

No. 20-3375

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Jun 01, 2020
DEBORAH S. HUNT, Clerk

In re: NATIONAL PRESCRIPTION OPIATE)
LITIGATION)

_____)

In re: STATE OF OHIO BOARD OF)
PHARMACY,)

Petitioner.)

ORDER

Before: SILER, ROGERS, and DONALD, Circuit Judges.

The district court in this multidistrict litigation (MDL) has ordered the State of Ohio Board of Pharmacy (the Board) to produce certain confidential data from its prescription monitoring database known as the Ohio Automated Rx Reporting Systems. The Board petitions for a writ of mandamus requiring the district court to either vacate its order or certify it for immediate appeal under 28 U.S.C. § 1292(b), and moves to stay the order pending a decision on the merits of its petition. However, this court’s subsequent opinion in *In re Nat’l Prescription Opiate Litig.*, 956 F.3d 838, (6th Cir. 2020), raises a question as to whether the data at issue continues to be relevant now that the claims against the retail pharmacy defendants in their capacity as dispensers have been stricken.

A mandamus petition may be denied without an answer. Otherwise, the court must order the respondent to file an answer within a fixed time. Fed. R. App. P. 21(b)(1). “The court of

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appeals may invite or order the trial-court judge to address the petition or may invite an amicus curiae to do so.” Fed. R. App. P. 21(b)(4).

Accordingly, Cuyahoga and Summit Counties in Ohio are **ORDERED** to file an answer to the mandamus petition and stay motion no later than fifteen days after entry of this order. The district court is **INVITED** to file an answer within that same time-period.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", written in a cursive style.

Deborah S. Hunt, Clerk