



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 ADOPTING THE WEST VIRGINIA FIRST
MEMORANDUM OF UNDERSTANDING

Pending before the Mass Litigation Panel is the County and City Plaintiffs' *Motion to Adopt the West Virginia First Memorandum of Understanding* (the "Motion") (Transaction ID 68760098) requesting the Panel to formally adopt the *West Virginia First Memorandum of Understanding* ("WVMOU").

Upon consideration of the Motion, the Court **FINDS** that the West Virginia Memorandum of Understanding ("WVMOU") has been agreed to and executed by Plaintiffs, this Court has previously approved the establishment of a Qualified Settlement Fund in accordance with the WVMOU, the WVMOU sets forth a comprehensive framework for the allocation and distribution of funds for West Virginia opioid claims—the receipt of which has begun, and judicial economy will be served by the Panel's formal adoption of the WVMOU.

It is accordingly **ORDERED** that the West Virginia First Memorandum of Understanding, attached as Exhibit A to the Motion, is hereby adopted and incorporated in its entirety, and shall govern the allocation, distribution, and payment of all recoveries in connection with the claims asserted by the State of West Virginia and any West Virginia County and City in the above consolidated civil action as is set forth in the WVMOU.

It is further **ORDERED** that the provisions of the WVMOU be implemented and the Parties are directed to proceed with steps necessary for that implementation, including, but not limited to the creation of the West Virginia First Foundation.

A copy of this Order has this day been electronically served on all counsel of record via
File & ServeXpress.

It is so **ORDERED**.

ENTERED: January 4, 2023.

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

/s/ Derek C. Swope
Presiding Judge
Opioid Litigation

Approved and Submitted By:

STATE OF WEST VIRGINIA ex rel. PATRICK MORRISEY, ATTORNEY GENERAL
By Counsel,

PATRICK MORRISEY
Attorney General

/s/ Ann L. Haight
ANN L. HAIGHT (WVSB No. 1527)
Deputy Attorney General
VAUGHN T. SIZEMORE (WVSB No. 8231)
Deputy Attorney General
ABBY G. CUNNINGHAM (WVSB No. 13388)
Assistant Attorney
General Consumer Protection/Antitrust Division
Office of the West Virginia Attorney General
1900 Kanawha Blvd., East
State Capitol Complex Bldg. 6, Suite 401
Charleston, WV 25305
Telephone: 304-558-8986
Fax: 304-558-0184

Approved by:

/s/ Robert P. Fitzsimmons

Robert P. Fitzsimmons (WV Bar #1212)

Fitzsimmons Law Firm PLLC

1609 Warwood Avenue

Wheeling, WV 26003

Telephone: (304) 277-1700

Email: bob@fitzsimmonsfirm.com

/s/ Paul T. Farrell, Jr.

Paul T. Farrell, Jr. (WV Bar #7443)

Farrell & Fuller, LLC

1311 Ponce de Leon Ave., Suite 202

San Juan, Puerto Rico 00907

Telephone: (304) 654-8281

Email: paul@farrellfuller.com

Co-Lead Counsel for County and City Plaintiffs