

August 6, 2019

By Email to david@specialmaster.law

David R. Cohen
Special Master in MDL 2804
24400 Chagrin Boulevard
Suite 300
Cleveland, Ohio 44122

Re: Introduction to NAS Baby Counsel in MDL 2804

Dear Special Master Cohen:

We are the law firms representing NAS babies in the MDL, including 44 class actions and 43 individual actions.¹ We also have 365 additional cases pending filing. See attached list of NAS baby cases we have filed.

During the last days of 2017, an informal conference of lawyers practicing in the fields of medical monitoring, class actions, mass torts, civil rights, and social justice issues met to discuss the newly created MDL addressing the scourge of opioids. Assessing the impact on communities in West Virginia where the epidemic was palpable and painful, the discussion turned to grandparents raising a second generation of children born to addicted parents unable to raise their own children. Babies born dependent were a particular challenge to these grandparents and the extraordinary difficulties with these children were seen as a life-long challenge to multiple generations requiring medical monitoring and special care. With the lessons of the failures of the tobacco settlement, no time could be wasted to bring the babies born dependent to the forefront of the pending MDL.

In the beginning of 2018, a consortium of law firms, now exceeding 20, representing a broad array of legal practices entered into a joint participation agreement to share work product, retain experts, distribute responsibilities in liability and damage assessment, and the generalpooling of resources. This consortium of firms became known as the Opioid Justice Team, "OJT." They include recognized attorneys and firms having a history in class actions, mass torts, environmental and pharmaceutical torts, medical monitoring and MDLs who now have expended well over a million dollars to date developing the baby cases and over 10,000 hours preparing the baby cases. We have become the voice of the babies and their caretakers. We have committed those funds necessary to litigate the class actions and individual actions. Moreover, scores of attorneys are committed to

¹ Three NAS baby cases were filed by firms not in our consortium.

working on these lawsuits, with some of their efforts having begun in early 2018 with the first class action filed on February 26, 2018 [Case No. 1:18-op-45662].

Understanding the medical challenges of the babies and retaining of experts in the field was the our first priority. The first step was to retain a full-time PhD medical practitioner in the field of opioid prescriptive use in pain management in the clinical setting to assist us in identifying the science and experts in the field this effort. His knowledge of addiction management and opioid abuse led us to the identification of the experts in the field.

We immediately retained preeminent neonatal expert in NAS field, Dr. Kanwaljeet J. S. Anand whose reports were submitted with our injunction application [Case No. 1:19-op-45206-DAP, Exhibit 29]. He is a pediatrician specializing in the care of critically ill newborns and children. He is an authority on pain development in newborn babies and pain management and the preeminent authority on opioid use disorder in pregnancy and neonatal abstinence syndrome. He leads the field on the study of the long term developmental impact of in utero exposure to opioids. Many other experts have been retained to prosecute our class actions.

This Special Master can become familiar with the substantial research already performed by the OJT concerning NAS babies. The MDL class action complaint and documentation included in the supporting documents seeking injunctive and declaratory relief [Case No. 1:19-op-45206-DAP] filed March 28, 2019 demonstrates our effort to seek an immediate remedy to stop addicted mothers from bearing babies addicted to opioids and demonstrates the depth of research and analysis by our team.

The legal team and the medical consultants are developing protocols for identifying NAS babies, their mothers and their caretakers appropriate for a monitoring class. All of our lawsuits are predicated on securing the medical history of the babies' mothers and other guidelines for assuring that there are sufficient factual basis to establish liability and the need for medical monitoring. This review process is under study for identifying the babies and mothers that would qualify for a monitoring class. Having access to over 440 samples of addicted mothers, addicted babies and their caretakers, this internal database is aiding our experts, including the economists, statisticians and medical practitioners who treat NAS babies to define the issues that create the class.

Additionally, we have retained experts inter alia in the field of medical monitoring protocols, toxicological pathologists specializing in action of toxic substances on the fetus and infants, economists for modeling the cost for treating NAS babies as well as the cost of developing protocols for medical monitoring of the children until they reach the age of majority and thereafter.

With the recent release of ARCOS data, the recent providing of the keys for the PEC Relativity database and the unsealing of the dispositive motions and attachments, many more attorneys from the larger firms are staffing up this effort. We have been working with the defendants in developing briefing and discovery issues.

Sincerely,



Kent Harrison Robbins
Secretary for the Opioid Justice Team

OJT Lead Counsel and Advisors:

Scott Bickford
Celeste Brustowicz
Phil Cramer
Calvin Fayard
Kevin Malone
Stuart Smith
Kevin Thompson

Enclosure

cc: Special Master Francis E. McGovern, II by email to McGovern@law.duke.edu

CaseStyle	SuitFiledDate	CivilActionNumber
Deric & Ceonda Rees OBO Baby T.B. v McKesson Corporation, et al.	2/28/2018	1:18-op-45252-DAP
Rachel Wood OBO Baby O.W. v Purdue Pharma, L.P., et al.	3/3/2018	1:18-op-45264-DAP
Walter & Virginia Salmons OBO Baby W.D. v. Purdue Pharma, L.P., et al.	3/2/2018	1:18-op-45268-DAP
Melissa Ambrosio OBO Baby G.A. v. Purdue Pharma, L.P., et al.	3/16/2018	1:18-op-45375-DAP
Darran & Elena Flanagan OBO Baby K.L.F. v. Purdue Pharma, L.P., et al.	3/21/2018	1:18-op-45405-DAP
James Holland, OBO Baby A.C.H.; Chris & Diane Denson, OBO Baby L.D.L.; Roxie Whitley, OBO Baby Z.B.D v. Purdue Pharma, L.P., et al.	3/28/2018	1:18-op-45598-DAP
Tyler Roach, OBO K.R. v. Purdue Pharma, L.P., et al.	2/26/2018	1:18-op-45662-DAP
Shannon Hunt, OBO S.J. v. Purdue Pharma, L.P., et al.	5/10/2018	1:18-op-45681-DAP
Bobbie Lou Moore, OBO Baby R.R.C. v Purdue Pharma L.P., et al.	8/15/2018	1:18-op-46305-DAP
Erin Doyle, OBO Baby D.F. v Actavis, LLC, et al.	5/9/2018	1:18-op-46327-DAP
Amanda Hanlon (A.M.H.), OBO Baby C.E. v. Purdue Pharma, L.P., et al. (Injunction)	8/21/2018	1:19-op-45206-DAP
Jennifer Artz, OBO Baby I.A.A., and all others similarly situated, v. Purdue Pharma L.P., et al.	6/17/2019	1:19-op-45459-DAP
Jamiee Gilson, OBO Baby M.M.D., v. Purdue Pharma, L.P., et al.	6/14/2019	1:19-op-45461-DAP
Jessica Rodriguez, OBO Baby M.A.P., and all others similarly situated, v. Purdue Pharma L.P., et al.	6/14/2019	1:19-op-45463-DAP
Esperenza Ellis OBO of Baby S.O.D., and all others similarly situated, v. Purdue Pharma L.P., et al.	6/14/2019	1:19-op-45464-DAP
Samantha DeMaro, OBO Baby J.W.L.B., and all others similarly situated, v. Purdue Pharma L.P., et al.	6/14/2019	1:19-op-45465-DAP
Gloria Cruz, OBO of Baby C.E.L., and all others similarly situated, v. Purdue Pharma L.P., et al.	6/14/2019	1:19-op-45466-DAP
Chloe Paul, OBO Baby A.R.P., and all others similarly situated, v. Purdue Pharma L.P., et al.	6/14/2019	1:19-op-45467-DAP
Niola Lechuga OBO Babies Q.H.L. and A.G.L., and all others similarly situated, v. Purdue Pharma L.P., et al.	6/14/2019	1:19-op-45468-DAP
Brandi Brumbarger, OBO Baby J.B.B., and all others similarly situated, v. Purdue Pharma L.P., et al.	6/14/2019	1:19-op-45469-DAP

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Corey Means, OBO Baby E.D.J., and all others similarly situated, v. Purdue Pharma L.P., et al.	6/14/2019	1:19-op-45470-DAP
Sally Peterson, OBO Baby E.A.P., and all others similarly situated, v. Purdue Pharma L.P., et al.	6/14/2019	1:19-op-45472-DAP
Jessica Hampel, OBO Baby A.M.H., and all others similarly situated, v. Purdue Pharma L.P., et al.	6/14/2019	1:19-op-45473-DAP
Shelly Whittaker, OBO Babies E.W., G.L.O., and N.S.G., and all others similarly situated, v. Purdue Pharma L.P., et al.	6/14/2019	1:19-op-45475-DAP
Nicole Tuttle, OBO Baby A.T., and all others similarly situated, v. Purdue Pharma L.P., et al.	6/15/2019	1:19-op-45476-DAP
Marijha Hamawi and Meghan Lara, OBO of Babies K.L.H. and N.A.W., and all others similarly situated, v. Purdue Pharma L.P., et al.	6/15/2019	1:19-op-45477-DAP
Krista Gauthier, Angela Sawyers, and Jessica Sprinborn, o/b/o D.L.D., M.A.S. and N.S.	6/15/2019	1:19-op-45478-DAP
Alicia Simonson, OBO Baby M.S., and all others similarly situated, v. Purdue Pharma L.P., et al.	6/15/2019	1:19-op-45479-DAP
Christina Delancey, OBO Baby A.J.W., and all others similarly situated, v. Purdue Pharma L.P., et al.	6/15/2019	1:19-op-45480-DAP
Wendy Stewart, OBO Baby K.J.C., and all others similarly situated, v. Purdue Pharma L.P., et al.	6/15/2019	1:19-op-45481-DAP
Shilo Shewmake, OBO Babies L.G., A.S., and J.S., and all others similarly situated v. Purdue Pharma L.P., et al.	6/16/2019	1:19-op-45482-DAP
Quincy Weatherwax, OBO Baby L.W., and all others similarly situated, v. Purdue Pharma L.P., et al.	6/16/2019	1:19-op-45483-DAP
Jacquelynn Martinez, OBO Baby J.M., and all others similarly situated, v. Purdue Pharma L.P., et al.	6/16/2019	1:19-op-45484-DAP
Farrah Williams, OBO Baby A.W., and all others similarly situated, v. Purdue Pharma L.P., et al.	6/16/2019	1:19-op-45485-DAP
Desirae Warren, OBO Baby A.W., and all others similarly situated, v. Purdue Pharma L.P., et al.	6/16/2019	1:19-op-45486-DAP
Brittany Flach, OBO Babies A.B. and G.B., and all others similarly situated v. Purdue Pharma L.P., et al.	6/16/2019	1:19-op-45487-DAP

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Desiree Carlson, OBO Baby J.S., and all others similarly situated v. Purdue Pharma L.P., et al.	6/16/2019	1:19-op-45487-DAP
Brittany Flach, OBO Babies A.B. and G.B., and all others similarly situated v. Purdue Pharma L.P., et al.	6/16/2019	1:19-op-45488-DAP
Billie Ivie, OBO Baby A.I., and all others similarly situated v. Purdue Pharma L.P., et al.	6/16/2019	1:19-op-45489-DAP
Angela Cherry, OBO Baby Z.C.T., and all others similarly situated v. Purdue Pharma L.P., et al.	6/16/2019	1:19-op-45490-DAP
Maria Ortiz, OBO Baby A.O., and all others similarly situated v. Purdue Pharma L.P., et al.	6/17/2019	1:19-op-45492-DAP
Kjellsi Meinecke, OBO Baby J.B., and all others similarly situated v. Purdue Pharma L.P., et al.	6/17/2019	1:19-op-45493-DAP
Shelby L. Brant, OBO of Baby L.A.Z., and all others similarly situated v. Purdue Pharma L.P., et al.	6/17/2019	1:19-op-45494-DAP
Melba Alexander, OBO Baby B.H.R. v. Purdue Pharma L.P., et al.	6/17/2019	1:19-op-45502-DAP
April Berzinski, OBO Baby A.Z. v. Purdue Pharma L.P., et al.	6/17/2019	1:19-op-45503-DAP
Jamie Johnson, OBO Babies K.D. and J.D., v. Purdue Pharma L.P., et al.	6/17/2019	1:19-op-45504-DAP
Kiana Hutchins, OBO Baby T.E. v. Purdue Pharma L.P., et al.	6/18/2019	1:19-op-45505-DAP
Jessica Collier, OBO Baby A.P., v. Purdue Pharma L.P., et al.	6/17/2019	1:19-op-45506-DAP
Amanda Muffley, OBO Baby M.S., v. Purdue Pharma L.P., et al.	6/17/2019	1:19-op-45507-DAP
Penny Martin, OBO Baby D.M., v. Purdue Pharma L.P., et al.	6/17/2019	1:19-op-45508-DAP
Krystle Kirk, OBO Baby B.K. v. Purdue Pharma L.P., et al.	6/17/2019	1:19-op-45509-DAP
Kimberly Martin, OBO Baby A.M. v. Purdue Pharma L.P., et al.	6/18/2019	1:19-op-45510-DAP
Deborah Dixon, OBO Baby S.E.T., v. Purdue Pharma, L.P., et al.	6/18/2019	1:19-op-45511-DAP
Mechelle Gauthier, OBO Baby B.L., v. Purdue Pharma L.P., et al.	6/18/2019	1:19-op-45514-DAP
Amanda Gibson, OBO Baby B.A. v. Purdue Pharma L.P., et al.	6/18/2019	1:19-op-45515-DAP
Jenni Goldman, OBO Babies J.K.W. and M.J.R., v. Purdue Pharma L.P., et al.	6/18/2019	1:19-op-45516-DAP
Heather Goss, OBO Babies C.B. and V.B., v. Purdue Pharma L.P., et al.	6/18/2019	1:19-op-45518-DAP
Courtney Herring, OBO Baby M.T. v. Purdue Pharma L.P., et al.	6/18/2019	1:19-op-45519-DAP
Reannan Howell, OBO Baby N.J.D. v. Purdue Pharma L.P., et al.	6/17/2019	1:19-op-45520-DAP

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Aracya Johnson, OBO Baby R.H. v. Purdue Pharma L.P., et al.	6/18/2019	1:19-op-45521-DAP
Elizabeth Kommer, OBO Baby C.K. v. Purdue Pharma L.P., et al.	6/18/2019	1:19-op-45522-DAP
Carol Lively, OBO Baby L.L. v. Purdue Pharma L.P., et al.	6/18/2019	1:19-op-45523-DAP
Alyssa Lyle, OBO Baby A.W. v. Purdue Pharma L.P., et al.	6/18/2019	1:19-op-45524-DAP
Melanie Massey, OBO Babies S.L.M. and K.D.R., v. Purdue Pharma L.P., et al.	6/18/2019	1:19-op-45525-DAP
Samantha McAnany, OBO Baby A.L.M. v. Purdue Pharma L.P., et al.	6/18/2019	1:19-op-45526-DAP
Kayla Shockley, OBO Baby M.G.L. v. Purdue Pharma L.P., et al.	6/18/2019	1:19-op-45527-DAP
Jessica Taylor, OBO Baby D.S. v. Purdue Pharma L.P., et al.	6/18/2019	1:19-op-45528-DAP
Lori Taylor, OBO Baby M.T. v. Purdue Pharma L.P., et al.	6/19/2019	1:19-op-45529-DAP
Nichole Tindall, OBO Baby L.M. v. Purdue Pharma L.P., et al.	6/18/2019	1:19-op-45530-DAP
Sandra Atkinson, OBO Baby L.C. v. Purdue Pharma L.P., et al.	6/20/2019	1:19-op-45531-DAP
Rebecca Goforth, OBO Babies A.S. and N.S. v. Purdue Pharma L.P., et al.	6/20/2019	1:19-op-45532-DAP
Musette Chancey, OBO Babies D.C.1 and D.C.2 v. Purdue Pharma L.P., et al.	6/20/2019	1:19-op-45533-DAP
Gena Patterson, OBO Baby F.P. v. Purdue Pharma L.P., et al.	6/20/2019	1:19-op-45534-DAP
Jessica Perkins, OBO of Babies P.A. and R.A. v. Purdue Pharma L.P., et al.	6/20/2019	1:19-op-45535-DAP
Amy Shepard, OBO Baby E.S. v. Purdue Pharma L.P., et al.	6/20/2019	1:19-op-45536-DAP
Taylor Brooke Underwood, OBO Baby C.U. v. Purdue Pharma L.P., et al.	6/20/2019	1:19-op-45537-DAP
Waikeisha Richardson, OBO of Babies E.M.1 and E.M.2 v. Purdue Pharma L.P., et al.	6/20/2019	1:19-op-45538-DAP
Caroline VonCannon, OBO Babies C.W. and S.W., v. Purdue Pharma L.P., et al.	6/20/2019	1:19-op-45540-DAP
Kaegan Whittington, OBO Babies S.W. and A.W., v. Purdue Pharma L.P., et al.	6/20/2019	1:19-op-45541-DAP
Jennifer Thomas, OBO Baby A.S. v. Purdue Pharma L.P., et al.	6/20/2019	1:19-op-45542-DAP
Naomi Wright, OBO Baby M.W. v. Purdue Pharma L.P., et al.	6/20/2019	1:19-op-45543-DAP
Jenny Scully, OBO Baby I.S. v. Purdue Pharma L.P., et al.	6/20/2019	1:19-op-45544-DAP
Paula Watson, OBO Baby D.M. v. Purdue Pharma L.P., et al.	6/20/2019	1:19-op-45545-DAP