

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

APPLIES TO ALL CASES.

MDL No. 2804

Case No. 17-md-2804

Special Master David R. Cohen

ORDER CONCERNING
SERVICE IN TRACK ONE
CASES

Pursuant to agreement of the parties, this Order sets forth an amended protocol in the Track 1 cases for service of discovery and other materials identified below.

1. For service of all materials that are not required to be filed with the Court, including (for example) discovery requests, discovery responses, deposition notices, and subpoena notices:
 - a. Such materials shall be served on defendants by emailing an “all defendants” email address for a listserv account maintained by defendants; and
 - b. Such materials shall be served on plaintiffs by emailing a plaintiffs’ email address for a listserv account maintained by plaintiffs.
2. Within three business days following entry of this Order, the parties shall, to the extent they have not already done so, identify the email addresses described in Paragraph 1 to one another and to the Special Masters. Service of the materials described in Paragraph 1 shall be effective only if made as described in Paragraph 1, and the proof of service (where required) shall state that service was accomplished by emailing those address(es).

3. When appropriate, the parties shall also use the email addresses identified pursuant to Paragraph 1 for service of all correspondence with the Special Masters, and the Special Masters shall use those email addresses for all communications with the parties, as well as for service of any orders not filed on the docket and served through ECF. Parties are to use descriptive subject lines specific to the subject matter of their emails (including, for example, the name of the party and/or the topic at issue), both with the Special Masters and with other parties, so as to facilitate the identification and organization of emails.

4. Plaintiffs and defendants shall have sole responsibility for maintaining the listserv accounts that they have designated for service, including the email addresses on them. Liaison counsel for each group shall be responsible for ensuring that members of their respective groups are aware of the service requirements of this Order and have an adequate opportunity to be included in the appropriate listserv account. Persons with questions concerning the email listservs for each group may contact Sheila Schebek of Spangenberg, Shibley & Liber (for plaintiffs), Justin McCarthy of Arnold & Porter Kaye Scholer LLP (for manufacturer defendants), and Shannon McClure of Reed Smith LLP (for distributor and pharmacy defendants).

5. The parties may continue to email counsel for individual plaintiffs or defendants regarding issues that are specific to that party only.

6. The service protocol set forth herein will supersede Case Management Order No. 1, Section 9(c), to the extent that section requires service of certain documents on all liaison counsel for plaintiffs and defendants.

IT IS SO ORDERED.

September 17, 2018

/s/ David R. Cohen

David R. Cohen
Special Master

