



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: OPIOID LITIGATION

CIVIL ACTION NO. 19-C-9000

THIS DOCUMENT APPLIES TO:

<i>Town of 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

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

On this day came the undersigned County and City Plaintiffs and Defendant McKesson Corporation (“McKesson”), by their respective counsel, and in reliance upon the Supplemental Stipulation and Consent to Bench Trial filed in this matter on August 10, 2021 (Transaction ID

66836645), so Ordered by Judge Alan D. Moats on the same date (Transaction ID 66838212),¹ 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, 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. A copy of this Order has this day been electronically served on all counsel of record via File & Serve*Xpress*.

It is so **ORDERED**.

ENTERED: September 15, 2021.

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

/s/ Derek C. Swope
Lead Presiding Judge
Opioid Litigation

¹ The purpose of the Supplemental Stipulation and Consent to Bench Trial was to confirm the applicability of the original Stipulation and Consent to Bench Trial to actions that had transferred to this MLP proceeding after the parties entered the original Stipulation and Consent to Bench Trial and filed it on April 28, 2020 (Transaction ID 65605351).

Counsel for parties tendering this Order:

SIGNATORY DEFENDANT MCKESSON CORPORATION

By counsel

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