

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION

THIS DOCUMENT RELATES TO:

*City of Rochester v. Purdue Pharma L.P.*,  
Case No. 19-op-45853 (Track 12)

*City of Ogdensburg v. Purdue Pharma,  
L.P.*,  
Case No. 19-op-45852 (Track 22)

) MDL 2804

) Case No. 1:17-md-2804

) Judge Dan Aaron Polster

) **ORDER OVERRULING AAPM**  
) **OBJECTION TO RULING OF**  
) **SPECIAL MASTER**

Before the Court is an objection by the American Academy of Pain Medicine (“AAPM”) to two portions of the Special Master’s ruling compelling non-party AAPM to produce documents. Docket no. 6623 (“Objection”). The PBM Defendants filed a Response. Docket no. 6644. For the following reasons, AAPM’s objections are **OVERRULED** and the Ruling is **AFFIRMED**.

On June 26, 2026, the Special Master formalized a ruling that: (1) compelled AAPM to, among other things, produce, without redaction, board meeting minutes responsive to a subpoena issued by the PBM Defendants and (2) declined to award AAPM the full amount of attorney’s fees it claims to have incurred in responding to that subpoena. Docket no. 6613 (“Ruling”). AAPM objects to both of these provisions.

Regarding redactions, AAPM asserts it “should be permitted to redact portions of its Board meeting minutes that have nothing to do with the issues in this case.” Objection at 7. AAPM cites *In re Takata Airbag Prods. Liab. Litig.* for the proposition that a party is “not entitled to receive every piece of irrelevant information in responsive documents if the producing party has a persuasive reason for why such information should be withheld.” 2016 WL 1460143, at \*2 (S.D.

Fla. Mar. 1, 2016). AAPM, however, has not identified any persuasive reasons to withhold portions of its board minutes, such as for example, privilege, trade secrets, or the privacy interests of third parties. *See United States v. Anthem, Inc.*, 2026 WL 1410165, at \*2 (S.D.N.Y. May 20, 2026) (identifying these situations as ones where relevancy redactions may be appropriate). The Court finds that the minutes are likely to contain relevant material and that AAPM's proposed redactions would risk excising information the subpoena was designed to reach.

Further, redaction is unnecessary to protect AAPM's legitimate confidentiality interests. As the Special Master correctly held, "the Court's Protective Order provides a sufficient safeguard to AAPM." Ruling at 4. *See Weidman v. Ford Motor Co.*, 340 F.R.D. 106, 112 (E.D. Mich. 2021) (finding relevance redactions to be inappropriate where a confidentiality designation severely restricts access). Accordingly, AAPM's first objection is overruled.

AAPM's second objection seeks \$23,850 in attorney's fees beyond the \$4,625 in costs the Special Master already ordered the PBM Defendants to reimburse under Rule 45(d)(2)(B)(ii). Rule 45 requires shifting the "significant expense resulting from *compliance*," with a subpoena; it does not underwrite a non-party's expenses in *resisting* one. Fed. R. Civ. P. 45(d)(2)(B)(ii). The Special Master found, and the record confirms, that AAPM's legal fees were incurred largely in its attempts to negotiate an "ironclad" cost-shifting agreement as a precondition to any production—rather than in the production itself—and were "essentially incurred as a result of *fighting* compliance." Ruling at 5 (emphasis in original). The Special Master's finding is sound: AAPM's own submissions show it withheld all its already-located documents for months negotiating over collateral terms; not simply in trying to reduce its burden.

The Special Master's award of \$4,625, covering the time AAPM's CEO spent locating responsive materials, reflects the expense that in fact resulted from AAPM's compliance with the

subpoena over its objection. Rule 45 is designed to protect a non-party from precisely these types of costs. The additional fees AAPM seeks reflect the expense of resisting compliance, which Rule 45 does not require the PBM Defendants to bear. AAPM's second objection is overruled.

Accordingly, AAPM's Objection (docket no. 6623) is **OVERRULED**, and the Special Master's Ruling is **AFFIRMED** in full. AAPM shall produce all board meeting minutes responsive to the subpoena, without redaction, within ten (10) days of this Order.

**IT IS SO ORDERED.**

/s/ Dan Aaron Polster July 27, 2026  
**DAN AARON POLSTER**  
**UNITED STATES DISTRICT JUDGE**