

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania	:	CASES CONSOLIDATED
by Attorney General David W.	:	
Sunday, Jr., ¹	:	
Petitioner	:	
	:	
v.	:	
	:	
Johnson & Johnson, Janssen	:	
Pharmaceuticals, Inc., Ortho-	:	
McNeil-Janssen Pharmaceuticals, Inc.,	:	
Janssen Pharmaceutica, Inc.,	:	
Respondents	:	No. 243 M.D. 2022
	:	
Commonwealth of Pennsylvania	:	
by Attorney General David W.	:	
Sunday, Jr.,	:	
Petitioner	:	
	:	
v.	:	
	:	
AmerisourceBergen Corporation,	:	
McKesson Corporation, Cardinal	:	
Health, Inc.,	:	
Respondents	:	No. 244 M.D. 2022

**Case Management Order Governing Procedures for Court Resolution
of Beneficiary Complaints Filed Pursuant to Section VIII(G)(2)
of the First Amended and Restated Pennsylvania Opioid
Misuse and Addiction Abatement Trust**

NOW, July 22, 2025, Section VIII(G)(2) of the First Amended and Restated Pennsylvania Opioid Misuse and Addiction Abatement Trust Order (First

¹ The Court has updated the captions in these consolidated matters to reflect the substitution of the current Attorney General. *See* Pa.R.A.P. 502(c).

Amended Trust Order) provides a right to petition this Court to resolve complaints filed by a beneficiary of the Pennsylvania Opioid Misuse and Addiction Abatement Trust (Trust).² Specifically, Section VIII(G) of the First Amended Trust Order provides:

VIII. MISCELLANEOUS

* * * *

G. Any beneficiary of the Trust may file a complaint with the Board of Trustees if the beneficiary disputes an action by the Trust with regard to that beneficiary, provided that such complaint is filed within 30 days of when the beneficiary knew or should have known of the basis for the complaint.

1. Such complaint shall be in writing and the Board of Trustees must respond in writing to such beneficiary within 60 days of receipt of such complaint.

2. If the Board of Trustees' response does not resolve the beneficiary's complaint, the beneficiary may petition this Court for a resolution of its complaint.

3. No beneficiary shall have standing to challenge another beneficiary's use of Trust Funds under this Order or any action of the Trust with regard to another beneficiary.

4. Nothing in this Order shall change the requirements for SCAs under Federal or State laws.

(Emphasis added.)

² By Order dated July 12, 2024, this Court approved Final Consent Judgments which created the Trust. Subsequently, by Order dated October 15, 2024, this Court approved the First Amended and Restated Pennsylvania Opioid Misuse and Addition Abatement Trust, which is currently the operative Trust document.

Section VIII(G)(2) provides no procedural guidance or mechanism for the filing of a petition in the Commonwealth Court for the resolution of a complaint. Accordingly, the Court hereby adopts the following procedures for the filing and disposition of petitions filed in accordance with Section VIII(G)(2) of the First Amended Trust Order.

1. Generally – Petitions seeking relief under Section VIII(G)(2) of the First Amended Trust Order shall be addressed to this Court’s appellate jurisdiction and, except as otherwise provided herein, shall be governed by Chapter 16 of the Pennsylvania Rules of Appellate Procedure (pertaining to Petitions for Specialized Review).³

2. Commencement of Action – A beneficiary of the Trust seeking relief under Section VIII(G)(2) of the First Amended Trust Order shall commence an action by filing with this Court’s Prothonotary a Petition for Specialized Review (Petition) in accordance with Pa.R.A.P. 1602.⁴

3. Form and Content of Petition – The Petition shall be set forth as provided in Pa.R.A.P. 1603. The beneficiary of the Trust seeking relief shall be named as the Petitioner. The Board of Trustees of the Pennsylvania Opioid Misuse and Addiction Abatement Trust shall be named as the Respondent.⁵ The statement

³ Pa.R.A.P. 1601 (Scope of Chapter) provides in part, “[t]his chapter provides a petition procedure for appellate review of certain discrete issues. Generally, these matters are ancillary and/or preliminary to appellate review under Chapters 9, 11, 13, or 15, **but the chapter also is intended to provide the method for initiating any otherwise-authorized form of appellate review that does not fall within those chapters.**” Pa.R.A.P. 1601 (emphasis added).

⁴ Each Petition commenced under this paragraph shall be assigned a separate docket number on the Court’s Commonwealth Docket (C.D.). See Pa.R.A.P. 1602(b)(3). The Petition shall not be docketed at the above-captioned dockets.

⁵ Nothing in this Order is intended to confer upon the Trust, its Board of Trustees, or any committee thereof status as a Commonwealth agency or “government unit” as that term is defined in the Pennsylvania Rules of Appellate Procedure. The intent of this Order is solely to provide a

of the basis for the jurisdiction of this Court, as required by Pa.R.A.P. 1603(c)(1), shall cite to Section VIII(G)(2) of the First Amended Trust Order and to this Order.

4. Service – The Petition shall be served on the Respondent in accordance with Pa.R.A.P. 1604. No service shall be required on the Attorney General.

5. Record – Within 30 days of service of the Petition, the Respondent shall certify to this Court a record, substantially as provided in Pa.R.A.P. 1951 and 1952, which shall constitute the record on appeal. The record shall include any meeting minutes or transcripts that are relevant to the resolution of the underlying complaint.

6. Response to Petition - The Respondent may file a response to the Petition in accordance with Pa.R.A.P. 1605.

7. Briefs – Notwithstanding Pa.R.A.P. 1603(d), the Court may direct, by order, that the parties file briefs or memoranda of law in support of their respective positions.

8. Argument or Submission on the Papers/Briefs; Disposition – A Petition filed pursuant to this Order shall be listed for oral argument or submission on the papers/briefs as directed by the Court in accordance with Pa.R.A.P. 3714, and shall be decided in accordance with any applicable general rules and Internal Operating Procedures of the Commonwealth Court.

The Prothonotary shall send a copy of this Order to Counsel for the Trust, who shall cause a copy of this Order to be posted on the Trust’s website (<https://www.paopioidtrust.org>). In addition, Counsel for the Trust shall cause a

procedural mechanism for the orderly resolution of petitions filed under Section VIII(G)(2) of the First Amended Trust Order.

copy of this Order to be distributed along with any future written response of the Board of Trustees sent pursuant to Section VIII(G)(1) of the First Amended Trust Order.

BY THE COURT:

/s/ **LORI A. DUMAS**
LORI A. DUMAS, Judge