

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

<b>IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION</b>	)	<b>MDL 2804</b>
	)	
<b>THIS DOCUMENT RELATES TO:</b>	)	<b>Case No. 1:17-md-2804</b>
	)	
<b><i>ALL CASES</i></b>	)	<b>Judge Dan Aaron Polster</b>
	)	
	)	<b><u>ORDER</u></b>
	)	

It is natural that the more than 1500 cases comprising this MDL have generated a great deal of media attention, given the human suffering and financial ramifications of the opioid epidemic. The Court has no intention of preventing the public officials who have filed these cases, the corporate defendants, or the lawyers representing any party from discussing with the media what is public information.

That being said, it is imperative that this case be tried in the courtroom, and not in the media. The Court reminds *all* attorneys who practice in the State of Ohio, including those admitted to practice before the Court in this MDL, that they are subject to the Ohio Rules of Professional Responsibility. *See* Local Civ. R. 83.7. Thus, all attorneys who are participating or have participated in any aspect of this case may not conduct themselves in any way that would violate Ohio Rule of Professional Conduct 3.6 or one of this Court’s prior orders. *See* Ohio R. Prof. Conduct 3.6. This includes making extrajudicial statements to the media regarding: (1) settlement negotiations,<sup>1</sup> (2) “the character, credibility, [or] reputation . . . of a party”<sup>2</sup> or their counsel, (3)

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<sup>1</sup> *See* the Court’s February 6, 2018 Order. Doc. #: 116.

<sup>2</sup> Ohio R. Prof. Conduct 3.6, cmt. 5.

any “information that the lawyer knows or reasonably should know is likely to be inadmissible as evidence in a trial and that would, if disclosed, create a substantial risk of prejudicing an impartial trial,”<sup>3</sup> (4) any information designated as “confidential,” “highly confidential,” or “highly confidential – attorneys’ eyes only” pursuant to the Protective Order issued in this case,<sup>4</sup> or (5) any information protected by the Court’s orders regarding ARCOS data.<sup>5</sup> Additionally, the Court directs all attorneys subject to this order to counsel their clients that it is in their best interest to adhere to this order as well.

**IT IS SO ORDERED.**

/s/ Dan Aaron Polster February 13, 2019  
**DAN AARON POLSTER**  
**UNITED STATES DISTRICT JUDGE**

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<sup>3</sup> *Id.*

<sup>4</sup> Doc. #: 441, 1357.

<sup>5</sup> Doc. #: 167, 397.