

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION

MDL 2804

Case No. 17-md-2804

*This document relates to:*

Track One Cases

Hon. Dan Aaron Polster

**NOTICE OF SUPPLEMENTAL AUTHORITY PERTINENT TO PLAINTIFFS' OBJECTIONS TO  
DISCOVERY RULING No. 5**

Plaintiffs hereby notify the Court of supplemental authority pertinent to their Objections to Discovery Ruling No. 5 (the "Objections"). On October 10, 2018, the Special Discovery Master in the opioid litigation pending in state court in Oklahoma, *State of Oklahoma ex rel. Mike Hunter v. Purdue Pharma, L.P. et al.*, (Dist. Ct. Cleveland Co., OK), issued his decision with respect to a motion to compel discovery. A copy of the Oklahoma decision ("Ok. Order") is attached. Some of the interrogatories at issue were substantially similar to those at issue in Discovery Ruling No. 5. See Ok. Order at 2 (describing information sought to include identification of "unnecessary or excessive' prescriptions"). The Oklahoma Special Discovery Master denied the motion to compel, primarily on the basis that the State intends to prove its case (brought pursuant to the Okla. Medicaid False Claims Act) through aggregate, rather than individualized, proof. The ruling was issued on the same day as the Objections and Plaintiffs did not learn of it until the following day.

Plaintiffs respectfully submit that the Ok. Order further confirms that, as set forth in the Objections, Plaintiffs should not be required to provide the information ordered by the Special Master in Discovery Ruling No. 5.

Dated: October 11, 2018

*s/Peter H. Weinberger*

\_\_\_\_\_  
Peter H. Weinberger (0022076)

**SPANGENBERG SHIBLEY & LIBER LLP**

1001 Lakeside Avenue East, Suite 1700

Cleveland, OH 44114

(216) 696-3232

(216) 696-3924 (FAX)

*pweinberger@spanglaw.com*

*Plaintiffs' Co-Liaison Counsel*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 11th day of October 2018, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF System. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF Systems.

*s/Peter H. Weinberger*

\_\_\_\_\_  
Peter H. Weinberger

Plaintiffs' Co-Liaison Counsel