



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: OPIOID LITIGATION

CIVIL ACTION NO. 22-C-9000 NAS

THIS DOCUMENT APPLIES TO ALL NAS CASES

ORDER GRANTING MOTION TO TRANSFER NAS CASES

Pending before the Mass Litigation Panel are: (1) the parties' *Joint Status Report* (Transaction ID 68198038) filed on September 30, 2022, pursuant to the Panel's *Order Transferring Neonatal Abstinence Syndrome ("NAS") Cases to the Circuit Court of Kanawha County and Designating NAS Cases for Electronic Filing and Service* (Transaction ID 67932827)("Transfer Order"); and (2) a *Motion to Transfer Cases* (Transaction ID 68246373) filed by Defendants Johnson & Johnson and Janssen Pharmaceuticals (collectively, "Janssen") on October 12, 2022. The Panel has reviewed the Joint Status Report and Motion to Transfer as well as *Plaintiffs' Response to Motion to Transfer Cases* (Transaction ID 68257624) filed on October 14, 2022, and *Janssen's Reply in Further Support of Motion to Transfer Cases* (Transaction ID 68270621) filed on October 18, 2022.

Paragraph 3 of the Joint Status Report states:

[T]here are now an additional 16 NAS civil actions pending in the Circuit Court of Marshall County.... Plaintiffs' position is that these additional 16 cases ... "involv[e] the same or similar common questions of law or fact at issue" and "should be transferred to the Mass Litigation Panel pursuant to the Administrative Order entered by Chief Justice Hutchison on August 9, 2022." Transfer Order at 3-4. Defendants do not oppose transfer.

The Supreme Court of Appeals of West Virginia's August 9, 2022, Administrative Order entered by Chief Justice Hutchison ("August 9, 2022, Administrative Order") authorizes the Panel "to transfer and join with the existing Mass Litigation any civil actions involving the same or similar common questions of law or fact subsequently filed in any circuit court of West Virginia."

Finding good cause shown and pursuant to the August 9, 2022, Administrative Order, the

Panel **GRANTS** the *Motion to Transfer Cases* (Transaction ID 68246373) and **ORDERS** the following civil actions currently pending in the Circuit Court of Marshall County, West Virginia, transferred to the Circuit Court of Kanawha County, West Virginia, and joined with *In re: Opioid Litigation*, Civil Action No. 22-C-9000 NAS:

1. *S.U., as Next Friend of G.M. v. Johnson & Johnson et al.*, Civil Action No. 22-C-67
2. *J.A.H., as Next Friend of J.S., IV v. Johnson & Johnson et al.*, Civil Action No. 22-C-68
3. *L.M.H., as Next Friend of C.J.W. v. Johnson & Johnson et al.*, Civil Action No. 22-C-69
4. *A.L.K., as Next Friend of A.M.K. v. Johnson & Johnson et al.*, Civil Action No. 22-C-70
5. *S.W., as Next Friend of J.W. v. Johnson & Johnson et al.*, Civil Action No. 22-C-71
6. *K.A.D., as Next Friend of B.D.G. v. Johnson & Johnson et al.*, Civil Action No. 22-C-72
7. *A.N.C., as Next Friend of J.J.S. v. Johnson & Johnson et al.*, Civil Action No. 22-C-73
8. *D.R.E., as Next Friend of K.J.W. v. Johnson & Johnson et al.*, Civil Action No. 22-C-74
9. *K.B., as Next Friend of B.M.B. v. Johnson & Johnson et al.*, Civil Action No. 22-C-75
10. *A.B.F., as Next Friend of C.A.E. v. Johnson & Johnson et al.*, Civil Action No. 22-C-76
11. *M.B., as Next Friend of D.A.A. v. Johnson & Johnson et al.*, Civil Action No. 22-C-77
12. *A.S.A., as Next Friend of K.K.J. v. Johnson & Johnson et al.*, Civil Action No. 22-C-78
13. *M.B., as Next Friend of H.C.A. v. Johnson & Johnson et al.*, Civil Action No. 22-C-79
14. *M.E.B., as Next Friend of E.N.B. v. Johnson & Johnson et al.*, Civil Action No. 22-C-80
15. *M.B., as Next Friend of S.D.A. v. Johnson & Johnson et al.*, Civil Action No. 22-C-81
16. *A.S.A., as Next Friend of B.J.J. v. Johnson & Johnson et al.*, Civil Action No. 22-C-82

The above-listed civil actions shall be subject to e-filing and service **beginning on November 16, 2022**, as provided in Trial Court Rule 15.01 *et seq.* The parties shall provide File & ServeXpress with the case and party data for the above-listed civil actions **no later than November 2, 2022**.

The parties are reminded that registration and training for e-filing and service is **mandatory**. If a party in the above-listed civil actions is not registered with File & ServeXpress **by November 16, 2022**, the party will not receive e-service of documents in the NAS Cases. Communications will be forthcoming from File & ServeXpress regarding registration and training, but the **File & ServeXpress 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 above-listed civil actions are **ORDERED** to be retained in the Marshall County Circuit Clerk's office, subject to further order of the Panel. **All documents filed in the above-listed civil actions prior to November 16, 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 Marshall County Circuit Clerk's office where the paper file is retained.

All parties are reminded that:

The Panel further **ORDERS** the parties to upload all previously filed documents into the appropriate electronic case files in File & Serve*Xpress* 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.

Transfer Order, p. 4.

The Clerk of the Circuit Court of Kanawha County, West Virginia, is **ORDERED** to provide a copy of this Order to the Clerk of the Circuit Court of Marshall County, West Virginia, for service on all parties in the above-listed civil actions and any affected Judge in the Circuit Court of Marshall County. A copy of this Order has this day been electronically served on all counsel of record in the NAS Cases via File & Serve*Xpress*.

It is so **ORDERED**.

ENTERED: October 19, 2022.

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

/s/ Derek C. Swope
Presiding Judge
Opioid Litigation