

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION)	CASE NO. 1:17-MD-2804
OPIATE LITIGATION)	
)	JUDGE POLSTER
THIS DOCUMENT RELATES TO:)	
“Track One Cases”)	
)	ORDER REGARDING
)	ARCOS DATA
)	PROTECTIVE ORDER

This Court earlier directed the Plaintiffs, the Defendants, the DEA, and the Media-Intervenors to submit position papers regarding: “(a) whether it should lift entirely its Protective Orders regarding all ARCOS data produced to the parties in this case; and (b) the extent to which it should lift its Protective Orders regarding all Suspicious Order Reports produced to and by the parties in this case.” Order at 1 (docket no. 1725). The Court has reviewed the parties’ submissions¹ and now rules as follows.

The DEA asks “that the Court allow the DEA, Plaintiffs, Defendants, and the Media Intervenors to meet and confer toward a modified Protective Order.” Docket no. 1833 at 4. The Court concludes this request is well-taken, with a caveat. The parties’ submissions show that the older the ARCOS data, the less reason for *any* Protective Order. The Court concludes there is clearly no basis to shield from public view ARCOS data dated on or before December 31, 2012. Accordingly, the Protective Order is hereby lifted as to ARCOS data dated on or before

¹ See docket nos. 1798, 1807, 1808, 1809 (position papers); docket nos. 1830, 1831, 1832, 1833 (responses thereto).

December 31, 2012. *See* docket no. 1725 at 2 n.1 (defining “ARCOS data”). The Court’s July 5, 2019 Order Amending Procedures Regarding Redactions and Filing of Briefs Under Seal, docket no. 1813 at 2-3, is modified to reflect this change.

With regard to subsequent ARCOS data and all Suspicious Order Reports, the Court directs the parties to meet and confer and submit, on or before noon on July 25, 2019, a proposed modified protective order. To the extent the parties cannot reach full agreement, they shall submit a proposal identifying their areas of agreement and their positions on areas of disagreement.

This Order does not change the Court’s instructions regarding redaction of briefs, *see* docket no. 1813.

IT IS SO ORDERED.

/s/ Dan Aaron Polster

DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE

Dated: July 15, 2019