

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

IN RE: NATIONAL PRESCRIPTION)
OPIATE LITIGATION)
)
THIS DOCUMENT RELATES TO:)
“All Cases”)
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CASE NO. 1:17-MD-2804

SPECIAL MASTER COHEN

DISCOVERY RULING NO. 14, PART 35
REGARDING EXPRESS SCRIPTS’
PRIVILEGE CLAIMS

AGENDA ITEM NO. 414

During Track Twelve discovery, the Express Scripts Defendants (“ESI”) withheld from production certain documents based on attorney-client privilege. The PEC challenged a number of these privilege designations. The parties engaged in a productive meet-and-confer process that narrowed the number of disputed documents from twenty-eight to six. ESI has submitted these remaining disputed documents to the Special Master for *in camera* review, and both parties submitted letter briefs and other materials in support of their positions.¹ Having considered these submissions carefully, the Special Master now rules as shown below on the challenged documents.

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.²

Document Number	Ruling
ESI MDL 004227642	Privilege Claim Sustained
ESI MDL 004716475	Sustained
ESI MDL 002178803	Sustained
ESI MDL 002184934	Sustained
ESI MDL 004243787	Sustained

¹ Letter from Emma K. Schwab to Special Master (April 30, 2025); Letter from Sage R. Vanden Heuvel to Special Master (April 23, 2025).

² See, e.g., docket nos. 5767, 1321, 1353, 1359, 1380, 1387, 1395, 1498, 1593, 1610, and 1666.

ESI MDL 004243811	Sustained
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Any party choosing to object to any aspect of this Ruling must do so on or before May 23, 2025.

RESPECTFULLY SUBMITTED,

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

Dated: May 17, 2025