

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: MCKINSEY & CO., INC.  
NATIONAL PRESCRIPTION OPIATE  
CONSULTANT LITIGATION

Case No. 21-md-02996-CRB

**ORDER FOR SUPPLEMENTAL  
BRIEFING**

On March 31, 2022, the Court held a hearing on McKinsey's motion to dismiss the complaints of political subdivisions and school districts from 22 states ("Plaintiffs") on the grounds of res judicata and release. In light of the issues discussed at the hearing, the Court orders supplemental briefing as follows:

- McKinsey shall file a supplemental brief that (A) identifies in a table or chart, by state, the claims asserted by each of the Plaintiffs of that state; and (B) identifies, for each claim, whether the claim is: (1) one that only a political subdivision or school district is authorized by law to assert; (2) one that only the state attorney general is authorized by law to assert; or (3) one that both a political subdivision or school district and the state attorney general is authorized by law to assert. McKinsey shall also respond to the authority cited by Plaintiffs on pages 38–58 of their opposition brief, which Plaintiffs assert establishes that the attorneys general did not have authority to bring political

subdivision claims (or that, at best, it is unclear whether the attorney general had the authority to assert subdivision claims). For any claim that McKinsey identifies as one that both a political subdivision or school district and the state attorney general is authorized by law to assert, McKinsey shall also (C) address whether the state attorney general had authority to release political subdivisions and school districts from asserting the claim. The supplemental brief is limited to 40 pages and shall be filed by **April 21, 2022**. The chart or table of claims referred to in point (A) will not count against the 40-page limit.

- Plaintiff shall file a response brief addressing points (B) and (C) above—the identity of the party that is authorized by law to assert each claim and for claims that both political subdivisions or school districts and the state attorney general are authorized by law to assert, whether the state attorney general had authority to release political subdivisions and school districts from asserting the claim. The response brief is limited to 40 pages and shall be filed by **May 5, 2022**.

**IT IS SO ORDERED.**

Dated: April 1, 2022



CHARLES R. BREYER  
United States District Judge