



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

**IN RE: OPIOID LITIGATION**

**CIVIL ACTION NO. 21-C-9000 PHARM**

**THIS DOCUMENT APPLIES TO:**

**STATE OF WEST VIRGINIA ex rel.  
PATRICK MORRISEY, Attorney General,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO. 22-C-111 PNM**

**THE KROGER CO., et al.**

**Defendants.**

**JOINT MOTION FOR STAY OF PROCEEDINGS**

Plaintiff State of West Virginia and Defendants, The Kroger Co., Kroger Limited Partnership I d/b/a Peyton's Southeastern, and Kroger Limited Partnership II d/b/a Peyton's Northern (collectively, "the Parties") jointly notify this Court that the Parties have executed a settlement agreement ("Agreement") to resolve this litigation. There is a 120-day period before the Agreement can become effective, during which political subdivisions can elect to participate in the Agreement. The Agreement will become effective at the end of this 120-day period, so long as the necessary participation thresholds are met. Accordingly, the parties jointly request that the Court stay and suspend all deadlines in this proceeding—including all depositions, discovery, and any other litigation activities—for 120 days, until Wednesday, August 30, 2023. Entering this stay will enable the State to focus on facilitating participation in the Agreement. It will also conserve judicial resources in the event that the Settlement becomes effective. The parties thus jointly request that the Panel enter this stay.

**Granted** Judge Alan D Moats May 04, 2023

Dated: May 4, 2023

Respectfully submitted,

STATE OF WEST VIRGINIA ex rel.  
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By Counsel,

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**The Kroger Co.,  
Kroger Limited Partnership I  
d/b/a Peyton's Southeastern, and  
Kroger Limited Partnership II  
d/b/a Peyton's Northern**

By Counsel,

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**CIVIL ACTION NO. 21-C-9000**

**THIS DOCUMENT APPLIES TO ALL CASES**

**CERTIFICATE OF SERVICE**

The undersigned counsel for Defendants hereby certifies that on the 4 day of May 2023, the foregoing document was filed using the File & Serve*Xpress* system, which will send electronic notification of such filing to all counsel of record.

/s/ Ronda L. Harvey  
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