

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

**IN RE: NATIONAL PRESCRIPTION ) CASE NO. 1:17-MD-2804**  
**OPIATE LITIGATION )**  
**)**  
**) JUDGE POLSTER**  
**)**  
**) ORDER**

In the Court's Order appointing Special Masters, the Court ordered that defendants and plaintiffs would each bear 50% of their cost. *See* docket no. 69 at 5-6. The Court has given further consideration to the matter of apportionment, and now concludes imposing half of the cost on each side is not appropriate in this case. *See Atlantic Richfield Company v. American Airlines, Inc.*, 98 F.3d 564, 572 (10<sup>th</sup> Cir. 1996) (noting that "[d]istrict courts have discretion to apportion the compensation of a special master among the parties," including assigning the entire expense to one party).

The Court reaches this conclusion because the parties have dramatically different, asymmetric access to unencumbered resources. Plaintiffs consist mostly of public entities, which are dependent on taxes to function, often struggle to provide adequate services to their citizens, and frequently suffer budget shortfalls. In contrast, defendants as a group are very large enterprises that generally have greater available discretionary funding.

Accordingly, the Court hereby orders that defendants shall bear 75% of the cost and plaintiffs shall bear 25% of the cost of the Special Masters.

**IT IS SO ORDERED.**

*/s/ Dan Aaron Polster* \_\_\_\_\_  
**DAN AARON POLSTER**  
**UNITED STATES DISTRICT JUDGE**

**Dated: February 12, 2018**