aliquippa and Union, who purchased or covered the purchase of opioids for chronic pain. As a direct result of the foregoing acts and practices, the Defendants have received, or will receive, income, profits and other benefits, which they would not have received if they had not engaged in the violations of the UTPCPL as described in this Complaint.

89. In addition, 73 P.S. § 201-8(b) specifically allows the Plaintiffs to bring this claim for a penalty for each violation by the Defendants.

**SECOND CAUSE OF ACTION
PUBLIC NUISANCE
(AGAINST ALL DEFENDANTS)**

90. Plaintiffs incorporate the allegations within all prior paragraphs within this Complaint as if they were fully set forth herein.

91. Defendants' conduct constitutes a public nuisance.

92. Defendants, individually and acting through their employees and agents and in concert with each other, have intentionally, recklessly or negligently engaged in conduct or omissions which endanger or injure other property, health, safety or comfort of a considerable number of persons in the New Castle, Aliquippa and Union by their untrue, false and misleading promotion and marketing of opioids for use by residents of New Castle, Aliquippa and Union.

93. Defendants' marketing conduct and subsequent sale of its opioid products is not only unlawful, but has also resulted in substantial and unreasonable interference with the public health, and the public's enjoyment of its right that not to be defrauded or negligently injured.

94. Defendants' conduct is not insubstantial or fleeting. Indeed, Defendants' unlawful conduct has so severely impacted public health on every geographic and demographic level that the public nuisance perpetrated by Defendants' conduct is commonly referred to as "crisis" or an "epidemic". It has caused deaths, serious injuries and a severe disruption of public peace, order and safety; it is ongoing and it is producing permanent and long-lasting damage.

95. By reason of the foregoing, Plaintiffs have been injured and continues to be injured in that it has paid and continues to pay for long-term opioid treatment using opioids manufactured or distributed by Defendants or by other drug makers. Plaintiffs have suffered

additional damages and continues to suffer damage for the additional costs of providing and using opioids long-term to treat chronic pain.

**THIRD CAUSE OF ACTION
UNJUST ENRICHMENT
VIOLATIONS OF THE COMMON LAW PROHIBITION ON UNJUST ENRICHMENT
(AGAINST ALL DEFENDANTS)**

96. Plaintiffs incorporate the allegations within all prior paragraphs within this Complaint as if they were fully set forth herein.

97. Defendants have unjustly retained a benefit to the Plaintiffs' detriment, and the Defendants' retention of the benefit violates the fundamental principles of justice, equity and good conscience.

98. By illegally and deceptively promoting opioids to treat chronic pain, directly, through their control of third parties, and by acting in concert with third parties, Defendants have unjustly enriched themselves at Plaintiffs' expense. Plaintiffs' have made payments for opioid prescriptions and Defendants benefited from those payments. Because of their deceptive promotion of opioids, Defendants obtained enrichment they would not otherwise have obtained. The enrichment was without justification and Plaintiffs claims a remedy provided by law.

99. In addition, and by reason of the foregoing, Plaintiffs were injured and continues to be injured in that Defendants' ongoing concerted actions in illegally and deceptively marketing opioids caused doctors and other health care providers to prescribe and Plaintiffs to pay for long-term opioid treatment using opioids manufactured by Defendants or by other drug makers. Defendants caused and are responsible for those costs and claims. Plaintiffs also incurred damages because of the increased costs associated with medical services rendered to the opioid crisis including emergency response costs, law enforcement authorities costs, criminal justice system and social and health care costs, all of which resulted from and are attributed to

the long-term use of prescription opioids manufactured, distributed, marketed and/or sold by Defendants.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand judgment on each Cause of Action against Defendants in excess of Fifty Thousand Dollars (\$50,000), jointly and severally awarding Plaintiffs:

1. Compensatory damages in an amount sufficient to fairly and completely compensate Plaintiffs for all damages;
2. Treble damages, penalties and costs pursuant to Consumer Fraud – Deceptive Practices, violations of 73 P.S. § 201-1 – 201-9.3 *et seq.*;
3. Certifying the Class;
4. A declaratory judgment requiring Defendants to abate the public health nuisance;
5. Punitive damages;
6. Interest, costs and attorney fees; and
7. Such other and further relief as this Court deems just and proper.

LEVIN SEDRAN & BERMAN LLP

Date: March 16, 2018

/s/ Daniel C. Levin
Arnold Levin, Esquire
Daniel C. Levin, Esquire
Charles E. Schaffer, Esquire
510 Walnut Street, Ste. 500
Philadelphia, Pa 19106
215-592-1500

Attorneys for Plaintiffs

VERIFICATION

I, Robert Eckert, hereby state that I am the plaintiff in this action, and that the facts set forth in the foregoing Class Action Complaint are true and correct to the best of my knowledge.

I understand that this Verification is being made subject to 18 Pa. C.S.A. § 4904, relating to unsworn falsification to authorizations.

3-12-18
Date



VERIFICATION

I, Anthony Mastrangelo hereby state that I am the plaintiff in this action, and that the facts set forth in the foregoing Class Action Complaint are true and correct to the best of my knowledge.

I understand that this Verification is being made subject to 18 Pa. C.S.A. § 4904, relating to unsworn falsification to authorizations.

3/12/18
Date

Anthony S. Mastrangelo

REC'D
4/14/18
BB

Cephalon

Court of Common Pleas of Philadelphia County
Trial Division

Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

MARCH 2018

001961

E-Filing Number: 1803039020

PLAINTIFF'S NAME
THE CITY OF NEW CASTLE

DEFENDANT'S NAME
PURDUE PHARMA L.P.

PLAINTIFF'S ADDRESS
230 N. JEFFERSON STREET MUNICIPAL BUILDING
NEW CASTLE PA 16101

DEFENDANT'S ADDRESS
ONE STAMFORD FORUM 201 TRESSER BLVD
STAMFORD CT 06901

PLAINTIFF'S NAME
CITY OF ALIQUIPPA

DEFENDANT'S NAME
PURDUE PHARMA INC.

PLAINTIFF'S ADDRESS
581 FRANKLIN AVENUE
ALIQUIPPA PA 15001

DEFENDANT'S ADDRESS
ONE STAMFORD FORUM 201 TRESSER BLVD
STAMFORD PA 06901

PLAINTIFF'S NAME
UNION TOWNSHIP

DEFENDANT'S NAME
THE PURDUE FREDERICK COMPANY INC.

PLAINTIFF'S ADDRESS
3904 FINLEYVILLE-ELRAMA ROAD
FINLEYVILLE PA 15332

DEFENDANT'S ADDRESS
ONE STAMFORD FORUM 201 TRESSER BLVD
STAMFORD PA 06901

TOTAL NUMBER OF PLAINTIFFS

3

TOTAL NUMBER OF DEFENDANTS

11

COMMENCEMENT OF ACTION

- Complaint
- Petition Action
- Notice of Appeal
- Writ of Summons
- Transfer From Other Jurisdictions

AMOUNT IN CONTROVERSY

- \$50,000.00 or less
- More than \$50,000.00

COURT PROGRAMS

- Arbitration
- Jury
- Non-Jury
- Other CLASS ACTION

- Mass Tort
- Savings Action
- Petition

- Commerce
- Minor Court Appeal
- Statutory Appeals

- Settlement
- Minors
- W/D:Survival

CASE TYPE AND CODE

C1 - CLASS ACTION

STATUTORY BASIS FOR CAUSE OF ACTION

RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)

**FILED
PROPROTHY**

IS CASE SUBJECT TO
COORDINATION ORDER?
YES NO

MAR 16 2018

M. BRYANT

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: THE CITY OF NEW CASTLE, CITY
ALIQUIPPA, UNION TOWNSHIP

Papers may be served at the address set forth below.

NAME OF PLAINTIFFS/PETITIONER'S/APPELLANT'S ATTORNEY

DANIEL C. LEVIN

ADDRESS

510 WALNUT STREET, STE. 500
LEVIN SEDRAN & BERMAN
PHILADELPHIA PA 19106

PHONE NUMBER

(215) 592-1500

FAX NUMBER

none entered

SUPREME COURT IDENTIFICATION NO

80013

E-MAIL ADDRESS

dlevin@lfsblaw.com

SIGNATURE OF FILING ATTORNEY OR PARTY

DANIEL LEVIN

DATE SUBMITTED

Friday, March 16, 2018, 11:56 am

2018 MAR 28 P 1:21

PHILADELPHIA

COMPLETE LIST OF DEFENDANTS:

1. PURDUE PHARMA L.P.
ONE STAMFORD FORUM 201 TRESSER BLVD
STAMFORD CT 06901
2. PURDUE PHARMA INC.
ONE STAMFORD FORUM 201 TRESSER BLVD
STAMFORD PA 06901
3. THE PURDUE FREDERICK COMPANY INC.
ONE STAMFORD FORUM 201 TRESSER BLVD
STAMFORD PA 06901
4. TEVA PHARMACEUTICALS USA, INC.
1090 HORSHAM ROAD
NORTH WHALES PA 19454
- ✓ 5. CEPHALON, INC.
1090 HORSHAM ROAD
NORTH WHALES PA 19454
6. JOHNSON & JOHNSON
1 JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933
7. JANSSEN PHARMACEUTICALS, INC.
1125 TRENTON HARBOUTON ROAD
TITUSVILLE NJ 08560
8. ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC.
ALIAS: N/K/A JANSSEN PHARMACEUTICALS, INC.
1125 TRENTON HARBOUTON ROAD
TITUSVILLE NJ 08560
9. JANSSEN PHARMACEUTICA, INC.
ALIAS: N/K/A JANSSEN PHARMACEUTICALS, INC.
1125 TRENTON HARBOUTON ROAD
TITUSVILLE NJ 08560
10. ENDO HEALTH SOLUTIONS, INC.
1400 ATWATER DRIVE
MALVERN PA 19355
11. ALLERGAN PLC
MORRIS CORPORATE CENTER III 400 INTERPACE PARKWAY
PARSIPPANY NJ 07054

LEVIN SEDRAN & BERMAN LLP
ARNOLD LEVIN, ESQUIRE
DANIEL C. LEVIN, ESQUIRE
CHARLES E. SCHAFFER, ESQUIRE
Identification No. 02280, 80013 & 76259
510 Walnut Street, Suite 500
Philadelphia, PA 19106
(215) 592-1500

Filed and Attested by the
Office of Judicial Records
16 MAR 2018 11:56 am
M. BRYANT

Attorneys for Plaintiffs

JURY TRIAL DEMANDED
TWELVE JURORS REQUESTED

THE CITY OF NEW CASTLE, CITY OF :
ALIQUIPPA and UNION TOWNSHIP, on :
behalf of themselves and all others :
similarly situated, :

Plaintiffs, :

v. :

PURDUE PHARMA L.P. :
One Stamford Forum :
201 Tresser Boulevard :
Stamford, Connecticut 06901 :

And :

PURDUE PHARMA INC. :
One Stamford Forum :
201 Tresser Boulevard :
Stamford, Connecticut 06901 :

And :

THE PURDUE FREDERICK COMPANY, :
INC. :

One Stamford Forum :
201 Tresser Boulevard :
Stamford, Connecticut 06901 :

And :

TEVA PHARMACEUTICALS USA, INC. :
1090 Horsham Road :
North Wales, Pennsylvania 19454 :

And :

CEPHALON, INC. :
1090 Horsham Road :
North Wales, Pennsylvania 19454 :

And :

JOHNSON & JOHNSON :
1 Johnson & Johnson Plaza :

COURT OF COMMON PLEAS OF
PHILADELPHIA COUNTY

NO.

CLASS ACTION COMPLAINT

2018 MAR 20 P 1:21
OFFICE OF JUDICIAL RECORDS
PHILADELPHIA, PA

New Brunswick, New Jersey 08933 :
 And :
 JANSSEN PHARMACEUTICALS, INC. :
 1125 Trenton Harbouton Road :
 Titusville, New Jersey 08560-0200 :
 And :
 ORTHO-McNEIL-JANSSEN :
 PHARMACEUTICALS, INC. N/K/A :
 JANSSEN PHARMACEUTICALS, INC. :
 1125 Trenton Harbouton Road :
 Titusville, New Jersey 08560-0200 :
 And :
 JANSSEN PHARMACEUTICA, INC. :
 N/K/A JANSSEN PHARMACEUTICALS, :
 INC. :
 1125 Trenton Harbouton Road :
 Titusville, New Jersey 08560-0200 :
 And :
 ENDO HEALTH SOLUTIONS INC. :
 1400 Atwater Drive :
 Malvern, Pennsylvania 19355 :
 And :
 ALLERGAN PLC :
 Morris Corporate Center III :
 400 Interpace Parkway :
 Parsippany, NJ 07054 :
 Defendants. :

2018 MAR 20 P 1:21
 MAIL ROOM

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME PONDIMIN OR REDUX TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA

PHILADELPHIA BAR ASSOCIATION
Lawyer Referral and Information Service
1101 Market Street, 11th Floor
Philadelphia, Pennsylvania 19107
215-238-6300

**ABAJO PARA AVERIGUAR DONDE SE PUEDE
CONSEGUIR ASISTENCIA LEGAL.**

ASOCIACIÓN DE LICENCIADOS DE FILADELFA
Servicio De Referencia E Información Legal
1101 Market Street, 11th Floor
Filadelfia, Pennsylvania 19107
215-238-6300

CLASS ACTION COMPLAINT

Plaintiffs, The City of New Castle (“New Castle”), the City of Aliquippa (“Aliquippa”) and Union Township (“Union”) (collectively, “Plaintiffs”) bring this action on behalf of themselves and other similarly situated townships, cities, municipalities and other counties in the Commonwealth of Pennsylvania against Defendants, Purdue Pharma L.P., Purdue Pharma Inc., The Purdue Frederick Company, Inc., Teva Pharmaceuticals USA, Inc., Cephalon, Inc., Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., n/k/a Janssen Pharmaceuticals, Inc., Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Endo Health Solutions, Inc., and Endo Pharmaceuticals, Inc., (collectively, “Defendants”) and alleges as follows:

I. INTRODUCTION

1. Plaintiffs, like many other cities, municipalities, counties and townships across the Commonwealth of Pennsylvania are suffering from severe public health and safety crisis arising out of the unlawful and deceptive marketing and sale of prescription opioids by Defendants.

2. The deceptive marketing and sale of prescription opioids for medical use in New Castle, Aliquippa and Union are responsible for an opioid epidemic.

3. As a result of the opioid epidemic, Plaintiffs have suffered a public health and safety crisis which has and will continue to cause a lack of economic productivity and diminished quality of life in their cities and township. Further, Plaintiffs have expended money to contain the epidemic and its adverse impacts on public health and safety which has caused Plaintiffs to suffer damages. The opioid crisis has affected the citizens of New Castle, Aliquippa, Union and other cities, municipalities, counties and townships across the

2018 MAR 20 PM 1:21
CLERK OF COURT
JUDICIAL CENTER
PHILADELPHIA, PA

Commonwealth of Pennsylvania resulting in crime, family and social disfunction. In addition, the opioid epidemic has caused health consequences to the citizens of New Castle, Aliquippa, Union and other cities, municipalities, counties and townships. Finally, the city agencies have been responsible for coping and containing the epidemic crisis by expending unnecessary money to discharge their duties.

4. The opioid epidemic has affected New Castle's, Union's and Aliquippa's agencies including police, fire and hospitals which costs have greatly increased in an effort to control the opioid epidemic.

5. The opioid epidemic has affected New Castle's, Union's and Aliquippa's agencies which include its police department.

6. The opioid epidemic has also affected the law enforcement authorities which include the criminal justice system, social services, health and municipal or governmental agencies. Plaintiffs have been forced to incur substantial costs as a provider of health coverage to its employees, their families and emergency health services as a result of the opioid epidemic.

7. The costs incurred by Plaintiffs are similar to costs that are incurred by cities, townships, counties and municipalities across the Commonwealth of Pennsylvania. The epidemic is directly a result of the commercial activities of Defendants.

8. The opioid drugs that are prescribed by the Defendants are dangerous and have severe adverse side effects to its users. The Defendants marketed and promoted the prescription drugs for long-term use to treat chronic pain. However, the overwhelming weight of medical and scientific authority is that the prescription opioids should not be used for long-term treatment of chronic pain.

9. The opioids include brand name drugs like OxyContin and Percocet and generics like oxycodone and hydrocodone. The oxycodone is derived from properties similar to opium and heroin, and, as such are highly addictive and dangerous and are regulated by the United States Food and Drug Administration (“FDA”) as controlled substances.

10. While opioids provide effective treatment for short-term, post-surgical and trauma-related pain, the Defendants have manufactured, promoted and marketed the opioids for management of chronic pain and/or long-term use by misleading consumers and providers regarding their appropriate use. Opioids should not be prescribed for long-term treatment.

11. Opioids are addictive drugs. Defendants knew that barring exceptional circumstances, opioids are too addictive and too debilitating for long-term use.

12. The Defendants knew with prolonged use, the effectiveness of opioids will be outweighed by the risks of side effects and addiction.

13. Defendants knew of controlled studies where the risks of addiction and adverse outcomes were significantly minimized by prescribing opioids for limited short-term use. Despite this information, Defendants marketed opioids for long-term use creating a false perception of the safety and efficacy of opioids. Defendants had a highly deceptive marketing campaign that began in the late 1990’s up until 2006.

14. Defendants were able to convince doctors to prescribe opioids for long-term use even though Defendants were aware of the negative consequences of using opioids for long-term use.

15. Defendants were aware that opioid use should be short-term because opioids are addictive and debilitating when prescribed and taken for long-term use.

16. Plaintiffs brings this class action on their own behalf and on behalf of similarly situated Pennsylvania governmental entities to obtain mandatory injunctive relief, compensatory and punitive damages. Plaintiffs seek that Defendants cease all promotional activities of prescribing opioids as safe and effective treatment for chronic pain and long-term use.

17. Plaintiffs and members of the Class also seek actual damages to recover costs of reimbursement of prescription opioids for long-term daily use and the cost of treatment of opioid addiction and other adverse medical conditions associated with long-term use incurred by the Class members' health plans and/or paid directly by them.

18. Plaintiffs and members of the Class also seek recovery of its costs of increased medical services directly associated with opioids including increased emergency response costs, increased costs of Plaintiffs' law enforcement authorities, its criminal justice system and social and health agencies which are attributable to the long-term use of prescription opioids to treat chronic pain.

19. Plaintiffs brings this action against Defendants for public nuisance, violation of Pennsylvania Unfair Trade Practices and Consumer Protection Law and unjust enrichment.

II. JURISDICTION AND VENUE

20. This Court has jurisdiction over this action pursuant to 42 Pa.C.S. § 931(a). The amount in controversy exceeds \$50,000 exclusive of interest and costs.

21. Venue is proper in Philadelphia County because Defendants conduct substantial amounts of business in Philadelphia County.

22. This action is not removable to federal court. Among other things, there is insufficient diversity for removal. Plaintiffs' class only includes municipalities, counties, townships and political subdivisions in the Commonwealth of Pennsylvania. 100% of the Class

are citizens of the same state as primary Defendants, Teva Pharmaceuticals USA, Inc., Cephalon, Inc. and Endo Health Solutions, Inc.

III. PARTIES

23. Plaintiff, New Castle is a city and is the County Seat in Lawrence County, Pennsylvania. It is home to approximately 20,000 residents.

24. Plaintiff, Aliquippa is a city in Beaver County, Pennsylvania. It is home to approximately 20,000 residents.

25. Plaintiff, Union is a township in Washington County, Pennsylvania. It is home to approximately 6,000 residents.

26. New Castle, Union and Aliquippa provide a wide range of social services on behalf of their residents including health related services. In addition, New Castle and Aliquippa provide funding for, including but not limited to, the Police Department and Fire Department. New Castle, specifically funds its District Attorney's Office, New Castle Defenders Association and Social Services. Union funds its own Police Department.

27. All Plaintiffs fund their own benefits plan on behalf of their full time employees through which it pays medical costs including cost of treatment for opioid addiction, related diseases and/or conditions, etc.

28. Plaintiffs self fund their own worker's compensation and disability plan through which they pay disability costs and related benefits for covered employees.

29. Plaintiffs' health, prescription, workers' compensation and disability plans are administered by third party service providers that are in the business of administrating employee health plan accounts and worker's compensation and disability benefits.

30. Defendant, Purdue Pharma L.P. (“PPL”) is a limited partnership organized under the laws of Delaware with its principal place of business in Stamford, Connecticut.

31. Defendant Purdue Pharma Inc. (“PPI”) is a New York corporation with its principal place of business in Stamford, Connecticut.

32. Defendant, The Purdue Frederick Company, Inc. (“PFC”) is a New York corporation with its principal place of business in Stamford, Connecticut.

33. PPL, PPI and PFC (collectively, “Purdue”) are engaged in the manufacture, promotion, distribution and sale of opioids nationally, throughout the Commonwealth of Pennsylvania, including the following:

Table 1. Purdue Opioids

Drug Name	Chemical Name	Schedule
OxyContin	Oxycodone hydrochloride extended release	Schedule II
MS Contin	Morphine sulfate extended release	Schedule II
Dilaudid	Hydromorphone hydrochloride	Schedule II
Dilaudid-HP	Hydromorphone hydrochloride	Schedule II
Butrans	Byprenorpine	Schedule III
Hysingla ER	Hydrocodone bitrate	Schedule II
Targiniq ER	Oxycodone hydrochloride and naloxone hydrochloride	Schedule II

34. Defendant, Teva Pharmaceuticals USA, Inc. (“Teva USA”) is a Delaware corporation with its principal place of business in North Wales, Pennsylvania. Teva USA is a wholly owned subsidiary of Teva Pharmaceutical Industries, Ltd. (“Teva Ltd.”), an Israeli corporation.

35. Defendant, Cephalon, Inc. is a Delaware corporation with its former place of business in Frazer, Pennsylvania. In 2011, Teva Ltd. acquired Cephalon, Inc.

36. Teva USA and Cephalon, Inc. (collectively, "Cephalon") work together to manufacture, promote, distribute and sell both brand name and generic versions of the opioids nationally, throughout the Commonwealth of Pennsylvania, including the following:

Table 2. Cephalon Opioids

Drug Name	Chemical Name	Schedule
Actiq	Fentanyl citrate	Schedule II
Fentora	Fentanyl citrate	Schedule II

37. Teva USA was in the business of selling generic opioids, including a generic form of OxyContin from 2005 to 2009 nationally, throughout the Commonwealth of Pennsylvania.

38. Defendant, Johnson & Johnson ("J&J") is a New Jersey corporation with its principal place of business in New Brunswick, New Jersey.

39. Defendant, Janssen Pharmaceutical, Inc. ("Janssen Pharmaceuticals") is a Pennsylvania corporation with its principal place of business in Titusville, New Jersey, and is a wholly owned subsidiary of J&J.

40. Janssen Pharmaceuticals, Inc. was formerly known as Ortho-McNeil-Janssen Pharmaceuticals, Inc., which in turn was formerly known as Janssen Pharmaceutica, Inc.

41. Defendant, Ortho-McNeil-Janssen Pharmaceuticals, Inc. ("OMP"), now known as Janssen Pharmaceuticals, Inc. is a Pennsylvania corporation with its principal place of business in Titusville, New Jersey.

42. J&J is the only company that owns more than 10% of Janssen Pharmaceuticals stock. Upon information and belief, J&J controls the sale and development of Janssen Pharmaceuticals drugs and Janssen Pharmaceuticals profits inure to J&J's benefit.

43. J&J, Janssen Pharmaceuticals, OMP and Janssen Pharmaceutica (collectively, “Janssen”) are or have been engaged in the manufacture, promotion, distribution and sale of opioids nationally, throughout the Commonwealth of Pennsylvania, including the following:

Table 3. Janssen Opioids

Drug Name	Chemical Name	Schedule
Duragesic	Fentanyl	Schedule II
Nucynta	Tapentadol extended release	Schedule II
Nucynta Er	Tapentadol	Schedule II

44. Together, Nucynta and Nucynta ER accounted for \$172 million in sales in 2014. Prior to 2009, Duragesic accounted for at least \$1 billion in annual sales.

45. Defendant, Endo Health Solutions, (“EHS”) is a Delaware corporation with its principal place of business in Malvern, Pennsylvania.

46. Defendant, Endo Pharmaceuticals, Inc. (“EPI”) is a wholly owned subsidiary of EHS and is a Delaware corporation with its principal place of business in Malvern, Pennsylvania.

47. EHS and EPI (collectively, “Endo”) manufacture, promote, distribute and sell opioids nationally, throughout the Commonwealth of Pennsylvania, including the following:

Table 4. Endo Opioids

Drug Name	Chemical Name	Schedule
Opana ER	Oxymorphone hydrochloride extended release	Schedule II
Opana	Oxymorphone hydrochloride	Schedule II
Percodan	Oxymorphone hydrochloride and aspirin	Schedule II
Percocet	Oxymorphone hydrochloride and acetaminophen	Schedule II

48. Defendant, Allergan PLC is a publicly traded company, traded on the New York Stock Exchange. It is incorporated in Ireland with its principal place of business in Dublin, Ireland. Its U.S. headquarters are located in Parsippany, New Jersey. Actavis PLC acquired

Allergan PLC in March, 2015 and the combined company changed its name to Allergan PLC in March, 2015.

49. Defendant, Allergan PLC acquired, merged with, or otherwise combined with several Actavis entities (including Actavis PLC and Actavis, Inc.), Watson entities (including Watson Pharmaceuticals, Inc. and Watson Laboratories, Inc.) and Warner Chilcott entities (including Warner Chilcott Company, LLC and Warner Chilcott PLC) that manufactured, marketed and sold opioids. Upon information and belief, profits from the sale of opioid products by Actavis, Watson and Warner Chilcott ultimately inured or inure to the benefit of Defendant Allergan PLC.

50. At all times material hereto, Defendant Allergan PLC and the Actavis, Watson and Warner Chilcott entities (collectively referred to herein as "Allergan/Actavis") promoted, marketed and sold both brand name and generic versions of opioids throughout the Commonwealth of Pennsylvania.

Table 5. Allergan/Actavis Opioids

Drug Name	Chemical Name	Schedule
Kadian	Morphine sulfate extended release	Schedule II
Norco	Hydrocodone bitartrate and acetaminophen	Schedule II
Generic Duragesic	Fentanyl	Schedule II
Generic Kadian	Morphine sulfate extended release	Schedule II
Generic Opana	Oxymorphone hydrochloride	Schedule II

IV. FACTS

51. The pain relieving properties of opioids are well recognized by the medical community. Prescription opioids are similar and related to illegal drugs including heroin.

Prescription opioids are controlled substances regulated by the US Drug Enforcement Administration since 1970.

52. Studies and articles from the 70's and 80's made clear the reasons to avoid opioids, especially for long-term use and treatment of chronic pain.

53. In fact, leading journals advocated the prohibition of the use of opioid therapy for chronic pain.

54. Medical research shows that discontinuing opioids that have been prescribed for just a few weeks causes withdrawal symptoms which include severe anxiety, nausea, vomiting, headaches, agitation, insomnia, tremors, hallucinations, delirium, pain and other serious symptoms which will persist depending on how long the prescription opioids were used.

55. Further, the longer that you are on opioids and as your tolerance is increased, the dosage that is needed to achieve the required result becomes greater. Thus, patients who are on opioids for long use, their dosages escalate because of their tolerance to the drug which, in turn, causes an increased risk of overdosing and addiction.

56. However, despite this above information, Defendants promoted opioids for long-term use. In fact, in 2013 the FDA warned of grave risks of opioids. The FDA further warned that the use of prescription opioid drugs, even under medical supervision, can cause life threatening harm. The FDA warned that long-term use of opioids should be used as a last resort when other treatments are inadequate.

57. The FDA expanded its warnings for immediate release to apply to opioid pain medications. Defendants were well aware of the harms from long-term use of opioids which the FDA warned about.

58. Despite the underlying knowledge of prescription opioids and its risk to users, Defendants successfully marketed and achieved the dramatic expansion of prescription opioids for use for medical purposes in the last 20 years. From 1999 - 2010 the sale of prescription opioids in the US nearly quadrupled.

59. In 2010, nearly 20% of all doctor visits resulted in a prescription of an opioid.

60. Nearly 70% of adults nationwide have used opioid pain medication in their lifetime and approximately 30% have used opioids in the previous year.

61. In 2012 7% of adults age 20 and over reported using a prescription opioid in the past 30 days.

62. In 2017, the CDC noted, prescription opioid related deaths and admissions for treatment of opioid use disorder, have increased in parallel with increased opioids prescribed in the United States which quadrupled from 1999 – 2010. The sales of opioid pain medication have increased in parallel with opioid related deaths.

63. The principal cause of the opioid epidemic in 1999 – 2014 was the unprecedented increase in use of prescription opioids.

64. The CDC and other researchers have concluded that prescription opioids are the principal causative factor driving both epidemics and opioid addiction and overdoses.

65. Defendants' marketing campaign of prescription opioids to physicians, pharmacist and patients has proximately caused damage to Plaintiffs and members of the Class. Defendants created a false perception it was safe to use prescription opioids for an extended period of time or long-term use.

66. The unbranded marketing materials that Defendants provided did not disclose the risks of addiction, abuse, misuse and overdose.

V. CLASS ALLEGATIONS

67. Plaintiffs bring this action against Defendants on behalf of themselves and as a class action, pursuant to Pennsylvania Rules of Civil Procedure 1701 *et seq.* on behalf of the following class:

All political subdivisions, municipalities, cities, townships and counties in the Commonwealth of Pennsylvania who incurred damages as a result Defendants' marketing of prescription opioids.

68. Plaintiffs reserve the right to modify or amend the definition of the proposed class before the Court determines whether certification is appropriate. The Class does not include any entities outside of the Commonwealth of Pennsylvania.

69. The proposed class is so numerous that the case would be impracticable under the circumstances. While the exact number of members of the Class is unknown to Plaintiffs, it is upon information and belief that the Class consists of hundreds of entities.

70. The individual class members are ascertainable, as the names and addresses of all class members can be identified through public records.

71. Numerous questions of law or fact arise from Defendant's conduct that are common to the Class, including but not limited to:

- a. Whether Defendants unlawfully marketed prescription opioids in a manner that was unsafe to citizens of the Commonwealth of Pennsylvania;
- b. Whether prescription opioids are intended for long-term use;
- c. Whether prescription opioids are safe for long-term use;
- d. Whether prescription opioids prescribed for long-term use are addictive;
- e. Whether prescription opioids should have been marketed for long-term use;
- f. Whether municipalities, cities, counties, townships and other political subdivisions have been harmed as a result of Defendants marketing prescription opioids for long-term use;
- g. Whether Plaintiffs and class members are entitled to damages;

- h. Whether Plaintiffs and class members are entitled to injunctive relief;
and
- i. Whether Defendants are liable.

72. These and other questions are common to the Class and predominate over any questions affecting only individual class members.

73. Plaintiff's claims are typical of the Class in that Plaintiffs suffered damages as a result of Defendants' marketing of prescription opioids for long-term use when they are unsafe for long-term use.

74. Plaintiffs will fairly and adequately represent the interests of the Class in that it has no conflict with any other members of the Class. Furthermore, Plaintiffs have retained competent counsel experienced in class action and other complex commercial litigation.

75. Defendants have acted on grounds generally applicable to the Class, thereby making final injunctive relief appropriate with respect to the Class as a whole.

76. This class action is superior to the alternatives, if any, for the fair and efficient adjudication of this controversy. Prosecution as a class action will eliminate the possibility of repetitive litigation. There will be no material difficulty in the management of this action as a class action.

77. The prosecution of separate actions by individual class members would create the risk of inconsistent or varying adjudications, establishing incompatible standards of conduct for Defendants.

78. Class members who have already retained counsel will have the option, if they have the financial ability, to opt-out and prosecute their actions individually, should they so choose, without the use of a class action. However, numerous counties, municipalities, townships and cities will not have the financial resources to retain a lawyer to prosecute this

action. A class action will be an effective procedural mechanism to allow smaller cities, counties, municipalities and townships to be reimbursed for harm done by Defendants.

**FIRST CAUSE OF ACTION
CONSUMER FRAUD-DECEPTIVE PRACTICES 73 P.S. § 201-1 – 201-9.3 *et seq.*
(AGAINST ALL DEFENDANTS)**

79. Plaintiffs incorporate the allegations within all prior paragraphs within this Complaint as if they were fully set forth herein.

80. 73 P.S. § 201-1 – 201-9.3 *et seq.*, (“Pennsylvania Unfair Trade Practices and Consumer Protection Law” or “UTPCPL”) makes it unlawful for a person or business to employ “unfair methods of competition” and “unfair or deceptive acts or practices” by representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation or connection that he does not have. 73 P.S. § 201.2(4)(v).

81. Defendants have engaged in unfair or deceptive acts or practices in violation of UTPCPL as set forth above.

82. Defendants’ practices as described herein are unfair or deceptive acts or practices that violate UTPCPL because the practices were and are intended to deceive consumers and occurred and continue to occur in the course of conduct involving trade and commerce in New Castle, Aliquippa, Union and throughout the Commonwealth of Pennsylvania.

83. At all times relevant to this Complaint, Defendants, directly, through their control of third parties, and/or by aiding and abetting third parties, violated the UTPCPL by making and disseminating untrue, false and misleading statements to Pennsylvania prescribers and consumers to promote the sale and use of opioids to treat chronic pain, including for long-term use, or by causing untrue, false and misleading statements about opioids to be made or

disseminated to Pennsylvania and County prescribers and consumers in order to promote the sale and use of opioids to treat chronic pain, including for long-term use. These untrue, false and misleading statements included, but were not limited to:

- a. Misrepresenting the truth about how opioids lead to addiction;
- b. Misrepresenting that opioids improve function;
- c. Misrepresenting that addiction risk can be managed;
- d. Misleading doctors, patients and payors through the use of misleading terms like “pseudoaddiction”;
- e. Falsely claiming that withdrawal is simply managed;
- f. Misrepresenting that increased doses pose no significant additional risks;
- g. Falsely omitting or minimizing the adverse effects of opioids and overstating the risks of alternative forms of pain treatment and management.

84. At all times relevant to this Complaint, Defendants, directly, through their control of third parties, and by aiding and abetting third parties, also violated the UTPCPL by making statements that omitted or concealed material facts to promote the sale and use of opioids to treat chronic pain, including for long-term use. Defendants and their third-party allies repeatedly failed to disclose or minimized material facts about the risks of opioids, including the risk of addiction and their risks compared to alternative treatments. Such material omissions were deceptive and misleading in their own right, and further rendered even otherwise truthful statements about opioids untrue, false and misleading, creating a misleading impression of the risks, benefits and superiority of opioids for treatment of chronic pain, including for long-term use.

85. At all times relevant to this Complaint, Defendants, directly, through their control of third parties and by aiding and abetting third parties, made and disseminated the foregoing untrue, false and misleading statements and material omissions, through an array of marketing channels, including but not limited to: in-person and other forms of detailing; speaker events, including meals, conferences and teleconferences; CMEs; studies and journal articles and supplements; advertisements; and brochures and other patient education materials.

86. Defendants knew at the time of making or disseminating these misstatements and material omissions, or causing these misstatements and material omissions statements to be made or disseminated, that they were untrue, false or misleading and therefore likely to deceive the public. In addition, Defendants knew or should have known that their marketing and promotional efforts created an untrue, false and misleading impression of the risks, benefits and superiority of opioids.

87. In sum, Defendants: (a) directly engaged in untrue, false and misleading marketing; (b) disseminated the untrue, false and misleading marketing through third parties; and (c) aided and abetted the untrue, false and misleading marketing third parties.

88. All of this conduct, separately and collectively, was intended to deceive Pennsylvania consumers who used or paid for opioids for chronic pain; Pennsylvania physicians who prescribed opioids to consumers to treat chronic pain; and Pennsylvania payors, including New Castle, Aliquippa and Union, who purchased or covered the purchase of opioids for chronic pain. As a direct result of the foregoing acts and practices, the Defendants have received, or will receive, income, profits and other benefits, which they would not have received if they had not engaged in the violations of the UTPCPL as described in this Complaint.

89. In addition, 73 P.S. § 201-8(b) specifically allows the Plaintiffs to bring this claim for a penalty for each violation by the Defendants.

**SECOND CAUSE OF ACTION
PUBLIC NUISANCE
(AGAINST ALL DEFENDANTS)**

90. Plaintiffs incorporate the allegations within all prior paragraphs within this Complaint as if they were fully set forth herein.

91. Defendants' conduct constitutes a public nuisance.

92. Defendants, individually and acting through their employees and agents and in concert with each other, have intentionally, recklessly or negligently engaged in conduct or omissions which endanger or injure other property, health, safety or comfort of a considerable number of persons in the New Castle, Aliquippa and Union by their untrue, false and misleading promotion and marketing of opioids for use by residents of New Castle, Aliquippa and Union.

93. Defendants' marketing conduct and subsequent sale of its opioid products is not only unlawful, but has also resulted in substantial and unreasonable interference with the public health, and the public's enjoyment of its right that not to be defrauded or negligently injured.

94. Defendants' conduct is not insubstantial or fleeting. Indeed, Defendants' unlawful conduct has so severely impacted public health on every geographic and demographic level that the public nuisance perpetrated by Defendants' conduct is commonly referred to as "crisis" or an "epidemic". It has caused deaths, serious injuries and a severe disruption of public peace, order and safety; it is ongoing and it is producing permanent and long-lasting damage.

95. By reason of the foregoing, Plaintiffs have been injured and continues to be injured in that it has paid and continues to pay for long-term opioid treatment using opioids manufactured or distributed by Defendants or by other drug makers. Plaintiffs have suffered

additional damages and continues to suffer damage for the additional costs of providing and using opioids long-term to treat chronic pain.

**THIRD CAUSE OF ACTION
UNJUST ENRICHMENT
VIOLATIONS OF THE COMMON LAW PROHIBITION ON UNJUST ENRICHMENT
(AGAINST ALL DEFENDANTS)**

96. Plaintiffs incorporate the allegations within all prior paragraphs within this Complaint as if they were fully set forth herein.

97. Defendants have unjustly retained a benefit to the Plaintiffs' detriment, and the Defendants' retention of the benefit violates the fundamental principles of justice, equity and good conscience.

98. By illegally and deceptively promoting opioids to treat chronic pain, directly, through their control of third parties, and by acting in concert with third parties, Defendants have unjustly enriched themselves at Plaintiffs' expense. Plaintiffs' have made payments for opioid prescriptions and Defendants benefited from those payments. Because of their deceptive promotion of opioids, Defendants obtained enrichment they would not otherwise have obtained. The enrichment was without justification and Plaintiffs claims a remedy provided by law.

99. In addition, and by reason of the foregoing, Plaintiffs were injured and continues to be injured in that Defendants' ongoing concerted actions in illegally and deceptively marketing opioids caused doctors and other health care providers to prescribe and Plaintiffs to pay for long-term opioid treatment using opioids manufactured by Defendants or by other drug makers. Defendants caused and are responsible for those costs and claims. Plaintiffs also incurred damages because of the increased costs associated with medical services rendered to the opioid crisis including emergency response costs, law enforcement authorities costs, criminal justice system and social and health care costs, all of which resulted from and are attributed to

the long-term use of prescription opioids manufactured, distributed, marketed and/or sold by Defendants.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand judgment on each Cause of Action against Defendants in excess of Fifty Thousand Dollars (\$50,000), jointly and severally awarding Plaintiffs:

1. Compensatory damages in an amount sufficient to fairly and completely compensate Plaintiffs for all damages;
2. Treble damages, penalties and costs pursuant to Consumer Fraud – Deceptive Practices, violations of 73 P.S. § 201-1 – 201-9.3 *et seq.*;
3. Certifying the Class;
4. A declaratory judgment requiring Defendants to abate the public health nuisance;
5. Punitive damages;
6. Interest, costs and attorney fees; and
7. Such other and further relief as this Court deems just and proper.

LEVIN SEDRAN & BERMAN LLP

Date: March 16, 2018


/s/ Daniel C. Levin
Arnold Levin, Esquire
Daniel C. Levin, Esquire
Charles E. Schaffer, Esquire
510 Walnut Street, Ste. 500
Philadelphia, Pa 19106
215-592-1500

Attorneys for Plaintiffs

VERIFICATION

I, Robert Eckert, hereby state that I am the plaintiff in this action, and that the facts set forth in the foregoing Class Action Complaint are true and correct to the best of my knowledge. I understand that this Verification is being made subject to 18 Pa. C.S.A. § 4904, relating to unsworn falsification to authorizations.

3-12-18
Date



VERIFICATION

I, Anthony Mastromgelo, hereby state that I am the plaintiff in this action, and that the facts set forth in the foregoing Class Action Complaint are true and correct to the best of my knowledge.

I understand that this Verification is being made subject to 18 Pa. C.S.A. § 4904, relating to unsworn falsification to authorizations.

3/12/18
Date

Anthony S. Mastromgelo

EXHIBIT 2

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

MDL No. 2804

TRANSFER ORDER

Before the Panel:* Plaintiffs in 46 actions move under 28 U.S.C. § 1407 to centralize pretrial proceedings in the Southern District of Ohio or the Southern District of Illinois, but plaintiffs do not oppose centralization in the Southern District of West Virginia. These cases concern the alleged improper marketing of and inappropriate distribution of various prescription opiate medications into cities, states and towns across the country. Plaintiffs’ motion includes the 64 actions listed on Schedule A,¹ which are pending in nine districts. Since plaintiffs filed this motion, the parties have notified the Panel of 115 potentially related actions.²

Responding plaintiffs’ positions on centralization vary considerably. Plaintiffs in over 40 actions or potential tag-along actions support centralization. Plaintiffs in fifteen actions or potential tag-along actions oppose centralization altogether or oppose transfer of their action. In addition to opposing transfer, the State of West Virginia suggests that we delay transferring its case until the Southern District of West Virginia court decides its motion to remand to state court. Third party payor plaintiffs in an Eastern District of Pennsylvania potential tag-along action (*Philadelphia Teachers Health and Welfare Fund*) oppose centralization of third party payor actions. Western District of Washington plaintiff City of Everett opposes centralization and, alternatively, requests exclusion of its case. Northern District of Illinois tag-along plaintiff City of Chicago asks the Panel to defer transfer of its action until document discovery is completed.

Defendants’ positions on centralization also vary considerably. The “Big Three” distributor defendants,³ which reportedly distribute over 80% of the drugs at issue and are defendants in most cases,

* Judges Lewis A. Kaplan and Ellen Segal Huvelle did not participate in the decision of this matter.

¹ Two actions included on plaintiffs’ motion to centralize were remanded to state court during the pendency of the motion.

² These actions, and any other related actions, are potential tag-along actions. *See* Panel Rules 1.1(h), 7.1 and 7.2.

³ AmerisourceBergen Drug Corp., AmerisourceBergen Corp., McKesson Corp., Cardinal Health 110, LLC, Cardinal Health, Inc., Cardinal Health 105, Inc., Cardinal Health 108, LLC, Cardinal Health 112, LLC, Cardinal Health 414, LLC, and Cardinal Health subsidiary The Harvard Drug

- 2 -

support centralization in the Southern District of West Virginia. These defendants request that the Panel either delay issuing its transfer order or delay transfer of their cases until their motions to dismiss are decided. Defendant distributor Miami-Luken also supports centralization in the Southern District of West Virginia. Multiple manufacturer defendants⁴ support centralization in the Southern District of New York or the Northern District of Illinois; defendant Malinckrodt, LLC, takes no position on centralization but supports the same districts. Teva defendants⁵ suggest centralization in the Eastern District of Pennsylvania or the manufacturers' preferred districts. Physician defendants⁶ in three Ohio actions, who are alleged to be "key opinion leaders" paid by manufacturing defendants, do not oppose centralization in the Southern District of Ohio.

Defendants in several Southern District of West Virginia cases oppose centralization. These defendants include several smaller distributor defendants or "closed" distributors that supply only their own stores.⁷ Many of these defendants specifically request exclusion of the claims against them from the MDL. Also, manufacturer Pfizer, Inc., opposes centralization and requests that we exclude any claims against it from this MDL.⁸

The responding parties suggest a wide range of potential transferee districts, including: the Southern District of West Virginia, the Southern District of Illinois, the Northern District of Illinois, the Eastern District of Missouri (in a brief submitted after the Panel's hearing), the District of New Jersey, the

Group, L.L.C.

⁴ Actavis LLC, Actavis Pharma, Inc., Allergan PLC, Allergan Finance, LLC, Allergan plc f/k/a Actavis plc, Actavis Pharma Inc. f/k/a Watson Pharma Inc., Watson Pharmaceuticals, Inc. n/k/a Actavis, Inc., and Allergan PLC f/k/a Actavis PLS, Cephalon, Inc., Endo Health Solutions, Inc., Endo Pharmaceuticals, Inc., Janssen Pharmaceutica Inc., Johnson & Johnson, Ortho-McNeil-Janssen Pharmaceuticals, Inc., Purdue Frederick Company Inc., Purdue Pharma Inc., Purdue Pharma L.P., Teva Pharmaceuticals Industries Ltd., Teva Pharmaceuticals USA, Inc., Watson Laboratories, Inc., Watson Pharmaceuticals, Inc., Janssen Pharmaceutica Inc. n/k/a Janssen Pharmaceuticals, Inc.

⁵ Teva Pharmaceutical Industries, Ltd., Teva Pharmaceuticals U.S.A, Inc., Cephalon, Inc., Watson Laboratories, Inc., Actavis LLC, and Actavis Pharma, Inc.

⁶ Scott Fishman, M.D., Perry Fine, M.D., Lynn Webster, M.D., and Russell Portenoy, M.D.

⁷ JM Smith Corp.; CVS Indiana, LLC and Omnicare Distribution Center, LLC; TopRx; Kroger Limited Partnership I, Kroger Limited Partnership II, SAJ Distributors (a Walgreens distributor for two months in 2012), Walgreen Eastern Co., Inc., and Rite Aid of Maryland, Inc.; Masters Pharmaceuticals and KeySource Medical; WalMart Stores East, LP.

⁸ Pfizer specifically requests that we exclude any potential future claims against it because of its minimal involvement in the opioid market. At oral argument, counsel stated that Pfizer was not named as a defendant in any pending case. In the absence of a case before us, the Panel will not address Pfizer's argument.

Southern District of New York, the Southern District of Ohio, the Northern District of Ohio, the Eastern District of Pennsylvania, the Eastern District of Texas, the Western District of Washington and the Eastern District of Wisconsin.

After considering the argument of counsel, we find that the actions in this litigation involve common questions of fact, and that centralization in the Northern District of Ohio will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Plaintiffs in the actions before us are cities, counties and states that allege that: (1) manufacturers of prescription opioid medications overstated the benefits and downplayed the risks of the use of their opioids and aggressively marketed (directly and through key opinion leaders) these drugs to physicians, and/or (2) distributors failed to monitor, detect, investigate, refuse and report suspicious orders of prescription opiates. All actions involve common factual questions about, *inter alia*, the manufacturing and distributor defendants' knowledge of and conduct regarding the alleged diversion of these prescription opiates, as well as the manufacturers' alleged improper marketing of such drugs. Both manufacturers and distributors are under an obligation under the Controlled Substances Act and similar state laws to prevent diversion of opiates and other controlled substances into illicit channels. Plaintiffs assert that defendants have failed to adhere to those standards, which caused the diversion of opiates into their communities. Plaintiffs variously bring claims for violation of RICO statutes, consumer protection laws, state analogues to the Controlled Substances Act, as well as common law claims such as public nuisance, negligence, negligent misrepresentation, fraud and unjust enrichment.

The parties opposing transfer stress the uniqueness of the claims they bring (or the claims that are brought against them), and they argue that centralization of so many diverse claims against manufacturers and distributors will lead to inefficiencies that could slow the progress of all cases. While we appreciate these arguments, we are not persuaded by them. All of the actions can be expected to implicate common fact questions as to the allegedly improper marketing and widespread diversion of prescription opiates into states, counties and cities across the nation, and discovery likely will be voluminous. Although individualized factual issues may arise in each action, such issues do not – especially at this early stage of litigation – negate the efficiencies to be gained by centralization. The transferee judge might find it useful, for example, to establish different tracks for the different types of parties or claims. The alternative of allowing the various cases to proceed independently across myriad districts raises a significant risk of inconsistent rulings and inefficient pretrial proceedings. In our opinion, centralization will substantially reduce the risk of duplicative discovery, minimize the possibility of inconsistent pretrial obligations, and prevent conflicting rulings on pretrial motions. Centralization will also allow a single transferee judge to coordinate with numerous cases pending in state courts. Finally, we deny the requests to delay transfer pending rulings on various pretrial motions (*e.g.*, motions to dismiss or to remand to state court) or until the completion of document discovery in *City of Chicago*.

Although all of the cases on the motion before us involve claims brought by political subdivisions, we have been notified of potential tag-along actions brought by individuals, consumers, hospitals and third party payors. As reflected in our questions at oral argument, this litigation might evolve to include

- 4 -

additional categories of plaintiffs and defendants, as well as different types of claims. We will address whether to include specific actions or claims through the conditional transfer order process.⁹

As this litigation progresses, it may become apparent that certain types of actions or claims could be more efficiently handled in the actions' respective transferor courts. Should the transferee judge deem remand of any claims or actions appropriate (or, relatedly, the subsequent exclusion of similar types of claims or actions from the centralized proceedings), then he may accomplish this by filing a suggestion of remand to the Panel. *See* Panel Rule 10.1. As always, we trust such matters to the sound judgment of the transferee judge.

Most parties acknowledge that any number of the proposed transferee districts would be suitable for this litigation that is nationwide in scope. We are persuaded that the Northern District of Ohio is the appropriate transferee district for this litigation. Ohio has a strong factual connection to this litigation, given that it has experienced a significant rise in the number of opioid-related overdoses in the past several years and expended significant sums in dealing with the effects of the opioid epidemic. The Northern District of Ohio presents a geographically central and accessible forum that is relatively close to defendants' various headquarters in New York, Connecticut, New Jersey and Pennsylvania. Indeed, one of the Big Three distributor defendants, Cardinal Health, is based in Ohio. Judge Dan A. Polster is an experienced transferee judge who presides over several opiate cases. Judge Polster's previous MDL experience, particularly MDL No. 1909 – *In re: Gadolinium Contrast Dyes Products Liability Litigation*, which involved several hundred cases, has provided him valuable insight into the management of complex, multidistrict litigation. We have no doubt that Judge Polster will steer this litigation on a prudent course.

IT IS THEREFORE ORDERED that the actions listed on Schedule A and pending outside of the Northern District of Ohio are transferred to the Northern District of Ohio and, with the consent of that court, assigned to the Honorable Dan A. Polster for coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



Sarah S. Vance
Chair

Charles R. Breyer
R. David Proctor

Marjorie O. Rendell
Catherine D. Perry

⁹ Eastern District of Pennsylvania *Philadelphia Teachers Health and Welfare Fund* third party payor plaintiff opposed centralization of such claims, stating that it intends to file a motion for centralization of third party payor claims. We will address that motion, if it is filed, in due course.

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

MDL No. 2804

SCHEDULE A

Northern District of Alabama

CITY OF BIRMINGHAM v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL.,
C.A. No. 2:17-01360

Eastern District of California

COUNTY OF SAN JOAQUIN, ET AL. v. PURDUE PHARMA, L.P., ET AL.,
C.A. No. 2:17-01485

Southern District of Illinois

PEOPLE OF THE STATE OF ILLINOIS, ET AL. v. PURDUE PHARMA LP, ET AL.,
C.A. No. 3:17-00616

PEOPLE OF THE STATE OF ILLINOIS, ET AL. v. AMERISOURCEBERGEN
DRUG CORPORATION, ET AL., C.A. No. 3:17-00856

PEOPLE OF STATE OF ILLINOIS, ET AL. v. AMERISOURCEBERGEN DRUG
CORPORATION, ET AL., C.A. No. 3:17-00876

Eastern District of Kentucky

BOONE COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG
CORPORATION, ET AL., C.A. No. 2:17-00157

PENDLETON COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG
CORPORATION, ET AL., C.A. No. 2:17-00161

CAMPBELL COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG
CORPORATION, ET AL., C.A. No. 2:17-00167

ANDERSON COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG
CORPORATION, ET AL., C.A. No. 3:17-00070

FRANKLIN COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG
CORPORATION, ET AL., C.A. No. 3:17-00071

SHELBY COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG
CORPORATION, ET AL., C.A. No. 3:17-00072

HENRY COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG
CORPORATION, ET AL., C.A. No. 3:17-00073

BOYLE COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG
CORPORATION, ET AL., C.A. No. 5:17-00367

FLEMING COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG
CORPORATION, ET AL., C.A. No. 5:17-00368

- A2 -

Eastern District of Kentucky (cont.)

GARRARD COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 5:17-00369
LINCOLN COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 5:17-00370
MADISON COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 5:17-00371
NICHOLAS COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 5:17-00373
BELL COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 6:17-00246
HARLAN COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 6:17-00247
KNOX COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 6:17-00248
LESLIE COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 6:17-00249
WHITLEY COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 6:17-00250
CLAY COUNTY FISCAL COURT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 6:17-00255

Western District of Kentucky

THE FISCAL COURT OF CUMBERLAND COUNTY v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 1:17-00163
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 3:17-00508
THE FISCAL COURT OF SPENCER COUNTY v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 3:17-00557
THE FISCAL COURT OF UNION COUNTY v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 4:17-00120
THE FISCAL COURT OF CARLISLE COUNTY v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 5:17-00136

Northern District of Ohio

CITY OF LORAIN v. PURDUE PHARMA L.P., ET AL., C.A. No. 1:17-01639
CITY OF PARMA v. PURDUE PHARMA L.P., ET AL., C.A. No. 1:17-01872

- A3 -

Southern District of Ohio

CLERMONT COUNTY BOARD OF COUNTY COMMISSIONERS v.
AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 2:17-00662
BELMONT COUNTY BOARD OF COUNTY COMMISSIONERS v.
AMERISOURCEBERGEN DRUG CORPORATION, ET AL., C.A. No. 2:17-00663
BROWN COUNTY BOARD OF COUNTY COMMISSIONERS v. AMERISOURCEBERGEN
DRUG CORPORATION, ET AL., C.A. No. 2:17-00664
VINTON COUNTY BOARD OF COUNTY COMMISSIONERS v. AMERISOURCEBERGEN
CORPORATION, ET AL., C.A. No. 2:17-00665
JACKSON COUNTY BOARD OF COUNTY COMMISSIONERS v. AMERISOURCEBERGEN
DRUG CORPORATION, ET AL., C.A. No. 2:17-00680
SCIOTO COUNTY BOARD OF COUNTY COMMISSIONERS v. AMERISOURCEBERGEN
DRUG CORPORATION, ET AL., C.A. No. 2:17-00682
PIKE COUNTY BOARD OF COUNTY COMMISSIONERS v. AMERISOURCEBERGEN
DRUG CORPORATION, ET AL., C.A. No. 2:17-00696
ROSS COUNTY BOARD OF COUNTY COMMISSIONERS v. AMERISOURCEBERGEN
DRUG CORPORATION, ET AL., C.A. No. 2:17-00704
CITY OF CINCINNATI v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL.,
C.A. No. 2:17-00713
CITY OF PORTSMOUTH v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL.,
C.A. No. 2:17-00723
GALLIA COUNTY BOARD OF COMMISSIONERS v. AMERISOURCEBERGEN DRUG
CORPORATION, ET AL., C.A. No. 2:17-00768
HOCKING COUNTY BOARD OF COMMISSIONERS v. AMERISOURCEBERGEN DRUG
CORPORATION, ET AL., C.A. No. 2:17-00769
LAWRENCE COUNTY BOARD OF COMMISSIONERS v. AMERISOURCEBERGEN DRUG
CORPORATION, ET AL., C.A. No. 2:17-00770
DAYTON v. PURDUE PHARMA LP, ET AL., C.A. No. 3:17-00229

Western District of Washington

CITY OF EVERETT v. PURDUE PHARMA LP, ET AL., C.A. No. 2:17-00209
CITY OF TACOMA v. PURDUE PHARMA, L.P., ET AL., C.A. No. 3:17-05737

Southern District of West Virginia

THE COUNTY COMMISSION OF MCDOWELL COUNTY v. MCKESSON CORPORATION,
ET AL., C.A. No. 1:17-00946
HONAKER v. WEST VIRGINIA BOARD OF PHARMACY, ET AL., C.A. No. 1:17-03364
THE COUNTY COMMISSION OF MERCER COUNTY v. WEST VIRGINIA BOARD OF
PHARMACY, C.A. No. 1:17-03716

- A4 -

Southern District of West Virginia (cont.)

KANAWHA COUNTY COMMISSION v. RITE AID OF MARYLAND, INC., ET AL.,
C.A. No. 2:17-01666
FAYETTE COUNTY COMMISSION v. CARDINAL HEALTH, INC., ET AL.,
C.A. No. 2:17-01957
BOONE COUNTY COMMISSION v. AMERISOURCEBERGEN DRUG CORPORATION,
ET AL., C.A. No. 2:17-02028
LOGAN COUNTY COMMISSION v. CARDINAL HEALTH, INC., ET AL.,
C.A. No. 2:17-02296
THE COUNTY COMMISSION OF LINCOLN COUNTY v. WEST VIRGINIA BOARD OF
PHARMACY, ET AL., C.A. No. 2:17-03366
LIVINGGOOD v. WEST VIRGINIA BOARD OF PHARMACY, ET AL., C.A. No. 2:17-03369
SPARKS v. WEST VIRGINIA BOARD OF PHARMACY, C.A. No. 2:17-03372
CARLTON, ET AL. v. WEST VIRGINIA BOARD OF PHARMACY, ET AL.,
C.A. No. 2:17-03532
STATE OF WEST VIRGINIA, ET AL. v. MCKESSON CORPORATION, C.A. No. 2:17-03555
BARKER v. WEST VIRGINIA BOARD OF PHARMACY, ET AL., C.A. No. 2:17-03715
THE CITY OF HUNTINGTON v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL.,
C.A. No. 3:17-01362
CABELL COUNTY COMMISSION v. AMERISOURCEBERGEN DRUG CORPORATION, ET
AL., C.A. No. 3:17-01665
WAYNE COUNTY COMMISSION v. RITE AID OF MARYLAND, INC., ET AL.,
C.A. No. 3:17-01962
WYOMING COUNTY COMMISSION v. AMERISOURCEBERGEN DRUG
CORPORATION, ET AL., C.A. No. 5:17-02311

EXHIBIT 3



No Items in Cart

LOGIN

Civil Docket Report

A \$5 Convenience fee will be added to the transaction at checkout.

Case Description

Case ID: 180301961
Case Caption: THE CITY OF NEW CASTLE ETAL VS PURDUE PHARMA L.P.
Filing Date: Friday , March 16th, 2018
Court: CLASS ACTION
Location: City Hall
Jury: JURY
Case Type: CLASS ACTION
Status: ACTIVE CASE

Related Cases

No related cases were found.

Case Event Schedule

No case events were found.

Case motions

No case motions were found.

Case Parties

Seq #	Assoc	Expn Date	Type	Name
1			ATTORNEY FOR PLAINTIFF	LEVIN, DANIEL C
Address:	510 WALNUT STREET, STE. 500 LEVIN SEDRAN & BERMAN PHILADELPHIA PA 19106 (215)592-1500	Aliases:	none	
2			TEAM LEADER	PADILLA, NINA W.
			none	





Address:	505 CITY HALL PHILADELPHIA PA 19107 (215)686-2892	Aliases:		
3	1		PLAINTIFF	CITY OF NEW CASTLE
Address:	230 N JEFFERSON ST MUNICIPAL BUILDING NEW CASTLE PA 16101	Aliases:	<i>none</i>	
4	17		DEFENDANT	JANSSEN PHARMACEUTICALS INC
Address:	1125 TRENTON HARBOUTON RD TITUSVILLE NJ 08560	Aliases:	<i>none</i>	
5	17		DEFENDANT	ORTHO-MCNEIL- JANSSEN PHARMACEUTICALS INC
Address:	1125 TRENTON HARBOUTON RD TITUSVILLE NJ 08560	Aliases:	JANSSEN PHARMACEUTICALS INC NKA	
6	17		DEFENDANT	JANSSEN PHARMACEUTICA INC
Address:	1125 TRENTON HARBOUTON RD TITUSVILLE NJ 08560	Aliases:	JANSSEN PHARMACEUTICALS INC NKA	
7			DEFENDANT	ENDO HEALTH SOLUTIONS INC
Address:	1400 ATWATER DR MALVERN PA 19355	Aliases:	<i>none</i>	









8			DEFENDANT	ALLERGAN PLC
Address:	MORRIS CORPORATE CENTER III 400 INTERPACE PKWY PARSIPPANY NJ 07054	Aliases:	<i>none</i>	
9	1		PLAINTIFF	CITY OF ALIQUIPPA
Address:	581 FRANKLIN AVE ALIQUIPPA PA 15001	Aliases:	<i>none</i>	
10	1		PLAINTIFF	UNION TOWNSHIP
Address:	3904 FINLEYVILLE- ELRAMA RD FINLEYVILLE PA 15332	Aliases:	<i>none</i>	
11			DEFENDANT	PURDUE PHARMA LP
Address:	ONE STAMFORD FORUM 201 TRESSER BLVD STAMFORD CT 06901	Aliases:	<i>none</i>	
12			DEFENDANT	PURDUE PHARMA INC
Address:	ONE STAMFORD FORUM 201 TRESSER BLVD STAMFORD PA 06901	Aliases:	<i>none</i>	
13			DEFENDANT	



				PURDUE FREDERICK COMPANY INC
Address:	ONE STAMFORD FORUM 201 TRESSER BLVD STAMFORD PA 06901	Aliases:	<i>none</i>	
14			DEFENDANT	TEVA PHARMACEUTICALS USA INC
Address:	1090 HORSHAM RD NORTH WHALES PA 19454	Aliases:	<i>none</i>	
15			DEFENDANT	CEPHALON INC
Address:	1090 HORSHAM RD NORTH WHALES PA 19454	Aliases:	<i>none</i>	
16	17		DEFENDANT	JOHNSON & JOHNSON
Address:	1 JOHNSON & JOHNSON PLAZA NEW BRUNSWICK NJ 08933	Aliases:	<i>none</i>	
17			ATTORNEY FOR DEFENDANT	ABERNETHY, DAVID F
Address:	ONE LOGAN SQUARE, STE. 2000 PHILADELPHIA PA 19103 (215)988-2503	Aliases:	<i>none</i>	
18	17			TRELA, REBECCA

			ATTORNEY FOR DEFENDANT
Address:	DRINKER, BIDDLE & REATH LLP ONE LOGAN SQUARE PHILADELPHIA PA 19103 (215)988-2570	Aliases:	<i>none</i>

Docket Entries

Filing Date/Time	Docket Type	Filing Party	Disposition Amount	Approval/Entry Date
16-MAR-2018 11:56 AM	ACTIVE CASE			16-MAR-2018 03:38 PM
Docket Entry:	E-Filing Number: 1803039020			
16-MAR-2018 11:56 AM	COMMENCEMENT CIVIL ACTION JURY	LEVIN, DANIEL C		16-MAR-2018 03:38 PM
Documents:	 Click link(s) to preview/purchase the documents Final Cover		 Click HERE to purchase all documents related to this one docket entry	
Docket Entry:	<i>none.</i>			
16-MAR-2018 11:56 AM	COMPLAINT FILED NOTICE GIVEN	LEVIN, DANIEL C		16-MAR-2018 03:38 PM
Documents:	 Click link(s) to preview/purchase the documents class action complaint.pdf		 Click HERE to purchase all documents related to this one docket entry	
Docket Entry:	COMPLAINT WITH NOTICE TO DEFEND WITHIN TWENTY (20) DAYS AFTER SERVICE IN ACCORDANCE WITH RULE 1018.1 FILED.			
16-MAR-2018 11:56 AM	JURY TRIAL PERFECTED	LEVIN, DANIEL C		16-MAR-2018 03:38 PM
Docket Entry:	12 JURORS REQUESTED.			

28-MAR-2018 11:12 AM	ATTEMPTED SERVICE - NOT FOUND			28-MAR-2018 12:26 PM
Documents:	 Click link(s) to preview/purchase the documents Scan_2018-03-28-105155636-10.pdf		 Click HERE to purchase all documents related to this one docket entry	
Docket Entry:	ALLERGAN PLC NOT FOUND ON 03/20/2018.			
28-MAR-2018 11:42 AM	AFFIDAVIT OF SERVICE FILED			28-MAR-2018 12:27 PM
Documents:	 Click link(s) to preview/purchase the documents Scan_2018-03-28-113330396-1.pdf Scan_2018-03-28-113330396-2.pdf Scan_2018-03-28-113330396-3.pdf		 Click HERE to purchase all documents related to this one docket entry	
Docket Entry:	AFFIDAVIT OF SERVICE OF PLAINTIFF'S COMPLAINT UPON PURDUE FREDERICK COMPANY INC, PURDUE PHARMA INC AND PURDUE PHARMA LP BY PERSONAL SERVICE ON 03/21/2018 FILED.			
31-MAR-2018 08:23 PM	AFFIDAVIT OF SERVICE FILED			31-MAR-2018 08:23 PM
Documents:	 Click link(s) to preview/purchase the documents Affidavit of Service		 Click HERE to purchase all documents related to this one docket entry	
Docket Entry:	AFFIDAVIT OF SERVICE OF PLAINTIFF'S COMPLAINT UPON JOHNSON & JOHNSON, JANSSEN PHARMACEUTICA INC, ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS INC AND JANSSEN PHARMACEUTICALS INC BY PERSONAL SERVICE ON 03/20/2018 FILED.			
03-APR-2018 12:40 PM	ENTRY OF APPEARANCE	ABERNETHY, DAVID F		03-APR-2018 03:56 PM
Documents:	 Click link(s) to preview/purchase the documents 2018.04.03 City of New Castle - EOA (Abernethy).PDF		 Click HERE to purchase all documents related to this one docket entry	
Docket Entry:	ENTRY OF APPEARANCE OF DAVID F ABERNETHY FILED. (FILED ON BEHALF OF JOHNSON & JOHNSON, JANSSEN PHARMACEUTICA INC, ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS INC AND JANSSEN PHARMACEUTICALS INC)			

03-APR-2018 12:40 PM	JURY TRIAL PERFECTED	ABERNETHY, DAVID F		03-APR-2018 03:56 PM
Docket Entry:	12 JURORS REQUESTED.			
03-APR-2018 12:40 PM	ENTRY OF APPEARANCE-CO COUNSEL	TRELA, REBECCA		03-APR-2018 03:56 PM
Documents:	 Click link(s) to preview/purchase the documents 2018.04.03 City of New Castle - EOA (Trela).PDF		 Click HERE to purchase all documents related to this one docket entry	
Docket Entry:	ENTRY OF APPEARANCE OF REBECCA TRELA AS CO-COUNSEL FILED. (FILED ON BEHALF OF JOHNSON & JOHNSON, JANSSEN PHARMACEUTICA INC, ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS INC AND JANSSEN PHARMACEUTICALS INC)			

[▶ Case Description](#)
[▶ Related Cases](#)
[▶ Event Schedule](#)
[▶ Case Parties](#)
[▶ Docket Entries](#)

Daniel C. Levin, Esquire (Atty ID#: 80013)
510 Walnut Street, Suite 500
Philadelphia, PA 19106
(215) 592-1500

**Commonwealth of Pennsylvania
In the Court of Common Pleas
Philadelphia County**

*Filed and Attested by the
Office of Judicial Records
28 MAR 2018 11:12 am
A. SILIGRINI*

Case No.: 18-03-1961

The City of New Castle, et al

v.

Purdue Pharma, L.P., et al

Commonwealth of Pennsylvania
County of Philadelphia ss

AFFIDAVIT OF NON-SERVICE

I, **Thomas J. Crean, Jr.**, being duly sworn according to the law upon my oath, depose and say, that I am not a party to this action, am over 18 years of age, and have no direct personal interest in this litigation.

PARTY: Allergan PLC

DOCUMENTS: Complaint

DATE & TIME: 3/20/2018 3:10 PM

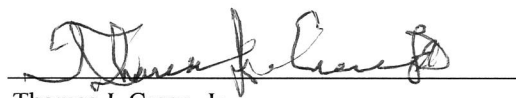
**ADDRESS: 400 Interpace Parkway
Parsippany, NJ 07054-1120**

I hereby certify and return that I completed due and diligent attempts to serve Allergan PLC. I therefore return this Complaint without service on Allergan PLC.

Diligent attempts were made per the following notations:

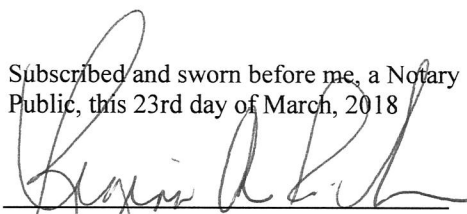
- 3/20/2018 2:55 PM Results: 400 Interpace Parkway, Parsippany, NJ - Attempted at this location and was told they moved to 5 Giraldi Farms, Madison, NJ.**
- 3/20/2018 3:14 PM Results: 5 Giraldi Farms, Madison, NJ - Per Andrea Alfano, Legal Department, this is an Irish entity and must be served through the Hague Conventional overseas.**

I hereby affirm that the information contained in the Affidavit of Non-Service is true and correct. This affirmation is made subject to the penalties of 18 PA C.S. 4904 relating to unsworn falsification to authorities.

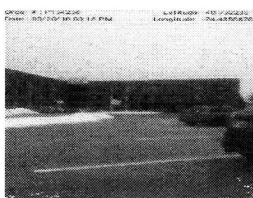


Thomas J. Crean, Jr.
Dennis Richman's Services for the Professional, Inc
1500 John F. Kennedy Blvd. Suite #1706,
Philadelphia, PA 19102
(215) 977-9393
Ref #
Order #P154256

Subscribed and sworn before me, a Notary Public, this 23rd day of March, 2018



Regina A. Richman, Notary Public
Falls Twp., Bucks County
My Commission expires on: 12/12/2021



GPS: 0.0;0.0





190630

IN THE COURT OF COMMON PLEAS
Philadelphia County, Pennsylvania

Filed and Attested by the
Office of Judicial Records
28 MAR 2018 11:42 am
A. SILIGRINI



The City of New Castle

Plaintiff(s),

vs.

Purdue Pharma, LP, et al

Defendant(s).

18-03-01961
Case No.: 001961

AFFIDAVIT OF SERVICE

I certify that I received this process on **03/20/2018** at **7:02 PM** to be served upon:

Purdue Pharma Inc.

STATE OF CONNECTICUT

ss: **East Hartford**

HARTFORD COUNTY

I, **Eric Rubin**, depose and say that: I am authorized to serve this process in the circuit/county it was served in.

On **03/21/2018** at **12:20 PM**, I served the within **Complaint, Civil Cover Sheet** on **Purdue Pharma Inc.** at **201 Tresser Blvd, Stamford, CT 06902** in the manner indicated below:

CORPORATE SERVICE: By delivering a true copy of this process with the date and hour endorsed thereon by me to **Micheala Fossum, Legal Analyst** of the above named corporation and informing him/her of the contents.

Description of person process was left with:


Sex: **Female** - Skin: **Caucasian** - Hair: **Blonde** - Age: **48** - Height: **5'7"** - Weight: **155**
Other:

Under penalty of perjury I declare that I have read the foregoing Affidavit Of Service and that the facts stated in it are true.

X 

Eric Rubin
Dennis Richman's Services
1500 JFK Boulevard
Philadelphia, PA 19102
215-977-9393

Signed and sworn to before me on **03/22/2018**
by an affiant who is personally known to
me or produced identification.



Notary Public

AMY J. CHANTRY
NOTARY PUBLIC
MY COMMISSION EXPIRES **3/31/2018**



190631

IN THE COURT OF COMMON PLEAS
Philadelphia County, Pennsylvania

The City of New Castle

Plaintiff(s),

vs.

18-03-01961
Case No.: 001961

AFFIDAVIT OF SERVICE

Purdue Pharma, LP, et al

Defendant(s).

I certify that I received this process on **03/20/2018** at **7:03 PM** to be served upon:

The Purdue Frederick Company, Inc.

STATE OF CONNECTICUT

ss: **East Hartford**

HARTFORD COUNTY

I, **Eric Rubin**, depose and say that: I am authorized to serve this process in the circuit/county it was served in.


On **03/21/2018** at **12:20 PM**, I served the within **Complaint, Civil Cover Sheet** on **The Purdue Frederick Company, Inc.** at **201 Tresser Blvd, Stamford, CT 06901** in the manner indicated below:

CORPORATE SERVICE: By delivering a true copy of this process with the date and hour endorsed thereon by me to **Micheala Fossum, Legal Analyst** of the above named corporation and informing him/her of the contents.

Description of person process was left with:

Sex: **Female** - Skin: **Caucasian** - Hair: **Blonde** - Age: **48** - Height: **5'7"** - Weight: **155**
Other:

Under penalty of perjury I declare that I have read the foregoing Affidavit Of Service and that the facts stated in it are true.

X 

Eric Rubin
Dennis Richman's Services
1500 JFK Boulevard
Philadelphia, PA 19102
215-977-9393

Signed and sworn to before me on **03/22/2018**
by an affiant who is personally known to
me or produced identification.



Notary Public

AMY J. CHANTRY
NOTARY PUBLIC
MY COMMISSION EXPIRES **3/31/2018**



190629

IN THE COURT OF COMMON PLEAS
Philadelphia County, Pennsylvania

Filed and Attested by the
Office of Judicial Records
28 MAR 2018 11:42 am
A. SILIGRINI



The City of New Castle

Plaintiff(s),

vs.

Purdue Pharma, LP, et al

Defendant(s).

18-03-01961

Case No.: 001961

AFFIDAVIT OF SERVICE

I certify that I received this process on **03/20/2018** at **6:59 PM** to be served upon:

Pudue Pharma L.P.

STATE OF CONNECTICUT

ss: **East Hartford**

HARTFORD COUNTY

I, **Eric Rubin**, depose and say that: I am authorized to serve this process in the circuit/county it was served in.

On **03/21/2018** at **12:20 PM**, I served the within **Complaint, Civil Cover Sheet** on **Pudue Pharma L.P.** at **201 Tresser, Stamford, CT 06901** in the manner indicated below:

CORPORATE SERVICE: By delivering a true copy of this process with the date and hour endorsed thereon by me to **Micheala Fossum, Legal Analyst** of the above named corporation and informing him/her of the contents.

Description of person process was left with:

Sex: **Female** - Skin: **Caucasian** - Hair: **Blonde** - Age: **48** - Height: **5'7"** - Weight: **155**

Other:

Under penalty of perjury I declare that I have read the foregoing Affidavit Of Service and that the facts stated in it are true.

X 

Eric Rubin
Dennis Richman's Services
1500 JFK Boulevard
Philadelphia, PA 19102
215-977-9393

Signed and sworn to before me on **03/22/2018**
by an affiant who is personally known to
me or produced identification.



Notary Public

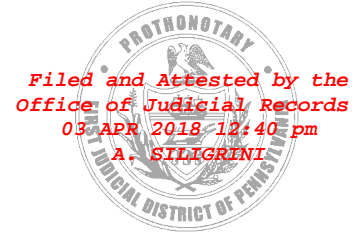
AMY J. CHANTRY
NOTARY PUBLIC
MY COMMISSION EXPIRES **3/31/2018**

Affidavit / Return of Service

Plaintiff:	CITY OF ALIQUIPPA CITY OF NEW CASTLE UNION TOWNSHIP			Court Term & No.: 180301961 E-File# 1803071580	
Defendant:	JANSSEN PHARMACEUTICA INC JANSSEN PHARMACEUTICALS INC JOHNSON & JOHNSON ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS I			Document Served: Plaintiff's Complaint	
Serve at:	ONE JOHNSON & JOHNSON PLAZA			Company Reference/Control No.: 154251, 52, 53, 54	
Served and Made Known to JANSSEN PHARMACEUTICA INC, JANSSEN PHARMACEUTICALS INC, JOHN... on 03/20/2018 at 01:10 PM, in the manner described below: Agent or person in charge of Party's office or usual place of business. NAME: ELIZABETH CAREW					
Description	Age:	Height:	Weight:	Race:	Sex:
Other:					
Company Profile: DENNIS RICHMAN SERVICES FOR THE PROFESSIONAL, INC. 1500 J.F.K. BOULEVARD SUITE 1706 PHILADELPHIA PA 19102 PHONE: (215) 977-9393			Name of Server: THOMAS J. CREAN, JR. Being duly sworn according to law, deposes and says that he/she is process server herein names; and that the facts herein set forth above are true and correct to the best of their knowledge, information and belief.		
			Deputy Sheriff:		

FILED AND ATTESTED PRO-PROTHY 31 MAR 2018 08:23 PM

David F. Abernethy (Atty. ID No. 36666)
david.abernethy@dbr.com
Rebecca L. Trela (Atty. ID No. 313555)
rebecca.trela@dbr.com
DRINKER BIDDLE & REATH LLP
One Logan Square, Suite 2000
Philadelphia, PA 19103-6996
Telephone: (215) 988-2700
Facsimile: (215) 988-2757



*Attorneys for Defendants
Johnson & Johnson and
Janssen Pharmaceuticals, Inc.*

CITY OF NEW CASTLE, CITY OF
ALIQUIPPA and UNION TOWNSHIP,
et al.,

Plaintiffs,

v.

PURDUE PHARMA L.P., et al.,

Defendants.

COURT OF COMMON PLEAS
OF PHILADELPHIA

MARCH TERM, 2018
NO.: 001961

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE OFFICE OF JUDICIAL RECORDS:

Kindly enter the appearance of David F. Abernethy as counsel in the above-captioned matter on behalf of the Defendants Johnson & Johnson and Janssen Pharmaceuticals, Inc., and for the following misnamed defendants to the extent now existing under the same or other name: Ortho-McNEIL-Janssen Pharmaceuticals, Inc. and Janssen Pharmaceutica, Inc.

Dated: April 3, 2018

Respectfully Submitted,

/s/ David F. Abernethy
David F. Abernethy
Rebecca L. Trela
DRINKER BIDDLE & REATH LLP
One Logan Square, Suite 2000
Philadelphia, PA 19103-6996
Telephone: (215) 988-2700
david.abernethy@dbr.com
rebecca.trela@dbr.com

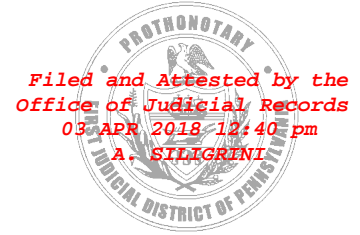
CERTIFICATE OF SERVICE

I hereby certify that, on April 3, 2018, I caused a true and correct copy of the foregoing Praecipe for Entry of Appearance to be served on counsel of record via First Class Mail and electronic filing:

Daniel C. Levin Arnold Levin Charles E. Schaffer LEVIN SEDRAN & BERMAN LLP 510 Walnut Street, Ste. 500 Philadelphia, PA 19106 Tel: (215) 592-1500 <i>Counsel for Plaintiffs</i>	Purdue Pharma L.P. Purdue Pharma Inc. The Purdue Frederick Company, Inc. One Stamford Forum 201 Tresser Boulevard Stamford, CT 06901
Teva Pharmaceuticals USA, Inc. Cephalon, Inc. 1090 Horsham Road North Wales, PA 19454	Endo Health Solutions, Inc. Endo Pharmaceuticals, Inc. 1400 Atwater Drive Malvern, PA 19355
Allergan, PLC Morris Corporate Center III 400 Interpace Parkway Parsippany, NJ 07054	

/s/ Rebecca L. Trela _____
 Rebecca L. Trela

David F. Abernethy (Atty. ID No. 36666)
david.abernethy@dbr.com
Rebecca L. Trela (Atty. ID No. 313555)
rebecca.trela@dbr.com
DRINKER BIDDLE & REATH LLP
One Logan Square, Suite 2000
Philadelphia, PA 19103-6996
Telephone: (215) 988-2700
Facsimile: (215) 988-2757



*Attorneys for Defendants
Johnson & Johnson and
Janssen Pharmaceuticals, Inc.*

CITY OF NEW CASTLE, CITY OF
ALIQUIPPA and UNION TOWNSHIP,
et al.,

Plaintiffs,

v.

PURDUE PHARMA L.P., et al.,

Defendants.

COURT OF COMMON PLEAS
OF PHILADELPHIA

MARCH TERM, 2018
NO.: 001961

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE OFFICE OF JUDICIAL RECORDS:

Kindly enter the appearance of Rebecca L. Trela as counsel in the above-captioned matter on behalf of the Defendants Johnson & Johnson and Janssen Pharmaceuticals, Inc., and for the following misnamed defendants to the extent now existing under the same or other name: Ortho-McNEIL-Janssen Pharmaceuticals, Inc. and Janssen Pharmaceutica, Inc.

Dated: April 3, 2018

Respectfully Submitted,

/s/ Rebecca L. Trela
David F. Abernethy
Rebecca L. Trela
DRINKER BIDDLE & REATH LLP
One Logan Square, Suite 2000
Philadelphia, PA 19103-6996
Telephone: (215) 988-2700
david.abernethy@dbr.com
rebecca.trela@dbr.com

CERTIFICATE OF SERVICE

I hereby certify that, on April 3, 2018, I caused a true and correct copy of the foregoing Praecipe for Entry of Appearance to be served on counsel of record via First Class Mail and electronic filing:

Daniel C. Levin Arnold Levin Charles E. Schaffer LEVIN SEDRAN & BERMAN LLP 510 Walnut Street, Ste. 500 Philadelphia, PA 19106 Tel: (215) 592-1500 <i>Counsel for Plaintiffs</i>	Purdue Pharma L.P. Purdue Pharma Inc. The Purdue Frederick Company, Inc. One Stamford Forum 201 Tresser Boulevard Stamford, CT 06901
Teva Pharmaceuticals USA, Inc. Cephalon, Inc. 1090 Horsham Road North Wales, PA 19454	Endo Health Solutions, Inc. Endo Pharmaceuticals, Inc. 1400 Atwater Drive Malvern, PA 19355
Allergan, PLC Morris Corporate Center III 400 Interpace Parkway Parsippany, NJ 07054	

/s/ Rebecca L. Trela

 Rebecca L. Trela

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS The City of New Castle, City of Aliquippa and Union Township</p> <p>(b) County of Residence of First Listed Plaintiff <u>Lawrence County, PA</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys <i>(Firm Name, Address, and Telephone Number)</i> Daniel C. Levin, LEVIN SEDRAN & BERMAN LLP 510 Walnut Street, Suite 500, Phila, PA 19106 215-592-1500</p>	<p>DEFENDANTS Purdue Pharma LP, et al.</p> <p>County of Residence of First Listed Defendant <u>Fairfield, CT</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i></p>
---	---

<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input checked="" type="checkbox"/> Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> </thead> <tbody> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input checked="" type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </tbody> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input checked="" type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input checked="" type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Tort Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p>PERSONAL INJURY</p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<p>PERSONAL INJURY</p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<p>LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<p>PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
	<p>CIVIL RIGHTS</p> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<p>PRISONER PETITIONS</p> <p>Habeas Corpus:</p> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <p>Other:</p> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<p>LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<p>SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
		<p>IMMIGRATION</p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN *(Place an "X" in One Box Only)*

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District *(specify)* 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
28 U.S.C. Section 1332

Brief description of cause:
Plaintiffs allege that the defendants misrepresented the risks of FDA-approved opioid medications.

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY *(See instructions):* JUDGE Timothy J. Savage DOCKET NUMBER 17-cv-05079
17-cv-05078

DATE April 9, 2018 SIGNATURE OF ATTORNEY OF RECORD Harvey Bartle IV

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: The City of New Castle: 230 N. Jefferson St., Municipal Bldg., New Castle, PA 16101 (see attached list)

Address of Defendant: Cephalon, Inc. and Teva Pharmaceuticals USA, Inc., 1090 Horsham Road, North Wales, PA 19454 (see attached list)

Place of Accident, Incident or Transaction: City of New Castle, PA; City of Aliquippa, PA; and Union Township, PA (Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock? (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes [X] No []

Does this case involve multidistrict litigation possibilities? Yes [X] No []

RELATED CASE, IF ANY: Case Number: 1:17-md-02804-DAP Judge Polster Date Terminated: N/A

Civil cases are deemed related when yes is answered to any of the following questions:

- 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes [] No [X]
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes [X] No []
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes [] No [X]
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes [] No [X]

CIVIL: (Place [X] in ONE CATEGORY ONLY)

- A. Federal Question Cases: 1. [] Indemnity Contract, Marine Contract, and All Other Contracts 2. [] FELA 3. [] Jones Act-Personal Injury 4. [] Antitrust 5. [] Patent 6. [] Labor-Management Relations 7. [] Civil Rights 8. [] Habeas Corpus 9. [] Securities Act(s) Cases 10. [] Social Security Review Cases 11. [] All other Federal Question Cases (Please specify)
B. Diversity Jurisdiction Cases: 1. [] Insurance Contract and Other Contracts 2. [] Airplane Personal Injury 3. [] Assault, Defamation 4. [] Marine Personal Injury 5. [] Motor Vehicle Personal Injury 6. [X] Other Personal Injury (Please specify) Misrepresentation 7. [] Products Liability 8. [] Products Liability — Asbestos 9. [] All other Diversity Cases (Please specify)

ARBITRATION CERTIFICATION

I, Harvey Bartle IV, counsel of record do hereby certify: [X] Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs; [] Relief other than monetary damages is sought.

DATE: April 9, 2018 Harvey Bartle IV Attorney-at-Law 91566 Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: April 9, 2018 Harvey Bartle IV Attorney-at-Law 91566 Attorney I.D.#

Address of Remaining Defendants:

Purdue Pharma L.P.
One Stamford Forum
201 Tresser Boulevard
Stamford, CT 06901

Purdue Pharma Inc.
One Stamford Forum
201 Tresser Boulevard
Stamford, CT 06901

The Purdue Frederick Company, Inc.
One Stamford Forum
201 Tresser Boulevard
Stamford, CT 06901

Johnson & Johnson
1 Johnson & Johnson Plaza
New Brunswick, NJ 08933

Janssen Pharmaceuticals, Inc.
1125 Trenton Harborton Road
Titusville, NJ 08560-0200

Ortho-McNeil-Janssen Pharmaceuticals, Inc.
N/K/A Janssen Pharmaceuticals, Inc.
1125 Trenton Harborton Road
Titusville, NJ 08560-0200

Janssen Pharmaceutica, Inc.
N/K/A Janssen Pharmaceuticals, Inc.
1125 Trenton Harborton Road
Titusville, NJ 08560-0200

Endo Health Solutions Inc.
1400 Atwater Drive
Malvern, PA 19355

Allergan PLC
Morris Corporate Center III
400 Interplace Parkway
Parsippany, NJ 07054

Address of Remaining Plaintiffs:

City of Aliquippa
581 Franklin Avenue
Aliquippa, PA 15001

Union Township
3904 Finleyville-Elrama Road
Finleyville, PA 15332

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

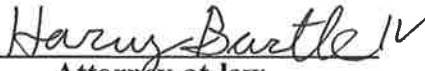
The City of New Castle, City of Aliquippa and Union
Township, on behalf of themselves and all others : CIVIL ACTION
similarly situated PLAINTIFFS :

v. :
Purdue Pharma LP; Purdue Pharma, Inc.; The Purdue Frederick Company, Inc.; Teva :
Pharmaceuticals USA, Inc; Cephalon, Inc.; Johnson & Johnson; Janssen :
Pharmaceuticals, Inc; Ortho-McNeil-Janssen Pharmaceuticals, Inc. N/K/A Janssen :
Pharmaceuticals, Inc; Janssen Pharmaceutica, Inc. N/K/A Janssen Pharmaceuticals, :
Inc.; Endo Health Solutions Inc.; Allergan PLC DEFENDANTS : NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) (xx)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

April 9, 2018		Defendants Cephalon, Inc. and Teva Pharmaceuticals USA, Inc.
Date	Attorney-at-law	Attorney for
215.963.5000	215.963.5001	harvey.bartle@morganlewis.com
Telephone	FAX Number	E-Mail Address

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [PA Municipalities Sue Pharma Companies Over Alleged Participation in Opioid Crisis](#)
