



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 OVERRULING WALMART INC. AND WAL-MART STORES EAST, LP'S  
OBJECTION TO ORDER COMPELLING WALMART  
TO PRODUCE INVESTIGATION MATERIALS**

Pending before the Panel is *Walmart Inc. and Wal-Mart Stores East, LP's Objection to Order Compelling Walmart to Produce Investigation Materials* (Transaction ID 67019425) ("Walmart's Objection"). Walmart seeks to overturn or modify the Discovery Commissioner's *Order Granting Plaintiffs' Motion to Compel Walmart to Produce Investigation Materials* (Transaction ID 66038539).

The Panel has reviewed the Discovery Commissioner's *Order Granting Plaintiffs' Motion to Compel Walmart to Produce Investigation Materials* (Transaction ID 66038539); the Discovery Commissioner's *Order Denying Walmart Inc. and Wal-Mart Stores East, LP's Motion for Reconsideration of the Discovery Commissioner's Order Granting Plaintiffs' Motion to Compel Walmart to Produce Investigation Materials* (Transaction ID 66146920), Walmart's Objection, the State of West Virginia's Response to Walmart's Objection (Transaction ID 67037005) and Walmart's Reply (Transaction ID 67052863).

The Discovery Commissioner's findings of fact and conclusions of law are reviewed *de novo* and procedural matters are reviewed for abuse of discretion. *Order Appointing Discovery Commissioner*, p. 3 (Transaction ID 64839031). For the reasons set forth below, the Court **OVERRULES** Walmart's Objection and **AFFIRMS** the Discovery Commissioner's Order.

The Discovery Commissioner Ordered Walmart to respond to Plaintiff's First Discovery Requests to Defendant Group 2 Interrogatory No. 2; Request for Production No. 16, and Request for Production No. 19. Walmart argues that answering the requests would be unduly burdensome, proposes various ways in which to modify the Discovery Commissioner's Order, and asks the Panel to endorse Walmart's approach to responding to the discovery requests.

The Panel agrees with the Discovery Commissioner that Walmart has not established the discovery requests are unduly burdensome. The Panel declines to modify the Discovery Commissioner's Order, nor will the Panel endorse Walmart's approach to responding to the discovery requests.

The Panel **OVERRULES** Walmart's Objection and **ORDERS** to respond to Interrogatory No. 2, Request for Production No. 1, and Request for Production 19 within fourteen (14) days of this Order.

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

It is so **ORDERED**.

**ENTERED:** October 29, 2021.

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

/s/ Derek C. Swope  
Lead Presiding Judge  
Opioid Litigation