

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

IN RE NATIONAL PRESCRIPTION) **MDL No. 2804**
OPIATE LITIGATION)
) **Case No. 1:17-md-2804**
THIS DOCUMENT RELATES TO:)
) **Judge Dan Aaron Polster**
City of Rochester v. Purdue Pharma, L.P.)
No. 1:19-op-45853 (Track 12))

PBM BELLWETHER CASE TRACK 12 SIXTH
AMENDED CASE MANAGEMENT ORDER

On February 11, 2026, the Court entered the PBM Bellwether Case Track 12 Fifth Amended Case Management Order, ECF No. 6425. The Parties have now met and conferred and mutually agree to the following revised case management deadlines for Track 12, which extends the time for completion of fact discovery from May 22, 2026 to August 21, 2026, imposes additional interim requirements and deadlines, and makes corresponding changes to all subsequent deadlines.

To ensure that these deadlines need not be extended further, and to permit the Parties the additional time needed to complete all fact discovery for Track 12 before the Track 12 fact discovery deadline, the Parties agree to cooperate in good faith and to update each other consistently on deposition scheduling issues, and to discuss actions, including filing motions to compel, that will be taken to ensure all fact and third party depositions are set to take place on a

rolling basis before the discovery deadline and to allow both parties to properly staff the depositions.¹ The Parties will make good faith efforts to avoid back-logging depositions at the end of the extended fact discovery period.

A. Fact Discovery

1. **Deposition List** - Each Party will provide opposing counsel a complete list of the fact and third-party witnesses whose depositions it intends to take for use in this case track (“Deposition List”) within five business days of the Court entering this order.² The Deposition List will also note if the Party no longer intends to take the deposition of any witness previously noticed.
2. **June 30, 2026 – Cross-Notices/Subpoenas** – With respect to each third-party whose deposition has been noticed pursuant to Rule 30(b)(6), each Party that intends to add topics for examination will serve cross-notices, *Touhy* letters and/or subpoenas by **June 30, 2026**. For all other Rule 30(b)(6) depositions of third parties, each Party that intends to add topics will timely discuss their intentions as part of the joint scheduling process now in place.
3. **July 10, 2026** – Deadline to Submit Motions to Compel the testimony of the third-party witnesses, absent an extension by agreement or order of the Special Master or Court.
4. **August 21, 2026** – Close of Fact and Third-Party Discovery.

¹ Each Party shall respond promptly to requests for depositions of current or former employee witnesses and/or proposed deposition dates and make good faith efforts to respond within five business days or sooner from the date the deposition of a current employee is requested and/or dates are proposed. With respect to requests for a deposition of a current or former employee, the response shall either state that dates will not be provided, and provide the basis for same, or provide alternative dates for the deposition. With respect to proposed deposition dates, the response shall either accept the dates as proposed or propose alternative dates on which that Party is available.

² The City of Rochester does not waive the right to introduce at trial any statements or testimony made/given by party opponents, regardless of when or in what context such statements are made. The PBM Defendants also reserve the right to introduce any opposing party admissions as allowed by the Federal Rules of Evidence but reserve the right to object to the use of any other fact or third-party witness testimony taken after the close of discovery in Track 12. The parties reserve their respective positions and agree to raise any disputes about the admission or use of such testimony on a case-by-case basis if any such dispute should arise.

B. Expert Discovery

1. **October 9, 2026³** – Track 12 Plaintiff’s Deadline to serve expert reports.
2. **November 13, 2026 – December 11, 2026** – Window for PBM Defendants to depose Track 12 Plaintiff’s experts.
3. **January 8, 2027⁴** – PBM Defendants’ Deadline to serve expert reports.
4. **February 12, 2027 – March 19, 2027** – Window for Track 12 Plaintiff to depose PBM Defendants’ experts.
5. If any expert reports rebutting responsive reports are served, they shall be served **21 days** after the deposition of the responsive expert, any materials relied on by the rebutting expert shall be produced within **7 days** of serving the rebuttal reports, and the Parties shall meet and confer regarding the timing of rebuttal expert depositions and an extension of the deadlines to file dispositive and *Daubert* motions.

C. Dispositive and *Daubert* Motions

1. **March 19, 2027** – Deadline to meet and confer on page limits for dispositive and *Daubert* motions.
2. **April 16, 2027** – Deadline to file dispositive and *Daubert* motions.
3. **June 17, 2027** – Deadline to file Responses to dispositive and *Daubert* motions.
4. **July 16, 2027** – Deadline for Replies in support of such dispositive and *Daubert* motions.

³ Track 12 Plaintiff shall serve expert reports on all issues except abatement and other remedies and, for each expert, shall provide two proposed depositions dates. The parties recognize that new relevant information or facts may come forward after the expert filing date that would support a request that a report be amended or supplemented with the approval of the Special Master or Court.

⁴ PBM Defendants shall serve expert reports on all issues except abatement and other remedies and, for each expert, shall provide two proposed depositions dates. The parties recognize that new relevant information or facts may come forward after the expert filing date that would support a request that a report be amended or supplemented with the approval of the Special Master or Court.

With respect to *Daubert* and dispositive motions, the Parties will meet and confer on page limits and mechanisms to further avoid unnecessarily lengthy or duplicative briefing while preserving the record based on motions filed in separate tracks of the MDL.

IT IS SO ORDERED.

Date: June 30, 2026

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