

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 25th of March, 2014, the following order was made and entered:

State of West Virginia ex rel. J.C., a minor, by and
through his mother and next friend, Michelle C., et al.,
Petitioners

vs.) No. 14-0207

Honorable James P. Mazzone, Lead Presiding Judge,
Zoloft Litigation, Mass Litigation Panel; and Pfizer,
Inc.; Roerig, a division of Pfizer, Inc.; and Greenstone,
LLC, formerly known as Greenstone Ltd.,
Respondents

On March 7, 2014, came the petitioners, Michelle C., et al., by Bert Ketchum, Greene, Ketchum, Farrell, Bailey & Tweel, their attorneys, and presented to the Court their petition praying for a writ of prohibition to be directed against the respondent, Honorable James P. Mazzone, Presiding Judge in a case referred to the Mass Litigation Panel, as therein set forth.

Thereafter, on March 14, 2014, came the respondents, Pfizer, Inc. and Greenstone LLC, by Michael J. Farrell, Erik W. Legg and Megan E. Farrell, Farrell, White & Legg PLLC, their attorneys, and presented to the Court their respondent's brief.

Upon consideration, the Court is of opinion that a rule should be awarded herein. It is therefore considered and ordered that a rule do issue directed against the respondent, commanding and directing the said respondents, to show cause, if any they can, why a writ of prohibition should not be awarded against Honorable James P. Mazzone, Presiding Judge in a case referred to the Mass Litigation Panel, as prayed for by the petitioners in their said petition. Justice Ketchum disqualified.

It is further ordered that this matter be, and it hereby is, scheduled for consideration and oral argument under Rule 20 of the Rules of Appellate Procedure to be held on Tuesday, May 6, 2014. The Clerk will, at a later date, furnish counsel of record with a Notice of Argument pursuant to Rule 20(b), which will contain additional information regarding argument.

It is further ordered that the petitioners and the respondents each file a supplemental brief on or before April 18, 2014.

Pursuant to Trial Court Rule 26.05, the Mass Litigation Panel has administrative duties, including the development of “case management and trial methodologies to fairly and expeditiously resolve Mass Litigation referred to the Panel by the Chief Justice.” In view of this important structural role within the court system of West Virginia, the Court is of the opinion that full consideration of this matter should include an opportunity for the Panel to file a brief that explains its perspective on how the issues raised in the petition may impact the duties of the Panel and the administration of Mass Litigation in West Virginia. Accordingly, it is further ordered that the Mass Litigation Panel may file a brief on or before April 25, 2014.

It is finally ordered that the petitioners and the respondents may file a reply brief on or before May 2, 2014.

Service of a copy of this order upon the respondents aforesaid shall have the same effect as the service of a formal writ.

A True Copy

Attest: /s/ Rory L. Perry II, Clerk of Court

