

March 1, 2018

VIA NYSCEF

The Honorable Jerry Garguilo
Supreme Court of the State of New York
Suffolk County
John P. Cohalan, Jr. Courthouse
Part 48, Courtroom S-33
400 Carleton Avenue
Central Islip, New York 11722

Re: *In Re Opioid Litigation*, No. 400000/2017

Dear Justice Garguilo:

I am co-lead counsel for Plaintiffs. I write in furtherance of the request for an expedited trial that I made during the February 28 hearing.¹ There is ample authority supporting my position.

While civil cases are generally “tried in the order in which notes of issue have been filed,” “an action brought by or against . . . a political subdivision of the state,” such as Plaintiffs in this case, is “entitled to preference.” CPLR 3403(a)(1). *See also Cruz v. Schriro*, 51 Misc. 3d 1203(A), at *10 n.2 (Sup. Ct. N.Y. Co. 2016) (noting that an action involving “a political subdivision of the state (e.g. the City of New York) . . . is entitled to a special preference”). Plaintiffs seek to exercise their right to preferential treatment.

Accordingly, Plaintiffs request that the Court schedule a conference at its earliest convenience to discuss (1) their proposed motion for preference; (2) entering into an expedited discovery schedule; and (3) their intention to file a note of issue. With an aggressive schedule, Plaintiffs believe that the parties could be in a position to conduct four bellwether trials this fall. Lives are on the line, Plaintiffs are hemorrhaging cash, and there is no time to waste.

Respectfully submitted,

/s/ Paul J. Napoli

¹ I make this request on behalf of the clients represented by my firm. I have conferred with co-lead counsel, Paul Hanly, who is conferring with his clients but does not oppose this request.