

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

IN RE: NATIONAL PRESCRIPTION)	MDL No. 2804
OPIATE LITIGATION)	
)	Case No. 17-md-2804
THIS DOCUMENT RELATES TO:)	
)	Judge Dan Aaron Polster
ALL CASES)	
)	<u>ORDER</u>
)	

On June 28, 2018, Special Master David R. Cohen (“SM Cohen”) issued Discovery Ruling No. 2. Doc #: 693. That ruling reflected a compromise between differences communicated to SM Cohen, via emails and letters by the parties, on the scope of discovery, including temporal and geographic scope, products subject to discovery, and the scope of prior productions. *Id.*

On July 17, 2018, SM Cohen issued Discovery Ruling No. 3. Doc #: 762. SM Cohen noted that, in the wake of Discovery Ruling No. 2, he had received numerous letters from various defendants seeking reconsideration. *Id.* at 1. SM Cohen, having reviewed 75 pages of post-ruling comment, amended his prior ruling. *Id.* Specifically, he limited the geographic scope of “Category Two Discovery” (i.e., decentralized, customer-specific materials such as sales call notes and transactional data) from seven States to the two Ohio Track One counties (Cuyahoga and Summit). *See id.* at 2-4. He concluded by scheduling a deadline of July 24, 2018 for the parties to file objections to Discovery Ruling Nos. 2 and 3. *Id.* at 9.

On July 24, 2018, the Manufacturer Defendants and the Pharmacy Defendants filed Objections, although the Distributor Defendants did not. Respectively, Doc #: 785, 786. The Court directed Plaintiffs to file a cogent response to the objections on July 30, 2018. 7/26/2018 Non-Document Order. Plaintiffs timely filed their response. Doc #: 812 (redacted), 813 (unredacted).

On August 2, 2018, the Court held an in-person conference at the parties' request. At that time, the Plaintiffs and Manufacturing Defendants jointly proposed that the Court extend the Track One discovery schedule and trial date so that the parties can complete the discovery necessary to present an intelligible trial. The Court agreed to do so, suggested a trial date in late August or early September 2018, directed counsel to work together and with SM Cohen to come up with a reasonable trial schedule, and directed the parties to present an agreed schedule to the Court **no later than August 9, 2018**.

More to the point, the Court addressed Discovery Ruling Nos. 2 and 3, Defendants' Objections, and Plaintiffs' Response. The Court noted that SM Cohen had done a good job of balancing the parties' arguments. The Court also noted that the main objection of Defendants was that there was insufficient time to complete discovery under the current Track One trial schedule. Because the Court had already agreed to extend the Track One schedule and directed the parties to come up with new agreed deadlines, the Court concluded that most of Defendants' objections were moot, and overruled the remaining arguments.

IT IS SO ORDERED.

/s/ Dan A. Polster August 8, 2018
Dan Aaron Polster
United States District Judge