SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

IN RE OPIOID LITIGATION

This Document Relates To:
State of New York v. Purdue Pharma L.P. et al.

Index No. 400000/2017
(Suffolk County)

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that the undersigned Defendants in the above-captioned action hereby appeal to the Appellate Division, Second Department from each and every part of the Order of the Honorable Jerry Garguilo dated February 14, 2020 and entered February 14, 2020 (NYSCEF Doc. No. 3839).

Dated: February 20, 2020
Garden City, New York

Respectfully submitted,

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Supreme Court of the State of New York
Appellate Division: Second Judicial Department

Informational Statement (Pursuant to 22 NYCRR 1250.3 [a]) - Civil

Case Title: Set forth the title of the case as it appears on the summons, notice of petition or order to show cause by which the matter was or is to be commenced, or as amended.

IN RE OPIOID LITIGATION

This document relates to

State of New York

- against -

Purdue Pharma LP

For Court of Original Instance

Date Notice of Appeal Filed

For Appellate Division

Case Type

- ☒ Civil Action
- ☐ CPLR article 75 Arbitration
- ☐ Action Commenced under CPLR 214-g
- ☐ CPLR article 78 Proceeding
- ☐ Special Proceeding Other
- ☐ Habeas Corpus Proceeding

Filing Type

- ☒ Appeal
- ☐ Original Proceedings
  - ☐ CPLR Article 78
  - ☐ Eminent Domain
  - ☐ Labor Law 220 or 220-b
  - ☐ Public Officers Law § 36
  - ☐ Real Property Tax Law § 1278
- ☐ Transferred Proceeding
  - ☐ CPLR Article 78
  - ☐ Executive Law § 298
- ☐ CPLR 5704 Review

Nature of Suit: Check up to three of the following categories which best reflect the nature of the case.

☐ Administrative Review	☐ Business Relationships	☐ Commercial	☐ Contracts
☐ Declaratory Judgment	☐ Domestic Relations	☐ Election Law	☐ Estate Matters
☐ Family Court	☐ Mortgage Foreclosure	☐ Miscellaneous	☐ Prisoner Discipline & Parole
☐ Real Property (other than foreclosure)	☐ Statutory	☐ Taxation	☒ Torts

Appeal

Paper Appealed From (Check one only):	If an appeal has been taken from more than one order or judgment by the filing of this notice of appeal, please indicate the below information for each such order or judgment appealed from on a separate sheet of paper.

☐ Amended Decree	☐ Determination	■ Order	☐ Resettled Order
☐ Amended Judgement	☐ Finding	☐ Order & Judgment	☐ Ruling
☐ Amended Order	☐ Interlocutory Decree	☐ Partial Decree	☐ Other (specify):
☐ Decision	☐ Interlocutory Judgment	☐ Resettled Decree	
☐ Decree	☐ Judgment	☐ Resettled Judgment	

Court: Supreme Court	County: Suffolk
Dated: 02/14/2020	Entered: 02/14/2020
Judge (name in full): Hon. Jerry Garguilo	Index No.: 400000/2017
Stage: ■ Interlocutory ☐ Final ☐ Post-Final	Trial: ☐ Yes ■ No If Yes: ☐ Jury ☐ Non-Jury

Prior Unperfected Appeal and Related Case Information

Are any appeals arising in the same action or proceeding currently pending in the court? ■ Yes ☐ No

If Yes, please set forth the Appellate Division Case Number assigned to each such appeal.

County of Suffolk et al. v. Purdue Pharma et al., 2018-08686

Where appropriate, indicate whether there is any related action or proceeding now in any court of this or any other jurisdiction, and if so, the status of the case:

Original Proceeding

Commenced by: ☐ Order to Show Cause ☐ Notice of Petition ☐ Writ of Habeas Corpus	Date Filed:

Statute authorizing commencement of proceeding in the Appellate Division:

Proceeding Transferred Pursuant to CPLR 7804(g)

Court: Choose Court	County: Choose County
Judge (name in full):	Order of Transfer Date:

CPLR 5704 Review of Ex Parte Order:

Court: Choose Court	County: Choose County
Judge (name in full):	Dated:

Description of Appeal, Proceeding or Application and Statement of Issues

Description: If an appeal, briefly describe the paper appealed from. If the appeal is from an order, specify the relief requested and whether the motion was granted or denied. If an original proceeding commenced in this court or transferred pursuant to CPLR 7804(g), briefly describe the object of proceeding. If an application under CPLR 5704, briefly describe the nature of the ex parte order to be reviewed.

Defendants seek to appeal the trial court's orders setting a trial in these coordianted proceedings for March 2020 solely on the issue of liability on Plaintiffs' public nuisance claims.

Informational Statement - Civil

Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review, the grounds for reversal, or modification to be advanced and the specific relief sought on appeal.

Defendants will argue, inter alia, that the trial court's orders governing the timing and scope of trial violate Defendants' due process rights and the prohibition against claim splitting.

Party Information

Instructions: Fill in the name of each party to the action or proceeding, one name per line. If this form is to be filed for an appeal, indicate the status of the party in the court of original instance and his, her, or its status in this court, if any. If this form is to be filed for a proceeding commenced in this court, fill in only the party's name and his, her, or its status in this court.

No.	Party Name	Original Status	Appellate Division Status
1	State of New York	Plaintiff	Respondent
2	County of Suffolk	Plaintiff	Respondent
3	County of Nassau	Plaintiff	Respondent
4	Mallinckrodt LLC	Defendant	Appellant
5	SpecGX LLC	Defendant	Appellant
6	Endo Health Solutions Inc.	Defendant	Appellant
7	Endo Pharmaceuticals Inc.	Defendant	Appellant
8	Teva Pharmaceuticals USA, Inc.	Defendant	Appellant
9	Cephalon, Inc.	Defendant	Appellant
10	Watson Laboratories, Inc.	Defendant	Appellant
11	Actavis LLC	Defendant	Appellant
12	Actavis Pharma, Inc.	Defendant	Appellant
13	McKesson Corp.	Defendant	Appellant
14	PSS World Medical Inc.	Defendant	Appellant
15	Cardinal Health, Inc.	Defendant	Appellant
16	Kinray, LCC	Defendant	Appellant
17	Rite-Aid of Maryland, Inc.	Defendant	Appellant
18	Rite-Aid of New York, Inc.	Defendant	Appellant
19	Anda, Inc.	Defendant	Appellant
20	CVS Pharmacy, Inc	Defendant	Appellant

Attorney Information

Instructions: Fill in the names of the attorneys or firms for the respective parties. If this form is to be filed with the notice of petition or order to show cause by which a special proceeding is to be commenced in the Appellate Division, only the name of the attorney for the petitioner need be provided. In the event that a litigant represents herself or himself, the box marked "Pro Se" must be checked and the appropriate information for that litigant must be supplied in the spaces provided.

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Informational Statement - Civil

Attorney Information			
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Party or Parties Represented (set forth party number(s) from table above):			

Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review, the grounds for reversal, or modification to be advanced and the specific relief sought on appeal.

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No.	Party Name	Original Status	Appellate Division Status
1	AmerisourceBergen Drug Corp.	Defendant	Appellant
2	Bellco Drug Corp.	Defendant	Appellant
3	American Medical Distributors, Inc.	Defendant	Appellant
4			
5	Walgreens Co.	Defendant	Appellant
6	Walgreens Eastern Co.	Defendant	Appellant
7	Rochester Drug Cooperative, Inc.	Defendant	Appellant
8	Johnson & Johnson	Defendant	Appellant
9	Janssen Pharmaceutica, Inc.	Defendant	Appellant
10	Ortho-McNeil-Janssen Pharmaceuticals, Inc.	Defendant	Appellant
11	Janssen Pharmaceutica, Inc.	Defendant	Appellant
12	Walmart Inc.	Defendant	Appellant
13	Par Pharmaceutical, Inc.	Defendant	Appellant
14	Par Pharmaceutical Companies, Inc.	Defendant	Appellant
15			
16			
17			
18			
19			
20			

Attorney Information

Instructions: Fill in the names of the attorneys or firms for the respective parties. If this form is to be filed with the notice of petition or order to show cause by which a special proceeding is to be commenced in the Appellate Division, only the name of the attorney for the petitioner need be provided. In the event that a litigant represents herself or himself, the box marked "Pro Se" must be checked and the appropriate information for that litigant must be supplied in the spaces provided.

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

IN RE OPIOID LITIGATION

This Document Relates To:
State of New York v. Purdue Pharma L.P. et al.

Index No. 400000/2017
(Suffolk County)

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Dated: February 20, 2020
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E-FILE

SHORT FORM ORDER

INDEX No. 400000/2017

SUPREME COURT - STATE OF NEW YORK
NEW YORK STATE OPIOID LITIGATION PART 48 - SUFFOLK COUNTY

PRESENT:

Hon. JERRY GARGUILO
Justice of the Supreme Court

	:	MOTION DATE 12/9/19
	:	ADJ. DATE 12/18/19
IN RE OPIOID LITIGATION	:	Mot. Seq. #114 - MotD
	:	
	:	
County of Suffolk v. Purdue Pharma L.P.	:	INDEX No. 400001/2017
County of Nassau v. Purdue Pharma L.P.	:	INDEX No. 400008/2017
People of the State of New York v. Purdue Pharma L.P.	:	INDEX No. 400016/2018

Upon the reading and filing of the following papers in this matter: (1) Notice of Motion by defendants Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., Janssen Pharmaceutica Inc., Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Par Pharmaceutical, Inc., Par Pharmaceutical Companies, Inc., Teva Pharmaceuticals USA Inc., Cephalon Inc., Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc. f/k/a Watson Pharma, Inc., Allergan Finance, LLC f/k/a Actavis, Inc. f/k/a Watson Pharmaceuticals, Inc., McKesson Corp., PSS World Medical, Inc., Cardinal Health, Inc., Kinray, LLC, AmerisourceBergen Drug Corp., Bellco Drug Corp., American Medical Distributors, Inc., Rochester Drug Cooperative, Inc., Anda, Inc., Mallinckrodt LLC, and SpecGx LLC, dated November 25, 2019 (including Memorandum of Law); (2) Memorandum of Law in Support by defendants CVS Pharmacy, Inc., Rite Aid of Maryland, Inc. d/b/a Rite Aid Mid-Atlantic Customer Support Center, Inc., Rite Aid of New York, Inc., Walgreen Co., and Walgreen Eastern Co., and Walmart Inc., dated November 25, 2019; (3) Affirmation in Opposition by plaintiff State of New York, dated December 4, 2019, and supporting papers (including Memorandum of Law); (4) Memorandum of Law in Opposition by defendants County of Suffolk and County of Nassau, dated December 4, 2019; and (5) Reply Affirmation by defendants Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., Janssen Pharmaceutica Inc., Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Par Pharmaceutical, Inc., Par Pharmaceutical Companies, Inc., Teva Pharmaceuticals USA Inc., Cephalon Inc., Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc. f/k/a Watson Pharma, Inc., Allergan Finance, LLC f/k/a Actavis, Inc. f/k/a Watson Pharmaceuticals, Inc., McKesson Corp., PSS World Medical, Inc., Cardinal Health, Inc., Kinray, LLC, AmerisourceBergen Drug Corp., Bellco Drug Corp., American Medical Distributors, Inc., Rochester Drug Cooperative, Inc., Anda, Inc., Mallinckrodt LLC, and SpecGx LLC, , dated December 6, 2019 (including Memorandum of Law); it is

ORDERED that the motion by defendants Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., Janssen Pharmaceutica Inc., Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Par Pharmaceutical, Inc., Par Pharmaceutical Companies, Inc., Teva Pharmaceuticals USA Inc., Cephalon Inc., Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc. f/k/a Watson Pharma, Inc., Allergan Finance, LLC f/k/a Actavis, Inc. f/k/a Watson Pharmaceuticals, Inc., McKesson Corp., PSS World Medical, Inc., Cardinal Health, Inc., Kinray, LLC, AmerisourceBergen Drug Corp., Bellco Drug Corp., American Medical Distributors, Inc., Rochester Drug Cooperative, Inc., Anda, Inc., Mallinckrodt LLC, and SpecGx LLC for an order (i) addressing the issues to be tried in this

action, including the propriety of bifurcation, (ii) addressing the remaining discovery needed for trial, including the defendants' proposed schedule for completion of that discovery and other pretrial matters, and (iii) vacating the court's November 6, 2019 order as appropriate, is granted to the extent indicated below, and is otherwise denied.

By order dated November 6, 2019, the court directed that a bifurcated trial be held (NYSCEF Doc. No. 1875). On December 9, 2019, the court further directed that the liability aspect of the plaintiffs' public nuisance causes of action be tried first, that discovery be limited accordingly, and that the action be trial-ready by March 20, 2020 (NYSCEF Doc. No. 2087).

Now, insofar as the defendants object to bifurcation as "inappropriate," the court considers their objection as a proposed basis to vacate November 6, 2019 order and, to that extent, the motion is denied, the defendants having offered no sound reason for the court to depart from its prior ruling.

The defendants' further request that a liability trial must incorporate issues of causation and defenses, is considered as a request for clarification of the November 6, 2019 order, and is granted to the extent of noting that all liability issues pertaining to the causes of action for public nuisance, including causation and defenses, shall be decided at the liability phase of the trial, subject to limitation by a future determination on the plaintiffs' motion to dismiss affirmative defenses (Mot. Seq. #132), currently returnable on February 19, 2020.

Finally, to the extent the motion is addressed to discovery issues, it is denied as moot, the issues raised having already been resolved by the court or the special masters/discovery-referees.

Dated: February 14th, 2020

J.S.C.
HON. JERRY GARGUILO