

EXHIBIT 1

From: "Singer, Linda" <lsinger@motleyrice.com>
Date: October 11, 2018 at 3:18:23 PM EDT
To: "Weinberger, Peter H." <PWeinberger@spanglaw.com>, "Cheffo, Mark" <Mark.Cheffo@dechert.com>
Cc: "Bierstein, Andrea" <abierstein@simmonsfirm.com>, "Hanly, Paul" <phanly@simmonsfirm.com>, "Farrell, Paul" <Paul@Greeneketchum.com>, "Rice, Joe" <jrice@motleyrice.com>, "Mougey, Peter" <pmougey@levinlaw.com>, "Shkolnik, Hunter" <Hunter@NapoliLaw.com>, "xOpioidMDLSteeringCommitteeMFRS@arnoldporter.com" <xOpioidMDLSteeringCommitteeMFRS@arnoldporter.com>, "Winner, Sonya" <swinner@cov.com>, "EXT pboehm@wc.com" <pboehm@wc.com>, "Delinsky, Eric" <edelinsky@zuckerman.com>, Enu Mainigi <emainigi@wc.com>, EXT smcclure <smcclure@reedsmith.com>, "Ackerman, David" <dackerman@motleyrice.com>, "2804 Discovery, MDL" <mdl2804discovery@motleyrice.com>
Subject: RE: Discovery Order No. 5

Mark and all:

As promised, we are getting back to you about the date to which the CT1 bellwethers can commit for responding to the prescription-related ROGs from the Manufacturer and Pharmacy Defendants.

As you are aware, Plaintiffs have filed objections to the Court's ruling. Notwithstanding what we believe are well-founded objections, the bellwethers nonetheless are, and have been, working assiduously to gather, analyze, and compile information, to the extent such information is available to us. If the Court denies our objections, we will be able to provide our responses no later than 11/2. While we will move as quickly as we can (and provide responses earlier if we can), pulling together this information is a massive undertaking and must proceed in phases that cannot be shortcut.

We are happy to meet and confer on the response date, but also want to be clear that we cannot conscientiously commit to an earlier date for this work to be done.

Linda

Linda Singer | Attorney at Law | Motley Rice LLC
401 9th St. NW, Suite 1001 | Washington, DC 20004
o. 202.386.9626 x5626 | f. 202.386.9622 | lsinger@motleyrice.com

From: Peter H. Weinberger <PWeinberger@spanglaw.com>
Sent: Monday, October 8, 2018 6:28 PM
To: Cheffo, Mark <Mark.Cheffo@dechert.com>; Singer, Linda <lsinger@motleyrice.com>
Cc: Bierstein, Andrea <abierstein@simmonsfirm.com>; Hanly, Paul <phanly@simmonsfirm.com>; Farrell, Paul <Paul@Greeneketchum.com>; Rice, Joe <jrice@motleyrice.com>; Mougey, Peter <pmougey@levinlaw.com>; Shkolnik, Hunter <Hunter@Napolilaw.com>; xOpioidMDLSteeringCommitteeMFRS@arnoldporter.com; Winner, Sonya <swinner@cov.com>; EXT pboehm@wc.com <pboehm@wc.com>; Delinsky, Eric <edelinsky@zuckerman.com>; Enu Mainigi <emainigi@wc.com>; EXT smcclure <smcclure@reedsmith.com>; Ackerman, David <dackerman@motleyrice.com>; 2804 Discovery, MDL <mdl2804discovery@motleyrice.com>
Subject: Discovery Order No. 5

Mark –

I know you have been pushing us for our position regarding when we intend to answer the interrogatories covered by Discovery Order No. 5. There is no need for you to set artificial deadlines on us for a response.

Much has happened in this case since SM Cohen issued his Discovery Order No. 5 by email. Among the developments is that in his formalized order, SM Cohen set out a truncated deadline for the filing of objections by 10/10 and responses by 10/12. We will be prepared to discuss the timeframe for our responses on Thursday if no objections are filed by either side or by Monday if either side files objections. (I note that you reserved your rights in this regard at that end of your email.)

We are also mindful of SM Cohen's directive that we need to negotiate deadlines consistent with his ruling even if objections are filed.

We assume Plaintiffs' interrogatory responses will be subject to the same restrictions that SM Cohen applied to claims data. If that is not the case, we will need to raise this issue with SM Cohen for clarification. Please let us know Defendants' position.

Pete

From: Cheffo, Mark [<mailto:Mark.Cheffo@dechert.com>]
Sent: Sunday, October 07, 2018 4:55 PM
To: Singer, Linda
Cc: Bierstein, Andrea; Peter H. Weinberger; Hanly, Paul; Farrell, Paul; Rice, Joe; Mougey, Peter; Shkolnik, Hunter; xOpioidMDLSteeringCommitteeMFRS@arnoldporter.com; Winner, Sonya; EXT pboehm@wc.com; Delinsky, Eric; Enu Mainigi; EXT smcclure; Ackerman, David
Subject: Re: EXTERNAL-FW: AMENDMENT - Rulings on Interrogatories re: Rx

Linda/Andrea,

In light of the finalized SM Cohen “prescription” order, along with his unequivocal guidance on timing, and the limited discovery period, please let us know by Monday COB if plaintiffs will provide the responses for the plaintiff selected prescriptions and individuals on or before 28 days from the original ruling from SM Cohen. If you have another proposal please let us know.

As you know, Plaintiffs’ continued failure to provide the database information requested, and that you represented in Court had already been produced, prevents us from identifying prescriptions based on surrounding information because we cannot match prescriptions to medical or prescribing information due to the way the data has been blinded. Donna Welch wrote a letter or two about this asking for a meet and confer and has not received a response (at least to my knowledge).

Accordingly, please confirm that you will produce the plaintiff selected information within 28 days from the original ruling, and produce the needed database information or meet and confer on Monday or Tuesday with Defendants on this issue. We will poll the defense group to determine if 21 days for Defendants’ selection of prescriptions and individuals is agreeable, from the time that we have the needed information. As with prior emails, and in light of the number of defendants, this is without prejudice to any additional issues or concerns, or reservations of rights, that any defendant may have.

Mark

Sent from my iPad

On Oct 5, 2018, at 1:17 PM, Singer, Linda <lsinger@motleyrice.com> wrote:

Mark, the CT1 bellwethers are continuing to assess and discuss the timeframe for a response. As we have indicated, it’s a massive undertaking and we’re working diligently to come up with an answer, but it won’t be before early next week. We will get back to you then. Linda

Linda Singer | Attorney at Law | Motley Rice LLC
401 9th St. NW, Suite 1001 | Washington, DC 20004
o. 202.386.9626 x5626 | f. 202.386.9622 | lsinger@motleyrice.com

From: Cheffo, Mark <Mark.Cheffo@dechert.com>
Sent: Wednesday, October 3, 2018 6:28 PM

To: Singer, Linda <lsinger@motleyrice.com>; Bierstein, Andrea <abierstein@simmonsfirm.com>
Cc: Weinberger, Peter H. <PWeinberger@spanglaw.com>; Hanly, Paul <phanly@simmonsfirm.com>; Farrell, Paul <Paul@Greeneketchum.com>; Rice, Joe <jrice@motleyrice.com>; Mougey, Peter <pmougey@levinlaw.com>; Shkolnik, Hunter <Hunter@Napolilaw.com>; xOpioidMDLSteeringCommitteeMFRS@arnoldporter.com;
Winner, Sonya <swinner@cov.com>; EXT pboehm@wc.com <pboehm@wc.com>;
Delinsky, Eric <edelinsky@zuckerman.com>; Enu Mainigi <emainigi@wc.com>; EXT smcclure <smcclure@reedsmith.com>; Ackerman, David <dackerman@motleyrice.com>
Subject: RE: EXTERNAL-FW: AMENDMENT - Rulings on Interrogatories re: Rx

Ok thanks

From: Singer, Linda [<mailto:lsinger@motleyrice.com>]
Sent: Wednesday, October 3, 2018 6:12 PM
To: Cheffo, Mark <Mark.Cheffo@dechert.com>; Bierstein, Andrea <abierstein@simmonsfirm.com>
Cc: Weinberger, Peter H. <PWeinberger@spanglaw.com>; Hanly, Paul <phanly@simmonsfirm.com>; Farrell, Paul <Paul@Greeneketchum.com>; Rice, Joe <jrice@motleyrice.com>; Mougey, Peter <pmougey@levinlaw.com>; Shkolnik, Hunter <Hunter@Napolilaw.com>; xOpioidMDLSteeringCommitteeMFRS@arnoldporter.com;
Winner, Sonya <swinner@cov.com>; EXT pboehm@wc.com <pboehm@wc.com>;
Delinsky, Eric <edelinsky@zuckerman.com>; Enu Mainigi <emainigi@wc.com>; EXT smcclure <smcclure@reedsmith.com>; Ackerman, David <dackerman@motleyrice.com>
Subject: RE: EXTERNAL-FW: AMENDMENT - Rulings on Interrogatories re: Rx

We are conferring on our end and will get back to you by the end of the week with our proposed next steps.

Linda Singer | Attorney at Law | Motley Rice LLC
401 9th St. NW, Suite 1001 | Washington, DC 20004
o. 202.386.9626 x5626 | f. 202.386.9622 | lsinger@motleyrice.com

From: Cheffo, Mark <Mark.Cheffo@dechert.com>
Sent: Wednesday, October 3, 2018 6:05 PM
To: Singer, Linda <lsinger@motleyrice.com>; Bierstein, Andrea <abierstein@simmonsfirm.com>
Cc: Weinberger, Peter H. <PWeinberger@spanglaw.com>; Hanly, Paul <phanly@simmonsfirm.com>; Farrell, Paul <Paul@Greeneketchum.com>; Rice, Joe <jrice@motleyrice.com>; Mougey, Peter <pmougey@levinlaw.com>; Shkolnik, Hunter <Hunter@Napolilaw.com>; xOpioidMDLSteeringCommitteeMFRS@arnoldporter.com;
Winner, Sonya <swinner@cov.com>; EXT pboehm@wc.com <pboehm@wc.com>;
Delinsky, Eric <edelinsky@zuckerman.com>; Enu Mainigi <emainigi@wc.com>; EXT smcclure <smcclure@reedsmith.com>
Subject: EXTERNAL-FW: AMENDMENT - Rulings on Interrogatories re: Rx

Linda/Andrea,

To keep the process moving, please let me know if plaintiffs will agree to the dates that David proposed. If so, and subject to whatever objections/positions the various

defendants may have, I will poll the defendants to determine if there is agreement among the defense group as to some or all of his timing proposal. If you have some other timing proposal please let us know that as well.

Mark

From: David R. Cohen [<mailto:David@SpecialMaster.Law>]
Sent: Wednesday, October 3, 2018 9:39 AM
To: xALLDEFENDANTS-MDL2804-Service@arnoldporter.com;
mdl2804discovery@motleyrice.com
Cc: Dan Polster <Dan_Polster@ohnd.uscourts.gov>; Mary Hughes <Mary_Hughes@ohnd.uscourts.gov>; David Ruiz <David_Ruiz@ohnd.uscourts.gov>; Scott Loge <Andrew_Loge@ohnd.uscourts.gov>; Cathy Yanni <cathy@cathyanni.com>; Francis McGovern <McGovern@law.duke.edu>
Subject: AMENDMENT - Rulings on Interrogatories re: Rx

Dear Counsel:

Upon re-reading the Ruling I issued last night, I add the following direction regarding deadlines.

In the second-to-last paragraph, I directed the parties to "negotiate the deadline" associated with identification of specific prescriptions/persons relied upon by experts. I meant to also direct the parties to negotiate the deadlines for responding to the re-written interrogatories.

I do not have a feeling for the time it will take to identify specific prescriptions and persons, and associated information. Given existing deadlines, however, my suggestions are that:

- plaintiffs should identify and provide information re: prescriptions/persons within 28 days;
- defendants should identify prescriptions/persons within 21 days, and plaintiffs should provide responsive information within 14 days thereafter.

I will not at this time set these deadlines as absolute, however; rather, I ask the parties to come to agreement on these deadlines, as you all understand better the amount of time it will take to identify and produce the required information. If you can't come to agreement soon, let me know and I will resolve it.

-David

=====

This email sent from:
David R. Cohen Co. LPA
24400 Chagrin Blvd., Suite 300
Cleveland, OH 44122
216-831-0001 tel
866-357-3535 fax
www.SpecialMaster.law

This communication may contain information that is legally privileged, confidential or exempt from disclosure. If you are not the intended recipient, please note that any dissemination, distribution, or copying of this communication is strictly prohibited. Anyone who receives this message in error should notify the sender immediately by telephone or by return e-mail and delete it from his or her computer.

For more information about Arnold & Porter, click here:
<http://www.arnoldporter.com>

This e-mail is from Dechert LLP, a law firm, and may contain information that is confidential or privileged. If you are not the intended recipient, do not read, copy or distribute the e-mail or any attachments. Instead, please notify the sender and delete the e-mail and any attachments. Thank you.

[Confidential & Privileged](#)

Unless otherwise indicated or obvious from its nature, the information contained in this communication is attorney-client privileged and confidential information/work product. This communication is intended for the use of the individual or entity named above. If the reader of this communication is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies--electronic, paper or otherwise--which you may have of this communication.

This e-mail is from Dechert LLP, a law firm, and may contain information that is confidential or privileged. If you are not the intended recipient, do not read, copy or distribute the e-mail or any attachments. Instead, please notify the sender and delete the e-mail and any attachments. Thank you.

[Confidential & Privileged](#)

Unless otherwise indicated or obvious from its nature, the information contained in this communication is attorney-client privileged and confidential information/work product. This communication is intended for the use of the individual or entity named above. If the reader of this communication is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies--electronic, paper or otherwise--which you may have of this communication.

This e-mail is from Dechert LLP, a law firm, and may contain information that is confidential or privileged. If you are not the intended recipient, do not read, copy or distribute the e-mail or any attachments. Instead, please notify the sender and delete the e-mail and any attachments. Thank you.

Peter H. Weinberger

Spangenberg Shibley & Liber LLP
1001 Lakeside Avenue East, Suite 1700
Cleveland, Ohio 44114
216-696-3232 Office
216-407-5033 Cell
216-696-3924 Fax

PWeinberger@spanglaw.com | www.spanglaw.com



SPANGENBERG SHIBLEY & LIBER TRIAL LAWYERS

CONFIDENTIALITY NOTICE: The information in this e-mail, including any attachments, is for the sole use of the intended recipient(s), and may contain confidential and legally privileged communications. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this communication is strictly prohibited and may be unlawful, and could subject the unlawful user to civil and criminal penalties. Any unintended receipt should be reported to this sender immediately and all copies returned, deleted, and destroyed. TO OUR CLIENTS: Any dissemination of this communication to third-parties may be a waiver of the attorney-client privilege.

Confidential & Privileged

Unless otherwise indicated or obvious from its nature, the information contained in this communication is attorney-client privileged and confidential information/work product. This communication is intended for the use of the individual or entity named above. If the reader of this communication is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies--electronic, paper or otherwise--which you may have of this communication.

This e-mail is from Dechert LLP, a law firm, and may contain information that is confidential or privileged. If you are not the intended recipient, do not read, copy or distribute the e-mail or any attachments. Instead, please notify the sender and delete the e-mail and any attachments. Thank you.

This communication may contain information that is legally privileged, confidential or exempt from disclosure. If you are not the intended recipient, please note that any dissemination, distribution, or copying of this communication is strictly prohibited. Anyone who receives this message in error should notify the sender immediately by telephone or by return e-mail and delete it from his or her computer.

For more information about Arnold & Porter, click here:
<http://www.arnoldporter.com>