



**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**

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**AGREED PARTIAL DISMISSAL ORDER REGARDING  
CERTAIN CLAIMS AGAINST MCKESSON CORPORATION**

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On this day came the undersigned County, City, and Hospital Plaintiffs and Defendant McKesson Corporation, by their respective counsel, and in reliance upon the Stipulation and Consent to Bench Trial filed in this matter on April 28, 2020 (Transaction ID 65605351) and So Ordered on May 1, 2020 (Transaction ID 65612806), and jointly moved this Court for an Order dismissing, with prejudice, the following claims against McKesson:

- All claims and actions against McKesson in the MLP other than public nuisance claims. Plaintiffs will only assert public nuisance claims against McKesson. It is expressly understood and agreed that Plaintiffs are not dismissing or waiving any right to seek joint and several liability of McKesson with any other party defendants under any applicable statute or law, including, but not limited to, W.Va. Code § 55-7-13c, West Virginia law governing civil conspiracy, and/or equity.
- All past economic damages in the MLP on behalf of the County and City Plaintiffs. The County and City Plaintiffs are not dismissing any claims or rights to seek all recoveries, remedies, and damages other than past economic damages permitted by law. McKesson reserves the right to contest any of Plaintiffs' claims for abatement or economic damages, and reserve their position that Plaintiffs are seeking a damages remedy through their claims for abatement and public nuisance and cannot properly recover such a damages remedy.
- All claims for punitive damages against McKesson.

Based upon the agreement of said Plaintiffs and Defendant McKesson Corporation, it is hereby **ORDERED** that the claims identified herein are hereby **DISMISSED** with prejudice, and the parties shall bear their respective attorney fees and costs.

ENTERED *nunc pro tunc*, effective May 1, 2020.

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

*Counsel for parties tendering this Order:*

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*Of counsel for Plaintiffs in:*

*Brooke County Commission, et al. v. Purdue Pharma L.P., et al., Marshall County Civil Action Nos. 17-C-248 to 17-C-255,*

*Monongalia County Commission, et al. v. Purdue Pharma L.P., et al., Marshall County Civil Action Nos. 18-C-222 & 18-C-233 to 18-C-236*

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*Of counsel for Plaintiffs in:*

*West Virginia University Hospitals, Inc., et al. v. Purdue Pharma L.P., et al., Civil Action Nos. 19-C-69 to 19-C-88; and 19-C-134 to 19-C-139*

*West Virginia University Hospitals, Inc., et al. v. McKesson Corporation, et al., Civil Action Nos. 19-C-215 to 19-C-239*

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*Of counsel for Plaintiffs in:*

*The County Commission of Mason County, et al. v. Purdue Pharma L.P., et al., Marshall County Civil Action Nos. 19-C-4 to 19-C-9*

*Mayor Peggy Knotts Barney, on Behalf of City of Grafton, and Mayor Philip Bowers, on Behalf of City of Philippi v. Purdue Pharma, L.P., et al., Civil Action Nos. 19-C-151 and 19-C-152*

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*Of Counsel for Plaintiffs in:*

*Roane County Commission, et al., v. Mylan Pharmaceutical Inc., et al., Civil Action Nos 19-C-96 to 19-C-108*

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*Of Counsel for Plaintiffs in:*

*City of Clarksburg, West Virginia., v. Allergan PLC, et al., Civil Action Nos. 19-C-259 to 19-C-265*