



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: OPIOID LITIGATION

CIVIL ACTION NO. 21-C-9000-PHARM

THIS DOCUMENT APPLIES TO ALL STATE CASES AGAINST PHARMACIES

**ORDER REGARDING PLAINTIFF'S MOTION TO ALLOW PRESENTATION
OF DIRECT WITNESS TESTIMONY BY DECLARATION**

Pending before the Mass Litigation Panel ("Panel") is the *Motion to Allow Presentation of Direct Witness Testimony by Declaration* (Transaction ID 67861388), filed by Plaintiff, the State of West Virginia, ex rel. Patrick Morrissey, pursuant to W. Va. T.C.R. 26.05(a). Upon review of the State's Motion and the Pharmacy Defendants' Opposition (Transaction ID 67913568), the Motion is **GRANTED IN PART AND DENIED IN PART** as follows:

1. The parties shall be allowed to present the qualifications and experience of any expert witness through a written declaration. Any exhibits referenced in a witness's declaration shall be filed with the declaration.

2. Declarations are due by 12 pm two days before the witness is scheduled to testify, although the Parties are encouraged to file their witness declarations as soon as possible. If a witness is scheduled to testify on a Monday or Tuesday, their declaration must be filed by 12pm the preceding Friday.

3. No other written declarations will be allowed.

All exceptions and objections are noted and preserved for the record.

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

It is so **ORDERED**.

ENTERED: August 10, 2022.

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

/s/ Derek C. Swope
Presiding Judge
Opioid Litigation