

Opioid Update: Bellwether Settlement on Eve of Trial

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On the eve of trial Monday morning, plaintiffs Summit and Cuyahoga Counties struck a [deal](#) worth \$260 million. This avoided the first bellwether trial in the opioid multidistrict litigation before Judge Polster. The settlement extinguishes the counties' claims against AmerisourceBergen, Teva, Cardinal Health, and McKesson. Walgreen's did not settle, but its trial is pushed off for now.

Also on Monday, the AGs of Tennessee, North Carolina, Pennsylvania, and Texas announced discussions with a similar defendant group regarding a potential eleven-figure global settlement.

Meanwhile, other AGs, like Dave Yost of Ohio, have not lost their taste for the fight. Yost cautions that the plaintiffs' lawyers representing the counties will receive an unfair windfall in fees. The cap for attorneys representing Ohio are capped at **only** \$50 million. No cap may apply to outside counsel for the local governments, however. Yost wrote in a [letter](#) to fellow attorneys general last week urging that "lawyers should be paid for their work, but the lawyers representing only a portion of the people of Ohio should not reap greater rewards than the lawyers who are representing all of the people."

Although the bell has not yet rung on the main event in Cleveland (at least not this week), stay tuned for more opioid appellate news. We doubt the Sixth Circuit has heard the last of this massive MDL.

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