



IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

IN RE: RALEIGH HEART CLINIC LITIGATION

CIVIL ACTION NO. 18-C-5000

THIS DOCUMENT APPLIES TO ALL CASES

AGREED ORDER OF DISMISSAL

COME NOW Defendant Cardinal Health 414, LLC, (“Cardinal Health”) and pursuant to Rule 41 of the West Virginia Rules of Civil Procedure, and Cross-Defendants Thair Barghouthi, M.D. and Raleigh Heart Clinic, by undersigned counsel, and represent to the Court that the Parties in the above-referenced Mass Litigation actions have agreed, pursuant to a settlement reached between the Parties, to voluntarily dismiss with prejudice the cross-claim asserted by Cardinal Health against Thair Barghouthi, M.D., and Raleigh Heart Clinic in this matter. Therefore, the Parties jointly move the Court to dismiss Cardinal Health’s cross-claim and remove this matter from this Court’s docket.

WHEREFORE, the Court, having considered the request of counsel, and being otherwise sufficiently advised, **HEREBY DISMISSES** Cardinal Health’s cross-claim against Thair Barghouthi, M.D., and Raleigh Heart Clinic, **WITH PREJUDICE**. Further, this Court **HEREBY REMOVES** this matter from this Court’s docket. The parties shall bear their own costs.

A copy of this Order has been electronically served on all parties and counsel of record this day.

ENTERED: July 6, 2020

/s/ Jay M. Hoke
Lead Presiding Judge
Raleigh Heart Clinic Litigation

Prepared by:

/s/ Marc E. Williams

Marc E. Williams, Esq. (WV Bar No. 4062)

**NELSON MULLINS RILEY &
SCARBOROUGH LLP**

949 Third Avenue, Suite 200

Huntington, WV 25701

Telephone: (304) 526-3501

Facsimile: (304) 526-3541

Email: marc.williams@nelsonmullins.com

Cheryl A. Falvey, *admitted pro hac vice*

Crowell & Moring, LLP

1001 Pennsylvania Avenue, NW

Washington, D.C. 20004

Telephone: (202) 624-2675

Facsimile: (202) 628-5116

Email: cfalvey@crowell.com

Counsel for Defendant Cardinal Health 414, LLC

Approved by:

/s/ Robert P. Dunlap

Robert P. Dunlap, II, Esq. (WV Bar No. 10012)

DUNLAP & ASSOCIATES

208 Main Street

Beckley, West Virginia 25801

Telephone: (304) 255-4762

Facsimile: (304) 255 4760

Counsel for Thair Barghouthi, M.D. and Raleigh Heart Clinic