



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: OPIOID LITIGATION

CIVIL ACTION NO. 21-C-9000 PHARM

THIS DOCUMENT APPLIES TO ALL STATE CASES AGAINST PHARMACIES

SECOND AMENDED CASE MANAGEMENT ORDER

The Panel hereby Amends the *Case Management Order Relating to the Pharmacy Cases* (Transaction ID 67073428) and the *Order Modifying Deadlines in the Case Management Order* (Transaction ID 67437177) as follows:

1. The parties are hereby given leave of Court to file any motion or exhibit that references or includes confidential material under seal. No motion seeking leave of Court will be necessary.
2. Motions for summary judgment and motions challenging the admissibility of expert testimony shall be filed **no later than 12:00 p.m. on Monday, July 25, 2022.** Oppositions to such motions shall be filed **no later than 12:00 p.m. on Friday, August 12, 2022. *No replies will be allowed.*** Upon the filing of any motion challenging the admissibility of expert testimony, the filing party must identify whether prior motions to limit or exclude the subject expert's testimony in other opioid related matters were granted or denied and provide the relevant order(s) to the Panel with the filing.
3. Motions *in limine* shall be filed **no later than 12:00 p.m. on Friday, August 5, 2022.** Oppositions to such motions shall be filed **no later than 12:00 p.m. on Friday, August 12, 2022. *No replies will be allowed.***
4. Witness lists shall be filed **no later than 12:00 p.m. on Friday, August 12, 2022.** Witness lists shall indicate whether the witness is a fact witness or an expert witness. The parties shall develop a process to differentiate their likely-to-call witnesses, and each

side shall have an opportunity to depose any likely-to-call witnesses not previously deposed.

5. Exhibit lists shall be filed **no later than 12:00 p.m. on Friday, August 19, 2022**. The parties shall develop a stipulated rolling process for objections to trial exhibits (similar to stipulations entered in other opioid cases).
6. Deposition designations and objections shall be completed and delivered to the Presiding Judges and Counsel to the Mass Litigation Panel **no later than 12:00 p.m. on August 19, 2022**. All objections to deposition designations shall be listed on a chart in page order regardless of who interposed the objection
7. The pretrial conference in this matter shall be held **at 10:00 a.m. on Thursday, September 1, 2022**, at a location to be determined.
8. The trial in this matter shall begin at **8:30 a.m. on Monday September 12, 2022**, at a location to be determined. The Panel has allocated 35 days for trial of this matter up to and including Friday, October 28, 2022.
9. The Panel encourages the parties to enter into a timekeeping agreement as was done in the State Opioid Manufacturer Proceedings. *See Order Establishing Procedure for Timekeeping at Trial in the State Opioid Manufacturer Proceedings* (Transaction ID 67448880) entered on April 4, 2022.

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

It is so **ORDERED**.

ENTERED: April 15, 2022.

/s/ Derek C. Swope
Presiding Judge
Opioid Litigation