



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 REGARDING VOLUNTARY DISMISSAL OF LEGAL CLAIMS
DISCUSSED DURING SEPTEMBER 10, 2021 STATUS CONFERENCE**

On September 10, 2021, the Mass Litigation Panel's Presiding Judges assigned to *In re: Opioid Litigation*, Civil Action No. 19-C-9000, conducted a status conference and issued numerous rulings including scheduling expedited bench trials in certain Manufacturer Cases and Pharmacy Cases. See Paragraphs 3 and 4 of the *Order Regarding Rulings Issued During September 10, 2021 Status Conference* (Transaction ID 66922721).

The Panel further **ORDERS** an expedited bench trial on July 5, 2022, for all City/County Plaintiffs and for all Hospital Plaintiffs which have voluntarily dismissed, without prejudice, their legal claims in accordance with *State ex rel. AmerisourceBergen Drug Corp. v. Moats*, 859 S.E.2d 374 (W. Va. 2021). All other claims and cases asserted by City/County Plaintiffs are hereby stayed until further Order of the Panel.

The Panel intends to conduct expedited bench trials and conclude the liability phase of **all** public nuisance cases by the end of 2022 including the Manufacturer Cases, the Distributor Cases, and the Dispenser Cases. If one or more Defendants are found to be liable, the Panel will then set an expedited bench trial on causation and abatement. The Panel intends to hear evidence on a single, state-wide abatement remedy and will consider allocation of fault amongst those Defendants found liable for purposes of inchoate contribution. If abatement is warranted, the Panel will consider an award of attorney fees as a component of any equitable remedy which will replace enforcement of contingency fees.

The Panel directs the Discovery Commissioner to propose lead counsel on behalf of the City/County Plaintiffs, and on behalf of the Hospital Plaintiffs for the expedited bench trial scheduled to commence on July 5, 2022.

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

It is so **ORDERED**.

ENTERED: September 30, 2021

/s/ Alan D. Moats
Lead Presiding Judge
Opioid Litigation

/s/ Derek C. Swope
Presiding Judge
Opioid Litigation