



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

**IN RE OPIOID LITIGATION** **Civil Action No. 19-C-9000**

**THIS DOCUMENT APPLIES TO ALL CASES**

**ORDER**

On August 23, 2022, the State of West Virginia filed a civil action against The Kroger Co., et al. in the Circuit Court of Putnam County, West Virginia. *State of West Virginia ex rel. Patrick Morrisey v. The Kroger Co., et al.*, Civil Action No. 22-C-111. The State alleges, among other things, that “Kroger played a dual role in fostering the opioid epidemic as both a pharmacy dispensing opioids to the public and as a wholesale distributor taking orders from and shipping orders to its own pharmacies.” Complaint, ¶30. The State asserts claims against Kroger for violation of the West Virginia Consumer Credit and Protection Act and common law public nuisance. Finding that the State’s civil action against The Kroger Co., et al. involved the same or similar common questions of law or fact as *In re: Opioid Litigation*, Civil Action No. 19-C-9000, the Panel ordered the State’s civil action against The Kroger Co., et al. transferred to the Panel and joined with the Opioid Litigation. *Order of Transfer to the Mass Litigation Panel* (Transaction ID 68102889) entered on September 14, 2022.

To promote judicial economy and prevent waste of judicial resources, the Panel ordered the September 26, 2022, Phase I Liability Trial of the State’s case against Pharmacy Defendant Walgreens Boots Alliance, Inc., et al., Civil Action No. 20-C-82 PNM continued, and further ordered a joint Phase I Liability Trial of the State’s cases against Walgreens and Kroger to be conducted on June 5, 2023. *Order Continuing September 26, 2022, Trial of the State of West Virginia’s Cases Against Pharmacies* (Transaction ID 68120458) entered on September 19, 2022.

To further promote judicial economy and prevent waste of judicial resources, the Panel **ORDERS** the State of West Virginia to file any other civil action against any potential defendant, including, but not limited to, manufacturers, distributors, or pharmacies, involving the same or similar common questions of law or fact as *In re: Opioid Litigation*, Civil Action No. 19-C-9000, **no later than September 30, 2022.**

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

It is so **ORDERED**.

**ENTERED:** September 19, 2022.

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

/s/ Derek C. Swope  
Presiding Judge  
Opioid Litigation