

Elizabeth J. Cabraser (SBN 083151)
ecabraser@lchb.com
LIEFF CABRASER HEIMANN & BERNSTEIN,
LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Telephone: 415.956.1000
Facsimile: 415.956.1008

Lead Counsel for Plaintiffs

James L. Bernard (*Pro Hac Vice*)
jbernard@stroock.com
STROOCK & STROOCK & LAVAN LLP
180 Maiden Lane
New York, NY 10038
Telephone: 212.806.5400

Josh A. Cohen (SBN 217853)
jcohen@clarencedyer.com
CLARENCE DYER & COHEN LLP
899 Ellis Street
San Francisco, CA 94109
Telephone: 415.749.1800

Mark David McPherson (SBN 307951)
mmcpherson@mofo.com
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, CA 94105
Telephone: 415.268.7000

Ingrid S. Martin (*Pro Hac Vice*)
imartin@toddweld.com
TODD & WELD LLP
One Federal Street
Boston, MA 02110
Telephone: 617.720.2626

Attorneys for McKinsey Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

This Document Relates to:

ALL ACTIONS

Case No. 21-md-02996-CRB (SK)

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE DEADLINES
FOR SUBMISSION OF PLAN
REGARDING MDL 2804 DISCOVERY
AND FOR TRIBAL CASES *LEXECON*
WAIVERS**

Judge: Hon. Charles R. Breyer

Courtroom: 6, 17th Floor

STIPULATION

WHEREAS, on March 17, 2023, Magistrate Judge Kim entered a discovery order concerning the sharing of certain discovery from MDL 2804 with McKinsey for use by the parties in MDL 2996 (Dkt. 489);

WHEREAS, on April 14, 2023 and April 22, 2023, certain entities that produced discovery in MDL 2804 filed objections to Judge Kim's discovery order (the "Objections") (Dkts. 520 & 530);

WHEREAS, on May 9, 2023, Judge Kim entered an Order Regarding Objections to Discovery Order that addressed the Objections (Dkt. 543);

WHEREAS, pursuant to Judge Kim's May 9, 2023 Order, the parties are required to submit to Judge Kim on or before May 22, 2023 a plan for identifying materials from MDL 2804 that are relevant to the claims and defenses in MDL 2996;

WHEREAS, the parties continue to discuss an appropriate plan for identifying relevant materials from MDL 2804 and seek additional time to continue those discussions;

NOW, THEREFORE, the parties hereby agree, stipulate, and respectfully request that the deadline to submit the plan required by Judge Kim's May 9, 2023 order be extended from May 22 to June 2, 2023;

AND WHEREAS, on April 28, 2023, this Court entered the Tribal Bellwether Factsheet Order setting the schedule and procedures for the selection of Tribes to complete plaintiff fact sheets (Dkt. 539);

WHEREAS, that Order requires the 50 Tribes selected to be in the bellwether pool and the McKinsey defendants either to object on *Lexecon* grounds or to indicate consent to waive a *Lexecon* objection for trial venue within 15 days of the parties selecting the 50 bellwether pool Tribes (Dkt. 539 at 2:1-8);

WHEREAS, the 15 days to make the *Lexecon* decision expires on May 25, 2023;

WHEREAS, the parties seek an additional 29 days to decide whether or not to object on *Lexecon* grounds;

1 **NOW, THEREFORE**, the parties hereby agree, stipulate, and respectfully request that
2 the deadline to make the *Lexecon* waiver decisions be extended from May 25 to June 23, 2023.

3 **IT IS SO STIPULATED.**

4 Dated: May 19, 2023

By: /s/ Elizabeth J. Cabraser

Elizabeth J. Cabraser
ecabraser@lchb.com
**LIEFF, CABRASER, HEIMANN &
BERNSTEIN, LLP**
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008

*Plaintiffs' Lead Counsel and on behalf of the
Plaintiffs' Steering Committee*

By: /s/ Josh A. Cohen

Josh A. Cohen (SBN 217853)
jcohen@clarencedyer.com
CLARENCE DYER & COHEN LLP
899 Ellis Street
San Francisco, CA 94117
Telephone: 415.749.1800

Attorney for McKinsey Defendants

21 ~~[PROPOSED]~~ **ORDER**

22 Pursuant to stipulation, and for good cause shown, IT IS SO ORDERED.

24 DATED: May 22, 2023


CHARLES R. BREYER
United States District Judge