

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

**Monongalia County Commission, Marion
County Commission, Doddridge County
Commission, Randolph County Commission,
and Upshur County Commission,
Plaintiffs**

**vs. Marshall County Civil Action Nos. 18-C-222,
18-C-233, 18-C-234, 18-C-235, and 18-C-236**

**Purdue Pharma, L.P.; Purdue Pharma, Inc.;
The Purdue Frederick Company, Inc.;
Mark Radcliffe; Mark Ross; Patty Carnes;
Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.;
Janssen Pharmaceuticals, Inc.; Ortho McNeil-Janssen
Pharmaceuticals, Inc., n/k/a Janssen Pharmaceuticals, Inc.;
Johnson & Johnson; Endo Health Solutions Inc.; Endo
Pharmaceuticals, Inc.; Actavis plc; Actavis, Inc.;
Actavis LLC; Actavis Pharma, Inc.; Watson
Pharmaceuticals, Inc.; Watson Pharma, Inc.;
Watson Laboratories, Inc.; McKesson Corporation;
Cardinal Health, Inc.; AmerisourceBergen Drug
Corporation; Rite Aid of Maryland, Inc.; Kroger
Limited Partnership II; CVS Indiana, L.L.C.;
Wal-Mart Stores East, LP; Goodwin Drug
Company; Miami-Luken, Inc.; John Does 1-3;
West Virginia Board of Pharmacy; David Potters;
Tressie Montene Duffy, M.D.; Eugenio Aldea
Menez, M.D.; Scott James Feathers, D.P.M.;
Amy Lynn Beaver, P.A.-C; and Carl N. Hooker, M.D.,
Defendants**

The Chief Justice of the Supreme Court of Appeals has been advised that Defendants Endo Health Solutions Inc. and Endo Pharmaceuticals, Inc., by counsel, Michael J. Farrell, Tamela J. White, Erik W. Legg, and the law firm of Farrell, White & Legg PLLC; Defendants Purdue Pharma, L.P.; Purdue Pharma, Inc.; and The Purdue Frederick Company, Inc., by counsel, Michael P. Markins, Jennifer A. Lynch, and the law firm of Cipriani & Werner, P.C.; Defendants Teva Pharmaceuticals USA, Inc.; Cephalon, Inc., Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc., f/k/a Watson Pharma, Inc., by counsel, Keith A. Jones and Jones Law Group, PLLC, and Steven A. Luxton and the law firm of Morgan, Lewis & Bockius LLP; Defendants Johnson & Johnson and Janssen Pharmaceuticals, Inc., by counsel, Marc E. Williams, Robert M. Sellards, Christopher D. Smith, and the law firm of Nelson Mullins Riley & Scarborough LLP; Defendant Allergan Finance LLC f/k/a Actavis, Inc. f/k/a Watson

Pharmaceuticals, Inc., by counsel, Tim J. Yianne, Patricia M. Bello, and the law firm of Lewis Brisbois Bisgaard & Smith LLP; Defendant Cardinal Health, Inc., by counsel, Brian A. Glasser, Steven R. Ruby, Raymond S. Franks II, and the law firm of Bailey & Glasser, LLP; Defendant AmerisourceBergen Drug Corporation, by counsel, A.L. Emch, Gretchen M. Callas, L. Jill McIntyre, and the law firm of Jackson Kelly PLLC; Defendant Patty Carnes, by counsel, Michael D. Crim and the law firm of McNeer, Highland, McMunn & Varner, L.C.; Defendant Mark Ross, by counsel, Paul W. Gwaltney, Jr. and Taylor Law Office, jointly filed a motion to refer to the Mass Litigation Panel the above-styled civil actions, as well as Marshall County Civil Action Nos. 17-C-248, 17-C-249, 17-C-250, 17-C-251, 17-C-252, 17-C-253, 17-C-254, 17-C-255, 19-C-4, 19-C-5, 19-C-6, 19-C-7, 19-C-8, and 19-C-9. These civil actions involve claims for damages against manufacturers and distributors of certain prescription opioid pain medications and other defendant parties allegedly involved in the distribution or dissemination of such medications.

Plaintiffs Brooke County Commission, Hancock County Commission, Harrison County Commission, Lewis County Commission, Ohio County Commission, Tyler County Commission, Wetzel County Commission, Monongalia County Commission, Marion County Commission, Doddridge County Commission, Randolph County Commission, and Upshur County Commission, by counsel, Robert P. Fitzsimmons, Clayton J. Fitzsimmons, Mark A. Colantonio, and the Fitzsimmons Law Firm PLLC, and Paul J. Napoli, Joseph L. Ciaccio, and the law firm of Napoli Shkolnik, LLP, and Plaintiffs County Commission of Mason County, County Commission of Barbour County, County Commission of Webster County, County Commission of Taylor County, Mayor Chis Tatum on behalf of the Village of Barboursville, and Mayor Don McCourt on behalf of the Town of Addison, by counsel, H. Truman Chafin, Letitia N. Chafin, and The Chafin Law Firm, PLLC, filed a joint response in opposition to the motion to refer.

The motion appears to be in substantial compliance with Rule 26 of the West Virginia Trial Court Rules. The time for parties and affected judges to respond has expired.

Upon reviewing the motion to refer and the response thereto, the Chief Justice has determined that the motion to refer should be granted and that it is appropriate to transfer the above-referenced civil actions as well as all civil actions involving the same or similar common questions of law or fact concerning claims for damages against manufacturers and distributors of certain prescription opioid pain medications and other defendant parties allegedly involved in the distribution or dissemination of such medications. Further, the Mass Litigation Panel is authorized to transfer and join with the existing Mass Litigation any civil actions involving the same or similar common questions of law or fact subsequently filed in any circuit court of West Virginia and that the Mass Litigation Panel is authorized to transfer and join with the existing Mass Litigation any civil actions involving the same or similar common questions of law or fact that are remanded to any circuit court in West Virginia from federal court.

IT IS, HEREBY, ORDERED, pursuant to Rule 26.06(c)(3) of the West Virginia Trial Court Rules, that the motion to refer to the Mass Litigation Panel the civil actions identified in said motion be, and hereby is GRANTED, and all civil actions involving the same or similar common questions of law or fact at issue in the above-referenced civil actions are to be transferred to the Mass Litigation Panel for further proceedings.

IT IS FURTHER ORDERED, that the Mass Litigation Panel is authorized to transfer and join with the existing Mass Litigation any civil actions involving the same or similar common questions of law or fact subsequently filed in any circuit court of West Virginia.

IT IS FURTHER ORDERED, that the Mass Litigation Panel is authorized to transfer and join with the existing Mass Litigation any civil actions involving the same or similar common questions of law or fact at issue in the above-referenced civil actions that are remanded to any circuit court in West Virginia from federal court.

IT IS FURTHER ORDERED that, if the Mass Litigation Panel later determines that any civil action referred to it pursuant to this Order is not sufficiently similar or related to this Mass Litigation, the Panel may request that the Chief Justice transfer the civil action from the Panel to the appropriate circuit court.

IT IS FURTHER ORDERED, that a copy of this Order be transmitted to the Honorable Alan D. Moats, Chair of the Mass Litigation Panel; the Honorable David W. Hummel, Jr., Judge of the Second Judicial Circuit; the Mass Litigation Manager; the Circuit Clerk of Marshall County, who is to record this Order and to provide copies of the same to all parties of record or their counsel; and to the Circuit Clerks of all other counties in West Virginia.

IT IS FURTHER ORDERED, that the Clerk of the Circuit Court of Marshall County and all other Circuit Court Clerks need take no action to remove or otherwise transfer these matters until direction is received in writing from a member of the Mass Litigation Panel or the Chief Justice of the Supreme Court of Appeals.

IT IS FURTHER ORDERED, that all proceedings be conducted as provided by law.

ENTERED: JUNE 7, 2019



ELIZABETH D. WALKER
Chief Justice

Attest: 

Edythe Nash Gaiser, Clerk of Court
Supreme Court of Appeals