

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

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IN RE: NATIONAL PRESCRIPTION	:	MDL No. 2804
OPIATE LITIGATION	:	
	:	Case No. 1:17-MD-02804
	:	
<i>APPLIES TO ALL CASES</i>	:	Hon. Dan Aaron Polster
	:	
-----X	:	

**ORDER OF COURT**

WHEREAS, Defendants CVS Rx Services, Inc., and CVS Indiana, L.L.C. (together, the “CVS Distributors”) have designated certain communications and documents as privileged (the “CVS Documents”);

WHEREAS, the Plaintiffs Executive Committee (“PEC”) has challenged the CVS Distributors’ privilege designations over certain of the CVS Documents;

WHEREAS, the PEC and the CVS Distributors have agreed to resolve the PEC’s privilege challenges at issue to the CVS Documents; and

WHEREAS, the PEC and the CVS Distributors seek to memorialize their agreement, to have the Court accept the agreement, and to have the Court adopt it as an Order of the Court in order to avoid any misunderstanding, to protect the CVS Distributors and their affiliates against any future privilege challenges in this or any other litigation to the CVS Documents that are privileged in whole or in part under this Order, and to protect the PEC against any future claim in this or any other litigation regarding whether any other party’s or non-party’s documents are privileged.

NOW THEREFORE, in consideration of the foregoing, the Court hereby ORDERS as follows:

1. The CVS Distributors shall withdraw their claims of privilege over the CVS Documents identified in Exhibit A. The CVS Distributors shall produce these documents without any privilege redactions.

2. The CVS Distributors shall partially withdraw their claims of privilege over the CVS Documents identified in Exhibit B. The CVS Distributors shall produce these documents with privilege redactions. The PEC shall withdraw its challenges to the privilege redactions in these documents.

3. The PEC shall withdraw its privilege challenges to the CVS Documents identified in Exhibit C. The CVS Distributors will continue to withhold these documents as privileged.

4. The CVS Distributors' withdrawal of their claims of privilege with respect to any CVS Documents addressed in this Order shall not constitute, nor shall it result in, a waiver of the CVS Distributors' (or any of their affiliates') right to assert, designate, or maintain as privileged any other communications or documents in this or any other litigation.

5. The PEC's withdrawal of its privilege challenges with respect to any CVS Documents addressed in this Order shall not constitute, nor shall it result in, a waiver of the PEC's right to bring or maintain a challenge to any other CVS documents not covered by this or any similar prior order, or to any other party's or non-party's privilege designations.

6. This Order is limited to the CVS Documents, shall not apply to any other communications or documents, and shall have no precedential effect. It shall not be used or

relied upon by the PEC, the CVS Distributors, or any other party or non-party to assert that any other communications or documents are privileged or are not privileged.

**SO ORDERED,**

**/s/ Dan Aaron Polster July 17, 2020**

**Dan Aaron Polster**  
**United States District Judge**

# **EXHIBIT A**

<b>PRIVPRODBEG</b>	<b>PRODBEG</b>
CVS-MDLT1-000009341	CVS-MDLT1-000009341
CVS-MDLT1-000058356	CVS-MDLT1-000058356
CVS-MDLT1-000119716	CVS-MDLT1-000119716
CVS-MDLT1-000119717	CVS-MDLT1-000119717
CVS-MDLT1-000119718	CVS-MDLT1-000119718
CVS-MDLT1-000119719	CVS-MDLT1-000119719
CVS-MDLT1-000119720	CVS-MDLT1-000119720
CVS-MDLT1-000119733	CVS-MDLT1-000119733
CVS-MDLT1-PRIV000000488	
CVS-MDLT1-PRIV000000493	
CVS-MDLT1-PRIV000000494	
CVS-MDLT1-PRIV000000495	
CVS-MDLT1-PRIV000000498	
CVS-MDLT1-PRIV000000904	
CVS-MDLT1-PRIV000001046	
CVS-MDLT1-PRIV000001047	
CVS-MDLT1-PRIV000001048	
CVS-MDLT1-PRIV000001061	
CVS-MDLT1-PRIV000001071	
CVS-MDLT1-PRIV000001085	
CVS-MDLT1-PRIV000001092	
CVS-MDLT1-PRIV000001093	

<b>PRIVPRODBEG</b>	<b>PRODBEG</b>
CVS-MDLT1-PRIV000001094	
CVS-MDLT1-PRIV000001273	CVS-MDLT1-000123091
CVS-MDLT1-PRIV000001295	CVS-MDLT1-000122636
CVS-MDLT1-PRIV000001720	
CVS-MDLT1-PRIV000001721	
CVS-MDLT1-PRIV000001722	
CVS-MDLT1-PRIV000001834	CVS-MDLT1-000122421
CVS-MDLT1-PRIV000001851	CVS-MDLT1-000122627
CVS-MDLT1-PRIV000001852	CVS-MDLT1-000122628
CVS-MDLT1-PRIV000001853	CVS-MDLT1-000122629
CVS-MDLT1-PRIV000001854	CVS-MDLT1-000122630
CVS-MDLT1-PRIV000002064	
CVS-MDLT1-PRIV000002065	
CVS-MDLT1-PRIV000002080	CVS-MDLT1-000122395
CVS-MDLT1-PRIV000002081	
CVS-MDLT1-PRIV000002082	
CVS-MDLT1-PRIV000002085	
CVS-MDLT1-PRIV000002086	
CVS-MDLT1-PRIV000002443	CVS-MDLT1-000122913
CVS-MDLT1-PRIV000002447	CVS-MDLT1-000122915
CVS-MDLT1-PRIV000002991	
CVS-MDLT1-PRIV000002992	

<b>PRIVPRODBEG</b>	<b>PRODBEG</b>
CVS-MDLT1-PRIV000003152	CVS-MDLT1-000122838
CVS-MDLT1-PRIV000003153	CVS-MDLT1-000122839
CVS-MDLT1-PRIV000003154	CVS-MDLT1-000122840
CVS-MDLT1-PRIV000003155	CVS-MDLT1-000122841
CVS-MDLT1-PRIV000003156	CVS-MDLT1-000122843
CVS-MDLT1-PRIV000003157	CVS-MDLT1-000122844
CVS-MDLT1-PRIV000003272	
CVS-MDLT1-PRIV000003273	
CVS-MDLT1-PRIV000003290	CVS-MDLT1-000122864
CVS-MDLT1-PRIV000003291	CVS-MDLT1-000122865
CVS-MDLT1-PRIV000003292	
CVS-MDLT1-PRIV000003293	
CVS-MDLT1-PRIV000003294	
CVS-MDLT1-PRIV000003295	
CVS-MDLT1-PRIV000003318	
CVS-MDLT1-PRIV000003319	
CVS-MDLT1-PRIV000003371	
CVS-MDLT1-PRIV000003372	
CVS-MDLT1-PRIV000003375	
CVS-MDLT1-PRIV000003376	
CVS-MDLT1-PRIV000003377	
CVS-MDLT1-PRIV000003378	

PRIVPRODBEG	PRODBEG
CVS-MDLT1-PRIV000003379	
CVS-MDLT1-PRIV000003380	
CVS-MDLT1-PRIV000003381	
CVS-MDLT1-PRIV000003382	
CVS-MDLT1-PRIV000003383	
CVS-MDLT1-PRIV000003384	
CVS-MDLT1-PRIV000003385	
CVS-MDLT1-PRIV000003386	
CVS-MDLT1-PRIV000003387	
CVS-MDLT1-PRIV000003388	
CVS-MDLT1-PRIV000003604	
CVS-MDLT1-PRIV000003847	
CVS-MDLT1-PRIV000004130	
CVS-MDLT1-PRIV000004131	
CVS-MDLT1-PRIV000004147	
CVS-MDLT1-PRIV000004148	
CVS-MDLT1-PRIV000004201	
CVS-MDLT1-PRIV000004204	
CVS-MDLT1-PRIV000004289	
CVS-MDLT1-PRIV000004290	
CVS-MDLT1-PRIV000004314	CVS-MDLT1-000122858
CVS-MDLT1-PRIV000004315	CVS-MDLT1-000122859



PRIVPRODBEG	PRODBEG
CVS-MDLT1-PRIV000004321	
CVS-MDLT1-PRIV000004327	
CVS-MDLT1-PRIV000004328	
CVS-MDLT1-PRIV000004369	CVS-MDLT1-000122678
CVS-MDLT1-PRIV000004370	
CVS-MDLT1-PRIV000004371	
CVS-MDLT1-PRIV000004372	
CVS-MDLT1-PRIV000004373	
CVS-MDLT1-PRIV000004374	

# **EXHIBIT B**

<b>PRIVPRODBEG</b>	<b>PRODBEG</b>
CVS-MDLT1-000100374	CVS-MDLT1-000100374
CVS-MDLT1-000120261	CVS-MDLT1-000120261
CVS-MDLT1-PRIV000000487	
CVS-MDLT1-PRIV000000647	
CVS-MDLT1-PRIV000000738	
CVS-MDLT1-PRIV000001351	
CVS-MDLT1-PRIV000001378	
CVS-MDLT1-PRIV000001392	
CVS-MDLT1-PRIV000003605	
CVS-MDLT1-PRIV000004200	

# **EXHIBIT C**

PRIVPRODBEG	PRODBEG
CVS-MDLT1-PRIV000000248	
CVS-MDLT1-PRIV000000249	
CVS-MDLT1-PRIV000000496	
CVS-MDLT1-PRIV000000497	
CVS-MDLT1-PRIV000000499	
CVS-MDLT1-PRIV000000500	
CVS-MDLT1-PRIV000000648	
CVS-MDLT1-PRIV000000649	
CVS-MDLT1-PRIV000000650	
CVS-MDLT1-PRIV000001284	
CVS-MDLT1-PRIV000001285	
CVS-MDLT1-PRIV000001352	
CVS-MDLT1-PRIV000001379	
CVS-MDLT1-PRIV000001393	
CVS-MDLT1-PRIV000001789	
CVS-MDLT1-PRIV000001790	
CVS-MDLT1-PRIV000002010	CVS-MDLT1-000122999
CVS-MDLT1-PRIV000002421	
CVS-MDLT1-PRIV000002422	
CVS-MDLT1-PRIV000002881	
CVS-MDLT1-PRIV000002950	CVS-MDLT1-000123018
CVS-MDLT1-PRIV000002951	CVS-MDLT1-000123019

<b>PRIVPRODBEG</b>	<b>PRODBEG</b>
CVS-MDLT1-PRIV000003253	
CVS-MDLT1-PRIV000003254	
CVS-MDLT1-PRIV000003848	
CVS-MDLT1-PRIV000004133	CVS-MDLT1-000122748
CVS-MDLT1-PRIV000004149	
CVS-MDLT1-PRIV000004178	CVS-MDLT1-000122793
CVS-MDLT1-PRIV000004179	CVS-MDLT1-000122794
CVS-MDLT1-PRIV000004205	
CVS-MDLT1-PRIV000004861	
CVS-MDLT1-PRIV000004862	