



**IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA**

**IN RE: OPIOID LITIGATION**

**Civil Action No. 19-C-9000**

**THIS DOCUMENT APPLIES TO ALL CASES**

**ORDER RECONVENING MEDIATION ON FEBRUARY 3-4, 2022**

The Resolution Judges **ORDER** mediation of the Opioid Litigation to be reconvened on February 3-4, 2022. Because of the COVID-19 pandemic mediation will be conducted by video conference to limit in-person contact and maintain social distancing. All Required Participants must download the Microsoft Teams Meeting platform to participate in mediation.

Counsel to the Mass Litigation Panel will send a Microsoft Teams Meeting invitation to the Required Participants. **Mediation will begin at 9:00 a.m. on February 3, 2022.** All Required Participants must appear at the initial meeting. Thereafter, Required Participants will be notified throughout the day via email when the Resolution Judges need to meet with them.

**REQUIRED PARTICIPANTS:**

**Plaintiffs' Coordinator:**

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**OBLIGATION OF GOOD FAITH PARTICIPATION**

The Resolution Judges expect all parties to engage in discussions with their respective Required Participant prior to mediation, and to be available by telephone conference or video conference throughout the mediation to discuss developments with their respective Required

Participant or the Resolution Judges, as necessary. The Required Participants shall be available and accessible throughout the mediation process to the Resolution Judges and to their respective co-counsel by telephone conference or video conference.

No party may be compelled by this Order, the Mass Litigation Panel, or the Resolution Judges to settle a case involuntarily or against the party's judgment. However, the Resolution Judges expect the parties' full and good faith cooperation with the mediation process and expect the participants to be prepared to participate fully, openly, and knowledgeably in a mutual effort to examine and resolve issues. The Resolution Judges encourage all participants to keep an open mind to reassess their previous positions and to find creative means for resolving the dispute.

### **EX PARTE CONTACTS**

Before, during and after the reconvened mediation, the Resolution Judges may find it necessary and useful to communicate with one or more parties outside the presence of the other party or parties.

### **CONFIDENTIALITY**

The parties are reminded that any written statement or discussion regarding mediation is confidential; shall not be used in the present litigation or in any other litigation (whether presently pending or filed in the future); and shall not be construed as or constitute an admission. Breach of this provision shall subject the violator to sanctions.

### **MEMORIALIZATION OF SETTLEMENT**

If the parties reach a resolution of their dispute, the parties shall memorialize the general terms of their settlement in a written memorandum of understanding signed by counsel. A copy of the settlement memorandum of understanding shall be provided to the Resolution Judges as soon as practicable after the conclusion of the mediation.

**IMPOSITION OF SANCTIONS**

**All counsel are reminded of their obligations to read and comply with this Order.**

To avoid the imposition of sanctions, counsel shall advise the Resolution Judges immediately of any problems regarding compliance with this Order.

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

It is so **ORDERED**.

**ENTER:** January 4, 2022.

Joanna I. Tabit  
Lead Resolution Judge  
Opioid Litigation