



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 REPORT ON POSSIBLE
TRANSFERS TO THE MASS LITIGATION PANEL**

On June 7, 2019, Chief Justice Elizabeth D. Walker entered an Administrative Order granting a motion to refer the following civil actions to the Mass Litigation Panel:

1. *Monongalia County Commission, et al. v. Purdue Pharma L.P., et al.*, Marshall County Civil Action Nos. 18-C-222, 18-C-233, 18-C-234, 18-C-235 and 18-C-236;
2. *Brooke County Commission, et al. v. Purdue Pharma L.P., et al.*, 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 and 17-C-255; and
3. *The County Commission of Mason County, et al. v. Purdue Pharma L.P., et al.*, Marshall County Civil Action Nos. 19-C-4, 19-C-5, 19-C-6, 19-C-7, 19-C-8, 19-C-9.

As described, “[t]hese 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.” The Chief Justice further ordered that “all civil actions involving the same or similar common questions of law or fact at issue . . . are to be transferred to the Mass Litigation Panel for further proceedings.”

On June 14, 2019, the Mass Litigation Panel ordered the parties to submit a report “setting forth their knowledge of other pending civil actions involving the same or similar common questions of law or fact at issue that should be transferred to the Mass Litigation Panel pursuant to the Administrative Order entered on June 7, 2019, by Chief Justice Walker.” *Order Assigning Judges, Transferring Civil Actions to the Circuit Court of Kanawha County, West Virginia, and Designating Litigation for Electronic Filing and Service*. Pursuant to that Order,

the Parties filed a *Report on Possible Transfers to the Mass Litigation Panel* (Transaction ID 63507594). The Parties are in agreement that the following civil actions involve the same or similar common questions of law or fact as the cases previously transferred to the Mass Litigation Panel and should be transferred to the Mass Litigation Panel:

1. *Roane County Commission, et al. v. Mylan Pharmaceuticals Inc., et al.*, Civil Action Nos. 19-C-96 to 19-C-108, filed in the Circuit Court of Marshall County, West Virginia; and
2. *Mayor Peggy Knotts Barney, on Behalf of City of Grafton, and Mayor Philip Bowers, on Behalf of City of Philippi v. Purdue Pharma, L.P., et al.*, Civil Action Nos. 19-C-151 and 19-C-152, filed in the Circuit Court of Marshall County, West Virginia (the “Grafton-Philippi” civil actions).

There being no objection, the Panel directs the Parties to file and serve proposed, agreed orders transferring the above-styled civil actions to the Mass Litigation Panel. The proposed orders must be filed in the circuit court where the actions are currently pending, and served on all counsel of record, Judge David W. Hummel, Jr., Judge Alan D. Moats and the Mass Litigation Manager **by July 22, 2019.**

The Parties are not in agreement regarding whether the following civil actions should be transferred to the Mass Litigation Panel:

1. *West Virginia University Hospitals, Inc., et al. v. Purdue Pharma L.P., et al.*, Civil Action Nos. 19-C-69 to 19-C-88; and 19-C-134 to 19-C-139, filed in the Circuit Court of Marshall County, West Virginia; and
2. *State of West Virginia ex rel. Patrick Morrissey v. Purdue Pharma, L.P., et al.*, Civil Action No. 19-C-62, filed in the Circuit Court of Boone County, West Virginia.

Any Party seeking to transfer these civil actions to the Mass Litigation Panel must file a motion to transfer the civil action(s) in the circuit court where the actions sought to be transferred are pending by **July 22, 2019.** Any response to such motion must be filed and served by **August 5, 2019.** Any reply must be filed and served by **August 12, 2019.** All motions, responses and replies must be served on all counsel of record, the judges in the actions sought to be transferred,

Lead Presiding Judge Alan D. Moats and the Mass Litigation Manager.

The Presiding Judges assigned to the Opioid Litigation will hear any motions to transfer **at 10:00 a.m. on August 22, 2019**, in Courtroom Four, also known as the Ceremonial Courtroom, on the second floor of the Kanawha County Courthouse, located at 409 Virginia Street, East, in Charleston, West Virginia.

This Order is being electronically filed and served on all counsel of record in the Opioid Litigation. A copy of this Order is being sent to the Circuit Court of Marshall County, West Virginia and the Circuit Court of Boone County, West Virginia for service on all counsel of record in their respective cases.

It is so **ORDERED**.

ENTER: July 5, 2019.

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