



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 ESTABLISHING WEST VIRGINIA FIRST QUALIFIED SETTLEMENT FUND
AND APPOINTING SETTLEMENT FUND ADMINISTRATOR**

Pending before the Mass Litigation Panel is the State's *Motion to Establish the West Virginia First Qualified Settlement Fund and Appoint Settlement Fund Administrator* (the "Motion") (Transaction ID 67898482) requesting that this Panel establish a Qualified Settlement Fund and appoint a settlement fund administrator.

Upon consideration of the Motion and having heard from the parties on October 7, 2022, the Panel finds the immediate purpose of the Motion is to establish a Qualified Settlement Fund; approve a financial institution that will hold any monies deposited into the Qualified Settlement Fund on an interim basis until further Order of the Court; and appoint an interim administrator to take such steps as are necessary to establish the Qualified Settlement Fund, including but not limited to setting up the necessary bank accounts and Tax Identification Numbers, with the remaining terms and conditions of the Administrator's appointment to be determined by further Order of the Court. Accordingly, the Court **GRANTS** the Motion in part and **ORDERS**:

1. The West Virginia First Qualified Settlement Fund ("Fund") is hereby established as and constitutes a single Qualified Settlement Fund within the meaning of section 468B of the Internal Revenue Code of 1986, as amended, and Treasury Regulation Sections 1.468B-1, *et seq.*

2. Huntington National Bank is appointed as the financial institution that will hold any monies deposited into the Fund on an interim basis, subject to further recommendation by Counsel for the State, Co-Lead Counsel for the City and County Plaintiffs, and Lead Counsel for the Manufacturer Defendants, Distributor Defendants, and Pharmacy Defendants who have

settled with the State of West Virginia and the City and County Plaintiffs, and further Order of the Court.

3. John Jenkins of Smith, Cochran, and Hicks is hereby appointed to serve as Administrator of the Fund (“Administrator”) on an interim basis, subject to further recommendation by Counsel for the State, Co-Lead Counsel for the City and County Plaintiffs, and Lead Counsel for the Manufacturer Defendants, Distributor Defendants, and Pharmacy Defendants who have settled with the State of West Virginia and the City and County Plaintiffs, and further Order of the Court. The interim Administrator shall take such steps as are necessary to establish the Fund, including but not limited to setting up the necessary bank accounts and Tax Identification Numbers, with the remaining terms and conditions of the Administrator’s appointment to be determined by further Order of the Court.

4. Plaintiffs shall direct that any sums arising from opioid claims recovered by way of settlement, judgment, or bankruptcy claim (“WV Opioid Funds”) against any Opioid Defendant be deposited into the Fund.

5. The interim Administrator shall not disburse any WV Opioid Funds pending further Order of the Court.

6. No later than **Monday, November 21, 2022**, Counsel for the State, Co-Lead Counsel for the City and County Plaintiffs, and Lead Counsel for the Manufacturer Defendants, Distributor Defendants, and Pharmacy Defendants who have settled with the State of West Virginia and the City and County Plaintiffs shall meet, confer, and file and serve a joint report to the Court with their recommendations concerning: 1) the financial institution that will hold any monies deposited into the Fund thereafter; 2) the terms and conditions of the Administrator’s duties; and 3) any other recommendations the parties deem appropriate.

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

It is so **ORDERED**.

ENTERED: October 13, 2022.

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

/s/ Derek C. Swope
Presiding Judge
Opioid Litigation