

**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)	
)	

ORDER TO SHOW CAUSE

On February 13, 2025, this Court entered Case Management Order No. 13—Collection of Records. (ECF No. 194.) Pursuant to Section IV.C. of that Order, upon receipt of an executed medical authorization and copy of the Order from requesting counsel, an Entity must produce such records to requesting counsel or its designee listed in the authorization within 30 days—which is more than two weeks *longer* than the time for compliance typically provided under Rule 45 of the Federal Rules of Civil Procedure. Further, pursuant to Section V of that Order, failure to comply with any of the terms of the Order will result in an Order to Show Cause why the Entity should not be held in contempt or subjected to sanctions under Rule 37(b)(2)(A) for failure to comply with a discovery order. Since entry of Case Management Order No. 13, the parties in this MDL have used this procedure to collect thousands of pages of medical records from hundreds (or more) providers around the country, largely without incident and without the need for the Court’s direct oversight and involvement in that process.

On October 10, 2025, Defendants informed the Court that certain Entities failed to comply with requests for medical, dental, and/or pharmacy records by counsel in this litigation that were submitted in compliance with Case Management Order No. 13. (ECF No. 528.) Specifically, they are in non-compliance with the Court's Order by failing to provide medical, dental, and/or pharmacy records within thirty (30) days to requesting counsel, even though requesting counsel provided them with executed medical authorizations and copies of Case Management Order No. 13.

On October 29, 2025, Defendants informed the Court that Defendants are unable to confirm whether a subset of the Entities received copies of the October 17, 2025 Order to Show Cause (ECF No. 535). (ECF No. 542, PageID #8937–39.) Defendants submitted to the Court the list of Plaintiffs for which the non-compliant Entities that may not have received copies of the previous Order to Show Cause have failed to provide medical, dental, and/or pharmacy records, even though requesting counsel provided them with executed medical authorizations and copies of Case Management Order No. 13. (*Id.*) See **Exhibit A** (attached to this Order to Show Cause). Defendants informed the Court of their attempts to obtain these records.

Under Rule 45(c)(2)(A), “[a] subpoena may command . . . production of documents . . . at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person.” Fed. R. Civ. P. 45(c)(2)(A). “As provided in Rule 45, a nonparty may be compelled to produce documents.” Fed. R. Civ. P. 34(c). “A judge presiding over an MDL case . . . can compel production by an extra-district nonparty; enforce, modify, or quash a subpoena directed to an extra-district nonparty;

and hold an extra-district non-party deponent in contempt, notwithstanding the nonparty's physical situs in a foreign district where discovery is being conducted.” *United States ex. rel. Pogue v. Diabetes Treatment Ctrs. of America, Inc.*, 444 F.3d 462, 469 (6th Cir. 2006); *see also* 28 U.S.C. § 1407(b). “[A] nonparty that refuses to comply with [a discovery order] is thereby in contempt of and subject to sanctions by the court that issued the order.” *Pogue*, 444 F.3d at 468. A failure of non-parties to respond to a court's order compelling compliance with subpoenas after being ordered to do so “constitutes disobedience of a lawful court order and thus contempt.” *Euclid Chemical Co. v. Warel*, No. 1:11-cv-135, 2013 WL 6632436, at *3 (S.D. Ohio Dec. 17, 2013).

For the reasons stated on the record and pursuant to the Court's authority to direct and control the coordinated discovery in this multi-district litigation under 28 U.S.C. § 1407, Rules 16, 26(b), 34, and 45 of the Federal Rules of Civil Procedure, and the Court's inherent authority, the Court **ORDERS** these Entities to Show Cause why each should not be held in contempt or subjected to other or additional sanctions under Rule 37(b)(2)(A) for failure to comply with Case Management Order No. 13 by not providing the requested records within thirty (30) days to requesting counsel for the Plaintiffs listed on **Exhibit A**.

Further, the Court **SCHEDULES** a show-cause hearing for November 20, 2025 at 9:00 a.m. eastern in Courtroom 16B, Carl B. Stokes U.S. Courthouse, 801 West Superior Avenue, Cleveland, Ohio and **ORDERS** the custodian or another representative of each Entity with knowledge of its responses to the requests for records relating to the Plaintiffs listed on **Exhibit A** to appear, to explain their failure

to comply with Case Management Order No. 13, and to identify the steps being taken to provide the records requested expeditiously.

The Court **ORDERS** requesting counsel to serve this Order to Show Cause on the representatives of each Entity with whom he or she has been dealing and to certify its service. If the records are provided in advance of the date of the hearing, the Court will withdraw this Order to Show Cause. If any provider fails to provide the relevant records by the date of the hearing and fails to appear at the hearing, the Court will entertain a motion for contempt pursuant to Rule 45(g).

SO ORDERED.

Dated: October 31, 2025

A handwritten signature in black ink, appearing to read 'J. Philip Calabrese', is written over a horizontal line.

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

**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)	
)	

EXHIBIT A

With respect to each of the Entities listed below, more than 30 days have passed since service of an executed medical authorization accompanied by a copy of Case Management Order No. 13. According to counsel, multiple attempts have been made to obtain records from each of these Entities.

Last Name	First Name	Entity Name
Crabtree	Zachary	Craft Behavioral Health LLC (non-compliant as to medicals only)
Crook	Kevin	Pouliot, Matthew (non-compliant specifically as to location at 3810 Grant Avenue)
Eakle	Charley	Panacea Recovery & Wellness Suboxone Treatment
Earlywine	Brian	Rush, Neil C DMD
Fakhoury	Shereen	Associates in Behavioral Science

Foster	Ashley	Clean Slate Outpatient Addiction Treatment
Foster	Ashley	Correctional Dental Associates
Galle	Robert	Zak Dental
Hastings	Yvette	Internal Medicine of Greater New Haven
Holland	Edward	Shamsi, Muhmmad N MD
Holland	Edward	Kassis, Spiro MD
Holland	Edward	Spring-Ford Family Dental
Jones-Babineau	Jadrian	Bear River Health
Jordan	Shane	Inroads to Recovery (non- compliant as to medicals only)
Jordan	Shane	Dream Dental Care
Jordan	Shane	Southroads Dental Center
Kelly	Michelle	Walgreens Corporate Office
Kelsey	Joshua	Cornerstone Project
Loustalot	Joel	Priority Health Pharmacy
Love	George	BrightView Glendale Addiction Treatment Center
Martin	Lynnmarie	Advantage Medical Group
Martorana	Anna	JR Dental Care
McAuley	Brenda	Peck, Susan
McCloskey	Alysia	Milestones Wellness Centers

McGouey	Beverly	Madkaiker, Prita S MD
McQuarn	Jazma	Rapides Primary Health Care Center (non-compliant as to medicals only)
Muncy	Christopher	Trending Upwards
Payne	Robert	MidAmerica Center for Dental Wellness
Pender	Jeffrey	Peter C Pham PC
Russell	Kevin	NuVitas Group
Thomas	Ava	Victorville Dental Office
Turner	Shelby	Healing Hands Healthcare
Wareham	Kim	Warner, Gregg