

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

IN RE: NATIONAL PRESCRIPTION)	MDL No. 2804
OPIATE LITIGATION)	
)	Case No. 17-md-2804
THIS DOCUMENT RELATES TO:)	
)	Judge Dan Aaron Polster
ALL CASES)	
)	<u>MINUTES OF 2/26/18 HEARING</u>
)	and
)	<u>ORDER</u>

On February 2, 2018, the Court issued an Order directing the MDL Plaintiffs and the DEA to meet to see if they could reach agreement on what part of the ARCOS/DADS database the DEA would produce. See Doc #: 112, at 2 (“There is a legitimate need for Plaintiffs to obtain this data, but the Court believes that production must be tailored – perhaps through a protective order – in a way to address the DEA’s concerns regarding breadth, years in question, potential interference in investigations and enforcement actions, and divulging the location of warehouses where opioids are stored.”). Accordingly, the Court ordered Plaintiffs and the DEA to file a report no later than February 23, 2018 detailing their agreement or, if agreement was not reached, the points of agreement and the issues remaining to be resolved. The Court scheduled a hearing on February 26, 2018 in the event the lawyers could not reach agreement.

Because counsel agreed on some, but not all, of Plaintiffs’ requests, the Court held a hearing on February 26, 2018. Having reviewed the lawyers’ submissions and listened to the arguments of counsel, the Court directed the following.

First, Plaintiffs and the DEA/DOJ shall file an agreed protective order **no later than 12:00 noon on Friday, March 2, 2018.**

Second, counsel for the DOJ, James Bennett, represented that he had the authorization to provide to Plaintiffs the identification of manufacturers who sold 95% of the prescription opiates to each state for the years 2012 and 2013 on a state-by-state basis. Attorney Bennett agreed to determine if he can obtain authorization to provide Plaintiffs with the identification of manufacturers and distributors who sold 95% of the opiates in each state during the time period 1/1/2006 through 12/31/2014—with an aggregate amount of pills sold and the market shares of each manufacturer and distributor—on a state-by-state basis. The Court directed Attorney Bennett to file, **no later than 12:00 noon on Monday, March 5, 2018**, a document setting forth: (1) the authorization he has obtained, and how long it will take to produce this information in total; and (2) how long it will take to produce the information he is already authorized to produce. Attorney Bennett also agreed to start producing the information he has been authorized to produce once the protective order is in place, starting with the states of Ohio, Kentucky, West Virginia, Florida, and Alabama, as requested by Plaintiffs. Plaintiffs agreed to identify the next five states for production.

IT IS SO ORDERED.

/s/ Dan A. Polster March 1, 2018
Dan Aaron Polster
United States District Judge