

STATE OF WEST VIRGINIA

At the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on December 3, 2020, the following order was made and entered **in vacation**:

State of West Virginia ex rel.
Johnson & Johnson et al.,
Petitioners

vs) No. 20-0751

The Honorable Alan D. Moats, Lead
Presiding Judge, Opioid Litigation,
Mass Litigation Panel, and
Patrick Morrissey, Attorney General,
Respondents

RULE TO SHOW CAUSE

On September 25, 2020, the petitioners, Johnson & Johnson et al., by counsel Marc E. Williams, Robert L. Massie, and Jennifer W. Winkler, Nelson Mullins Riley & Scarborough LLP, presented to the Court a petition praying for a writ of prohibition to be directed against the respondents, as set forth therein.

Thereafter, on November 18, 2020, the respondents, by counsel, Ann L. Haight, Deputy Attorney General; Vaughn T. Sizemore, Deputy Attorney General; Abby G. Cunningham, Assistant Attorney General; Charles R. “Rusty” Webb, The Webb Law Centre, PLLC; Anthony J. Majestro, Powell & Majestro, PLLC; Paul T. Farrell, Jr., Farrell Law; Robert P. Fitzsimmons, Clayton J. Fitzsimmons; and Mark A. Colantonio, Fitzsimmons Law Firm PLLC; Stephen B. Farmer, Farmer, Cline & Campbell, PLLC; Timothy R. Linkous, Linkous Law, PLLC; Letitia N. Chafin, The Chafin Law Firm, PLLC; Kevin C. Harris and Eric J. Holmes, Law Office of Harris & Holmes, PLLC; and Anne McGinness Kearse and Natalie Deyneka, Motley Rice LLC, filed a response to the petition.

Upon consideration, the Court is of the opinion that a rule should be awarded herein. It is therefore considered and ordered that a rule does hereby issue commanding and directing the said respondents, to show cause, if any they can, why a writ of prohibition should not be awarded, as prayed for by the petitioners in the said petition.

It is further ordered that this matter shall be and it hereby is, consolidated with *State ex rel. State ex rel. AmerisourceBergen Drug Corp. v. Hon. Moats, et al.*, No. 20-0694, for purposes of oral argument, consideration, and decision.

It is ordered that these cases shall be scheduled for consideration and oral argument under Rule 20 of the Rules of Appellate Procedure on Wednesday, February 17, 2021, at 10:00 o'clock a.m, and this order constitutes the Notice of Argument pursuant to Rule 20(b).

It is finally ordered that this matter shall be submitted on the pleadings previously filed, without further briefing.

Justice Workman would refuse the petition.

A True Copy

Attest: /s/ Edythe Nash Gaiser
Clerk of Court

