

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

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| IN RE SUBOXONE |) | Case No. 1:24-md-3092 |
| (BUPRENORPHINE/NALOXONE) |) | |
| FILM PRODUCTS LIABILITY |) | MDL No. 3092 |
| LITIGATION |) | |
| |) | Judge J. Philip Calabrese |
| This Document Applies to All Cases |) | |
| |) | |

MINUTES AND ORDER

On June 6, 2024, the Court held oral argument on the record and a status conference.

The following attended on behalf of Plaintiffs: Ashlie Case Sletvold, Erin Copeland, Timothy Becker, Alyson Steele Beridon, and Trent Miracle.

The following attended on behalf of Defendants Indivior, Inc., Indivior Solutions, Inc., Indivior PLC, Aquestive Therapeutics, Inc., Reckitt Benckiser LLC, and Reckitt Benckiser Health Care (UK) Ltd.: Randall Christian, Mary R. Pawelek, Denise A. Dickerson, and Katherine Bell-Moss.

The following attended remotely: Juan M. Garibay, Sara Schramm, Michelle Rodriguez, Laura Smith, Sara Watkins, Michelle Rossi, Stan Gipe, Davis Cooper, Joe Masterman, Joyce Chambers Reichard, Jessica Wiczorkiewicz, Sara Papantonio, Lisa Gorshe, Kathryn Avila, Edward Mosella, Patrick DeLaune, Jon Ver Halen, Lee Floyd, Rachel Archambeau, Lissa Racer, Jennifer Duffy, Paul Levin, Jeremy Levin, Alex Parker, Glenn Kohles, Jr., Asim Badaruzzaman, David Chasen, Edwin Guyandi, Reza Keshavarz, and Victor Alves.

The following items were discussed:

1. Oral Argument on Defendant’s Proposal for Phased Discovery

The Court heard oral argument on Defendants’ proposal for phased discovery (ECF No. 60; ECF No. 61; ECF No. 89 & ECF No. 91) and Plaintiff’s opposition (ECF No. 86). The Court took the proposal under advisement and advised the parties that it will issue a ruling as soon as practicable.

2. Objections to Plaintiffs’ Request for Production of Documents

On June 4, 2024, Plaintiffs’ counsel emailed chambers notifying the Court that the parties had reached an impasse on several of Defendants’ objections to Plaintiffs’ requests for production of documents. Defendants objected because the requests sought information targeted at specific causation rather than general causation. The Court advised the parties that it was not in a position to make a substantive ruling on any of the objections at the conference but that its ruling on Defendants’ phased discovery proposal might provide clarity on the issues before the next status conference.

3. ESI Protocol

The parties provided an update on their discussion regarding an ESI protocol. The Court directed Defendants to submit edits to the ESI protocol by June 12, 2024, and, if possible, submit a stipulated protocol by July 3, 2024. If the parties cannot reach an agreement, the Court instructed them to follow the dispute resolution process outlined in Local Rule 37.1 that they used to submit their Rule 502 and Protective Orders. In that event, the parties shall submit competing versions of the

disputed portions of the ESI protocol and position statements by July 12, 2024 and any response to those initial submissions by July 16, 2024.

4. PLC Proposals

The PLC submitted a proposed Plaintiffs' Leadership Development Committee order and common-benefit order. Defendants advised that they do not object to entry of the orders. The Court advised that it intends to adjust the deadline for leadership applications to July 8, 2024. Additionally, the Court had a question about one paragraph of the common-benefit order, on which the PLC will follow up. By separate entry, the Court will enter the orders.

5. Schedule A Complaint

Defense counsel advised the Court that they discussed a tolling agreement for non-diverse potential plaintiffs in State court. Defense counsel advised that, once they receive Plaintiffs' Schedule A Complaint, they can consider a tolling agreement or other appropriate next steps. Based on these discussions, the Court **AMENDS** the schedule set in Case Management Order No. 4 (ECF No. 81) and **ORDERS** that the parties file a status report detailing the progress of these discussions by July 1, 2024.

6. Next Status Conference

The Court sets a status conference for July 18, 2024 at 1:00 p.m. in Chambers 16B, Carl B. Stokes U.S. Courthouse, 801 West Superior Avenue, Cleveland, Ohio. Those who wish to listen by phone shall notify the Court's MDL Clerk, Corey McCardle (corey_mccardle@ohnd.uscourts.gov) by July 15, 2024. The parties shall submit an agenda for the conference by July 12, 2024.

SO ORDERED.

Dated: June 6, 2024

A handwritten signature in black ink, appearing to read "J. Calabrese", with a long horizontal flourish extending to the right.

J. Philip Calabrese
United States District Judge
Northern District of Ohio