



**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 REGARDING RULINGS ISSUED DURING  
SEPTEMBER 10, 2021 STATUS CONFERENCE**

On September 10, 2021, the Mass Litigation Panel's Presiding Judges assigned to *In re: Opioid Litigation*, Civil Action No. 19-C-9000, conducted a status conference and issued the following rulings.

1. *Hospital Plaintiffs' Motion to Sever Claims Against the Johnson & Johnson Defendants for an Expedited Jury Trial* (Transaction ID 66874046) filed in Civil Action Nos. 19-C-69 MSH through 19-C-88 MSH, 19-C-134 MSH through 19-C-139 MSH, and 19-C-215 MSH through 19-C-239 MSH is **DENIED**.
2. *Defendants' Motion for Continuance of Deadline to File Cross Claims and Third-Party Complaints* (Transaction IDs 66872187, 66873518, and 66872491) filed in Civil Action Nos. 19-C-104 BNE, 19-C-105 BNE and 19-C-151 BNE ("the Manufacturer Cases"). Defendants made an oral motion to hold in abeyance the filing of cross claims and third-party complaints in the Manufacturer Cases. Finding good cause shown, the motion is **GRANTED**. Filing of cross claims and third-party complaints in the Manufacturer Cases are generally held in abeyance until further Order of the Panel.
3. *Motion for Entry of a Case Management Order or for Referral of Disputes Regarding the Case Management Order to the Discovery Commissioner* (Transaction ID 66905978) filed in Civil Action No. 21-C-9000 MFR (the Manufacturer Cases Master Case File). The parties in the Manufacturer Cases, which have been severed for an

expedited bench trial beginning on April 4, 2022, are **ORDERED** to meet and confer with Discovery Commissioner Christopher C. Wilkes to resolve any disputes regarding the proposed case management order for these cases.

4. For the reasons set forth in the Panel's *Order Granting Plaintiffs' Motion to Sever Cases for Bench Trial on Expedited Basis* (Transaction ID 66821121) entered in the Manufacturer Cases on August 4, 2021, the Panel **ORDERS** the *State of West Virginia ex rel. Patrick Morrisey, Attorney General v. Walgreens Boots Alliance, Inc., et al.*, Civil Action No. 20-C-82 PNM, *State of West Virginia ex rel. Patrick Morrisey, Attorney General v. Rite Aid Corporation, et al.*, Civil Action No. 20-C-83 PNM, *State of West Virginia ex rel. Patrick Morrisey, Attorney General v. CVS Pharmacy, Inc., et al.*, Civil Action No. 20-C-131 PNM, and *State of West Virginia ex rel. Patrick Morrisey, Attorney General v. Walmart, Inc. f/k/a Wal-Mart Stores, Inc.*, Civil Action No. 20-C-132 PNM, are severed for an expedited bench trial beginning on September 12, 2022. The Panel further **ORDERS** the parties to meet and confer with Discovery Commissioner Wilkes to resolve any disputes regarding the proposed case management order for these cases.
5. Patrick Morrisey, Attorney General for the State of West Virginia, is appointed to serve as coordinator of the Opioid Litigation on behalf of all Plaintiffs, including counties, municipalities, and hospitals. The Panel expects the full cooperation of all Plaintiffs with Attorney General Morrisey, and **ORDERS** Attorney General Morrisey to report to the Panel regarding Plaintiffs' efforts to resolve intrastate allocation issues.
6. *Defendants' Request for Clarification Regarding Cross Claims Deadline* (Transaction

ID 66803524) filed in Civil Action No. 19-C-9000. The deadline for cross claims for contribution and/or implied indemnity is generally held in abeyance until further Order of the Panel.

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

It is so **ORDERED**.

**ENTERED:** September 10, 2021.

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

/s/ Derek C. Swope  
Presiding Judge  
Opioid Litigation