

**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 January 14, 2025, the Court held an in-person status conference.

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

The following attended on behalf of Defendants Indivior, Inc., Indivior Solutions, Inc., and Aquestive Therapeutics, Inc.: Randall Christian, Mary R. Pawelek, Paige Cheung, and Patrick DeLaune.

Various persons attended telephonically. Due to technical problems, however, the Court is unable to document all telephonic attendees.

On the record, the Court and counsel addressed the items on the agenda as follows:

1. Current Status of the Census Protocol

Counsel for the PLC reported on the completion of the dual representation process pursuant to Case Management Order No. 12. As a result of that process, a total of 9,559 claimants remain on Schedule A. For the reasons stated on the record, the Court confirms that the updated spreadsheet provided in connection with the

status conference (ECF No. 177-1) serves as the operative list of Schedule A claimants in place of earlier versions, subject to Defendants' various arguments and objections.

Additionally, the PLC completed the initial process for removing plaintiffs from Schedule A pursuant to Case Management Order No. 12. As a result of that process, 927 claimants consented to their removal from Schedule A, leaving a preliminary count of 8,631 plaintiffs on that list. (The Court notes that these numbers are approximate and subject to revision.) As provided in Case Management Order No. 12 (ECF No. 158, PageID #4040), the Court directs the PLC to provide an updated Schedule A with the agenda in advance of each status conference as additional plaintiffs are removed from Schedule A, until the conclusion of the Schedule A process outlined in Case Management Order No. 12.

Finally, counsel reported that only a handful of census forms have been completed thus far.

2. Next Potential Bar Date

Counsel discussed the next potential limitations deadline (in June 2025), which might apply to plaintiffs in States with a three-year statute of limitations. Based on their discussions to date, counsel have no general agreement on tolling or on how to handle an expected increase in filings of new cases in advance of that deadline. After discussing potential options for processing those filings, the Court expressed its view that there is sufficient time for investigation between now and June 2025 that an alternative to filing a lawsuit pursuant to Second Amended Case Management Order No. 3 (ECF No. 165) is not necessary. But the Court will investigate its capacity to process a large number of filings at the deadline.

3. Medical Records

Counsel discussed issues associated with a standardized order and process for the collection of medical records. Defendants advocated for use of the form found attached to Case Management Order No. 12 (ECF No. 158-2) while the PLC explained the use of varying forms that facilities require and law firms use and the costs associated with vetting each case associated with obtaining records. Also, Defendants raised issues as to the end date on authorizations and the logistics of providing records received. The Court directed counsel to meet and confer by the end of the month on the issue. If they are unable to reach a resolution, the Court is inclined to preserve the status quo.

4. Confidentiality Challenge

The PLC raised a challenge to the confidentiality designations to certain deposition testimony taken in previous antitrust litigation involving Defendants. The Court heard arguments from counsel on both sides then ruled, for the reasons stated on the record, that the depositions and testimony at issue should be marked confidential, not highly confidential, pursuant to the protective order (Case Management Order No. 5 (ECF No. 84)).

5. Process for Resolving Discovery Disputes

Counsel and the Court discussed different procedures for timely raising discovery disputes and for their swift and efficient resolution. Going forward, the Court will make discovery issues and disputes a standing item on the agenda. If any party has a specific issue to raise that is ripe for resolution (meaning that counsel have personally conferred in good faith and have reached impasse), they should

identify it on the agenda without further briefing or comment. The Court will facilitate a discussion at the status conference to resolve the dispute or to determine the further steps necessary for its resolution.

6. Search Terms, Custodians, and Production Protocol

The Court directed counsel for Indivior to respond to the PLC by January 23, 2025 regarding search terms and custodians. Further, the Court directed the parties to discuss these issues further regarding Aquestive Therapeutics and to raise any issues at the next status conference. Additionally, counsel and the Court discussed the need for a deposition protocol, which the Court views as premature at this time.

7. Bellwether Process

The Court and counsel had further discussion about the bellwether selection process. Recognizing that counsel previously made submissions on the subject, the Court directed counsel to meet and confer on the bellwether process to address changing issues and positions. The Court directs counsel to update their prior submissions on the topic by February 5, 2025.

Next Status Conference

The Court sets a status conference for February 12, 2025, 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, Andrew Rivera (Andrew_Rivera@ohnd.uscourts.gov) by February 7, 2025.

Counsel shall confer on the agenda in advance and submit the agenda no later than 4:00 p.m. on February 7, 2025.

SO ORDERED.

Dated: January 16, 2025

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