

**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**  
**ALL CASES** )  
 ) **MINUTES AND ORDER**

On December 5, 2018 the Court held a status teleconference regarding the National Prescription Opiate Litigation. In attendance were Special Masters Francis McGovern and David Cohen; Joe Rice, Paul Farrell, Peter Weinberger, Troy Rafferty, and Steve Skikos for Plaintiffs; Carole Rendon, Jonathan Stern, Sheila Birnbaum, Steven Reed, Andrew O'Connor, Nick Bradley, Matthew Donohue, and Donna Welch for Manufacturer Defendants; Shannon McClure, Enu Mainigi, and Mark Lynch for Distributor Defendants; and Kate Swift for Chain Pharmacy Defendants.

During the call, the Court addressed several issues raised by the parties in the Joint Status Report. The first issue was Defendant Walgreen's Motion for Reconsideration of the Court's November 21, 2018 Order. Doc. #: 1161. The Court Grants Walgreens Motion with regard interrogatory descriptions and identification of bates numbers. Walgreens has until December 21, 2018 to respond to the interrogatory portions of Plaintiffs' Combined Discovery Requests. However, the Court also orders that to the extent documents have not yet been produced in response to the Combined Discovery Requests, they need to be produced immediately. The Court understands that Plaintiffs and Walgreens are scheduled to meet with Special Master Cohen to

discuss rescheduling the 30(b)(6) deposition of Walgreens (currently scheduled for December 14, 2018). This does not affect the Court's decision. If the deposition is rescheduled, Plaintiffs will have the interrogatory responses. If it is not, Plaintiffs will only have the documents. The Court leaves to Special Master Cohen to decide whether the deposition should be rescheduled based on the parties' discussions with him.

The second issue pertains to the November 21, 2018 Order itself. Doc. #: 1147. The Court hereby clarifies that the last two sentences of paragraph 1 apply to *all* Defendants, including Manufacturer Defendants.

The final issue concerns Plaintiffs' Motion for Approval of a Short Form Complaint and Incorporation of Sealed Materials by Reference. Doc. #: 1142. The Court understands that the parties have not yet met and conferred regarding this issue. The Court directs the parties to meet and confer and attempt to come to an agreement regarding a short form complaint. After meeting with Plaintiffs, Defendants have until January 7, 2019 to file a brief in opposition to Plaintiffs' Motion, otherwise the Court will assume there are no objections and will grant Plaintiffs' Motion.

The Court scheduled a follow-up status conference for 12:00 PM EST on Thursday, January 10, 2019. The parties' Joint Status Report is due by 12:00 PM EST on Tuesday, January 8, 2019.

**IT IS SO ORDERED.**

/s/ Dan Aaron Polster December 6, 2019  
**DAN AARON POLSTER**  
**UNITED STATES DISTRICT JUDGE**