



Defendants CVS, Walgreens, and Walmart (“the Pharmacy Defendants”) point to the first sentence of these provisions and ask the Special Master to issue “an order requiring St. Elizabeth to include full [five-digit] patient zip codes in its data productions.” Letter to Special Master from Anthony Ruiz at 1 (March 27, 2026) (“First Ruiz Letter”). The Pharmacy Defendants note that, since the beginning of this MDL, the Court has required *them* to produce five-digit zip codes in all of their own data productions. Specifically, in late 2019 and early 2020, the undersigned spent several days meeting in person with the parties to determine exactly which data fields the Pharmacy Defendants had to produce in discovery. Plaintiffs originally “sought over 160 specific data fields,” but the Special Master helped whittle this down to “34 data fields.” Docket no. 3106 at 1, 2. One of those data fields was the patient’s five-digit zip code.

Further, the Special Master addressed at that time the objections and concerns raised by both sides regarding data fields that contain “protected health information” under HIPAA. *Id.* The Special Master ruled that a patient’s “street address will not be produced, but her [full] zip code will be.” *Id.* This ruling was designed to prevent any party from identifying a particular patient, while still allowing all parties to (for example) use precise zip code data when analyzing the “25 mile radius” red flag contained in plaintiffs’ expert reports. The Court also noted that patient privacy was further shielded by the Court’s protective orders, so discovery of a patient’s full zip code was not invasive. *See id.* (quoting docket no. 3055 at 2: “The Court has put into place numerous protective orders specifically addressing health information protected under the Health Insurance Portability and Accountability Act (‘HIPAA’), such as patient prescriptions.”).

In every Case Track since, the parties and the Court have adhered to this Discovery Ruling. Indeed, the Court recently reaffirmed that the discovery requirement of five-digit zip codes also

applied to data production from Third Party Payor *plaintiffs*. See docket no. 6061 at 1 (referring to Case Tracks 16 to 19).

St. Elizabeth, however, “has refused to comply with these prior rulings, producing only the first three digits of patient zip codes in its claims data, prescribing data, and dispensing data.” First Ruiz letter at 1. The Pharmacy Defendants assert this is fundamentally unfair, because St. Elizabeth can conduct red flag analyses using Defendants’ more-precise five-digit zip code data, while Defendants are limited to St. Elizabeth’s less-precise three-digit zip code data. See Letter to Special Master from Anthony Ruiz at 2 (April 16, 2026) (“Second Ruiz Letter”).<sup>1</sup> The Pharmacy Defendants conclude with this request:

If St. Elizabeth does not want to produce five-digit zip codes, so be it. But St. Elizabeth should not then be allowed to rely on any analyses related to patient zip codes in the parties’ data. Accordingly, Defendants request that St. Elizabeth either (1) produce full patient zip codes, or (2) stipulate that it will not seek to introduce or otherwise rely at trial on any information or analyses based on or related to patient zip codes contained in Defendants’ or Plaintiff’s data.

Second Ruiz Letter at 3.

In response, St. Elizabeth offers three arguments, none of which the Special Master finds well-taken. First, St. Elizabeth asserts the Defendants’ request for five-digit zip codes is “untimely and only aimed at imposing burden upon Plaintiff of reproducing data productions, which are highly

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<sup>1</sup> Defendants explain: “St. Elizabeth has already conducted ‘red-flag’ analyses of Defendants’ dispensing data, and those include analyses related to ‘distance’ based on five-digit zip codes. Defendants must be able to run similar analyses of St. Elizabeth’s data. Three-digit zip codes cover much broader areas and thus are not comparable to the five-digit zip code analyses St. Elizabeth has run on Defendants’ data. Importantly, using the broader three-digit zip codes would undercount the ‘distance’ for the same purported red flags.” *Id.* This explanation is convincing and squarely refutes St. Elizabeth’s arguments that Defendants do not need five-digit zip codes, or that the data is not even relevant.

technical and include voluminous amounts of data.” Letter to Special Master from Gary Yarborough at 1 (April 12, 2026) (“Yarborough Letter”). St. Elizabeth notes it produced three-digit zip code data on May 30, 2025, but Defendants did not object “in their July 3, 2025 correspondence concerning [this] . . . Data Production,” and instead waited to object until August 21, 2025. *Id.* at 2. The Special Master does not find this month-and-a-half difference meaningful or prejudicial. St. Elizabeth also observes that the Pharmacy Defendants’ present request comes “ten months after Plaintiff’s production, more than seven (7) months since Plaintiff rejected this request, and after Plaintiff has already produced/re-produced additional data pursuant to other Special Master orders.” *Id.* However, given that the deadline for fact discovery in this case is September 28, 2026, and that the parties have been negotiating and arguing about various *other* data production issues for many months, the “delay” described by St. Elizabeth is not so substantial that it voids any discovery obligations.<sup>2</sup>

Second, St. Elizabeth notes that, in three other non-MDL cases, it produced three-digit zip code data, so it should not have to do so here. This fact is not convincing. Over the course of this MDL, it has repeatedly occurred that non-MDL courts have issued discovery rulings different from this Court—sometimes drawing lines more narrowly and sometimes more broadly. Here, over six years ago, this Court concluded that production in discovery of five-digit zip codes was appropriate, relevant, and not in conflict with HIPAA. All parties have since proceeded accordingly, and the Special Master concludes that five-digit zip codes remain relevant and appropriate. St. Elizabeth has

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<sup>2</sup> Moreover, the Special Master must reject St. Elizabeth’s argument that the Defendant Pharmacies should have specifically *requested* five-digit zip codes from the start. Given their own experience, Defendants had no reason to believe that “zip codes” meant anything other than five-digit zip codes when litigating in this MDL.

not presented any arguments that are materially different from those raised in earlier MDL bellwether cases, nor shown it is meaningfully, differently situated from other parties, nor demonstrated there exists good cause to depart from the Court's prior rulings.

St. Elizabeth's third argument is that production of five-digit zip code data "violates the requirements of HIPAA and other privacy rules" promulgated by Centers for Medicare and Medicaid Services (CMS)." Yarborough Letter at 3. The Court examined and rejected this argument earlier, and St. Elizabeth provides no convincing reason for the Court to change its opinion. *See* docket no. 1421 at 2 (ordering production of certain protected health-related patient information and concluding that "[t]he public interest and the need for disclosure of this information, subject to the restrictions set forth herein, outweigh the potential injury to the patient, the physician-patient relationship and the treatment services").

As the Special Master wrote in the April 30, 2026 email to the parties that is formalized by this Ruling, "I am loathe to require any party to undertake the time and expense of data production unless necessary, especially when it is essentially a 're-production' of previously produced data." But in these circumstances, "I must conclude the Defendants' [request] is well-taken."

Accordingly, the Special Master **ORDERS** as follows:

- St. Elizabeth has two options: (1) produce full patient zip codes in its claims data, prescribing data, and dispensing data as soon as reasonably possible, with a goal of 14 days from the date this Ruling becomes final; or (2) stipulate that it will not seek to introduce or otherwise rely on at trial any information or analyses based on or related to patient zip codes contained in Defendants' or Plaintiff's data.
- St. Elizabeth shall notify the Pharmacy Defendants which option it chooses within three days

from the date this Ruling becomes final.

- Any objections to this Ruling must be filed on or before May 13, 2026. The objecting party shall include as exhibits to the objection the three Letters quoted from above.

**RESPECTFULLY SUBMITTED,**

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

**Dated:** May 5, 2026