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October 16, 2023

VIA ECF

The Honorable Denise L. Cote
United States District Court Judge
Southern District of New York
500 Pearl Street, Room 1910
New York, New York 10007

Re. *In Re: Acetaminophen – ASD–ADHD Products Liability Litigation*, Case No. 1:22-md-03043 (S.D.N.Y.) – Rite-Aid Notice of Bankruptcy, Dkt. 1278, 1288

This Document Relates To: All Cases

Dear Judge Cote:

Rite-Aid announced today that it has filed for bankruptcy. *See* Dkt. 1278, 1288. Pursuant to 11 U.S.C. § 362(a), a debtor in bankruptcy is afforded an automatic stay of the “continuation” of “a judicial...proceeding against” it. The vast majority of Plaintiffs do not assert claims against Rite-Aid. There is, however, one case that asserts claims against only Rite-Aid (*McKinney, et al v. Rite Aid Corporation*, case no. 1:22-cv-08818), and twenty cases that assert claims against Rite-Aid as well as other Defendants.¹ Plaintiffs intend to meet and confer with Rite-Aid’s bankruptcy counsel in hopes of securing an agreed-upon motion to (i) sever it from cases where it is not the only named Defendant pursuant to Fed. R. Civ. P. 21, which will allow the action to proceed against the non-debtor Defendants, and (ii) indefinitely stay cases where Rite-Aid is the only named Defendant.

In the interim, to avoid any possible violation of the automatic stay, Plaintiffs respectfully request that the Court order that the Rule 702 reply briefs that will be submitted on Friday be applied to all filed cases except those that name Rite-Aid as a Defendant.

Thank you for your consideration of this request.

Sincerely,

/s/ Ashley Keller

Ashley C. Keller (*Pro Hac Vice*)

KELLER POSTMAN LLC

150 N. Riverside Plaza LLC, Ste. 4100

Chicago, Illinois 60606

(312) 741-5220

ack@kellerpostman.com

¹ This is based on reporting from MDL Centrality and may not reflect voluntarily dismissals or other case activity.