



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: OPIOID LITIGATION

Civil Action No. 19-C-9000

THIS DOCUMENT APPLIES TO:

WEST VIRGINIA UNIVERSITY  
HOSPITALS, INC., *et al.*,

Plaintiffs

v.

PURDUE PHARMA, L.P., *et al.*,

Defendants.

Civil Action Nos. 19-C-69 MSH  
through 19-C-88 MSH

and

Civil Action Nos. 19-C-134 MSH  
through 19-C-139 MSH

WEST VIRGINIA UNIVERSITY  
HOSPITALS, INC., *et al.* ,

Plaintiffs

v.

MCKESSON CORP. and  
TIM ASHWORTH,

Defendants.

Civil Action Nos. 19-C-215 MSH  
through 19-C-239 MSH

**ORDER GRANTING HOSPITAL PLAINTIFFS' RULE 41(a)(2)  
MOTION TO DISMISS CERTAIN CLAIMS**

Pending before the Court is the *Hospital Plaintiffs' Rule 41(a)(2) Motion to Dismiss Certain Claims* (Transaction ID 66921565) filed on September 10, 2021. The Hospital Plaintiffs move the Court for an order dismissing, without prejudice, all claims for relief brought by the Hospitals in the above styled actions, with the express exception of the Hospitals' claims for nuisance and all remedies which the Hospitals may recover from any Defendant upon proof of nuisance liability.

Based upon a review of the motion, the Court believes the Plaintiffs' motion to be in accord with the Court's directions to the parties at the Status Conference on September 10, 2021.

Accordingly, it is hereby **ORDERED** that the Hospital Plaintiffs' Rule 41(a)(2) Motion to Dismiss Certain Claims without prejudice is **GRANTED**. It is further **ORDERED** that the Hospital Plaintiffs' nuisance claims will be scheduled for trial at a date and time to be determined.

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

**ENTERED:** September 10, 2021.

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

/s/ Derek C. Swope  
Presiding Judge  
Opioid Litigation