

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on March 17, 2022, the following order was made and entered:

State of West Virginia ex rel.
AmerisourceBergen Drug Corporation,
Cardinal Health, Inc., and
McKesson Corporation,
Petitioners

vs.) No. 21-0986

Honorable Alan D. Moats, Lead Presiding Judge,
Opioid Litigation, Mass Litigation Panel, et al.¹,
Respondents

ORDER

On December 7, 2021, the petitioner, Amerisource Bergen Drug Corporation, by counsel, Gretchen M. Callas and Albert F. Sebok, Jackson Kelly PLLC and Todd A. Mount, Shaffer & Shaffer; the petitioner, McKesson Corporation, by counsel Russell D. Jessee and John J. Meadows,

¹ Respondents include: Brooke County Commission; Hancock County Commission; Harrison County Commission; Lewis County Commission; Marshall County Commission; Ohio County Commission; Tyler County Commission; Wetzel County Commission; Monongalia County Commission; Marion County Commission; Doddridge County Commission; Randolph County Commission; Upshur County Commission; the County Commission of Mason County; the County Commission of Barbour County; Mayor Chris Tatum on behalf of the Village of Barhousville; the County Commission of Taylor County; the County Commission of Webster County; Mayor Don E. McCourt, on behalf of the Town of Addison also known as the Town of Webster Springs; Roane County Commission; the City of Spencer; Jackson County Commission; the City of Ripley; the Town of Ravenswood; Wood County Commission; the City of Williamstown; Wirt County Commission; the Town of Elizabeth; Pleasants County Commission; City of St. Marys; Ritchie County Commission; Town of Harrisville; Mayor Peggy Knotts Barney, on behalf of the City of Grafton; Mayor Philip Bowers on behalf of the City of Philippi; City of Clarksburg, West Virginia; City of Nitro, West Virginia; City of Richwood, West Virginia; City of South Charleston, West Virginia; City of White Sulphur Springs, West Virginia; Town of Belle, West Virginia; Town of Ceredo, West Virginia; Town of Chesapeake, West Virginia; Mayor Elmer Ray Spence on behalf of the Town of Delbarton; the County Commission of Tucker County; the County Commission of Hardy County; Mayor Sheila Kessler on behalf of the Town of Matewan; Mayor Virginia Ann Martin on behalf of the City of Mullens; Mayor Thomas Evans, Jr. on behalf of the Town of Oceana; the County Commission of Preston County; Mayor Maurren Lasky-Setchell on behalf of the City of Belington; Mayor Brian Billings on behalf of the City of Point Pleasant; Mayor Gary A. Miller on behalf of the Town of Junior; Mayor David Wood on behalf of the City of Moundsville; Mayor Harold E. Miller on behalf of the City of Weirton; City of Beckley, West Virginia; City of Fairmont, West Virginia; Town of Madison, West Virginia; Town of Romney, West Virginia; Town of Star City, West Virginia; County of Pendleton, West Virginia; the County Commission of Grant County; the County Commission of Mineral County; and the County Commission of Monroe County.

Step toe & Johnson, PLLC, Jeffrey M. Wakefield, Flaherty Sensabaugh Bonasso PLLC, and Daniel C. Cooper and Jamison H. Cooper, Cooper Law Offices, PLLC; and the petitioner, Cardinal Health, Inc., by counsel, Michael W. Carey, Steven R. Ruby, David R. Pogue, and Raymond S. Franks II, Carey Douglas Kessler & Ruby, LLC, filed a petition praying for a writ of prohibition to be directed against the respondents. The petitioners, by counsel, filed a supplemental brief in support of the petition for writ of prohibition on February 4, 2022.

On February 10, 2022, the City and County Respondents, by Anthony J. Majestro, Powell & Majestro, PLLC, counsel for the Cities of Beckley and Fairmont, by Paul T. Farrell, Jr., Farrell & Fuller, LLC, co-lead counsel for the City and County Plaintiffs; and Robert P. Fitzsimmons, Clayton J. Fitzsimmons, and Mark A. Colantonio, Fitzsimmons Law Firm PLLC, co-lead counsel for the City and County Plaintiffs, filed a response to the petition.

Upon consideration and review, the Court is of the opinion that a rule should not be awarded, and the writ prayed for by the petitioners is refused. Justice Armstead would issue a rule to show cause.

Justice Alan D. Moats, sitting by temporary assignment, disqualified.

A True Copy

Attest: /s/ Edythe Nash Gaiser
Clerk of Court

