



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA
IN RE: OPIOID LITIGATION **CIVIL ACTION NO. 22-C-9000 NAS**

THIS DOCUMENT APPLIES TO:

TREY SPARKS,

Plaintiff,

v.

Civil Action No. 23-C-14 MSH

JOHNSON & JOHNSON, et al.,

Defendants.

ORDER REGARDING MOTIONS TO DISMISS

Pending before the Court are the following motions to dismiss filed by Manufacturer Defendants, Distributor Defendants, and the West Virginia Board of Pharmacy (“WVBOP”) in the above-captioned civil action:

1. *Certain Manufacturers’ Motion to Dismiss Plaintiff’s First Amended Complaint* (Transaction ID 69998807), filed May 11, 2023.
2. *Defendant AbbVie Inc.’s Motion to Dismiss for (1) Failure to State a Claim Under W.Va. R. Civ. P. 12(b)(6) and (2) Lack of Personal Jurisdiction Under W.Va. R. Civ. P. 12(b)(2)* (Transaction ID 70022662), filed May 16, 2023.
3. *Motion of AmerisourceBergen Corporation, AmerisourceBergen Drug Corporation, Cardinal Health, Inc., McKesson Corporation, Anda, Inc., H.D. Smith, LLC, H.D. Smith Holdings, LLC, and H.D. Smith Holding Company to Dismiss First Amended Complaint* (Transaction ID 69994385), filed May 11, 2023.
4. *West Virginia Board of Pharmacy’s Motion to Dismiss* (Transaction ID 69946811) and *Memorandum of Law in Support* (Transaction ID 69946841) filed May 3, 2023, and *West Virginia Board of Pharmacy’s Motion to Dismiss* (Transaction ID 69989486) and *Memorandum of Law in Support* (Transaction ID 69989575) filed May 10, 2023.

The Court has reviewed the above-listed motions to dismiss, Plaintiff’s responses, and Defendants’ replies, and finds that oral argument will not aid in the decisional process. The Court **GRANTS** Defendants’ motions to dismiss in their entirety. The Court **ORDERS** counsel

for Defendants to jointly prepare a detailed proposed order with findings of fact and conclusions of law granting the above-listed motions to dismiss, consistent with the Court's May 31, 2023, *Order Granting Defendants' Motions to Dismiss* (Transaction ID 70112431). Defendants shall file and serve the detailed proposed order in rich text format **no later than June 13, 2023**. Any objection to the detailed proposed order shall be filed and served **no later than June 21, 2023**. Any response to any objection shall be filed **no later than June 26, 2023**.

This Order shall not be considered a final Order for appeal purposes. A copy of this Order has this day been electronically served on all counsel of record via File & ServeXpress.

It is so **ORDERED**.

ENTERED: June 2, 2023.

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

/s/ Derek C. Swope
Presiding Judge
Opioid Litigation