

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

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 September 4, 2024, the Court held an in-person status conference.

The following attended on behalf of Plaintiffs: Ashlie Case Sletvold, Erin Copeland, Alyson 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, Patrick DeLaune, Timothy Perla, and Jesse Joslin.

The following attended remotely: Sara Schramm, Michelle Rodriguez, Laura Smith, Sara Watkins, Michelle Rossi, Stan Gipe, Davis Cooper, Joe Masterman, Joyce Chambers Reichard, Jessica Wieczorkiewicz, Andrew M. Messner, Kristina Anderson, Sara Papantonio, Lisa Gorshe, Kathryn Avila, Edward Mosella, Jon Ver Halen, Lee Floyd, Rachel Archambeau, Lissa Racer, Jennifer Duffy, Paul Levin, Jeremy Levin, Alex Parker, Glenn Kohles, Jr., Asim Badaruzzaman, Megan Connolly, Gerardo Guerra, Chrisitan van Lierop, James Kimball, Hans Lin, Luis

Escobar, Molly Long, David Chasen, Sina Toussi, Edwin Guyandi, Reza Keshavarz, and Victor Alves.

The Court and counsel addressed the items on the agenda as follows:

**1. Pending Motions to Dismiss**

In *Bennett v. Indivior Inc.*, No. 1:24-sf-65011, Plaintiff filed a stipulation of dismissal with prejudice of Defendants Indivior PLC, Reckitt Benckiser LLC, and Reckitt Benckiser Healthcare (UK) Ltd. (ECF No. 14.) Accordingly, the Court denies three of the four pending motions to dismiss as moot. (MDL ECF No. 122; MDL ECF No. 123; MDL ECF No. 125.) The Court confirmed with counsel that only the motion to dismiss of Defendants Aquestive Therapeutics, Inc., Indivior PLC, Indivior Solutions, Inc., and Indivior, Inc. remains pending. (ECF No. 126.) Then the parties discussed whether dismissal of Defendants Indivior PLC, Reckitt Benckiser LLC, and Reckitt Benckiser Healthcare (UK) Ltd. in other cases should be with or without prejudice. Based on discussions, the Court decided dismissal without prejudice is appropriate at this juncture because of the early stage of the litigation, the absence of significant discovery or rulings on the merits in these proceedings, and to avoid further notice and litigation on the issue. To effectuate the dismissal in each case, the Court will work with the Clerk.

**2. Discovery from Prior Litigation**

The parties updated the Court on the status of discovery relating to the prior antitrust and patent litigation. Defendants are concluding their review of deposition transcripts from those cases and plan to provide an amended discovery response by September 30, 2024. Although most expert reports from the prior litigation do not

appear relevant, the Court will follow up with counsel of record as appropriate to confirm.

### **3. Status of Discovery**

The parties discussed the PLC's proposed production schedule. Defendants requested a single deadline of September 18, 2024 to provide a list of custodial and non-custodial sources of electronically stored information. The Court agreed with this proposal. At the October status conference, the Court anticipates discussing disagreements regarding the PLC's proposed production schedule, if necessary. At this time, discovery from Indivior should receive priority over discovery from Aquestive.

Plaintiffs agreed by September 30, 2024, to provide information in their possession regarding the individuals listed on Schedule A, including records of dental injury and product identification.

### **4. Bellwether Protocol**

Generally, the parties agree that every claimant shall complete a census form. At the October status conference, the Court plans to work through a draft census form with counsel to create the final form. Counsel should submit to the Court a draft census form that highlights any disputes by September 30, 2024.

The parties discussed their positions on the amount and scope of additional information necessary and appropriate from claimants as the MDL moves forward. Subject to further discussion with the parties, the Court anticipates an intermediate stage in which some number of claimants provide more information but less than full

bellwether work-up for trial to create a pool for selection of bellwether cases. Also at the October status conference, the Court anticipates identifying the core information.

**5. Next Status Conference**

The Court sets a status conference for October 4, 2024, at 1:00 p.m. in Chambers 16B, Carl B. Stokes U.S. Courthouse, 801 West Superior Avenue, Cleveland, Ohio. The conference will continue into October 5, 2024. Those who wish to listen by phone shall notify the Court's MDL Clerk, Corey McCardle ([corey\\_mccardle@ohnd.uscourts.gov](mailto:corey_mccardle@ohnd.uscourts.gov)) by September 27, 2024. The parties shall submit an agenda for the conference by September 30, 2024.

**SO ORDERED.**

Dated: September 6, 2024



Time: 2 hours.

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