

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION ) MDL 2804  
OPIATE LITIGATION )  
 ) Case No. 1:17-MD-2804  
THIS DOCUMENT RELATES TO: )  
 ) Judge Dan Aaron Polster  
*Track Three Cases* )  
 ) **ORDER**  
 )

**SCHEDULE FOR THE TRACK THREE ABATEMENT PHASE**

On December 10, 2021, Plaintiffs Lake and Trumbull Counties and Defendants CVS, Walgreens, and Walmart proposed the below schedule for the abatement phase of the *Track Three* cases via email to the Court. With this Order, the Court adopts the parties' agreed deadlines, which are as follows:

December 15, 2021—Plaintiffs will identify their fact witnesses and expert witnesses.

December 22, 2021—Deadline for Defendants to request that Plaintiffs bring current prior productions of specific categories of documents, to serve one additional request for production related to settlements, and to serve six or less interrogatories related to settlements and the measure of oversupply of prescription opioids in Lake and Trumbull Counties. Plaintiffs reserve the right to object to new discovery requests related to settlements and the oversupply of prescription opioids.

January 7, 2022—Plaintiffs will serve a proposed abatement plan or will confirm in writing that Appendix E to the April 16, 2021 Expert Report of G. Caleb Alexander constitutes their abatement plan.

February 15, 2022—Depositions of Plaintiffs' expert witnesses will be completed.

March 1, 2022—Supplemental depositions of Plaintiff fact witnesses, if any, will be completed. Depositions must be limited to two hours and cover only topics that are not duplicative of any topics covered during a prior deposition of the witness in this case.

March 9, 2022 at Noon EST—Deadline for motions raising additional legal issues. This deadline will apply should any of the parties determine to file such a motion and should the Court decide it is appropriate to entertain such a motion.

March 15, 2022—Defendants will serve their expert reports. Defendants will identify any fact witnesses they intend to call during the trial of the abatement phase.

March 23, 2022 at Noon EST—Deadline for responses to any motions raising additional legal issues.

March 30, 2022 at Noon EST—Deadline for replies in support of any motions raising additional legal issues.

April 15, 2022—Depositions of Defendants' expert witnesses will be completed. Depositions of any fact witnesses identified by Defendants will be completed. Depositions of any fact witnesses must be limited to two hours and cover only topics that are not duplicative of any topics covered during a prior deposition of the witness in this case.

April 25, 2022—The parties will file their trial briefs.

May 9, 2022—Trial of the abatement phase will begin.

**IT IS SO ORDERED.**

/s/ Dan Aaron Polster December 10, 2021  
**DAN AARON POLSTER**  
**UNITED STATES DISTRICT JUDGE**