

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

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| IN RE: NATIONAL PRESCRIPTION |) | CASE NO. 1:17-MD-2804 |
| OPIATE LITIGATION |) | |
| |) | SPECIAL MASTER COHEN |
| THIS DOCUMENT RELATES TO: |) | |
| <i>“Track Two Cases”</i> |) | |
| |) | <u>ORDER REGARDING</u> |
| |) | <u>TRACK TWO CASES</u> |

In an Order dated December 31, 2018, the Court directed the parties to meet and confer and submit to the undersigned “proposed case management deadlines [for the Track Two bellwether cases¹], *see* CMO-1 at ¶3.a-h [(docket no. 232)], as well as any proposed amendments or modifications to the discovery process (e.g., changes to the Deposition Protocol, docket no. 643).” Order at 2 (docket no. 1218). Both the parties and the undersigned, however, did not complete these requirements due to the press of issues surrounding ongoing litigation of the Track One cases.

The Special Master now directs the parties to turn their attention again to the charges contained in the Court’s Order. Specifically:

- the Track Two plaintiffs shall amend their complaints (if needed) no later than June 10, 2019.
- on or before June 14, 2019, the parties shall submit to the undersigned proposals regarding

¹ The Court chose as the Track Two bellwether cases: (1) *Cabell County Commission, West Virginia v. AmerisourceBergen Drug Corp.*, Case No. 17-OP-45053 (N.D. Ohio); and (2) *City of Huntington, W.Va. v. Amerisource Bergen Drug Corp.*, Case No. 17-OP-45054 (N.D. Ohio). *See* Order at 1-2 (docket no. 1218).

(a) case management deadlines, (b) amendments or modifications to the discovery process (e.g., changes to the Deposition Protocol, docket no. 643), (c) amendments or modifications to Protective Orders, (d) amendments or modifications to Rulings regarding the scope of discovery, and (e) any other case management issues.² The proposals should be agreed-to in as many respects as possible.

- Shortly after June 14, 2019 – perhaps the following week – the Special Master will meet with the parties to discuss their proposals and rule on any differences.

RESPECTFULLY SUBMITTED,

/s/ David R. Cohen

David R. Cohen
Special Master

Dated: May 13, 2019

² Orders that addressed *Track One* case management topics, which the parties may want to follow, amend, or modify as they litigate the Track Two cases, include the following docket numbers (this list is not exhaustive): 232, 441, 443, 485, 643, 693, 762, 941, 1163, and various Discovery Rulings.