

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

**IN RE: NATIONAL PRESCRIPTION)
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CASE NO. 1:17-MD-2804

JUDGE DAN A. POLSTER

UNITED STATES OF AMERICA’S
NOTICE OF OBJECTIONS TO
DISCLOSURE OF ARCOS DATA

On or about Friday, June 8, 2018, the United States of America’s Drug Enforcement Administration (“DEA”) and Department of Justice (“DOJ”) (collectively “United States”) received notice of three public records requests from the press and media that seek disclosure of the ARCOS data:

1. Open Records Law Request to the County of Cuyahoga, Ohio by the Washington Post in a letter dated June 7, 2018. A copy of the request is attached as Government Exhibit A.
2. Open Records Law Request to the County of Summit, Ohio by the Washington Post in a letter dated June 7, 2018. A copy of the request is attached as Government Exhibit B.
3. West Virginia Freedom of Information Act Request to the Cabell County Commission, West Virginia by HD Media Company, LLC in a letter dated June 5, 2018. A copy of the request is attached as Government Exhibit C.

After reviewing these requests, the United States objects to all three requests and requests the Court to issue an order prohibiting disclosure of the ARCOS data pursuant to any state public records request, state freedom of information act request, or any other similar request at this time.

If the public records requests are granted, information protected by this Court's protective order would become publically available to any person or entity for any use whatsoever, including press stories, commercial advantage, or even illegal drug trafficking. While the United States understands the public interest in this case, the ARCOS data contains confidential commercial information about DEA registrants' commercial activities, Privacy Act protected information, and Law Enforcement Sensitive Information. Disclosure of this protected information under state public records law would nullify this Court's protective order and circumvent Federal law and policy that protects such information from disclosure. Therefore, good cause exists for the Court to issue an order prohibiting disclosure of the ARCOS data by the County of Cuyahoga, County of Summit and Cabell County Commission in response to these three requests and the United States urges the Court to do so.

The Court's Protective Order gives the United States only two business days to object to disclosure notices so these objections do not set forth the full legal basis or all legal arguments the United States has in opposition to the requests. The United States would request an opportunity to more fully brief this matter should the Court be inclined to overrule the objections and allow disclosure of ARCOS data pursuant to state public records laws.

Respectfully submitted,

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Northern District of Ohio

/s/ James R. Bennett II
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CERTIFICATE OF SERVICE

I certify that, on June 11, 2018, I filed a copy of the foregoing Notice of Objections electronically. The Court's electronic filing system will send notice of this filing to all parties. Parties may access this filing through the Court's system.

/s/ James R. Bennett II

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