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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10
11 IN RE: MCKINSEY & CO., INC.
12 NATIONAL PRESCRIPTION OPIATE
CONSULTANT LITIGATION

13 This Document Relates to:

14 ALL NAS ACTIONS
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Case No. 21-md-02996-CRB (SK)

**NAS PLAINTIFFS' ADMINISTRATIVE
MOTION FOR LEAVE TO SUBMIT
ADDITIONAL AUTHORITIES IN
OPPOSITION TO MCKINSEY
DEFENDANTS' MOTION TO DISMISS
MASTER COMPLAINTS FOR FAILURE
TO STATE A CLAIM**

JUDGE: Hon. Charles R. Breyer
DATE: May 26, 2023
TIME: 10:00 a.m.
PLACE: Videoconference (Zoom)

Pursuant to Civil Local Rule 7-11, NAS Plaintiffs respectfully move the Court for leave to submit additional authorities in opposition to McKinsey Defendants' Motion to Dismiss Plaintiffs' Master Complaints for Failure to State a Claim (Doc. 462).

On April 17, 2023, McKinsey Defendants filed a "Statement of Recent Decision" to inform the Court of an April 17, 2023 order issued by the Circuit Court of Kanawha County, West Virginia in the matter *In re: Opioid Litigation*, Case No. 22-C-9000 NAS (Doc. 524).

NAS Plaintiffs anticipate that McKinsey will seek to discuss this order at oral argument currently set for May 26, 2023. For this reason, NAS Plaintiffs move the Court for leave to introduce two orders issued on July 1, 2022 by the Circuit Court of Kanawha County, West Virginia in the matter *In re: Opioid Litigation*, Case No. 22-C-9000 Distributor. (July 1, 2022 orders attached *en globo* as Exhibit A). Although these orders pre-date Plaintiffs' opposition, their precedential value, if any, to the issues before the Court has arisen only since McKinsey's submission of the April 17, 2023 circuit court order.

To the extent McKinsey will be permitted to discuss the recent ruling of the West Virginia trial court, NAS Plaintiffs submit that these two related orders issued by the same court will provide helpful context to issues currently before the West Virginia trial court. NAS Plaintiffs thus respectfully move the Court for leave to file these authorities. McKinsey does not object to NAS Plaintiffs' motion and stipulates as to its submission.

Dated: May 10, 2023

Respectfully submitted,

By: /s/ Scott R. Bickford

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Authorized to File Pursuant to Pretrial Order No. 2

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Plaintiffs' Lead Counsel

DECLARATION OF COUNSEL

I, Scott Bickford, declare and state as follows:

1. I am an attorney at Martzell, Bickford & Centola and counsel for NAS Plaintiffs in this action.

I am a member in good standing of the State Bars of Louisiana, Texas and Colorado and am admitted *pro hac vice* in this action. I make this declaration based on my own personal knowledge. If called upon to testify, I could and would testify competently to the truth of the matters stated herein.

2. I submit this Declaration in support of Plaintiffs' administrative motion for leave to submit additional authorities in opposition to McKinsey Defendants' motion to dismiss for failure to state a claim.

3. On April 21, 2023, plaintiff counsel requested in writing that McKinsey stipulate to the NAS Plaintiffs filing the instant administrative motion for leave.

4. On April 24, 2023, McKinsey responded in writing to plaintiffs' request, stating that McKinsey had no objection.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 10, 2023, in New Orleans, LA.

/s/ Scott Bickford

Scott Bickford

~~PROPOSED~~ ORDER

Pursuant to Civil Local Rule 7-11, and for sufficient cause shown, NAS Plaintiffs' Administrative Motion for Leave to Submit Additional Authorities in Opposition to McKinsey Defendants' Motion to Dismiss Master Complaints for Failure to State a Claim is hereby GRANTED.

IT IS SO ORDERED.

Dated: May 11, 2023



HONORABLE CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE