

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION ) MDL No. 2804**  
**OPIATE LITIGATION )**  
**) JUDGE DAN AARON POLSTER**  
**)**  
**) Case No. 1:17 MD 2804**  
**)**  
**) ORDER**  
**)**

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The Court has reviewed, and hereby rejects, the proposed Deposition Protocols submitted by the parties as they have not reached full agreement on a number of essential terms. By **no later than 12:00 noon ET on Thursday, May 31, 2018**, the parties shall file an agreed Deposition Protocol. Among other things, the parties' proposals regarding the number of witnesses/hours for depositions are unrealistic and unsupported. Plaintiffs' figures appear to be too high, Defendants' figures appear to be too low, and there is no explanation for any of the numbers. Accordingly, if counsel cannot reach agreement by the above deadline, the Court will be forced to essentially pick numbers out of a hat.

By that same deadline, with respect to coordination of depositions in the state and federal cases, the Deposition Protocol must also address and amplify the language in Case Management Order No. 1 ¶ 9(f) (i.e., "absent agreement or court order, a witness will not be deposed more than once across any state or federal cases."), and explain how counsel and the parties will coordinate state and federal litigation to accomplish that directive.

**IT IS SO ORDERED.**

/s/ Dan A. Polster May 25, 2018  
**Dan Aaron Polster**  
**United States District Judge.**