

## ADMINISTRATIVE ORDER

### SUPREME COURT OF APPEALS OF WEST VIRGINIA

B.B.,  
Plaintiff

vs. Kanawha County Civil Action No. 13-C-2187

John Pellegrini, D.O.; Hope Clinic,  
PLLC, a West Virginia Corporation;  
The ERx Group, LLC, a Tennessee Corporation;  
PMP Services, Inc., a Tennessee Corporation;  
and PPPFD, Inc., a West Virginia Corporation,  
Defendants

The Honorable Charles E. King Jr., Judge of the Thirteenth Judicial Circuit, has advised the Chief Justice of the Supreme Court of Appeals that Plaintiff B.B., by counsel, Robert V. Berthold Jr., Matthew C. Berthold, and the Berthold Law Firm, PLLC, filed a motion to refer the above-styled action, along with twenty-six other related civil actions (“Pellegrini Litigation”) identified in the motion and attached to this order, to the Mass Litigation Panel pursuant to Rule 26.06 of the West Virginia Trial Court Rules. Defendant John Pellegrini, D.O., by counsel, Don R. Sensabaugh Jr., Amy Rothman Malone, and the law firm of Flaherty Sensabaugh Bonasso PLLC; Defendant Hope Clinic, PLLC, by counsel, Robert M. Sellards, Nathan Brown, and the law firm of Nelson, Mullins Riley & Scarborough, LLP; Defendants ERx Group, LLC, and PMP Services, Inc., by counsel, Timothy Linkous, Jennifer Tampoya, and the law firm of Shuman McCuskey & Slicer, PLLC, filed a joint response in opposition to the motion to refer. The West Virginia Board of Osteopathic Medicine<sup>1</sup>, by counsel, Perry W. Oxley, L.R. Sammons III, and the law firm of Anspach Meeks Ellenberger LLP, also filed a response in opposition to the motion to refer. Judge King has advised the Chief Justice that he supports the motion to refer.

The motion appears to be in substantial compliance with Rule 26.06 of the West Virginia Trial Court Rules. The time for litigants, attorneys and affected judges to respond has expired.

Upon careful review and consideration of the motion and all reply memoranda, the Chief Justice has determined that this litigation does not meet the definition of mass litigation as set forth in Rule 26.04(a) of the West Virginia Trial Court Rules, and the motion to refer should, therefore, be denied.

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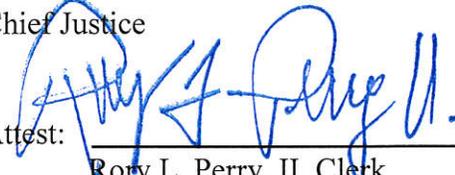
<sup>1</sup> According to the response filed by the West Virginia Board of Osteopathic Medicine, it is not a defendant in Civil Action No. 13-C-2187. However, it is a defendant in approximately thirteen other civil actions pending in the Kanawha County Circuit Court involving Pellegrini litigation.

IT IS, HEREBY, ORDERED, that the motion to refer the Pellegrini Litigation referenced in this Order, is DENIED, and that a copy of this order be transmitted to the Honorable Alan D. Moats, Chair of the Mass Litigation Panel; to the Honorable Charles E. King Jr., Judge of the Thirteenth Judicial Circuit; to the Mass Litigation Manager; and to the Circuit Clerk of Kanawha County.

IT IS FURTHER ORDERED, that the Circuit Clerk of Kanawha County record this Order and serve copies on all parties of record or their counsel.

ENTERED: JULY 7, 2015

  
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MARGARET L. WORKMAN  
Chief Justice

Attest:   
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Rory L. Perry, II, Clerk  
Supreme Court of Appeals

Kanawha County Pellegrini Litigation

Consolidated under Civil Action No. 13-C-2277 pursuant to Judge King's order filed in the Circuit Court of Kanawha County on March 11, 2015

1. B. B. v. Pellegrini, et al., Civil Action No. 13-C-2187
2. Smith v. Pellegrini, et al., Civil Action No. 13-C-2277
3. Bragg v. Pellegrini, et al., Civil Action No. 14-C-340
4. Riffe v. Pellegrini, et al., Civil Action No. 14-C-355
5. Click v. Pellegrini, et al., Civil Action No. 14-C-365
6. Keen v. Pellegrini, et al., Civil Action No. 14-C-376
7. Dalton v. Pellegrini, et al., Civil Action No. 14-C-378
8. Ramsey v. Pellegrini, et al., Civil Action No. 14-C-595
9. Dillon v. Pellegrini, et al., Civil Action No. 14-C-636
10. Dillard v. Pellegrini, et al., Civil Action No. 14-C-655
11. Bailey v. Pellegrini, et al., Civil Action No. 14-C-1347
12. Shuff, et al. v. Pellegrini, et al., Civil Action No. 14-C-1319
13. In Re: M.S. v. Pellegrini, et al., Civil Action No. 14-C-1451
14. Bailey v. Pellegrini, et al., Civil Action No. 14-C-1346
15. Skinner v. Pellegrini, et al., Civil Action No. 14-C-999
16. York v. Pellegrini, et al., Civil Action No. 14-C-752
17. Gilkerson v. Pellegrini, et al., Civil Action No. 14-C-1076
18. Lester v. Pellegrini, et al., Civil Action No. 14-C-1361
19. Ward v. Pellegrini, et al., Civil Action No. 14-C-1212
20. In Re: A.F. v. Pellegrini, et al., Civil Action No. 14-C-1385
21. In Re: A.S. v. Pellegrini, et al., Civil Action No. 14-C-1450
22. In Re: J.B. v. Pellegrini, et al., Civil Action No. 14-C-1384
23. In Re: M.C. v. Pellegrini, et al., Civil Action No. 14-C-1453
24. In Re: S.B. v. Pellegrini, et al., Civil Action No. 14-C-1452
25. Kennedy v. Pellegrini, et al., Civil Action No. 14-C-1281
26. Wills v. Pellegrini, et al., Civil Action No. 14-C-1280
27. Sturgill v. Pellegrini, et al., Civil Action No. 14-C-1492