

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION	)	MDL 2804
OPIATE LITIGATION	)	
	)	Case No. 1:17-md-2804-DAP
This document relates to:	)	
	)	Judge Dan Aaron Polster
<i>State of Alabama v. Purdue Pharma LP, et al.</i>	)	
Case No. 1:18-OP-45236-DAP (N.D. Ohio)	)	

**PLAINTIFF STATE OF ALABAMA’S MOTION FOR LEAVE  
TO FILE AMENDED COMPLAINT UNDER SEAL**

**INTRODUCTION**

Pursuant to the Court’s Case Management Order One, ECF Doc. 232 (hereinafter “CMO One”) and as advised by the Special Masters, Plaintiff, the State of Alabama (“Plaintiff”), seeks leave to file an amended complaint in the above-listed case under seal. Plaintiff files this Motion and Proposed Order (attached as **Exhibit A**) to ensure compliance with the following Orders:

1. CMO One;
2. Protective Order Re: DEA’s ARCOS/DADS Database, ECF Doc. 167 (hereinafter “ARCOS Protective Order”); and
3. Amended Agreed Confidentiality Order, filed in *City of Chicago v. Purdue Pharma L.P.*, Case No. 14-CV-04361, ECF Doc. 487 (N.D. Ill.) (hereinafter “City of Chicago Protective Order”), attached as **Exhibit B**.

Local Rule 5.2 states: “No document will be accepted for filing under seal unless a statute, court rule, or prior court order authorizes the filing of sealed documents.” Loc. R. 5.2.

On March 6, 2018, the Court issued a Protective Order regarding the “ARCOS Data,” and stated:

If contained in a pleading, motion, or other document filed with this Court, any Designated Information must be marked with the applicable confidentiality designation, designated as “Subject to Protective Order,” and filed under seal with prior Court authorization. Only the portions of the filed document containing Designated Information are subject to being filed under seal, and a party shall file both a redacted version for the public docket and an unredacted version for sealing.

ARCOS Protective Order, at ¶ 8.

In CMO One, the Court stated that, “all documents, including ESI, that were previously produced by any Defendant in *City of Chicago v. Purdue Pharma L.P.*, Case No. 14-CV-04361 (N.D. Ill.), shall be deemed produced to all Plaintiffs in MDL 2804 . . . .” CMO One, at ¶ (9)(k)(i).

The Court also ordered in CMO One that:

Unless and until other arrangements are made by this Court regarding these specific materials, and in the interests of expediting discovery, Plaintiffs in MDL 2804 will be subject to any pre-existing Protective Orders or confidentiality agreements governing this material. As such, at this time, review by Plaintiffs and their experts of discovery that has been produced in other cases and which is deemed produced in this MDL is subject to any Protective Orders or confidentiality agreements entered in those cases. The entry of a Protective Order in this MDL proceeding, however, will supersede any pre-existing Protective Order.

CMO One, at ¶ (9)(k)(iv).

### ANALYSIS

Plaintiff, the State of Alabama, respectfully requests leave to file its amended complaint under seal in order to comply with CMO One, the ARCOS Protective Order, and the City of Chicago Protective Order. The amended complaint will contain information that is subject to said Orders. Specifically, the amended complaint will contain:

- (1) Information designated CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER by the ARCOS Protective Order; and

(2) Excerpts from documents produced in *The City of Chicago, Illinois v. Purdue Pharma L.P.*, Case No. 14-CV-04361 (N.D. Ill.), which are subject to the City of Chicago Protective Order, which binds Plaintiffs in MDL 2804 pursuant to CMO One.

As suggested by the Special Masters and in accordance with CMO One and the ARCOS Protective Order, Plaintiff requests leave to file its amended complaint under seal in its case, *State of Alabama v. Purdue Pharma LP, et al.*, Case No. 18-OP-45236 (N.D. Ohio). Plaintiff respectfully requests the option to proceed in this manner so there are no inadvertent disclosures of Defendants' confidential information or information subject to the ARCOS Protective Order or the City of Chicago Protective Order.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to grant Plaintiff's Motion for Leave to File Amended Complaint Under Seal.

Respectfully submitted,

Steve Marshall  
*Attorney General*

By:

/s/ Rhon E. Jones  
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*Deputy Attorney General*

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**CERTIFICATE OF SERVICE**

I hereby certify that on 8<sup>th</sup> day of May, 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 obtain through, the Court CM/ECF Systems.

*/s/ Rhon E. Jones*

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OF COUNSEL