

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION)	CASE NO. 1:17-MD-2804
OPIATE LITIGATION)	
)	SPECIAL MASTER COHEN
THIS DOCUMENT RELATES TO:)	
<i>“Track One Cases”</i>)	
)	
)	<u>DISCOVERY RULING NO. 6</u>
)	

For quite some time, Plaintiffs and Mallinckrodt could not agree on what search terms Mallinckrodt should apply to locate documents responsive to Plaintiffs’ requests for production. Plaintiffs and other defendants were able to come to agreement, but Plaintiffs and Mallinckrodt could not. Finally, the Special Master directed Plaintiffs and Mallinckrodt to each submit their proposals. On October 8, 2018, the Special Master ruled in detail, by accepting, rejecting, and/or amending the numerous search strings the parties wanted. For example, in certain spots, Plaintiffs wanted to use the global connector AND, but the Special Master rejected this approach and directed Mallinckrodt to instead use the narrower connector “within 50.” In other spots, Mallinckrodt wanted to delete a variety of specific terms requested by Plaintiffs, but the Special Master rejected the great majority of these deletion requests, concluding the terms were relevant and appropriate.

When making these rulings, the Special Master, who has twice attended classes at the Sedona Conference, took into account the Sedona Principles, including the ones cited by Mallinckrodt; and also took into account the search terms agreed to by other defendants. Nonetheless, Mallinckrodt timely requested the Special to formalize his ruling, so that it could object. This is the formalized

ruling. The precise search term rulings entered by the Special Master are attached. Specifically, in the attached PDF document, blue highlighting indicates agreement with Mallinckrodt's proposed amendment/deletion/change; yellow comment bubbles in the right margin direct that amendments be made; and all text shown in red that is not blue-highlighted or commented upon are rejected (in other words, the red crossed-out language, which are deletions requests by Mallinckrodt, is rejected, so those search terms remain valid).

RESPECTFULLY SUBMITTED,

/s/ David R. Cohen

David R. Cohen
Special Master

Dated: October 15, 2018