



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: OPIOID LITIGATION

Civil Action No. 19-C-9000

THIS DOCUMENT APPLIES TO:

THE COUNTY COMMISSION OF MASON COUNTY, et al.

Civil Action Nos. 19-C-4
through 19-C-9 (MSH)

v.

PURDUE PHARMA, L.P., et al.

AGREED ORDER OF STAY REGARDING NONPARTY FAULT NOTICES

The deadline to file nonparty fault notices under W.Va. Code § 55-7-13d is stayed until further order of the Court. Any party (whether or not a signatory to this Agreed Order) may nonetheless elect to file, before or during the stay of discovery, an initial notice of categories that identifies categories of nonparties at fault. The Court FINDS that any such initial notice of categories of nonparties at fault that is filed before or during the stay of discovery is the “best identification of nonpart[ies] which is possible under the circumstances.” W.Va. Code § 55-7-13d(a)(2). Any Party that files such an initial notice of categories of nonparties at fault will later be required to file, at a date to be determined by the Court, a further notice that identifies nonparties at fault by name and last known address, or by other specific identification.

The parties have stipulated to an extension of the defendants’ responsive pleading deadline, and this Agreed Order is submitted without response to the allegations of the Complaint and without waiver of any potentially applicable defenses, including those related to personal jurisdiction and service of process.

It is so ORDERED this 19th day of July, 2019.

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

Reviewed and Agreed to By:

/s/ Erik W. Legg

Erik W. Legg (WVSB 7738)
Michael J. Farrell (WVSB 1168)
Tamela J. White (WVSB 6392)
FARRELL, WHITE & LEGG PLLC
914 Fifth Ave.
P.O. Box 6457
Huntington, WV 25772-6457
Tel: (304) 522-9100
Email: ewl@farrell3.com;
mjf@farrell3.com; tjw@farrell3.com

John A. Freedman, Esq.
Arnold & Porter Kaye Scholer LLP
601 Massachusetts Ave. NW
Washington, DC 20001-3743
Email: john.freedman@arnoldporter.com

Sean O. Morris, Esq.
John D. Lombardo, Esq.
Arnold & Porter Kaye Scholer LLP
777 S. Figueroa Street
Los Angeles, CA 90017-5844
Email: sean.morris@arnoldporter.com
Email: john.lombardo@arnoldporter.com
*Counsel for Endo Health Solutions Inc. and Endo
Pharmaceuticals Inc.*

/s/ Steven R. Ruby, Esq. with permission

Brian A. Glasser, Esq.
Steven R. Ruby, Esq.
Raymond S. Franks II, Esq.
Bailey & Glasser, LLP
209 Capitol St.
Charleston, WV 25301
Email: bglasser@baileyglasser.com
Email: sruby@baileyglasser.com
Email: rfranks@baileyglasser.com
Email: pwilson@baileyglasser.com

Enu Mainigi, Esq.
Ashley W. Hardin, Esq. / Steven M. Pyser, Esq.
Bradley D. Masters, Esq.
Williams & Connolly LLP
725 Twelfth St., N.W.
Washington, DC 20005
Email: emainigi@wc.com
Email: ahardin@wc.com
Email: spyser@wc.com
Email: bmasters@wc.com
Counsel for Defendant, Cardinal Health 110, LLC

/s/ Paul W. Gwaltney, Jr., with permission

Paul W. Gwaltney, Jr.
Taylor Law Office
330 Scott Avenue, Suite 3
Morgantown, WV 26508
Email: Pgwaltney@taylorlawofficewv.com
Counsel for Defendant, Mark Ross

/s/ Michael P. Markins, Esq., with permission

Michael P. Markins, Esq.
Jennifer A. Lynch, Esq.
Cirpriani & Werner, P.C.
500 Lee Street East, Suite 900
Charleston, WV 25301
Email: mmarkins@c-wlaw.com
Email: jlynch@c-wlaw.com
Email: lstacy@c-wlaw.com

Sheila L. Birnbaum, Esq.
Mark S. Cheffo, Esq.
Hayden A. Coleman, Esq.
Lindsay Zanello, Esq.
Dechert, LLP
Three Bryant Park
1095 Avenue of the Americas
New York, NY 10036-6797
Email: sheila.birnbaum@dechert.com
Email: mark.cheffo@dechert.com
Email: hayden.coleman@dechert.com
Email: lindsay.zanello@dechert.com
*Counsel for Defendants, Purdue Pharma L.P.;
Purdue Pharma Inc.; and The Purdue Frederick
Company, Inc.*

/s/ Joseph D. Cohen, Esq., with permission

Joseph D. Cohen, Esq.
Stephen H. Lee, Esq.
Porter Hedges, LLP
1000 Main Street, 36th Floor
Houston, TX 77002
Email: jcohen@porterhedges.com
Email: slee@porterhedges.com
Email: jsummers@porterhedges.com
Email: creed@porterhedges.com
Email: dbrunelle@porterhedges.com

Michael D. Crim, Esq.
Crim Law Office, P.L.L.C.
842 South Chestnut Street
Post Office Drawer 1920
Clarksburg, WV 26302-1920
Email: mdcrim@wvlawyers.com
*Counsel for Defendants, Jeff Waugh, Shane Cook,
Carol Debord, and Patty Carnes*

/s/ Patricia M. Bello, Esq. with permission

Donna Welch, Esq.
Martin L. Roth, Esq. / Timothy Knapp, Esq.
Kirkland & Ellis LLP
300 North LaSalle
Chicago, IL 60654
Email: donna.welch@kirkland.com
Email: martin.roth@kirkland.com
Email: timothy.knapp@kirkland.com

Jennifer G. Levy, Esq.
Kirkland & Ellis LLP
1301 Pennsylvania Avenue, NW
Washington, DC 20004
Email: Jennifer.levy@kirkland.com

Tim J. Yianne, Esq.
Patricia M. Bello, Esq.
Lewis Brisbois Bisgaard & Smith LLP
222 Capitol Street, 5th Floor
Charleston, WV 25301
Email: tim.yianne@lewisbrisbois.com
Email: patricia.bello@lewisbrisbois.com
*Counsel for Defendants, Allergan Finance, LLC
f/k/a Allergan, Inc. f/k/a Watson Pharmaceuticals*

/s/ Webster J. Arceneaux III, Esq. with permission

Webster J. Arceneaux III, Esq.
Lewis Glasser PLLC
300 Summers St., Suite 700
P.O. Box 1746
Charleston, WV 25326
Email: wjarceneaux@lgcr.com

Elisa P. McEnroe, Esq.
Morgan, Lewis & Bockius LLP
1701 Market St.
Phildadelphia, PA 19103
Email elisa.mcenroe@morganlewis.com

Kelly A. Moore, Esq.
Morgan, Lewis & Bockius LLP
101 Park Ave.
NY, NY 10178
Email: kelly.moore@morganlewis.com
Counsel for Defendant, Rite Aid of Maryland, Inc.

/s/ Marc E. Williams, Esq. with permission

Marc E. Williams, Esq.
Alexander C. Frampton, Esq.
Christopher D. Smith, Esq.
Nelson Mullins Riley & Scarborough LLP
949 Third Avenue, Suite 200
Huntington, WV 25701
Email: marc.williams@nelsonmullins.com
Email: rob.sellards@nelsonmullins.com
Email: chris.smith@nelsonmullins.com
Email: alex.frampton@nelsonmullins.com

Charles C. Lifland, Esq.
O'Melveny & Myers LLP
400 S. Hope Street
Los Angeles, CA 90071
Email: clifland@omm.com

Stephen Brody, Esq.
Martha F. Hutton, Esq.
Jason Lueddeke, Esq.
O'Melveny & Myers LLP
1625 Eye Street, NW
Washington, DC 20006
Email: sbrody@omm.com

Email: mhutton@omm.com
Email: jlueddeke@omm.com
*Counsel for Defendants, Ortho-McNeil-Janssen
Pharmaceuticals, Inc. n/k/a Janssen
Pharmaceuticals, Inc.; Janssen Pharmaceutica, Inc.
n/k/a Janssen Pharmaceuticals, Inc.; and Johnson
& Johnson*

/s/ Kia Grant-Smith, Esq. with permission

Stephen D. Annand, Esq.
Robinson & McElwee PLLC
700 Virginia St. East, Ste. 400
Charleston, WV 25301
Tel.: (304) 344-5800
Fax: (304) 344-9566
Email: sda@ramlaw.com

Andrew J. O'Connor, Esq.*
Kia Grant-Smith, Esq.*
Ropes & Gray LLP
Prudential Tower
800 Boylston St.
Boston, MA 02199
(617) 951-7000
Email: Andrew.o'connor@ropesgrap.com
**denotes national counsel who will seek pro hac
vice admission
Counsel for Mallinckrodt Enterprises LLC*

/s/ Gretchen M. Callas, Esq. with permission

A.L. Emch, Esq. / Gretchen M. Callas, Esq.
L. Jill McIntyre, Esq.
Jackson Kelly PLLC
500 Lee Street East, Suite 1600
P.O. Box 553
Charleston, WV 25322
Email: aemch@jacksonkelly.com
Email: gcallas@jacksonkelly.com
Email: jmcintyre@jacksonkelly.com

Robert A. Nicholas, Esq.
Shannon E. McClure, Esq.
Reed Smith LLP
Three Logan Square
1717 Arch Street, Suite 3100
Philadelphia, PA 19103

Email: rnicholas@reedsmith.com
Email: smcclure@reedsmith.com
Counsel for Defendant, AmerisourceBergen Drug Corporation

/s/ Daniel C. Cooper, Esq. with permission

Daniel C. Cooper (WVSB# 5476)
dan.cooper@cooperlawwv.com
Jamison H. Cooper (WVSB# 8043)
jami.cooper@cooperlawwv.com
COOPER LAW OFFICES, PLLC
240 Main Street
Bridgeport, WV 26330
Telephone: (304) 842-0505
Facsimile: (304) 842-0544

Christian J. Pistilli, Esq.
E. Rae Woods, Esq.
Covington & Burling LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
Email: cpistilli@cov.com
Email: rwoods@cov.com
Counsel to McKesson Corporation in actions by Mason, Barbour, Taylor and Webster Counties; the Village of Barboursville; and the Town of Addison (Webster Springs)

/s/ Keith A. Jones, Esq. with permission

Keith A. Jones, Esq. (WVSB #1923)
Jones Law Group, PLLC
P.O. Box 13395
Charleston, WV 25360
Phone: (304)-984-9800
Facsimile: (304) 984-9801
Email: keith@joneslawwv.com

Steven A. Luxton, Esq. (WVSB #11038)
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW,
Washington, DC 20004-2541
Phone: (202) 739-3000
Facsimile: (202) 739-3001
Email: steven.luxton@morganlewis.com

*Counsel for Defendants, Actavis, LLC; Actavis
Pharma, Inc. f/k/a Watson Pharma, Inc.; Watson
Laboratories, Inc.; Teva Pharmaceuticals USA,
Inc., Cephalon, Inc., and Teva Pharmaceutical
Industries, Ltd.*¹

/s/ Letitia N. Chafin, with permission

H. Truman Chafin (WVSB 684)

Letitia N. Chafin (WVSB 7207)

THR CHAFIN LAW FIRM, PLLC

P.O. Box 1799

Williamson, WV 25661

Phone: 304-235-2221

Fax: 304-235-2777

Email: truman@thechafinlawfirm.com

Email: tish@thechafinlawfirm.com

Counsel for Plaintiffs

Teva Pharmaceutical Industries Ltd., an Israeli company, disputes that it has been served but joins this stipulation out of an abundance of caution and expressly reserves all defenses, including those related to personal jurisdiction and service of process¹