

IN THE SUPREME COURT OF THE STATE OF NEVADA

PURDUE PHARMA L.P.; PURDUE
PHARMA, INC.; THE PURDUE
FREDERICK COMPANY INC.;
PURDUE PHARMACEUTICALS L.P.;
TEVA PHARMACEUTICALS USA, INC.;
CEPHALON, INC.; JOHNSON &
JOHNSON; JANSSEN
PHARMACEUTICALS, INC.; ORTHO-
MCNEIL-JANSSEN
PHARMACEUTICALS, INC., N/K/A
JANSSEN PHARMACEUTICALS, INC.;
JANSSEN PHARMACEUTICA, INC.,
N/K/A JANSSEN PHARMACEUTICALS,
INC.; ABBVIE INC.; ABBVIE US LLC;
ENDO PHARMACEUTICALS INC.;
ENDO HEALTH SOLUTIONS, INC.;
ALLERGAN, INC.; ALLERGAN USA,
INC.; ALLERGAN FINANCE, LLC,
F/K/A ACTAVIS, INC., F/K/A WATSON
PHARMACEUTICALS, INC.; WATSON
LABORATORIES, INC.; ACTAVIS LLC;
ACTAVIS PHARMA, INC., F/K/A
WATSON PHARMA, INC.; INSYS
THERAPEUTICS, INC.; AND
MALLINCKRODT LLC,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
TIMOTHY C. WILLIAMS, DISTRICT
JUDGE,

Respondents,

and

CLARK COUNTY,

Real Party in Interest.

No. 79002

FILED

OCT 21 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY  DEPUTY CLERK

ORDER DISMISSING PETITION

This is a petition for a writ of mandamus directing the district court to dismiss the underlying action.

Several defendants in the proceedings below, Cardinal Health, Inc., AmerisourceBergen Drug Corporation, and McKesson Corporation have filed joinders to the writ petition; real party in interest has moved to strike the joinders, the defendants have filed an opposition, and real party has filed a reply.

On September 20, 2019, Cardinal Health, Inc., filed a "Notice of Filing of Notice of Removal," in which it asserts that the underlying proceedings have been removed to the United States District Court for the District of Nevada. Attached to the notice is a copy of a notice of removal of the underlying district court case. Under 28 U.S.C. § 1446(d), after the filing of a notice of removal, and notice to this court of its filing, "the State court shall proceed no further unless and until the case is remanded." Despite Cardinal Health Inc.'s assertion that it has filed for remand to the Eighth Judicial District Court, the federal district court's jurisdiction over the matters commenced when the notice of removal was filed in that court. *See In re Diet Drugs*, 282 F.3d 220, 231 n.6 (3rd Cir. 2002). This court can no longer proceed with the matters "until the federal court decides whether it will retain jurisdiction or not." *Adair Pipeline Company v. Pipeliners Local Union No. 798*, 203 F. Supp. 434, 437 (S.D. Tex. 1962). This court therefore takes no action on the pending joinders and motion to strike.

Finally, to avoid having this petition linger on this court's docket indefinitely, this court dismisses the petition without prejudice to

petitioners' right to move for its reinstatement within 30 days of any remand from the federal district court, if deemed appropriate.

It is so ORDERED.¹

Gibbons, C.J.
Gibbons

Hardesty, J.
Hardesty

Stiglich, J.
Stiglich

Cadish, J.
Cadish

Silver, J.
Silver

¹The Honorable Kristina Pickering, Justice, and Ron Parraguirre, Justice, did not participate in the decision of this matter.

+cc: Hon. Timothy C. Williams, District Judge
Ballard Spahr LLP/Las Vegas
McDonald Carano LLP/Las Vegas
Morgan, Lewis & Bockius LLP/Miami
Evans Fears & Schuttert LLP
O'Melveny & Myers LLP/Los Angeles
Kirkland & Ellis LLP/Chicago
Holland & Knight/Portland
Arnold & Porter Kaye Scholer LLP/Los Angeles
Moran Brandon Bendavid Moran
Kirkland & Ellis LLP/Washington DC
Dechert LLP/New York
Olson, Cannon, Gormley, Angulo & Stoberski
Hymanson & Hymanson
Ropes & Gray LLP/San Francisco
Laxalt & Nomura, Ltd./Reno
O'Melveny & Myers LLP/Washington DC
Morgan, Lewis & Bockius LLP/Philadelphia
Ropes & Gray LLP/Boston
The Cochran Firm-Dothan, PC
Eglet Adams
Clark County District Attorney
Eighth District Court Clerk