

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

MDL 2804

THIS DOCUMENT RELATES TO:

)
) Case No. 1:17-MD-2804

Track Three Cases

)
) Judge Dan Aaron Polster

)
) ORDER REGARDING PHARMACY
) DEFENDANTS' MOTION FOR
) RECONSIDERATION
)

On June 2, 2021, the Court indicated that, to ensure the safety of everyone involved in the upcoming Track Three trial, it was inclined to allow only individuals who are fully-vaccinated against COVID-19 to serve as jurors. The Court asked the parties for their positions on this topic; Plaintiffs agreed, while Defendants asked for more time to consider it. Having heard nothing from Defendants, the Court issued a Civil Jury Trial Order for the Track Three Cases on June 14, 2021 providing that “the Court will only allow individuals who have been fully vaccinated against COVID-19 to serve as jurors.” Doc. 3758 at 3.

On June 21, 2021, Pharmacy Defendants filed a motion for reconsideration (Doc. 3763), arguing in part that this provision would create substantial risk that a jury pool drawn solely from vaccinated persons would violate the requirement that a jury represent a fair cross-section of the local community. Doc. 3763 at 6–8. On June 22, 2021, Plaintiffs filed a response stating they do not oppose Pharmacy Defendants’ motion for reconsideration. Doc. 3763.

Pharmacy Defendants make good points. Accordingly, the motion for reconsideration is **GRANTED**. The Court will not automatically disqualify prospective jurors who are not

vaccinated. The Court will later discuss with counsel the extent to which they may inquire about vaccination status on the jury questionnaire and at voir dire.

IT IS SO ORDERED.

/s/ Dan Aaron Polster June 23, 2021
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE