

**EXHIBIT J**

**Glynn, Vincent**

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**From:** James Wakley <James.Wakley@ohioattorneygeneral.gov>  
**Sent:** Wednesday, December 12, 2018 5:08 PM  
**To:** Browne, Maureen  
**Cc:** Henry G. Appel; Glynn, Vincent  
**Subject:** RE: Ohio BOP Discovery

Good afternoon Mo,

My client just completed its final Board meeting of the year, so I should be able to get back to you on remaining discovery (particularly individuals for deposition) in the next few days. But your email does raise a few concerns that we need to address.

First, I want to make clear that at no time has the Board agreed to provide any OARRS data or investigative information from specific cases. The protective order presently under review concerns investigative techniques only, which are separate and distinct from OARRS and individual cases. Nor have I or anyone else associated with the Board offered to run any reports at yours or any other MDL party's request. As I indicated in my August 3<sup>rd</sup> letter and at other times, the Board is specifically prohibited by R.C. 4729.80 and 4729.86 from disclosing any OARRS data or reports generated therefrom.

Additionally, the disclosure of the OARRS database would constitute the public release of the PHI of millions of individuals who are both unrelated to and unaware of this case. Disclosure of that information by the Board would be a violation of HIPAA. For those reasons and the others that I cited in my August 3<sup>rd</sup> letter, the Board will not be providing a copy of the database to any party to this or any other litigation.

Similarly, the Board cannot provide anyone for deposition who will testify about specific data requested and specific analyses performed. Unless such topics were made public as part of a Board disciplinary action or other public presentation, those records and any testimony related to those searches is prohibited from disclosure by R.C. 4729.23 and 4729.80.

I will discuss with the Board who we will offer for the remaining depositions. I anticipate that Eric Griffin will be amongst those offered. I should be able to get that to you by the 21<sup>st</sup>.

Sincerely,