



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 DECEMBER 22, 2021

The Resolution Judges hereby **ORDER** mediation of the Opioid Litigation to be reconvened on December 22, 2021. Because of the COVID-19 pandemic and the upcoming holidays, 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 December 22, 2021**, and 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:

Attorney General Patrick Morrissey
Office of the West Virginia Attorney General
State Capitol, Building 1, Room E-26
Charleston, WV 25305
Main Office: 304-558-2021
pm@wvago.gov

Joseph F. Rice, Esq.
Motley Rice LLC
28 Bridgeside Blvd.
Mt. Pleasant, SC 29464
Telephone: 843-216-9159
jrice@motleyrice.com

Linda Singer, Esq.
Motley Rice LLC
401 9th Street NW, Suite 1000
Washington, DC 20004
Telephone: 202-386-9626
lsinger@motleyrice.com

Co-Lead Counsel for Plaintiffs in the Distributors Case:

Robert P. Fitzsimmons
Fitzsimmons Law Firm PLLC
1609 Warwood Avenue
Wheeling, WV 26003
Telephone: 304-277-1700
bob@fitzsimmonsfirm.com

Paul T. Farrell, Jr., Esq.
Farrell & Fuller, LLC
1311 Ponce de Leon Ave., Suite 202
San Juan, Puerto Rico 00907
Telephone: 304-654-8281
paul@farrellfuller.com

Plaintiffs' Liaison Counsel:

Timothy R. Linkous, Esq.
Linkous Law, PLLC
179 Hanalei Drive, Suite 100
Morgantown, West Virginia 26508
Telephone: 304-554-2400
tim@linkouslawpllc.com

Defendants' Lead Coordinating Counsel:

Lead Coordinating Counsel for the Distributor Defendants:

Al Sebok
Jackson Kelly PLLC
500 Lee Street East, Suite 1600
P.O. Box 553
Charleston, WV 25322
Telephone: 304-340-1172
asebok@jacksonkelly.com

Lead Coordinating Counsel for the Manufacturer Defendants:

Marc E. Williams
Nelson Mullins Riley & Scarborough LLP
949 Third Avenue, Suite 200
Huntington, WV 25701
Telephone: 304-526-3509
marc.williams@nelsonmullins.com

Lead Coordinating Counsel for the Retail Pharmacy Defendants:

Ronda L. Harvey
Bowles Rice LLP
600 Quarrier Street
P.O. Box 1386
Charleston, WV 25325
Telephone: 304-347-1701
rharvey@bowlesrice.com

Defendants' Liaison Counsel:

John J. Meadows, Esq.
Steptoe & Johnson PLLC
707 Virginia Street, East
P.O. Box 1588
Charleston, WV 25326-1588
Telephone: 304-353-8154
john.meadows@steptoe-johnson.com

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: November 30, 2021.

/s/ Joanna I. Tabit
Lead Resolution Judge
Opioid Litigation