

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

IN RE: NATIONAL PRESCRIPTION)	CASE NO.: 1:17-MD-02804
OPIATE LITIGATION)	
)	JUDGE DAN A. POLSTER
THIS NOTICE RELATES TO:)	
)	
)	MAGISTRATE JUDGE DAVID A. RUIZ
ALL CASES)	

**NOTICE OF PROCEDURES FOR PUBLIC RECORDS
REQUESTS FOR ARCOS DATA**

On March 6, 2018 this Court entered a Protective Order relating to the ARCOS/DADS data, which applies to all documents or electronically stored information (“ESI”) provided by the DEA to the Court, counsel, or any parties in the MDL litigation. (See ECF No. 167). In order to ensure compliance with the Protective Order, Plaintiffs’ Executive Committee (PEC) members set up procedures for handling Public Records and/or FOIA Requests that clients receive. PEC member Peter Mougey’s firm, Levin Papantonio Thomas, Mitchell, Rafferty & Proctor, PA, drafted a template notice to clients outlining the procedures and emailed it to the 635 attorneys listed as plaintiffs’ counsel for the 427 member cases that are currently consolidated in MDL 2804. All plaintiffs’ counsel were instructed to send a version of the template notice to their clients. The template notice attached a copy of the Protective Order and cautioned plaintiffs that documents and/or ESI designated by the DEA as Confidential cannot be disclosed to third persons. Plaintiffs were instructed to give immediate notice of the receipt of a Public Records Request by sending an email to ARCOSFOIA@levinlaw.com. This email address is monitored by PEC members and their staff. PEC members also coordinated with counsel for defendants and the DEA/DOJ to compile a list of names and email addresses of those persons on behalf of

the defendants and the DEA who should be notified of Public Records and/or FOIA Requests received by the MDL plaintiffs in accordance with paragraph 13 of the Protective Order.

If any plaintiff sends notification of a Public Records and/or FOIA Request to the designated email address, PEC members will promptly provide notification of the Public Records and/or FOIA Request to the DEA and defendants at the email addresses provided by the DEA and defendants. As additional plaintiffs either file in the MDL or are transferred into the MDL, they will be notified of the protective order and these same procedures.

Respectfully submitted,

/s/ Peter J. Mougey

Peter J. Mougey
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically filed with the U.S. District Court, Northern District of Ohio, Eastern Division, on March 27, 2018, and served upon all counsel that have appeared in this matter.

/s/ Peter J. Mougey

Peter J. Mougey