



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE OPIOID LITIGATION

Civil Action No. 21-C-9000-MFR

THIS DOCUMENT APPLIES TO:

STATE OF WEST VIRGINIA, ex rel. :
 PATRICK MORRISEY, Attorney General :
 :
 Plaintiff, :
 :
 v. :
 :
 TEVA PHARMACEUTICAL :
 INDUSTRIES, LTD; *et al.* :
 :
 Defendants. :
 :

Civil Action No. 19-C-104 BNE

STATE OF WEST VIRGINIA, ex rel. :
 PATRICK MORRISEY, Attorney General :
 :
 Plaintiff, :
 :
 v. :
 :
 JANSSEN PHARMACEUTICALS, INC.; :
et al. :
 :
 Defendants. :
 :

Civil Action No. 19-C-105 BNE

STATE OF WEST VIRGINIA, ex rel. :
 PATRICK MORRISEY, Attorney General :
 :
 Plaintiff, :
 :
 v. :
 :
 ENDO HEALTH SOLUTIONS, INC.; :
et al. :
 :
 Defendants. :
 :

Civil Action No. 19-C-151 BNE

ORDER DENYING DEFENDANTS' MOTIONS TO COMPEL PRODUCTION OF EVIDENCE ON THE EFFECT OF MANUFACTURER DEFENDANTS' MARKETING

On December 22, 2021, the Discovery Commissioner conducted a telephonic hearing with counsel for Plaintiff State of West Virginia (the "State") and counsel for all Manufacturer Defendants regarding Defendants' November 19, 2021, November 24, 2021, and December 6, 2021, Motions to Compel Production of Evidence on the Effect of Defendants' Marketing (Transaction ID Nos. 67109918, 67123858, 67124037, 67146419, 67146468). As noted during the December 22, 2021 hearing (Tr. 47:7-18), based upon the State's representations that it will not attempt to prove its claims using evidence (a) that any individual prescriber was misled by any Manufacturer's marketing (Tr. 42:11-17, 47:7-18), or (b) that any individual prescription for an opioid medication was medically unnecessary (Tr. 42:18-44:2, 47:7-18), the Discovery Commissioner finds that this evidence sought by Defendants is not relevant to the issues presented in Phase I of the trial in these civil actions. The State is not required to respond to Defendants' requests for production of documents, interrogatories, and W. Va. R. Civ. P. 30(b)(7) notice of deposition topics seeking the aforementioned evidence during Phase I. Accordingly, the Discovery Commissioner rules as follows:

Defendants' Motions to Compel the Production of Evidence on the Effect of Defendants' Marketing be and hereby are **DENIED**.

Defendants' objections to this ruling as set forth in their motion briefing are noted for the record.

A copy of this Order has this day been electronically served on all counsel of record via File & Serve*Xpress*.

ENTERED: January 12, 2022.

/s/ Christopher c. Wilkes
Discovery Commissioner