

**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 All Cases)	
)	

ORDER

In this Order, the Court addresses Plaintiffs' submissions and Defendants' responses to the Court's two Show Cause Orders for (1) Plaintiffs who are not a part of the Record Collection Pool—the first stage of the bellwether selection process—to show cause why they did not comply with Case Management Order No. 12 (ECF No. 328) and (2) Plaintiffs in the Record Collection Pool, including those who are Provisional Replacements, to show cause why they did not comply with Case Management Order No. 12 or No. 15 (ECF No. 329). For each Plaintiff's submission, the Court either (1) dismisses the Plaintiff's claims with or without prejudice in accordance with Case Management Order No. 12 or (2) allows Plaintiff's claim to continue based on a showing of good cause.

PROCEDURAL BACKGROUND

On November 4, 2024, the Court issued Case Management Order No. 12 (ECF No. 158), establishing a census protocol for Plaintiffs with cases filed on or before October 7, 2024. This census protocol aimed to obtain proof of product use and proof

of a relevant dental injury for each such Plaintiff and required the completion of a census form and the execution of certain authorizations.

On March 14, 2025, the Court issued Case Management Order No. 15 (ECF No. 207). That Order (as later amended with provisions relating to other topics) governed the selection of 500 Plaintiffs for a Record Collection Pool (“RCP Plaintiffs”) as the first step of selecting bellwether cases for trial and confirmed that RCP Plaintiffs were obligated to complete the Census Form on or before August 1, 2025. Pursuant to that Order, the parties randomly identified 500 RCP Plaintiffs in Case Management Order No. 16. (ECF No. 217.) The parties identified RCP replacements in Amended Case Management Order No. 16 (ECF No. 227) and Second Amended Case Management Order No. 16 (ECF No. 239). The Court identified provisional RCP replacements in an Order dated July 15, 2025. (ECF No. 287.)

A number of non-RCP Plaintiffs subject to Case Management Order No. 12 failed to complete the census. Additionally, RCP Plaintiffs or Provisional Replacements (identified in ECF No. 217, ECF No. 227, ECF No. 239, or ECF No. 287) failed to complete the census or provide authorization forms by the deadline as required by Case Management Order No. 12 and No. 15.

On September 9, 2025, the Court entered two Show Cause Orders. The first ordered non-RCP Plaintiffs to show cause by September 24, 2025 why they did not comply with Case Management Order No. 12. (ECF No. 328.) The second ordered RCP Plaintiffs or Provisional Replacements to show cause by September 25, 2025

why they did not comply with Case Management Order No. 12 or No. 15. (ECF No. 329.) Defendants had seven days to respond to any submission.

ANALYSIS

In the context of Rule 16 of the Federal Rules of Civil Procedure, the Sixth Circuit notes that “[t]he primary measure of Rule 16’s ‘good cause’ standard is the moving party’s diligence in attempting to meet the case management order’s requirements.” *Inge v. Rock Fin. Corp.*, 281 F.3d 613, 625 (6th Cir. 2002) (citations omitted). “Another relevant consideration is possible prejudice to the party opposing the modification.” *Id.* (citation omitted). “[C]arelessness is not compatible with a finding of diligence and offers no reason for a grant of relief.” *E.E.O.C. v. Honda of America Mfg., Inc.*, No. 2:06-cv-0233, 2007 WL 1024426, at *1 (S.D. Ohio Mar. 29, 2007) (citation omitted). “It is well settled that the good-cause determination is left to the Court’s sound discretion, and [the plaintiff] bears the burden to establish good cause.” *Wise v. Department of Def.*, 196 F.R.D. 52, 54 (S.D. Ohio 1999) (citing *Habib v. General Motors Corp.*, 15 F.3d 72, 74 (6th Cir. 1994) (evaluating good cause in the context of Rule 4)).

The Court has reviewed Plaintiffs’ 297 submissions and Defendants’ responses. Generally, Plaintiffs’ submissions fall into two categories. In the first, there are what the Court determines to be legitimate excuses for a lack of diligence. These circumstances include serious health issues, significant injuries, incarceration, caring for ill family members, recent deaths in the family, an unexpected change in address, financial difficulties, dual representation of firms in this MDL (leading to

unintended confusion), and homelessness. In all cases, this category requires sufficient supporting details, as opposed to a general unsupported or conclusory statement. Such circumstances may establish good cause for failure to comply with deadlines, so long as a plaintiff nonetheless acted diligently. *See, e.g., Wise*, 196 F.R.D. at 54 (citing *Habib*, 15 F.3d at 74) (acknowledging that good cause in the context of Rule 4 “may be found when a plaintiff experiences a sudden and debilitating illness”).

Into the second category fall what the Court finds to be excuses for a lack of diligence that lack merit. These circumstances include issues regarding email or phone service, failure to inform counsel of a change in contact information, lack of communication with counsel, lack of understanding of deadlines and obligations, miscommunications or misunderstandings, demanding work hours, and vague or unspecified personal or health issues. These types of circumstances do not establish good cause for failure to comply with the Court-ordered deadlines because they demonstrate that Plaintiffs did not act diligently and were not excused from doing so. *See, e.g., Pyfrom v. ContactUS, LLC*, No. 2:21-cv-4293, 2023 WL 32843, at *4 (S.D. Ohio Jan. 4, 2023) (determining that good cause existed for an untimely filing in part because the party exhibited “diligence in checking her mail for legal-related mailings”); *Napper v. Health Care Logistics*, 2:24-cv-14, 2024 WL 126383, at *1 (S.D. Ohio Jan. 11, 2024) (cautioning the plaintiff that “failure to update his email address and monitor his email account (including his ‘junk mail’ or spam folder) for court filings may result in the Court’s dismissal of the action”); *Stoddard v. Wainwright*,

No. 5:20-cv-754, 2022 WL 3567372, at *19 (N.D. Ohio July 20, 2022) (acknowledging that issues with computer access do not establish good cause to excuse untimely filings); *Bearup v. Cintas Corp.*, No. 1:21-cv-151, 2025 WL 887692, at *3 (S.D. Ohio Mar. 21, 2025) (determining that it was unreasonable in the context of excusable neglect for the plaintiff not to apprise counsel of her new contact information during a show cause order); *Thul v. Haaland*, No. 22-5440, 2023 WL 6470733, at *3 (6th Cir. Mar. 1, 2023) (determining that the plaintiff's misunderstanding of the law "did not constitute good cause").

I. Schedule A Plaintiffs

Plaintiffs on Schedule A filed the following submissions, which the Court addresses under broad headings.

I.A. Dismissals With No Objection

Several submissions involved counsel representing that they were unable to contact their clients despite diligent efforts to do so. Counsel for these Plaintiffs do not oppose dismissal. Failure of communication with counsel demonstrates a lack of diligence. In addition, the Court received notices of death regarding several of the Plaintiffs. (ECF No. 404; ECF No. 404-1; ECF No. 423; ECF No. 423-1.) The surviving family members whom counsel have been able to contact have indicated that they do not anticipate pursuing their claims. Further, other Plaintiffs were removed from Schedule A with claims no longer pending before the Court. Therefore, the Court **DISMISSES WITH PREJUDICE** the claims of the following Plaintiffs:

ECF No.	Last Name
340	Kukan
340	Hartsgrove
340	Bowden
340	Vanhoorelbeke
340	Walker
340	Roper
340	Tate
340	Perez
340	Myers
340	Doty
340	Hardy
340	Voye
340	Adkins
340	Sando
340	Bither
340	Jewett
340	Wilks
340	Horan
340	Desmidt
340	Young
340	Mattias

340	Pietrzak
340	Wakefield
341	Worley
374	Baird
374	Buttram
374	Manzanares
374	Medice
374	Singleton
374	Smith
374	G. Wise
374	T. Wise
404/423	Baez
404/423	Barenchi
404/423	Darling
404/423	Goolsby
404/423	Hopkins
404/423	Kelley
404/423	Kopas
404/423	Lenora
404/423	Mickeriz
404/423	Morgan
404/423	O'Brien

404/423	Olivier
404/423	Triplett
404/423	Whittington
420	Dowland
421	McBride
426	Devlin
430	Rainwater
432	Martissa
433	Caron
435	Rodriguez
439	Keith
457	Howie
457	Conner
457	Conwell
457	Crockett
457	Jacobs
457	Janese
457	Daubenspeck
457	Keener
457	Dickens
457	Digilio
457	Dunbar

457	Evans
457	Alfano
457	Faus
457	Allen
457	Archuleta
457	Ashbrook
457	Finley
457	Ball
457	Baptiste
457	Barreto
457	Fornear
457	Barrett
457	Barton
457	Galati
457	Garcia
457	Garza
457	Bowen
457	Golub
457	Gomez
457	Gonzalez
457	Greer
457	Gregory

457	Griffin
457	Haltorn
457	Casteel
457	Caudle
457	Chambers
457	Heiko
457	Lee
457	Catalone
457	Rocha
457	Rodriguez
457	Coltrain
457	Comfort
457	Loucks
457	Lowe
457	Malstrom
457	Schroeder
457	Martin
457	Daly
457	Dees
457	Mattinson
457	Souza
457	Thacker

457	Tomeo
457	J. Miller
457	R. Miller
457	Montes
457	Vail
457	Vendrell
457	Garrett
457	Gauger
457	Wood
457	Pantina
457	Adams
457	Grof
457	Pearson
457	Hallock
457	Ambrosio
457	Pendergrass
457	Perez
457	Henthorn
457	Badger-Hodges
457	Phillips
457	Howard
457	Pond

457	Hunt
457	Pragle
457	Hutchings
457	Pressley
457	Boyd
457	Radcliffe
457	Rafiq
457	Ranaudo
457	Konidis
457	Kruckmeyer
457	Cagle
457	Roberts
458	Bratcher
458	Caudill

I.B. Surviving Claims With No Objection

Defendants do not object to a finding of good cause based on the submissions of several Plaintiffs. Based on its independent review, and without objection, the Court determines that the following Plaintiffs' claims survive:

ECF No.	Last Name
345/350	Wells
352	Large

353	Trine
354	Segars
355	Cole
357	Shannon
366	White
383	Caldwell
388	Computaro
395	Shaffer
397	Byrne
398	Peterson
400	Trent
414	Owano
447	Ruiz
450	McCarthy
451	King
452	Browning
471	Moore
476	Nemeth
477	Cato
492	Angiollo
492	Smith
498	Smith

509	McCarty
511	Thompson

I.C. Disputed Submissions

For the following Plaintiffs, the parties dispute whether Plaintiff has demonstrated good cause.

I.C.1. Email, Phone, and Technical Issues

Several submissions involve Plaintiffs who offered email, phone, and technical issues as an excuse for their noncompliance. These issues include a change in email address not communicated to counsel; trouble with email, computer, and document access; accidentally blocking counsel; a change in phone number without communication with counsel; deletion of email address without communication with counsel; or relevant emails buried under others in an inbox or other folder. A lack of diligence in checking emails, communication about a change in email address or phone number, or technology difficulties with counsel does not demonstrate good cause. Therefore, the Court **DISMISSES WITH PREJUDICE** the following Plaintiffs' claims:

ECF No.	Last Name
335	Baldwin
344	Rushing
347	Gates
348	Kalojiannis

359	Ross
363	Dourte
364	Barikian
368	Henry
370	Hurley
392	Miller
394	Moretti
434	Weber
437	Parman
438	Delio
440	Henry
441	Massey
443	Gardner
444	Miller
445	Strayer
446/494	Hough
448	Enriquez
469	Regan
478	Reece
479	Hilyer
482	Sullivan
487	Imus

496	Oakley-Wheelus
497	Harris
516	Selvage

I.C.2. Specific Health Issues

Several submissions involve Plaintiffs who offered specific health issues as an excuse for their noncompliance. These issues included injuries on the job, medical issues from Covid-19, surgery, and various medical emergencies. In addition, some Plaintiffs who cited specific health issues demonstrated that they provided the required forms and authorizations. Specific health issues such as these may have interfered with a plaintiff's ability to act with reasonable diligence. Therefore, the Court determines that the following Plaintiffs have demonstrated good cause and their claims survive:

ECF No.	Last Name
337	Fritts
343/403	Rodriguez
349	Limehouse
382	Taylor
389	King
390	Turner
391	Havermahl
417	Contreras

470	Egnor
481	Baggaley
484	Adamo

I.C.3. Specific Family Issues

Several submissions involve Plaintiffs who offered specific family issues as an excuse for their noncompliance. These issues included deaths in the family and caring for elderly or ill family members. In addition, some Plaintiffs who cited specific family issues demonstrated that forms and authorizations had since been provided. Specific family issues may have interfered with a plaintiff's ability to act with reasonable diligence. Therefore, the Court determines that the following Plaintiffs have demonstrated good cause and their claims survive:

ECF No.	Last Name
336	Fontenot
361	Schoellkopf
373	Drouin
475	Ray
488	Gerg

I.C.4. Unspecified Issues

Several submissions involve Plaintiffs who offered unspecified health, family, or personal issues as an excuse for their noncompliance. A generalized, conclusory,

or unspecified excuse fails to carry a plaintiff's burden of demonstrating good cause. Therefore, the Court **DISMISSES WITH PREJUDICE** the following Plaintiffs' claims:

ECF No.	Last Name
342	Deichmiller
371	Nantz
375	Bierce
378	Russ
379	Lopes
381	Grider
386	Roberts
399	White
401	Bosley
402	Maradiaga
406	Dobaly
409	Delaroderie
413	Conway
418	Kurtz
456	Cosse
465	Elliot
468	Davis
472	Carotenuti

I.C.5. Travel and Work

Several submissions involve Plaintiffs who offered travel and work as an excuse for their noncompliance. These excuses included being frequently out of the country and long work hours. Such obligations could have been communicated with counsel and demonstrate a lack of diligence in any event. Therefore, the Court **DISMISSES WITH PREJUDICE** the following Plaintiffs' claims:

ECF No.	Last Name
346	Alvarez
387	Rendon
393	Martinez
483	Everling
495	Adams

I.C.6. Miscommunication or Misunderstanding

In several submissions, Plaintiffs offered miscommunication or misunderstanding with counsel as an excuse for their noncompliance. These excuses included misunderstandings of the deadlines, case obligations, and case status. It is incumbent on Plaintiffs to understand their case obligations and for counsel to work with their clients to prevent or minimize misunderstandings. Such miscommunication or misunderstanding does not excuse a lack of diligence. Therefore, the Court **DISMISSES WITH PREJUDICE** the following Plaintiffs' claims:

ECF No.	Last Name
351	Stafilarakis
356	Bolin
360	Jesus
362	Watson
365	Kennedy
367	Walter
372	Workman
376	Snyder
377	Turner
380	Hyers
384	Brizendine
385	Rafaleowski
396	Marian
405	Rodriguez
407	Robinette
408	Grimes
410	Allen
412	McCollum
415	Smith
416	Walker
419	Honan

422	Stollerman
424	Davis
425	Sainplice
427	Gaddis
428	Reinartz
429	Ditraglia
431	Burkhardt
459	Lloyd
460	Bruce
461	Gordon
462	Sprow
464	Bailey
480	Gary-Ballard
485	Nash
486	Cruz
491	Daniels
493	Dickson
499	Channell
500	Simcox
525	Nonken

I.C.7. Relocation, Poverty, and Homelessness

Several Plaintiffs offered poverty and homelessness as an excuse for their noncompliance. These excuses included having to move to a new address and not being able to afford a phone. In any event, the deficiencies were cured in several cases. Such issues may have interfered with a plaintiff's ability to act with reasonable diligence. Therefore, the Court determines that the following Plaintiffs have demonstrated good cause and their claims survive:

ECF No.	Last Name
369	Weigeand
411	Robinson
449	Rodriguez Ramos

I.C.8. Dual Representation

Some submissions involve Plaintiffs who were represented by two law firms in a joinder complaint and Schedule A, for example, which resulted in a misunderstanding regarding obligations. In some of these cases, the dual representation has since been resolved and the deficiencies were cured, while counsel has represented that others will be shortly. Such issues may have interfered with a plaintiff's ability to act with reasonable diligence. Therefore, the Court determines that the following Plaintiffs have demonstrated good cause and their claims survive:

ECF No.	Last Name
453	Koontz

455	Clinton
463	Specht
473	Riggs
474	MacNaughton
501	Alonso
501	Hester

I.D. Remaining Claim

That leaves one Plaintiff from Schedule A. Shawn Beaulieu was an RCP Plaintiff that passed away during the course of this litigation. Counsel is attempting to locate and contact heirs to ensure proper substitution under Rule 25. Defendants do not object to a good cause determination, but request that the Court order a replacement for Mr. Beaulieu for the RCP but keep him as a Schedule A Plaintiff until his heirs are contacted. Under the circumstances, and to preserve his claims without disruption to the litigation, the Court determines that the claims of the Beaulieu estate will remain on Schedule A until the plaintiff's heirs are contacted and **ORDERS** a replacement for Mr. Beaulieu for the RCP.

ECF No.	Last Name
436	Beaulieu

II. Schedule A and Individually Filed Cases

Some Plaintiffs filed multiple submissions because they were represented by different firms on Schedule A and in individually filed cases. Counsel for these Plaintiffs have represented that this dual representation has since been resolved.

II.A. Cervenka-Miller

In the case of Plaintiff Holly Cervenka-Miller, counsel resolved the multiple filings and represented that she will proceed with her individual filing. Plaintiff's counsel does not object to her removal from Schedule A for her failure to comply but asks the Court to allow her individually filed complaint to proceed. However, Ms. Cervenka-Miller remained unresponsive to her counsel's attempts to communicate and arrange for completion of the census documents through September 24, 2025, the date of her submission. Such a lack of communication with counsel demonstrates a lack of diligence. Therefore, the Court **DISMISSES WITH PREJUDICE** Plaintiff Cervenka-Miller's claims from Schedule A and in her individually filed case:

ECF No.	Individual Case No.	Last Name
358/442	1:25-sf-65979	Cervenka-Miller

II.B. Kaufman

In the case of Plaintiff Joshua Kaufman, Crosslink listed a different firm for Mr. Kaufman, which delayed the time to prepare and file documents. This issue has since been remedied and Plaintiff is now in compliance. Such issues may have

prevented Mr. Kaufman from timely compliance. Therefore, the Court determines that Plaintiff Kaufman's claims survive:

ECF No.	Individual Case No.	Last Name
466/467	1:24-sf-65040	Kaufman

III. Individually Filed Cases

Plaintiffs with individually filed cases filed the following submissions.

III.A. Price

Defendants do not object to a good cause determination for Plaintiff Britni Price. Based on its review of the record, the Court agrees and determines that her claims survive:

Individual Case No.	Last Name
1:24-sf-65311	Price

III.B. Lambert

To show good cause, Plaintiff Samuel Lambert points to significant personal demands and late work shifts. But work obligations do not, without more, excuse a lack of diligence. Further, counsel has yet to comply with his obligations under the Court's Orders as of the time of the filing. Therefore, the Court **DISMISSES WITH PREJUDICE** Plaintiff Lambert's claims:

Individual Case No.	Last Name
1:24-sf-65326	Lambert

III.C. Teeple

Plaintiff Christina Teeple claims that she lacked an appreciation for or understanding of her obligations as an excuse for her noncompliance. But misunderstanding of obligations does not demonstrate diligence. Therefore, the Court **DISMISSES WITH PREJUDICE** her claims:

Individual Case No.	Last Name
1:24-sf-65471	Teeple

III.D. Crain

Plaintiff Serena Crain offers no specific circumstances for her lack of compliance. But she has the burden to demonstrate good cause, and she has not done so. Therefore, the Court **DISMISSES WITH PREJUDICE** her claims:

Individual Case No.	Last Name
1:24-sf-65581	Crain

CONCLUSION

The Court **DIRECTS** counsel to submit an updated list of Plaintiffs in the Record Collection Pool and to make the appropriate adjustments to Schedule A before the next status conference. The Court will docket appropriate judgments in the individually filed cases.

SO ORDERED.

Dated: October 9, 2025



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