

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

THIS DOCUMENT RELATES TO:

“Track Seven: Montgomery County, OH”

MDL 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

AMENDED TRACK SEVEN CASE MANAGEMENT ORDER
FOR MONTGOMERY COUNTY, OHIO

On April 9, 2021, the Court entered an order identifying five additional bellwether cases against the Pharmacy Defendants, including *Montgomery County, Ohio Board of County Commissioners, et al. v. Cardinal Health, Inc., et al.*, Case No. 1:18-OP-46326. Doc. #3688. The Court directed the parties to meet and confer with Special Master Cohen regarding proposed case management schedules for each case. The *Montgomery County* case is designated as “Track Seven” or “CT7.” Montgomery County and the Pharmacy Defendants named in the operative Amended Complaint (Doc. #3738) each submitted proposed CMOs for CT7. On May 2, 2022, the Parties submitted a Joint Motion to Amend the Case Management Order for Tracks Seven, Eight, Nine, Ten, and Eleven. The Court has reviewed the Parties’ Joint Motion and hereby amends Case Management Order as follows.¹ The provisions of the June 25, 2021 Track Seven Case Management Order for Montgomery County, Ohio that are not amended below remain unchanged.

A. Fact Discovery

1. **June 13, 2022** – Deadline to serve third party subpoenas.

¹ The Court recognizes that the Plaintiff and certain New Defendants have not been subject to discovery in this MDL and have not previously participated in fact or expert discovery and that those parties, and any other party, may seek to modify any provision of this CMO for good cause shown. Because New Defendant Meijer has not previously been in any active case and has not previously participated in fact or expert discovery, Meijer may request reasonable extensions from any fact or expert discovery deadline in this Order, and the parties will meet and confer in good faith to determine if they can stipulate to revised deadline(s) for Meijer.

2. **June 24, 2022** – Deadline for production of electronic notes and due diligence. The production of hard copy prescriptions shall be substantially complete.
3. **June 30, 2022** – Close of party fact discovery.
4. **July 11, 2022** – Close of third-party discovery.

B. Expert Discovery Deadlines

1. **August 8, 2022** – Except for expert witnesses who will testify *only* in the abatement-phase of the Track 7 trial, Plaintiff shall serve expert reports and, for each expert, provide two proposed deposition dates between **August 25-September 12, 2022**.
2. **September 19, 2022** – Except for expert witnesses who will testify *only* in the abatement-phase of the Track 7 trial, Defendants shall serve expert reports and, for each expert, provide two proposed deposition dates between **October 6-24, 2022**.
3. A schedule for the submission of reports from expert witnesses who are testifying *only* in the abatement-phase of the Track 7 trial (in the event that one becomes necessary), and the deposition of such abatement experts, will be set after the conclusion of the liability phase of the Track 7 trial.

C. Briefing

1. *Daubert* and Dispositive Motions
 - i. **November 7, 2022** – Deadline for *Daubert* and dispositive motions.
 - ii. **December 5, 2022** – Deadline for responses to *Daubert* and dispositive motions.
 - iii. **December 19, 2022** – Deadline for replies in support of *Daubert* and dispositive motions.
2. With respect to *Daubert* and dispositive motions, the parties will meet and confer on mechanisms to further avoid unnecessarily lengthy or duplicative briefing while preserving the record based on motions filed in separate tracks of the MDL and will make a separate proposal with regard to page limits.

IT IS SO ORDERED.

/s/Dan Aaron Polster 5/2/22
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE