

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

**IN RE: NATIONAL PRESCRIPTION ) CASE NO. 1:17 MD 2804**  
**OPIATE LITIGATION )**  
**) JUDGE DAN AARON POLSTER**  
**Applies to: )**  
**All Cases ) OPINION AND ORDER**  
**)**

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On October 29, 2018, Manufacturer Defendants filed a Motion to Compel Immediate and Full Compliance with Discovery Ruling No. 5. **Doc #: 1066** (“Motion” or “Motion to Compel”). Therein, the Moving Defendants challenged Plaintiffs’ alleged equivocal and evasive responses to Interrogatory Nos. 6, 7 and 10 as violative of Discovery Rule No. 5. *Id.*

On November 1, 2018, Plaintiffs filed a Memorandum in Opposition to the Motion to Compel, arguing that the Moving Defendants filed the Motion before bothering to meet and confer, or in any way seek to raise or resolve their concerns short of motion practice. **Doc #: 1071**. Plaintiffs also argue that the Motion is premature because it is based on unwarranted assumptions about the scope of the answers Plaintiffs intend to provide on November 2, 2018.<sup>1</sup> *Id.*

There are two problems with the pending Motion. One, the Moving Defendants filed their formal discovery motion without following the Local Rule addressing the protocol for bringing discovery disputes to the Court’s attention, i.e., certification of sincere, good faith efforts to resolve such disputes with opposing counsel, a teleconference, submission of position

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<sup>1</sup>It is the Court’s understanding that these answers were filed on November 2, 2018.

letters, and the filing of a formal motion if the dispute is not resolve by one of the previous methods. LR 37.1. Two, the Motion is premature because it was filed before the deadline for Plaintiffs to provide their responses to Interrogatory Nos. 6, 7 and 10.

Accordingly, the Motion to Compel, **Doc #: 1066**, is hereby **DENIED**.

**IT IS SO ORDERED.**

*/s/ Dan A. Polster November 7, 2018*  
**Dan Aaron Polster**  
**United States District Judge**