

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION	)	CASE NO. 1:17-MD-2804
	)	
THIS DOCUMENT RELATES TO:	)	SPECIAL MASTER COHEN
“Track One Cases”	)	
	)	DISCOVERY RULING NO. 14, PART 4,
	)	REGARDING WALGREENS
	)	PRIVILEGE LOG

During Track One discovery, defendant Walgreens withheld production of certain documents based on attorney-client privilege, the work product doctrine, or other assertions, and produced a privilege log. Plaintiffs believed Walgreens’ non-productions were in many instances inappropriate; accordingly, plaintiffs chose 20 sample documents from Walgreens’ privilege log and requested the Special Master undertake *in camera* review. Walgreens responded by: (a) withdrawing its invocation of privilege as to one of the sample documents; (b) producing redacted versions of three of the sample documents (instead of withholding them entirely);<sup>1</sup> and (c) providing the other 16 documents to the undersigned *in camera*. Walgreens also submitted a letter explaining in detail its bases for non-production / redaction / reconsideration of each of the documents.

Having reviewed these materials, the Special Master now rules as shown in the chart below. The Special Master has applied the legal standards and authorities set out in all prior “Discovery Rulings No. 14, Part x,” and incorporates them by reference.<sup>2</sup>

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<sup>1</sup> Walgreens did not provide the Special Master with the redacted documents (with or without redactions).

<sup>2</sup> See docket nos. 1321, 1353, 1359, & 1380.

<b>Walgreens' Priv. No.</b>	<b>Unique ID</b>	<b>Date</b>	<b>SM Ruling</b>
1	E00001064	6/10/2013	Privilege applies and document may be withheld.
2	EM00004445	1/5/2016	Walgreens agreed to produce.
3	EM00007461	2/17/2015	Privilege applies and document may be withheld.
4	EM00013177	7/3/2013	Privilege applies and document may be withheld.
5 and 6	EM00013407-08	6/26/2013	Walgreens must produce the email and its attachment (DEA Agreement Action Items). Neither document contains or requests legal advice. Walgreens states a final version of this document was previously produced.
7 and 8	EM00013660-61	12/6/2013	Walgreens must produce the email and its attachment (DEA Agreement Action Items). Neither document contains or requests legal advice. Walgreens states a final version of this document was previously produced.
9	EM00014060	3/13/2013	Walgreens states it produced this email thread in redacted form.
10	EM00019700	5/16/2013	Privilege applies and document may be withheld.
11	EM00019701	5/16/2013	Privilege applies and document may be withheld.
12	EM00030985	4/22/2018	Walgreens states it produced this "SOM In Foundational" document in redacted form.
13	EM00202609	1/8/2013	Privilege applies and document may be withheld, but Walgreens must produce discovery showing the final version of the "Suspicious Order Monitoring Program Policy and Procedures for the [Pharmaceutical] Integrity Team."

<b>Walgreens' Priv. No.</b>	<b>Unique ID</b>	<b>Date</b>	<b>SM Ruling</b>
14	EM00510490	2/23/2012	Privilege applies and document may be withheld.
15	EM00510878	12/19/2012	Privilege applies and document may be withheld, but Walgreens must produce discovery showing the final version of the Business Requirements for the Project Named "DEA Suspicious Ordering - Phase 5a."
16	EM01026034	3/18/2014	Privilege applies and document may be withheld.
17	EM01473879	2/16/2015	Walgreens must produce this document, as it neither contains nor requests legal advice. Walgreens has not met its burden of showing this document was prepared at the request of counsel, as indicated in its privilege log.
18	EM02380811	7/31/2012	Privilege applies and document may be withheld.
19	EM02380934	6/13/2012	Walgreens agreed to produce this email and its attachment in redacted form.
20	EM02381029	11/2/2013	This email must be produced, as it neither contains nor requests legal advice. Walgreens states it has produced the attachment referred to in this email (the "Chemical Handler's Manual").
21	EM02381086	6/15/2012	Privilege applies and document may be withheld.
22	EM02647546	9/18/2015	Walgreens must produce this document, as it neither contains nor requests legal advice. Walgreens has not met its burden of showing this document was prepared at the request of counsel, as indicated in its privilege log.

Given the substantial letter briefing already submitted on the topics addressed in this *Ruling*, if any party chooses to object to any aspect of this *Ruling*, it must do so on or before 5:00 p.m EST on March 1, 2019.

**RESPECTFULLY SUBMITTED,**

/s/ David R. Cohen

**David R. Cohen**  
**Special Master**

**Dated: February 22, 2019**