

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

IN RE: MOTION TO REFER TO THE MASS LITIGATION PANEL THE PROCEEDING OF BETTY J. ALMOND AND THEODORE H. ALMOND, ET AL., PLAINTIFFS VS. PFIZER INC., DEFENDANT, MCDOWELL COUNTY CIVIL ACTION NO. 13-C-159

On June 6, 2014, the Chief Justice of the Supreme Court of Appeals received from the Honorable Rudolph J. Murensky II, Judge of the Eighth Judicial Circuit, a copy of Defendant Pfizer Inc.'s "Combined Motion for Referral to Mass Litigation Panel and Memorandum of Law in Support" that had been filed in the above-styled proceeding in the Circuit Court of McDowell County pursuant to Rule 26.06 of the West Virginia Trial Court Rules. The Chief Justice also received from Judge Murensky a copy of "Plaintiffs' Memorandum in Opposition to Defendant's Motion for Referral to the Mass Litigation Panel."

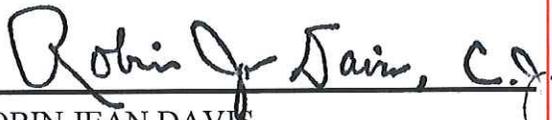
By Administrative order entered on June 11, 2014, the Chief Justice ordered that both the plaintiffs and defendant submit supplemental filings on or before July 11, 2014, regarding whether referral is appropriate in light of the Court's recent opinion in State ex rel. J.C., et al. v. Mazzone, et al., No. 14-0207 (May 27, 2014).

On July 11, 2014, the Chief Justice received "Defendant Pfizer Inc.'s Supplemental Filing Pursuant to Administrative Order of June 11, 2014," and "Plaintiffs' Supplemental Filing in Opposition to Defendant's Motion for Referral to the Mass Litigation Panel." Defendant Pfizer Inc.'s Supplemental Filing stated that it, "therefore respectfully withdraws its motion for transfer without prejudice to renewing such motion in the future if appropriate based on a change of circumstances, such as the number of filed complaints." (footnote omitted)

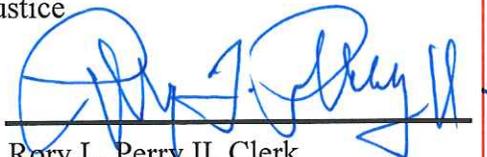
IT IS, HEREBY, ORDERED, pursuant to Trial Court Rule 26.06(c)(3), that the motion to refer the above-styled case to the Mass Litigation Panel be, and hereby is, withdrawn without prejudice to renew the motion in the event additional cases are filed.

IT IS FURTHER ORDERED, that a copy of this Order be transmitted to the Honorable Alan D. Moats, Chair of the Mass Litigation Panel; the Honorable Rudolph J. Murensky II, Judge of the Eighth Judicial Circuit; the Mass Litigation Manager; Michael J. Farrell, Esq., Erik W. Legg, Esq., Megan E. Farrell Woodyard, Esq., and the law firm of Farrell, White & Legg PLLC; Mark S. Cheffo, Esq., and the law firm of Quinn Emanuel Urquhart & Sullivan, LLP; J. Jeaneen Legato, Esq., and Legato Law, PLLC; H. Blair Hahn, Esq., Christiaan A. Marcum, Esq., and the law firm of Richardson, Patrick, Westbrook & Brickman, LLC; and to the Circuit Clerk of McDowell County.

ENTERED: AUGUST 12, 2014



ROBIN JEAN DAVIS
Chief Justice

Attest: 

Rory L. Perry II, Clerk
Supreme Court of Appeals