



**IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA**  
**IN RE: OPIOID LITIGATION**                      **CIVIL ACTION NO. 21-C-9000 DISTRIBUTOR**  
**THIS DOCUMENT APPLIES TO ALL DISTRIBUTOR CASES**  
**ORDER REGARDING VIDEO DEPOSITION DESIGNATIONS**

The Panel instructed the parties regarding trial testimony presented by video deposition and objections to deposition designations for the July 5, 2022, trial:

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 Friday, June 17, 2022**. All objections to deposition designations shall be listed on a chart in page order regardless of who interposed the objection.

*Amended Case Management Order Relating to The Mass Litigation Panel Opioid Distributor Proceedings* (“Amended CMO”) (Transaction ID 67474912) at ¶6.

The Presiding Judges and the parties will watch trial testimony presented by video deposition during the trial. The parties shall meet and confer to resolve objections to deposition designations and exhibits **no later than June 10, 2022**.

*Order Regarding Trial Logistics* (Transaction ID 67651716) at p. 2.

**The parties are expected to modify, edit, simplify, and limit their proposed video deposition testimony to only the witnesses and testimony needed to present their cases concisely. The parties shall limit their witnesses and the witnesses’ testimony to avoid duplicative presentation of evidence. Video deposition testimony will count against the parties’ hours.**

*Id.*, pp. 2-3. The Panel further ordered the parties to “provide the Court with a list identifying the order in which all video depositions will be played **no later than 12:00 p.m. on Friday, June 17, 2022**, so the Court can prioritize rulings on deposition designations on a rolling basis, as needed by the parties.” *Id.*, p. 3.

Because the parties have expressed disagreement and requested guidance regarding the order of play and submission of video deposition designations and objections, the Panel provides the following additional instructions:

1. The party proffering the witness in their case shall submit proposed video deposition designations, which shall constitute the proffering party's direct examination of the witness via video deposition testimony. This testimony goes first. The opposing party shall submit any objections to the proffering party's proposed video deposition designations.
2. The opposing party shall submit proposed counter deposition designations, which shall constitute the opposing party's cross-examination of the witness via video deposition testimony. This testimony goes second. The proffering party shall submit any objections to the opposing party's counter-designations. No interspersed video deposition designations will be allowed.
3. The Panel will rule on all objections to deposition designations and counter-designations and instruct the parties regarding the video deposition testimony the Panel will allow to be played at trial.
4. These instructions also apply to any designated testimony from the CT2 trial.

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

It is so **ORDERED**.

**ENTERED:** June 14, 2022.

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

/s/ Derek C. Swope  
Presiding Judge  
Opioid Litigation