

**STATE OF WEST VIRGINIA**

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on May 17, 2023, the following order was made and entered:

State of West Virginia ex rel.  
The Kroger Co.,  
Kroger Limited Partnership I,  
and Kroger Limited Partnership II,  
Petitioners,

vs.) No. 23-75

The Honorable Alan D. Moats,  
Lead Presiding Judge, Opioid Litigation, Mass Litigation Panel,  
The Honorable Derek C. Swope,  
Presiding Judge, Opioid Litigation, Mass Litigation Panel,  
and Patrick Morrissey, Attorney General for the State of West Virginia,  
Respondents

**ORDER**

On May 10, 2023, the petitioners, the Kroger Co., et al., by counsel J. Tyler Mayhew, Ronda L. Harvey, and David A. Mohler, Bowles Rice LLP, and the respondent, State of West Virginia ex rel. Patrick Morrissey, Attorney General for the State of West Virginia, by counsel Ann L. Haight, Vaughn T. Sizemore, and Abby G. Cunningham, Office of the West Virginia Attorney General, and John D. Hurst, Motley Rice LLC, filed a Joint Motion for Abeyance of Consideration.

Upon consideration and review, the Court is of the opinion to and does grant the motion, in part. This matter is held in abeyance until August 30, 2023. To the extent the motion requests that status reports required by Rule 28(f) of the Rules of Appellate Procedure be waived, the motion is refused. Status reports are required every six weeks as set forth in Rule 28.

A True Copy

Attest: /s/ Edythe Nash Gaiser  
Clerk of Court

