

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)
This Document Applies to All Cases) Judge J. Philip Calabrese
)
)

ORDER

Multiple providers of medical or other records for certain individual Plaintiffs in this multi-district litigation failed to provide records requested long ago and to appear at a hearing held on November 20, 2025, notwithstanding the Court's Orders that they do so. For the reasons that follow, pursuant to Rule 34(c), the Court ORDERS the providers listed on **Exhibit A** to produce the relevant records for each individual Plaintiff at issue no later than December 11, 2025. If any of these providers fails to produce the relevant records by this date, the Court will entertain a motion for contempt pursuant to Rule 45(g). At the next status conference, scheduled for December 17, 2025, the Court will set the briefing schedule.

FACTUAL AND PROCEDURAL BACKGROUND

On February 13, 2025, the Court entered Case Management Order No. 13 to govern the collection of records for claimants in this multi-district litigation. (ECF No. 194.) The Order requires providers to produce records to requesting counsel within 30 days of receipt of an executed medical authorization and a copy of the Order. (*Id.*, PageID #5292.) If providers do not comply with the Order, the counsel

may seek a hearing and entry of an Order to Show Cause why the providers failed to comply with a discovery order. (*Id.*, PageID #5293.) 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 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.*) Defendants informed the Court of their attempts to obtain these records.

On October 31, 2025, the PLC 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. 547.) Specifically, the Entities are in non-compliance with the Court's Order by not providing records within 30 days, explicitly refusing to provide records, or refusing to accept electronic signatures for the Plaintiffs listed on

Exhibit A, even though requesting counsel provided them with executed medical authorizations and copies of Case Management Order No. 13.

On November 3, 2025, the Court entered an Order that each provider show cause why it should not be held in contempt or subjected to other or additional sanctions for their failure to comply. (ECF No. 551, PageID #9042–43.) Further, the Court scheduled an in-person hearing for November 20, 2025. (*Id.*)

At the hearing, no one appeared on behalf of any of the providers who were subject to the Court’s Amended Order to Show Cause. Further, counsel informed the Court that several other providers had complied and are no longer subject to the Court’s Show Cause Order. Defense counsel provided an overview of her efforts to obtain records from the other noncompliant providers, detailing multiple attempts at contact to obtain the records. Still, as of the date of the hearing, no provider listed in **Exhibit A** has supplied the requested records, given any date by which it might provide them, or otherwise responded to counsel. Nor has any initiated an action pursuant to Rule 45(f).

ANALYSIS

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.” *Id.* 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 Chemica Co. v. Warel*, No. 1:11-cv-135, 2013 WL 6632436, at *3 (S.D. Ohio Dec. 17, 2023).

In this case, none of the remaining providers at issue listed on **Exhibit A** have complied with Case Management Order No. 13. Each has failed to provide the requested records. Further, each provider failed to appear for the show-cause hearing, despite a clear Court Order to do so. None of the providers have given any explanation or justification for these failures.

CONCLUSION

For all these reasons, 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 34 and 45 of the Federal Rules of Civil Procedure, and the Court’s inherent authority, the Court **ORDERS** the providers listed on **Exhibit A** to produce the relevant records for their associated Plaintiffs no later than December 11, 2025. If any provider fails to provide the relevant records by this date, the Court will entertain

a motion for contempt pursuant to Rule 45(g) and set the briefing schedule at the next status conference on December 17, 2025.

SO ORDERED.

Dated: November 20, 2025



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

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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
Jordan	Shane	Dream Dental Care
Love	George	BrightView Glendale Addiction Treatment Center
Martin	Lynnmarie	Advantage Medical Group
McAuley	Brenda	Peck, Susan
Muncy	Christopher	Trending Upwards

Russell	Kevin	NuVitas Group
Yapor	Clarisol	Esther Pharmacy