



**IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA**

**IN RE: OPIOID LITIGATION**

**CIVIL ACTION NO. 22-C-9000 NAS**

**THIS DOCUMENT APPLIES TO:**

**IN THE CIRCUIT COURT OF MARSHALL COUNTY, WEST VIRGINIA**

**TREY SPARKS,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO. 23-C-14**

**JOHNSON & JOHNSON; JANSSEN  
PHARMACEUTICALS, INC.; NORAMCO;  
MCKESSON CORPORATION; CARDINAL  
HEALTH, INC.; H.D. SMITH, LLC; H.D.  
SMITH HOLDINGS, LLC; H.D. SMITH  
HOLDING COMP.; AMERISOURCEBERGEN  
CORPORATION; AMERISOURCEBERGEN  
DRUG CORPORATION; ANDA, INC.; TEVA  
PHARMACEUTICALS USA, INC.; ALLERGAN  
USA, INC.; ALLERGAN SALES LLC; ALLERGAN  
FINANCE LLC; ABBVIE INC., and WEST  
VIRGINIA BOARD OF PHARMACY.**

**Defendants.**

**ORDER GRANTING MOTION TO TRANSFER**

Pending before the Mass Litigation Panel ("Panel") is a *Motion to Transfer Case* (Transaction ID 69601121) filed by Defendant the West Virginia Board of Pharmacy ("WVBOP"). Having reviewed the Motion, Plaintiff's Response (Transaction ID 69621105), and the WVBOP's Reply (Transaction ID 69652162) the Panel finds oral argument will not aid in the decisional process.

By Administrative Order entered on August 9, 2022, the Supreme Court of Appeals of West Virginia granted motions to refer nineteen (19) civil actions pending in the Circuit Court of Marshall County, West Virginia, to the Panel. The civil actions involve:

claims for damages against manufacturers and distributors of certain prescription opioid pain medications and other defendant parties allegedly involved in the distribution or dissemination of such medications, alleged exposure to which plaintiffs claim caused minor plaintiffs to suffer neonatal abstinence syndrome (“NAS”).

The Supreme Court ordered “all civil actions involving the same or similar common questions of law or fact” transferred to the Panel for further proceedings and authorized 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.”

The Panel finds Plaintiff’s concern regarding whether a party may seek to remove the above-styled civil action to federal court is separate and apart from whether the above-styled civil action must be transferred to the Panel, as required by the Supreme Court’s August 9, 2022, Administrative Order. Because the above-styled civil action involves “the same or similar common questions of law or fact” as the civil actions transferred to the Panel pursuant to the Supreme Court’s August 9, 2022, Administrative Order, the Panel **GRANTS** the *Motion to Transfer Case* (Transaction ID 69601121) and **ORDERS** the above-styled civil action 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.

The above-styled civil action shall be subject to e-filing and service **beginning on April 25, 2023**, as provided in Trial Court Rule 15.01 *et seq.* Counsel for Plaintiff shall provide File & Serve*Xpress* with the case and party data for the above-styled civil action immediately. Pursuant to the Panel’s Electronic Filing Case Management Order (Transaction ID 63504553), the number for the above-styled civil action shall be “Civil Action No. 23-C-14 MSH.”

The parties are reminded that registration and training for e-filing and service is **mandatory**. If a party in the above-styled civil action is not registered with File & Serve*Xpress*

by **April 25, 2023**, 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 above-styled civil action 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-styled civil action prior to April 25, 2023**, 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.

The Panel further **ORDERS** the parties to coordinate to upload all previously filed documents into the electronic case file in File & Serve*Xpress* using the document types, "previously filed complaint," "previously filed answer," "previously filed motion," "previously filed response," etc. **no later than May 3, 2023**.

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-styled civil action 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:** April 18, 2023.

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

/s/ Derek C. Swope  
Presiding Judge  
Opioid Litigation