

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

THIS DOCUMENT RELATES TO:

PBM Bellwether Cases

MDL No. 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

ORDER AMENDING CERTAIN PBM CASE MANAGEMENT ORDER DEADLINES

On October 27, 2023 the Court entered an order identifying four bellwether cases against the Pharmacy Benefit Manager (PBM) Defendants. *See* Dkt. No. 5231 & 5268. On December 28, 2023, the Court entered a Case Management Order that governed the proceedings for Tracks 12 and 13. Dkt. No. 5282. This CMO, among other items, included deadlines by which the parties were to finalize or raise disputes regarding search terms and custodians for Tracks 12 and 13.

On April 3, 2024, the Parties submitted a Joint Motion to Amend the Certain PBM Case Management Order Deadlines. The Court has reviewed the Parties Joint Motion, and hereby amends the December 28, 2023 Case Management Order (Dkt. No. 5282) as follows:

Search Terms

- The parties will finalize search term negotiations for Tracks 12 and 13 Plaintiffs and the PBM Defendants by **April 9, 2024**.
- Tracks 12 and 13 Plaintiffs and the PBM Defendants will raise any search term disputes for resolution by **April 12, 2024**.

Custodians

- On or about **March 25, 2024**, Plaintiffs may identify up to 10 custodians from each PBM Defendant.
- On **March 25, 2024**, the PBM Defendants may identify up to 10 custodians from each of the Tracks 12 and 13 Plaintiffs.
- Every two weeks thereafter, Plaintiffs may identify up to 10 additional custodians from each PBM Defendant and the PBM Defendants may identify up to 10 additional custodians from each of the Track 12 and 13 Plaintiffs.
- The party of whom custodial files are requested maintains the right to object to any requested custodian.
- The parties agree that once the parties have received sufficient information to finish their selection of custodians, the bi-weekly selection process may no longer be necessary. Additional custodians will then be selected in a comprehensive manner.
- Disputes over custodians may be raised to the Special Master for resolution.

IT IS SO ORDERED.

s/ Dan Aaron Polster 4/4/2024
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE