

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

IN RE: NATIONAL PRESCRIPTION)	CASE NO. 1:17-MD-2804
OPIATE LITIGATION)	
)	JUDGE POLSTER
)	
)	<u>THIRD ORDER</u>
)	<u>REGARDING ARCOS DATA</u>

This Court has entered several Orders directing the United States Drug Enforcement Agency (“DEA”) to produce to the parties certain data contained in the DEA’s Automated Records and Consolidated Orders System/Diversion Analysis and Detection System (“ARCOS/DADS”) database. The DEA has complied, and the data produced to date has been very helpful and informative. It has become clear, however, that there are a few gaps in the data necessary for the Court and the parties to obtain a complete picture of the manufacture and distribution of all opioid products at issue in this litigation. Specifically, the ARCOS data so far released does not include information regarding the relevant chemicals listed in the following chart:

NCIS Code	Drug
9050	Codeine
9064	Buprenorphine
9120	Dihydrocodeine
9230	Meperidine (Pethidine)
9220L	Levorphanol
9250B	Methadone
9300	Morphine
9639	Opium - Powdered
9652	Oxymorphone
9780	Tapendatol

Accordingly, the Court now **ORDERS** that DEA shall produce to the parties complete transactional ARCOS data for the chemicals listed in the chart above, for the entire United States, for the period of January 1, 2006 through December 31, 2014. Production of the ARCOS data shall take place as soon as reasonably possible using the protocols previously agreed to by DEA and plaintiffs. The DEA and the parties shall confer before data production begins to arrange for production of data on a rolling basis, and also to discuss the data fields and data keys, in order to ensure an efficient transfer of information.¹

This directive for release of additional ARCOS data will be the last one made by the MDL Court.

As ordered earlier, disclosure of ARCOS data may be made to the governmental Plaintiffs, which includes cities, counties, and Native American tribes, for this litigation and/or law

¹ The Court understands that DEA may produce the data in “batches,” first for four of the ten listed drugs and then for the other six listed drugs.

enforcement purposes, and disclosure may be made to State Attorneys General for litigation and law enforcement purposes. No person shall disclose the data or allow use of the data except as necessary for a submission to the Court or at trial. The ARCOS data produced pursuant to this Order shall be governed by the Protective Order previously entered at docket no. 167, including any subsequent amendments thereto.

IT IS SO ORDERED.

/s/ Dan Aaron Polster

DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE

Dated: June 26, 2018