



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: ZOLOFT LITIGATION

Civil Action No. 14-C-7000

THIS DOCUMENT APPLIES TO ALL CASES

**ORDER REGARDING PLAINTIFFS' MOTION TO STAY THE PANEL'S
OCTOBER 29, 2014 FORUM NON CONVENIENS ORDER PENDING APPEAL**

Having reviewed *Plaintiffs' Motion to Stay the Panel's October 29, 2014 Forum Non Conveniens Order Pending Appeal* filed on October 30, 2014 (Transaction ID 56266895), and Defendants' opposition to the motion filed on November 06, 2014 (Transaction ID 56299709); and having conferred with one another to ensure uniformity of their decisions, as contemplated by West Virginia Trial Court Rule 26.07(a), the Presiding Judges **DENY** Plaintiffs' motion for the foregoing reasons.

Pursuant to the Court's October 29, 2014 *Forum Non Conveniens* Order (Transaction ID 56264365) nine out-of-state Plaintiff Families have been dismissed and, therefore, their claims cannot be removed to federal court. Defendants represent to the Court and to Plaintiffs' counsel that: 1) they do not intend to remove the two remaining Plaintiff Families who have a factual connection to West Virginia (*H* and *C*); and 2) they are prepared to proceed with discovery and other pretrial proceedings as to these two Plaintiff Families' claims. Accordingly, the Court **DENIES** Plaintiffs' motion and **ORDERS** the parties to proceed with discovery and other pretrial proceedings as to the claims of the *H* and *C* Plaintiff Families. The Court further **ORDERS** that the deadlines set forth in the Court's Case Management Order entered on June 24, 2014 (Transaction ID 55637257) shall apply to the claims of the *H* and *C* Plaintiff Families.

Understanding that Plaintiff-specific fact and expert witness discovery will be necessary for each Plaintiff Family's claims, the Court hereby **ORDERS** that any general liability

discovery will apply to all Zoloft Litigation cases assigned to the Mass Litigation Panel. In the event the Panel's dismissal of the nine Plaintiff Families' claims is reversed on appeal, the Panel will enter a Case Management Order addressing Plaintiff-specific fact and expert discovery deadlines for those Plaintiff Families.

It is so **ORDERED**.

ENTER: November 13, 2014

/s/ James P. Mazzone
Lead Presiding Judge
Zoloft Litigation