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No. 19-3827

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In the  
UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

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In re: NATIONAL PRESCRIPTION OPIATE LITIGATION

STATE OF OHIO,  
Petitioner.

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Appeal from the United States District Court  
Northern District of Ohio at Cleveland  
Honorable Dan Aaron Polster

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**MOTION TO FILE BRIEF OF AMICI CURIAE STATES OF  
MICHIGAN, ALASKA, ARIZONA, CONNECTICUT, HAWAII,  
INDIANA, KANSAS, MONTANA, NEBRASKA, NORTH DAKOTA,  
SOUTH DAKOTA, TENNESSEE, TEXAS, AND DISTRICT OF  
COLUMBIA IN SUPPORT OF THE STATE OF OHIO'S  
PETITION FOR WRIT OF MANDAMUS**

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The State of Michigan, by its attorneys, Dana Nessel, Attorney General for the State of Michigan, and Fadwa Hammoud, Solicitor General, and Deputy Solicitor General Ann Sherman, and on behalf of the other Amici States, pursuant to Federal Rule of Appellate Procedure 27(a), asks this Court to enter enable these States to file an amicus brief in support of the State of Ohio's action for mandamus in the above matter. The State of Michigan on behalf of itself and on behalf of the amici States argues the following in support of its motion to file:

1. On August 30, 2019, the State of Ohio filed a mandamus action in this Court, asking this Court to either delay or dismiss the two pending actions by the local governments against Purdue Pharma in the Northern District of Ohio, seeking redress for injuries arising from the opioid crisis.

2. The Federal Rules of Appellate Procedure allow the States to file an amicus brief without seeking consent, Fed. R. App. P. 29(a)(2), and provide for filing no later than seven days after the filing of the principal brief that the amicus brief supports, *id.* at 29(a)(6), but the rules make no express provision for amicus briefs in support of briefs that advance an extraordinary writ as here.

3. Consistent with Rule 29, the State of Michigan and the Amici States ask this Court for leave to file an amicus brief in this matter that relates directly to the authority of the States (1) to manage litigation that affects all of the communities within the State and (2) to ensure that any relief that is obtained is distributed fairly to those communities that have been harmed most deeply by the opioid crisis, as measured by deaths and economic loss. See proposed amicus brief filed contemporaneous with this motion.

4. The State of Michigan and the Amici States contend that this Court would be assisted by the additional arguments raised by this amicus brief in considering whether to grant the State of Ohio's request for relief.

Wherefore, the State of Michigan and the Amici States ask this Court to grant this motion and accept the amicus brief in support of the State of Ohio's mandamus action.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I certify that on September 6, 2019, the foregoing document was served on all parties or their counsel of record through the CM/ECF system.

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