UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION **THIS DOCUMENT RELATES TO:** *City of Ogdensburg v. Purdue Pharma, L.P.*, No. 19-op-45852 ("Track 22")	**MDL 2804** **Case No. 1:17-md-2804** **Judge Dan Aaron Polster**

PBM BELLWETHER CASE TRACK 22
FOURTH AMENDED CASE MANAGEMENT ORDER

On June 30, 2026, the Court entered the PBM Bellwether Case Track 22 Third Amended Case Management Order, ECF No. 6616. The Parties have now met and conferred and mutually agree to the following revised case management deadlines for Track 22, which extends the time for completion of fact discovery from November 20, 2026 to January 29, 2027, 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 22 before the Track 22 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 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.

[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 when 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.

A. Fact and Third Party Discovery

1. **December 4, 2026 – Will Take List –** Each Party will provide opposing counsel with a complete list of the fact and third party witnesses whose depositions they intend to take for use in this case track.[2] The list will also note if the Party no longer intends to take the deposition of any witness previously noticed.

2. **December 11, 2026 – Motion to Compel Deadline –** To the extent that reasonable efforts to schedule all discovery depositions prior to the discovery deadline have been unsuccessful as of this time, the parties agree to engage the Court's assistance to compel testimony by any unscheduled third party witnesses by this date.

3. **January 29, 2027** – End of Fact and Third Party Discovery. The Parties intend to use all reasonable efforts to schedule all discovery depositions prior to this deadline.

B. Expert Discovery

1. **March 19, 2027**[3] – Track 22 Plaintiff's Deadline to serve expert reports.

2. **May 14, 2027 – June 18, 2027** – Window for PBM Defendants to depose Track 22 Plaintiff's experts.

3. **July 23, 2027**[4] – PBM Defendants' Deadline to serve expert reports.

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[2] The City of Ogdensburg 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 22. 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.

[3] Track 22 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, provide two proposed depositions dates. The parties recognize that new

4. **August 20, 2027 – October 1, 2027** – Window for Track 22 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. **September 3, 2027** – Deadline to meet and confer on page limits for dispositive and *Daubert* motions.

2. **October 15, 2027** – Deadline to file dispositive and *Daubert* motions.

3. **December 17, 2027** – Deadline to file Responses to dispositive and *Daubert* motions.

4. **January 14, 2028** – Deadline for Replies in support of such dispositive and *Daubert* motions.

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: November 3, 2026

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

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.