

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

IN RE: NATIONAL PRESCRIPTION) CASE NO. 1:17-MD-2804
OPIATE LITIGATION)
)
) SPECIAL MASTER DAVID COHEN
THIS DOCUMENT RELATES TO)
“Track One Cases”)
) DISCOVERY RULING NO. 14-7
) REGARDING CVS’S DENDRITE
) AND DCAG AUDIT REPORTS

Defendants CVS Indiana, L.L.C. and CVS Rx Services, Inc. (together, “CVS”) assert attorney-client privilege over audit reports prepared by Cegedim Dendrite (“Dendrite”) and The Drug & Chemical Advisory Group (“DCAG”). The Dendrite audit reports are for the CVS distribution centers in La Habra, California (April 14, 2009), Knoxville, Tennessee (June 24, 2009), Patterson, California (September 14, 2011), and Indianapolis, Indiana (September 14, 2010), and the DCAG audit reports are for CVS’s SOM system (April 6, 2012) and for the CVS distribution centers in Indianapolis, Indiana (June 29, 2012), Orlando, Florida (July 8, 2013), Vero Beach, Florida (September 25, 2013), and La Habra, California (March 31, 2014) (collectively, the “Dendrite-DCAG Audit Reports”).

Plaintiffs have challenged CVS’s assertions of privilege over the Dendrite-DCAG Audit Reports in light of Discovery Ruling 14-5. Based on that ruling, the Special Master concludes that the Dendrite-DCAG Audit Reports are not privileged. Accordingly, the Special Master rules that CVS must produce the Dendrite-DCAG Audit Reports.

RESPECTFULLY SUBMITTED,

/s/ David R. Cohen
David R. Cohen
Special Master

Dated: May 3, 2019