

Massaron authors successful amicus brief in multi-district opioid litigation

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Plunkett Cooney appellate attorney Mary Massaron recently authored a successful amicus brief in the U.S. Court of Appeals for Sixth Circuit, urging the grant of a writ of mandamus to correct three district court rulings not in conformance with the requirements of the Federal Rules of Civil Procedure (FRCP).

Written earlier this year on behalf of the Lawyers for Civil Justice (LCJ) *In re: National Prescription Opiate Litigation*, the amicus brief asked the appellate court to issue a writ of mandamus to correct the lower court's rulings because they were inconsistent with the federal rules and, therefore, violated the fundamental principles required for a court operating under the rule of law.

In its mandamus opinion, the three-judge panel held that the "rule of law applies in multidistrict litigation under 28 U.S.C. Section 1407 just as it does in any individual case." The appellate court went on to state that its "decision to grant leave to amend was plainly incorrect as a matter of law ..." because the ruling was inconsistent with the FRCP."

The panel ordered that the counties' November 2019 amendments to their complaints, which added dispensing claims against the defendant pharmacies roughly 17 months after the deadline for such amendments, be stricken.

In addition, the appellate court opined that "[w]hat an MDL court may not do, however, is distort or disregard the rules of law applicable to each of those cases. The rules at issue here are the Federal Rules of Civil Procedure, which have the same force of law that any statute does."

According to Massaron, who is a partner and co-leader of the Class Action & Mass Tort Practice Group of Plunkett Cooney, one of the Midwest's oldest and largest full-service law firms, this ruling should be helpful in other MDLs because the appellate court predicated its decision on the importance of the rule of law in MDLs as in all cases

MASSARON AUTHORS SUCCESSFUL AMICUS BRIEF IN MULTI-DISTRICT OPIOID LITIGATION Cont.

Massaron is one of the firm's most accomplished appellate attorneys with over 400 appeals to her credit, approximately 50 of which are published decisions. She is a past president of DRI – The Voice of the Defense Bar, and she has the distinction of being inducted into the prestigious American Academy of Appellate Attorneys. Massaron is a past chair of the American Bar Association Standing Committee on Amicus Briefs, and she is perennially identified as a top appellate attorney in Michigan by Martindale-Hubbell, Best Lawyers in America and other leading peer review organizations.

Members of Plunkett Cooney's Class Action, Mass Tort & Multi-District Litigation Practice Group have achieved numerous victories on behalf of their clients by defeating class certification, obtaining dismissal of putative class representatives' claims, and favorably resolving high exposure class action, mass tort, and multi-district litigation. Plunkett Cooney's Appellate Law Practice Group, of which Massaron is also a member, is one of Michigan's most accomplished with more than 1,500 cases to its credit in state and federal appellate courts.

Established in 1913, Plunkett Cooney is a leading provider of business and litigation services to clients in the private and public sectors. The firm employs approximately 140 attorneys in seven Michigan cities, Chicago, Illinois; Columbus, Ohio; and Indianapolis, Indiana. Plunkett Cooney has achieved the highest rating (AV) awarded by Martindale-Hubbell and Crain's Detroit Business named the firm its inaugural Law Firm of the Year.

For more information about the amicus brief written by Mary Massaron on behalf of the LCJ, contact Plunkett Cooney's Director of Marketing and Business Development John Cornwell at (248) 901-4008; jcornwell@plunkettcooney.com.

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