



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: OPIOID LITIGATION

CIVIL ACTION NO. 21-C-9000 MFR

THIS DOCUMENT APPLIES TO ALL MANUFACTURER CASES

**ORDER REGARDING THE MANUFACTURERS' OBJECTION TO THE STATE'S
DESIGNATION OF THE DEPOSITION OF DR. RUSSELL PORTENOY**

Pending before the Mass Litigation Panel ("Panel") is the objection to the State's designation of the deposition of Dr. Russell Portenoy (Transaction ID 67446726), filed by Defendants Janssen Pharmaceuticals, Inc.; Johnson & Johnson; Ortho-McNeil-Janssen Pharmaceuticals, Inc. (n/k/a Janssen Pharmaceuticals, Inc.); Janssen Pharmaceutica, Inc. (n/k/a Janssen Pharmaceuticals, Inc.); Teva Pharmaceutical USA, Inc. ("Teva USA"); Cephalon, Inc. ("Cephalon"); Watson Laboratories, Inc.; Warner Chilcott Co. LLC; Actavis Pharma, Inc. (f/k/a Watson Pharma, Inc.); Actavis South Atlantic LLC; Actavis Elizabeth LLC; Actavis Mid Atlantic LLC; Actavis Totowa LLC; Actavis LLC; Actavis Kadian LLC; Actavis Laboratories UT, Inc. (f/k/a Watson Laboratories, Inc.-Salt Lake City); Actavis Laboratories UT, Inc. (f/k/a Watson Laboratories, Inc.-Florida); Allergan Finance, LLC; Allergan USA, Inc.; and Allergan Sales, LLC (collectively, "Manufacturers").

Having considered the record and the submissions of the parties the Manufacturers' objection is **SUSTAINED IN PART and OVERRULED IN PART**. The State did not disclose Dr. Russell Portenoy as an expert witness and, therefore, he will not be allowed to give expert testimony in this matter. The State is further barred from offering at trial Dr. Portenoy's declaration or his deposition transcript from the Oklahoma litigation. The State will be allowed to present testimony from Dr. Portenoy's deposition taken in *City of Chicago v. Purdue Pharma L.P.*,

Case No. 14-CV-04361 (N.D. Ill.) and cross-noticed in that matter. The Court has provided the parties with its rulings regarding each of the objections to the deposition designations from Dr. Portenoy's deposition taken in *City of Chicago v. Purdue Pharma L.P.*

A copy of this Order has this day been served upon all counsel of record via File & ServeXpress.

It is so **ORDERED**.

ENTERED: April 5, 2022.

/s/ Derek C. Swope
Lead Presiding Judge
Opioid Litigation