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The Sixth Circuit Reinforces Individualized Procedure in MDLs: Practical Lessons for Defense Counsel

by Carter F. Thurman

On October 2, 2026, the Sixth Circuit granted mandamus relief in *In re OptumRx, Inc.*, No. 26-3780 (6th Cir. Oct. 2, 2026), vacating an order allowing approximately 800 plaintiffs in the national prescription-opioid multidistrict litigation (MDL) to add claims against pharmacy benefit managers (PBMs). The decision confirms that an MDL's size and complexity do not displace the Federal Rules of Civil Procedure. Administrative efficiency cannot replace the individualized analysis those rules require.

The opioid MDL began in 2017 with 64 actions from seven states and grew to more than 1,000 lawsuits against manufacturers, distributors, pharmacies, insurers, and others. *In re OptumRx, Inc.*, slip op. at 1–2. In April 2024, nearly two years after the amendment deadline, the Plaintiffs' Executive Committee sought to add PBM claims on behalf of more than 1,000 plaintiffs. The district court permitted omnibus motions incorporating allegations from a bellwether complaint and granted approximately 800 plaintiffs leave to amend. *Id.* at 2.

The Sixth Circuit held that the district court clearly abused its discretion under Rule 16. *Id.* at 2–3. After a scheduling-order deadline, Rule 16(b)(4) requires good cause: the moving party must show that, despite diligence, it could not meet the deadline. The inquiry turns on when the party learned of the basis of the claim and the available relief underlying the claim. *Id.* at 2 (*citing Leary v. Daeschner*, 349 F.3d 888, 907–08 (6th Cir. 2003)).

The district court assumed that no plaintiff knew of the PBM claims until January 2023, when documents from Missouri litigation entered the MDL repository. *Id.* at 2–3. But it never assessed each plaintiff's knowledge or diligence, even though some plaintiffs had sued PBMs as early as 2018. *Id.* at 3. That omission was decisive: a late amendment must be assessed on the record of the individual case, not the MDL as a whole. *Id.* (*citing In re Nat'l Prescription Opiate Litig.*, 956 F.3d 838, 845 (6th Cir. 2020)).

The Sixth Circuit also found a Rule 15 violation. Instead of requiring the substance of each proposed amendment, the district court expected the PBMs and the court to "stitch together" allegations from the bellwether complaint and each plaintiff's existing pleading. *Id.* at 4. That aggregate approach failed Rule 15's notice requirement. The Sixth Circuit did not, however, base mandamus on Rule 15; the Rule 16 violation alone warranted relief. *Id.* at 4–5.

The ruling offers practical lessons for defense counsel seeking to preserve individual-case protections while accommodating efficient MDL management.

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First, preserve case-specific objections and challenge unsupported assumptions of commonality. When plaintiffs seek omnibus relief, identify differences among the affected actions, including operative pleadings, amendment deadlines, discovery histories, available facts, and prior representations. An MDL is not a single, undifferentiated case.

Second, build a plaintiff-specific Rule 16 record. Establish when each plaintiff knew—or reasonably could have learned—the facts supporting the proposed claims, including through pleadings, discovery, or related litigation. Diligence is central to good cause; prejudice cannot replace that inquiry. *Inge v. Rock Fin. Corp.*, 281 F.3d 613, 625 (6th Cir. 2002).

Third, insist on notice under Rule 15. Require each plaintiff to identify the substance of its proposed amendment. References to a bellwether complaint may obscure the claims, defendants, and relief at issue, complicating assessment of jurisdictional defenses, limitations, and discovery needs. Counsel should challenge procedures that leave parties to reconstruct proposed claims from multiple pleadings.

Fourth, document concrete prejudice. Explain whether late amendments would reopen discovery, require additional depositions or expert work, prompt new motions, or disrupt trial schedules. Such burdens can be especially significant when amendments introduce new claims after discovery closes. *Knight Cap. Partners Corp. v. Henkel AG & Co.*, 930 F.3d 775, 786 (6th Cir. 2019).

Fifth, reserve mandamus for exceptional cases. The remedy requires a clear right to relief and no adequate alternative. In *In re OptumRx, Inc.*, the district court disregarded controlling precedent despite a direct challenge to each plaintiff's diligence, making reconsideration and permissive appeal inadequate. Counsel should document both the clear legal error and why ordinary review will not suffice.

The decision does not bar coordinated MDL procedures or omnibus submissions. It draws a boundary: convenience cannot replace the individualized inquiries required by Rules 15 and 16. That principle may also inform other motions affecting the scope of individual cases, although the order itself addressed leave to amend.

For defense counsel, the lesson is practical: support coordination that reduces duplication but insist on case-specific treatment when rulings change claims, parties, defenses, or discovery obligations. The Sixth Circuit's order provides a framework for holding MDL procedures to that standard.

The decision also has significance in light of new Federal Rule of Civil Procedure 16.1, which establishes a framework for the initial management of MDLs. The rule encourages early consideration of scheduling orders, consolidated pleadings, and procedures for identifying the factual bases of claims and defenses. Fed. R. Civ. P. 16.1. Although the Sixth Circuit did not rely on Rule 16.1, its decision illustrates an important limit on MDL management: procedures designed to promote efficiency must still comply with the Federal Rules governing individual actions.

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