



IN THE CIRCUIT COURT OF MARSHALL COUNTY, WEST VIRGINIA

T.B. ex rel. Z.D.B. v. McKesson Corp., et al., Civil Action No. 22-C-5
J.A. ex rel. S.D.L. & H.G.L. v. McKesson Corp., et al., Civil Action No. 22-C-29
F.A. ex rel. M.J.A. v. McKesson Corp., et al., Civil Action No. 22-C-27
S.A. ex rel. A.L.A. & T.L.A. v. McKesson Corp., et al., Civil Action No. 22-C-30
T.B. ex rel. B.E.B. & S.F.B. v. McKesson Corp., et al., Civil Action No. 22-C-21
D.B. ex rel. W.A.R. v. McKesson Corp., et al., Civil Action No. 22-C-28
P.F. ex rel. A.J.F. v. McKesson Corp., et al., Civil Action No. 22-C-32
S.H. ex rel. N.M.B. v. McKesson Corp., et al., Civil Action No. 22-C-24
D.J. ex rel. L.M.J. v. McKesson Corp., et al., Civil Action No. 22-C-33
R.J. ex rel. S.A.J. v. McKesson Corp., et al., Civil Action No. 22-C-36
T.L. ex rel. M.D.L. & T.J.L. v. McKesson Corp., et al., Civil Action No. 22-C-22
K.M. ex rel. L.C.M. v. McKesson Corp., et al., Civil Action No. 22-C-23
S.O. ex rel. R.G.O. v. McKesson Corp., et al., Civil Action No. 22-C-20
T.P. ex rel. Z.N.B. v. McKesson Corp., et al., Civil Action No. 22-C-31
S.S. ex rel. T.K.L. v. McKesson Corp., et al., Civil Action No. 22-C-35
B.S. ex rel. S.R.S., M.K.S., & J.A.S. v. McKesson Corp., et al., Civil Action No. 22-C-34
D.W. ex rel. C.D.W. & C.G.W. v. McKesson Corp., et al., Civil Action No. 22-C-26
C.W. ex rel. E.G.W. & B.D.W. v. McKesson Corp., et al., Civil Action No. 22-C-25
A.D.A., as next friend of L.R.A., a minor child under the age of 18 v. Johnson & Johnson, et al., Civil Action No. 21-C-110

**ORDER TRANSFERRING NEONATAL ABSTINENCE SYNDROME ("NAS")
CASES TO THE CIRCUIT COURT OF KANAWHA COUNTY AND
DESIGNATING NAS CASES FOR ELECTRONIC FILING AND SERVICE**

On August 9, 2022, Chief Justice John A. Hutchison granted motions to refer the above-referenced civil actions to the Mass Litigation Panel and ordered that "all civil actions involving the same or similar common questions of law or fact at issue in the above-referenced civil actions are to be transferred to the Mass Litigation Panel for further proceedings."

Pursuant to West Virginia Trial Court Rule 26.08(b), and with the advice and consent of the Panel, it is **ORDERED** that all civil actions identified in the Administrative Order entered on August 9, 2022, by Chief Justice Hutchison are transferred to the Circuit Court of Kanawha County, West Virginia, and joined with *In re: Opioid Litigation*, Civil Action No. 19-C-9000,

currently pending in Kanawha County. These civil actions shall be referred to as the Neonatal Abstinence Syndrome (“NAS”) Cases. It is further **ORDERED** that the NAS Cases shall not be consolidated.

The Panel has determined it is appropriate for the NAS Cases to be subject to electronic filing and service (“e-filing and service”) in the Circuit Court of Kanawha County, West Virginia. Pursuant to West Virginia Trial Court Rule 15.02(c), all NAS Cases shall be subject to e-filing and service **beginning on September 30, 2022**, as provided in Trial Court Rule 15.01 *et seq.* The parties shall provide File & Serve*Xpress* with their case and party data **no later than August 29, 2022**.

Registration and training for e-filing and service is **mandatory**. If a party is not registered with File & Serve*Xpress* by September 30, 2022, the party will not receive e-service of documents in the NAS Cases. Communications will be forthcoming from File & Serve*Xpress* regarding registration and training, but the **File & Serve*Xpress* Customer Service Department** may be reached at **1-888-529-7587**. Pursuant to Trial Court Rule 15.02(b), e-filing and service shall not be used to initiate a civil action or to serve a new party with an amended complaint or a third-party complaint.

All paper court files in the NAS Cases are **ORDERED** to be retained in the clerk’s office in the circuit court where any civil action subject to this Order is currently pending, subject to further order of the Panel. **All documents filed prior to September 30, 2022**, any oversized documents that cannot be electronically filed, and any documents the Court orders to be placed under seal are **ORDERED** to be filed traditionally in the clerk’s office of the circuit court where the paper file is retained.

To facilitate electronic filing and service in the NAS cases, the Panel amends the

Electronic Filing and Service Case Management Order (Transaction ID 63504553) entered on July 2, 2019, to add a separate Master Case File for the NAS cases.

The Court has directed File & ServeXpress to structure the new Master Case File as follows:

Court: West Virginia, Kanawha County Circuit Court
Case Class: MLP Pharmaceutical – Opioid Litigation
Secondary Case Type: Opioid Litigation 22-C-9000 NAS Cases
Secondary MC#: MC 22-C-9000 NAS
Secondary MC Name: In re: Opioid Litigation 22-C-9000 NAS Cases Master Case

The NAS Cases Master Case file shall contain only pleadings or documents of general applicability to NAS Cases, such as trial calendars, case management orders and other orders of general applicability, joint motions, notices of deposition if they are not case-specific, master pleadings, master discovery, and other similar documents.

When a document is intended to be applicable to all NAS Cases, the document shall be styled “*In re: Opioid Litigation*, Civil Action No. 22-C-9000 NAS,” shall contain the notation “THIS DOCUMENT APPLIES TO ALL NAS CASES” and shall be filed into Case Number MC 22-C-9000 NAS.

When a document is intended to be applicable to a specific NAS Case or specific NAS Cases, the document shall be styled “*In re: Opioid Litigation*, Civil Action No. 22-C-9000 NAS,” shall contain the notation “THIS DOCUMENT APPLIES TO:” and the specific NAS Case or specific NAS Cases shall be listed using the initiating case number and the three-letter county identifier of the case into which the document is to be filed.

All other provisions of the Court’s *Electronic Filing and Service Case Management Order* (Transaction ID 63504553) remain in full force and effect.

The parties are **ORDERED** to meet, confer and to file a report setting forth the parties’

knowledge of any other pending civil actions involving the same or similar common questions of law or fact at issue that should be transferred to the Mass Litigation Panel pursuant to the Administrative Order entered by Chief Justice Hutchison on August 9, 2022. The parties' report shall be e-filed into the NAS Cases Master Case file and shall be e-served on Lead Presiding Judge Alan D. Moats, Presiding Judge Derek C. Swope, Counsel to the Mass Litigation Panel, and all counsel of record **no later than September 30, 2022.**

The Panel further **ORDERS** the parties to upload all previously filed documents into the appropriate electronic case files in File & ServeXpress using the document types "previously filed complaint," "previously filed answer," "previously filed motion," "previously filed response" etc. **no later than December 30, 2022.** To facilitate the implementation of electronic filing and service and the uploading of all previously filed documents in the NAS cases, the Panel **STAYS** the NAS Cases, up to and including December 30, 2022. A status conference will be scheduled by separate order.

The Clerk of the Circuit Court of Marshall County, West Virginia, is **ORDERED** to file this Order, and to provide a copy of this Order to the Clerk of the Circuit Court of Kanawha County, West Virginia, the clerks of all other circuit courts in West Virginia, all counsel of record in the above-referenced civil actions, and counsel to the Mass Litigation Panel.

It is so **ORDERED.**

ENTERED: August 15, 2022.


Chair, Mass Litigation Panel