

In the Supreme Court of the United States

WILLIAM K. HARRINGTON, UNITED STATES TRUSTEE, REGION 2,
Applicant,

v.

PURDUE PHARMA, L.P., ET AL.,

ON APPLICATION FOR A STAY OF THE MANDATE OF THE UNITED STATES
COURT OF APPEALS FOR THE SECOND CIRCUIT PENDING THE FILING AND
DISPOSITION OF A PETITION FOR A WRIT OF CERTIORARI

**RESPONSE OF THE STATES OF CALIFORNIA, CONNECTICUT, DELAWARE,
MARYLAND, OREGON, RHODE ISLAND, VERMONT, WASHINGTON, AND THE
DISTRICT OF COLUMBIA**

ROB BONTA

Attorney General of California

MICHAEL J. MONGAN

Solicitor General

NICKLAS A. AKERS

Senior Assistant Attorney General

JOSHUA PATASHNIK*

Deputy Solicitor General

BERNARD A. ESKANDARI

Supervising Deputy Attorney General

STATE OF CALIFORNIA

DEPARTMENT OF JUSTICE

600 West Broadway, Suite 1800

San Diego, CA 92101

(619) 738-9628

josh.patashnik@doj.ca.gov

**Counsel of Record*

August 4, 2023

The States of California, Connecticut, Delaware, Maryland, Oregon, Rhode Island, Vermont, Washington, and the District of Columbia (collectively, the States) were appellees in the court of appeals, and participated in the district court and bankruptcy court proceedings in this matter. While this case was pending in the court of appeals, the States reached a settlement agreement with Purdue Pharma, L.P.; certain of its affiliates; and members of the Sackler family, all of whom are respondents here and were appellants in the court of appeals. *See* No. 22-110 (2d Cir.), ECF Nos. 552, 559 (Mar. 11, 2022). Pursuant to that settlement agreement, and subject to the terms and conditions thereof, the States agreed to be consensually bound by the third-party releases in the plan of reorganization at issue in this litigation. *See* No. 19-23649-shl (Bankr. S.D.N.Y.), ECF No. 4410 (Mar. 3, 2022), Ex. B at 31. In addition, under the terms of the settlement agreement, the States agreed that they would “not file any brief with or present any argument to the Second Circuit panel hearing the appeal”; and that, if that appeal was “decided in the Debtor’s favor,” they would “not (a) file a party or amicus curiae brief at the petition stage in the Supreme Court of the United States, asking that court to grant certiorari . . . or (b) file a party brief at the merits stage in the Supreme Court should the Supreme Court grant certiorari.” *Id.* In light of those circumstances, the States respectfully inform the Court that they take no position on the application for a stay of the mandate pending the filing and disposition of a petition for a writ of certiorari, or any of the issues raised in that application.

Respectfully submitted,

ROB BONTA
Attorney General of California
MICHAEL J. MONGAN
Solicitor General
NICKLAS A. AKERS
Senior Assistant Attorney General
JOSHUA PATASHNIK
Deputy Solicitor General
BERNARD A. ESKANDARI
Supervising Deputy Attorney General

August 4, 2023

(Counsel listing continues on next page)

WILLIAM TONG
Attorney General of Connecticut
 JOSHUA PERRY
Solicitor General
 Office of the Connecticut Attorney
 General
 165 Capitol Avenue
 Hartford, CT 06106
 (860) 808-5372
 joshua.perry@ct.gov

KATHLEEN JENNINGS
Attorney General of Delaware
 OWEN LEFKON
*Director of the Fraud and
 Consumer Protection Division*
 CHRISTIAN DOUGLAS WRIGHT
Director of Impact Litigation
 MARION QUIRK
Director of Consumer Protection
 State of Delaware
 Department of Justice
 820 N. French Street
 Wilmington, DE 19801
 (302) 683-8810
 marion.quirk@delaware.gov

BRIAN L. SCHWALB
*Attorney General of
 the District of Columbia*
 CAROLINE S. VAN ZILE
Solicitor General
 Office of the Attorney General
 for the District of Columbia
 400 6th Street, NW, Suite 8100
 Washington, DC 20001
 (202) 724-6609
 caroline.vanzile@dc.gov

ANTHONY G. BROWN
Attorney General of Maryland
 BRIAN T. EDMUNDS
Senior Assistant Attorney General
 Office of the Attorney General
 of Maryland
 200 St. Paul Place
 Baltimore, MD 21202
 (410) 576-6578
 bedmunds@oag.state.md.us

ELLEN F. ROSENBLUM
Attorney General of Oregon
 BENJAMIN GUTMAN
Solicitor General
 Oregon Department of Justice
 1162 Court Street NE
 Salem, OR 97301
 (503) 378-4402
 benjamin.gutman@doj.state.or.us

PETER F. NERONHA
Attorney General of Rhode Island
 KATHERINE CONNOLLY SADECK
Assistant Attorney General
 Rhode Island Attorney General's
 Office
 150 South Main Street
 Providence, RI 02903
 (401) 274-4400 ext. 2480
 ksadeck@riag.ri.gov

CHARITY R. CLARK
Attorney General of Vermont
 ELEANOR L.P. SPOTTSWOOD
Solicitor General
 Office of the Vermont Attorney
 General
 109 State Street
 Montpelier, VT 05403
 (802) 793-1646
 eleanor.spottswood@vermont.gov

ROBERT W. FERGUSON
Attorney General of Washington
NOAH G. PURCELL
Solicitor General
Office of the Attorney General
of Washington
1125 Washington Street SE
Olympia, WA 98504-0100
(360) 753-2536
noah.purcell@atg.wa.gov