



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: OPIOID LITIGATION

CIVIL ACTION NO. 21-C-9000-PHARM

THIS DOCUMENT APPLIES TO:

STATE OF WEST VIRGINIA ex rel.  
PATRICK MORRISEY, Attorney General,

Plaintiff,

v.

CIVIL ACTION NO. 22-C-111 PNM

THE KROGER CO., et al

Defendants.

**ORDER DENYING KROGER DEFENDANTS'  
MOTION TO AMEND MEDIATION ORDER**

Pending before the Mass Litigation Panel ("Panel") is the *Kroger Defendants' Motion to Amend Mediation Order* (Transaction ID 68754271). Upon review of Kroger's Motion, the Opposition of Plaintiff the State of West Virginia, acting through its Attorney General, Patrick Morrisey (the "State") (Transaction ID 68777686), and Kroger's Reply (Transaction ID 68832737), the Motion is **DENIED**. The Kroger Defendants shall provide their response to Plaintiff's January 4, 2023, settlement demand to Plaintiff **by January 11, 2023**, and shall also provide their response to the Resolution Judges **by January 11, 2023**, via facsimile marked **"CONFIDENTIAL MEDIATION COMMUNICATION."**

Kroger's objections are noted for the record.

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 9, 2023.

/s/ Joanna I. Tabit  
Lead Resolution Judge  
Opioid Litigation