

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE SUBOXONE)	Case No. 1:24-md-03092
(BUPRENORPHINE/NALOXONE))	
FILM PRODUCTS LIABILITY)	MDL No. 3092
LITIGATION)	
)	Judge J. Philip Calabrese
This Document Applies to)	
Two Schedule A Plaintiffs)	
)	

ORDER

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. 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 November 3, 2025, the Court entered an Order that certain identified providers show cause why they 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. (ECF No. 565, PageID #9308.) The Court ordered the providers to produce the relevant records for their associated Plaintiffs no later than December 11, 2025. (*Id.*, PageID #9309–10.) Further, the Court stated that it would entertain a motion for contempt pursuant to Rule 45(g) should any provider fail to comply by that date. (*Id.*)

On December 19, 2025, Defendants informed that Court that, despite their reasonable efforts to obtain records from certain entities, two providers have not complied with the Court's prior orders:

- (1) Trending Upwards regarding Plaintiff Christopher Muncy; and
- (2) NuVitas Group regarding Plaintiff Kevin Russell.

(ECF No. 588, PageID #9891.) Defendants request that the Court hold these providers in contempt for failure to comply with Case Management Order No. 13 and the Court's prior orders and order them to provide the requested medical records by January 5, 2026. (*Id.*)

The Court **SCHEDULES** a contempt hearing for January 21, 2026 at 11:00 a.m. eastern in Courtroom 16B, Carl B. Stokes U.S. Courthouse, 801 West Superior Avenue, Cleveland, Ohio. The Court **ORDERS** the custodian or another representative of each Entity with knowledge of its responses to the requests for records for their associated Plaintiffs to appear, to explain their failure to comply with Case Management Order No. 13, to identify the steps being taken to provide the

records requested expeditiously, and to explain why each provider should not be held in contempt or subjected to other or additional sanctions under Rule 37(b)(2)(A). Representatives of each Entity must file any response no later than January 19, 2026. Further, the Court **ORDERS** the Entities to provide the requested medical records by January 5, 2026.

The Court **ORDERS** requesting counsel to serve this Order on the custodians, representatives, or personnel of each Entity with whom he or she has been dealing and to certify service.

SO ORDERED.

Dated: December 22, 2025



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