



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

**IN RE: OPIOID LITIGATION**

**CIVIL ACTION NO. 19-C-9000**

THIS DOCUMENT RELATES TO:

<i>Delbarton, et al. v. Cardinal Health Inc., et al.</i>	Civil Action Nos. 20-C-16 (MSH) through 20-C-27 (MSH)
<i>City of Beckley v. Allergan PLC f/k/a Actavis PLC f/k/a Allergan, Inc., et al.</i>	Civil Action No. 20-C-34 (MSH)
<i>City of Fairmont v. Allergan PLC f/k/a Actavis PLC f/k/a Allergan, Inc., et al.</i>	Civil Action No. 20-C-55 (MSH)
<i>Town of Madison v. Allergan PLC f/k/a Actavis PLC f/k/a Allergan, Inc., et al.</i>	Civil Action No. 20-C-31 (MSH)
<i>Town of Star City v. Allergan PLC f/k/a Actavis PLC f/k/a Allergan, Inc., et al.</i>	Civil Action No. 20-C-52 (MSH)
<i>County of Pendleton v. Allergan PLC f/k/a Actavis PLC f/k/a Allergan, Inc., et al.</i>	Civil Action No. 20-C-53 (MSH)
<i>Town of Romney v. Allergan PLC f/k/a Actavis PLC f/k/a Allergan, Inc., et al.</i>	Civil Action No. 20-C-54 (MSH)
<i>Grant County, et al. v. Cardinal Health Inc., et al.</i>	Civil Action Nos. 20-C-79 (MSH) through 20-C-81 (MSH)

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**SUPPLEMENTAL STIPULATION AND CONSENT TO BENCH TRIAL**

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**WHEREAS**, on April 28, 2020, the County, City, and Hospital Plaintiffs and McKesson Corporation (“McKesson”) entered into and filed a **STIPULATION AND CONSENT TO BENCH TRIAL** [FSX Trans. ID 65612806 (So Ordered, May 1, 2020)] by which, *inter alia*, (i) McKesson consented to a non-jury trial of Plaintiffs’ public nuisance claims; (ii) the parties stipulated to a non-

**So Ordered** Judge Alan D Moats Aug 10, 2021

jury trial on all issues and claims of Plaintiffs’ public nuisance claims; (iii) Plaintiffs agreed to dismiss with prejudice all claims and actions other than public nuisance claims against McKesson; (iv) the County and City Plaintiffs agreed not to seek past economic damages in the Mass Litigation Panel (“MLP”) Opioid Litigation; (v) Plaintiffs agreed to dismiss with prejudice claims for punitive damages against McKesson; and (vi) McKesson agreed that it would not remove (or consent to removal) to federal court any action currently in the MLP;<sup>1</sup>

**WHEREAS**, counsel to Town of Madison, Town of Star City, County of Pendleton, and Town of Romney and counsel to Delbarton, Tucker County, Hardy County, Matewan, Mullens, Oceana, Preston County, Belington, Point Pleasant, Junior, Moundsville, and Weirton (collectively “Delbarton, et al.”), and Grant, Mineral, and Monroe Counties (collectively “Grant County, et al.”) signed the **STIPULATION AND CONSENT TO BENCH TRIAL** on behalf of other Plaintiffs before those later cases were transferred to this MLP;

**WHEREAS**, on May 11, 2020 McKesson filed a **STIPULATION REGARDING TRANSFER OF CASE TO MASS LITIGATION PANEL** [FSX Trans. ID 65629499] by which, *inter alia*, City of Beckley and City of Fairmont agreed to be bound by the terms of the **STIPULATION AND CONSENT TO BENCH TRIAL**; and

**WHEREAS**, the above-referenced actions have now been transferred to the MLP.

**NOW THEREFORE**, City of Beckley, City of Fairmont, Town of Madison, Town of Star City, County of Pendleton, Town of Romney, Delbarton, et al., and Grant County, et al. (collectively, “Stipulating Plaintiffs”) and McKesson (collectively with Stipulating Plaintiffs, the “Parties”), by and through their undersigned counsel, hereby **AGREE** and **STIPULATE** as follows in the above-referenced Opioid Litigation, Civil Action No. 19-C-9000 pending before the MLP:

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<sup>1</sup> Nothing in this partial summary of the Stipulation is intended to alter the actual words or effect of the Stipulation.

1. The Stipulating Plaintiffs agree to be bound by the terms of the **STIPULATION AND CONSENT TO BENCH TRIAL** as if they had originally been signatories; and
2. McKesson agrees to be bound by the terms of the **STIPULATION AND CONSENT TO BENCH TRIAL** with respect to the Stipulating Plaintiffs.

Dated this the 10th day of August, 2021.

**McKESSON CORPORATION,  
By Counsel**

/s/ John J. Meadows

John J. Meadows (WVSB #9442)  
john.meadows@steptoe-johnson.com  
Russell D. Jessee (WVSB #10020)  
russell.jessee@steptoe-johnson.com  
**STEPTOE & JOHNSON PLLC**  
Chase Tower, 17th Floor  
P.O. Box 1588  
Charleston, WV 25326  
Telephone: (304) 353-8000

*Counsel to McKesson Corporation in actions by Brooke, Hancock, Ohio, Tyler, Wetzel, Doddridge, Roane, Wirt, Pleasants, Pendleton, Grant, Mineral, and Monroe Counties; the Cities of St. Marys, Grafton, Philippi, and Beckley; and the Towns of Madison and Star City*

/s/ Jeffrey M. Wakefield

Jeffrey M. Wakefield (WVSB #3894)  
jwakefield@flahertylegal.com  
**FLAHERTY SENSABAUGH BONASSO PLLC**  
P.O. Box 3843  
Charleston, WV 25338-3843  
Telephone: (304) 345-0200

*Counsel to McKesson Corporation in actions by Lewis, Marshall, Monongalia, Marion, Randolph, Upshur, Tucker, Hardy, and Preston Counties; the Cities of Chesapeake, Nitro, Richwood, South Charleston, White Sulphur Springs, Mullens, Belington, Point Pleasant, Weirton, and Fairmont; and the Towns of Belle, Ceredo, Delbarton, Matewan, Oceana, Junior, and Romney*

**So Ordered** Judge Alan D Moats Aug 10, 2021

/s/ Jamison H. Cooper

Daniel C. Cooper (WVSB# 5476)  
dan.cooper@cooperlawwv.com  
Jamison H. Cooper (WVSB# 8043)  
jami.cooper@cooperlawwv.com  
**COOPER LAW OFFICES, PLLC**  
240 West Main Street  
Bridgeport, WV 26330  
Telephone: (304) 842-0505

*Counsel to McKesson Corporation in actions by Harrison, Mason, Barbour, Taylor, Webster, Jackson, Wood, and Ritchie Counties; the Cities of Clarksburg, Ripley, Spencer, Williamstown, and Moundsville; the Village of Barboursville; the Towns of Addison (Webster Springs), Ravenswood, Elizabeth, and Harrisville; and the Hospital Plaintiffs*

Timothy C. Hester (*pro hac vice*)  
thester@cov.com  
Mark H. Lynch (*pro hac vice*)  
mlynch@cov.com  
John J. DeBoy (*pro hac vice*)  
jdeboy@cov.com  
E. Rae Woods (*pro hac vice*)  
rwoods@cov.com  
Christian J. Pistilli (*pro hac vice*)  
cpistilli@cov.com  
**COVINGTON & BURLING LLP**  
One CityCenter  
850 Tenth Street NW  
Washington, DC 20001  
Tel: (202) 662-6000

Carol Dan Browning (*pro hac vice*)  
**STITES & HARBISON PLLC**  
cbrowning@stites.com  
400 West Market Street, Suite 1800  
Louisville, KY 40202-3352  
Tel: 502-681-0516

*Counsel to McKesson Corporation*

**So Ordered** Judge Alan D Moats Aug 10, 2021

**TOWN OF MADISON, TOWN OF STAR CITY,  
COUNTY OF PENDLETON, TOWN OF ROMNEY,  
By Counsel**

/s/ John D. Hurst

John D. Hurst (WVSB #10861)  
MOTLEY RICE LLC  
50 Clay Street, Suite 1  
Morgantown, WV 26501

Joseph F. Rice  
Anne McGinness Kearse (WVSB #12547)  
**MOTLEY RICE LLC**  
28 Bridgeside Blvd.  
Mount Pleasant, SC 29464  
Telephone: (843) 216-9000

Linda Singer, Esquire  
**MOTLEY RICE LLC**  
401 9th Street NW, Suite 1001  
Washington, DC 20004

Charles R. "Rusty" Webb (WVSB #4782)  
**THE WEBB LAW CENTRE, PLLC**  
716 Lee Street, East  
Charleston, WV 25301

*Counsel to Town of Madison, Town of Star City, County of Pendleton, and Town of Romney*

**CITY OF BECKLEY,  
CITY OF FAIRMONT,  
By Counsel**

/s/ Anthony J. Majestro

Anthony J. Majestro (WVSB #5165)  
**POWELL & MAJESTRO, PLLC**  
405 Capitol Street, Suite P-1200  
Charleston, WV 25301  
Telephone: (304) 346-2889  
amajestro@powellmajestro.com

Paul T. Farrell, Jr., Esq. (WVSB #7443)  
**FARRELL LAW**  
422 Ninth Street, 3<sup>rd</sup> Floor  
Huntington, WV 25701

**So Ordered** Judge Alan D Moats Aug 10, 2021

Shawn P. George, Esq. (WVSB #1370)  
**GEORGE & LORESEN, PLLC**  
1526 Kanawha Blvd. E.  
Charleston, WV 25311

J. Michael Benninger, Esq. (WVSB #312)  
**BENNINGER LAW, PLLC**  
154 Pleasant Street  
Morgantown, WV 26505

*Counsel to City of Beckley and City of Fairmont*

**DELBARTON, et al., and  
GRANT COUNTY, et al.,  
By Counsel**

/s/ Letitia N. Chafin  
Letitia N. Chafin (WVSB #7207)  
**THE CHAFIN LAW FIRM, PLLC**  
P.O. Box 1799  
Williamson, WV 25661  
Telephone: 304-235-2221

*Counsel to Delbarton, Tucker County, Hardy County, Matewan, Mullens, Oceana, Preston  
County, Belington, Point Pleasant, Junior, Moundsville, and Weirton; and Grant, Mineral, and  
Monroe Counties*

**So Ordered** Judge Alan D Moats Aug 10, 2021

**CERTIFICATE OF SERVICE**

I, John J. Meadows, hereby certify that the foregoing has been electronically served on all counsel of record this day, August 10, 2021, via File & Serve*Xpress*.

/s/ John J. Meadows

**So Ordered** Judge Alan D Moats Aug 10, 2021