MAYOR & CITY COUNCIL OF BALTIMORE, **Plaintiff,** **v.** **PURDUE PHARMA, L.P., *et al.*,** **Defendants.**	**IN THE** **CIRCUIT COURT** **FOR BALTIMORE CITY** **Case No. 24-C-18-000515**

ORDER FOR NEW TRIAL AND REMITTITUR
(Defendant AmerisourceBergen Drug Corporation)

This action came to trial before a jury in September, October, and November 2024 against two Defendants only. The jury returned a verdict for Plaintiff Mayor and City Council of Baltimore ("City") and against both Defendants AmerisourceBergen Drug Corporation ("AmerisourceBergen") and McKesson Corporation ("McKesson") on November 12, 2024. The abatement phase of the trial was then tried to the Court in December 2024. Because the Court wanted to decide all issues involving these Defendants together, the Court declined to have judgments entered based on the verdict and instead required Defendants to file any post-judgment motions according to a briefing schedule. Defendants AmerisourceBergen and McKesson filed motions for judgment notwithstanding the verdict, remittitur, and/or for a new trial on January 16, 2025. The Court entered separate judgments against each Defendant on June 11, 2025. Under Maryland Rules 2-532(b) and 2-533(a), Defendants' post-trial motions were deemed timely filed on June 11, 2025, immediately after the judgments were entered.

For the reasons stated in the Memorandum Opinion issued today, it is this 12th day of June, 2025, by the Circuit Court for Baltimore City, Part 26, hereby **ORDERED** that this Order applies to Defendant AmerisourceBergen only.

It is further **ORDERED** that Defendant AmerisourceBergen's Motion for Judgment Notwithstanding the Verdict is **DENIED**.

It is further **ORDERED** that Defendant AmerisourceBergen's Motion for New Trial is **GRANTED**, limited to certain issues as provided in this Order.

It is further **ORDERED** that Defendant AmerisourceBergen's Motion for Remittitur is **GRANTED**.

It is further **ORDERED** that Plaintiff City may avoid the need for a new trial by accepting a remittitur in the amount of $59,695,150, thereby reducing the Judgment against Defendant AmerisourceBergen from $74127,618 to $14,432,468.

It is further **ORDERED** that Plaintiff City shall accept or reject this remittitur in writing, filed with the Court, no later than **July 7, 2025**. Failure to file an acceptance or rejection shall be deemed a rejection of the remittitur.

It is further **ORDERED** that if Plaintiff City accepts the remittitur, the Court shall enter the reduced Judgment against Defendant AmerisourceBergen promptly, and there shall be no new trial against Defendant AmerisourceBergen.

It is further **ORDERED** that if Plaintiff City rejects the remittitur, the Court shall conduct a scheduling conference to schedule a new trial against Defendant AmerisourceBergen. Any new trial against Defendant AmerisourceBergen shall proceed jointly with any new trial needed against Defendant McKesson.

It is further **ORDERED** that any new trial against Defendant AmerisourceBergen shall be limited to the issues of (1) the amount of damages proved by Plaintiff City to have been caused by Defendant AmerisourceBergen's unreasonable conduct and (2) the amount of damages, if any, Defendant AmerisourceBergen proves should be apportioned to any other party or actor.

It is further **ORDERED** that in any new trial against Defendant AmerisourceBergen, Defendant AmerisourceBergen's liability based on unreasonable conduct that was a substantial factor in causing some portion of the public nuisance in Baltimore shall be deemed to have been established, and Plaintiff City shall not be permitted to seek to expand the liability finding beyond the scope proved at the first jury trial in 2024. Either party shall be permitted to present limited evidence of Defendant AmerisourceBergen's conduct to inform the jury of the context of Plaintiff City's claim for damages.

It is further **ORDERED** that in any new trial against Defendant AmerisourceBergen, it shall be deemed established that Plaintiff City incurred and is reasonably likely to incur the amount of costs presented through the testimony of William V. Padula at the first jury trial in 2024 as a general consequence of the public nuisance in Baltimore. Plaintiff City shall not be permitted to present evidence of any additional costs or damages. The issue of what amount of those costs were caused as damages by Defendant AmerisourceBergen's unreasonable conduct shall be an open issue for the jury in any new trial. Either party shall be permitted to present limited evidence concerning the claimed damages to inform the jury of the context of Plaintiff City's claim for damages.

It is further **ORDERED** that if a new trial is not needed for either Defendant AmerisourceBergen or Defendant McKesson, then the Court shall proceed to decide the abatement remedy issues with no further evidentiary proceedings. If a new trial is necessary against either Defendant, then the Court shall evaluate after that new jury trial whether any further evidentiary proceedings are necessary or desirable before deciding the abatement remedy.

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Judge Lawrence P. Fletcher-Hill