

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Wheeling**

OHIO COUNTY COMMISSION, et al.,

Plaintiffs,

v.

Civil Action No. 5:24-CV-142
Judge Bailey

EXPRESS SCRIPTS, INC., et al.,

Defendants.

ORDER

Pending before this Court are two (2) Motions: a Motion for Reconsideration [Doc. 259] and an Emergency Motion to Stay the Court's Order to Produce Nationwide Data and Memorandum of Law in Support [Doc. 260], both filed by defendants on December 5, 2025. The Court held a hearing on both Motions on December 16, 2025. See [Doc. 261]. The Court **DENIED IN PART** the Motion for Reconsideration [**Doc. 259**] and **DENIED** the Emergency Motion to Stay the Court's Order to Produce Nationwide Data and Memorandum of Law in Support [**Doc. 260**]. The Court hereby **AMENDS** the November 21, 2025 Order [Doc. 256] as follows:

- (1) Defendants are **ORDERED** to produce the requested nationwide claims data containing the additional 96 non-MDL fields no later than **May 21, 2026**;
- (2) Defendants are **ORDERED** to produce the pre-2009 nationwide rebates data no later than **August 21, 2026**;

(3) Defendants are **ORDERED** to file reports of their progress on the production of the foregoing data with this Court and opposing counsel **every thirty (30) days**;¹

(4) Defendants are **ORDERED** to produce a Rule 30(b)(6) witness for a deposition about the topics covered in Viju Paul's two (2) declarations; and

(5) Plaintiffs are **PERMITTED** to inspect, pursuant to Federal Rule of Civil Procedure 34, defendants' claims databases and rebates and administrative fees database so that plaintiffs can determine whether they are able to compile and process the requested data in a more timely and efficient manner.²

The Court also noted it will not amend the current Scheduling Order at this time.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

DATED: December 16, 2025.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE

¹The first period is thirty (30) days from the date of this Order.

²Any HIPAA information shall not be disclosed to any entity outside of plaintiffs' counsel and experts.