

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

**W.B.,
Plaintiff**

vs. Raleigh County Civil Action No. 17-C-245

**Raleigh Heart Clinic, Inc.;
Thair Barghouthi, M.D.; and
Cardinal Health 414, L.L.C.,
Defendants**

The Honorable H. L. Kirkpatrick III, Judge of the Tenth Judicial Circuit, has advised the Chief Justice of the Supreme Court of Appeals that plaintiffs, by counsel, Ben Salango and the law firm of Preston & Salango, PLLC; Scott S. Segal, C. Edward Amos, II, and the Segal Law Firm; Gregory W. Sproles and the law firm of Gregory W. Sproles, PLLC; Robert V. Berthold, Jr., Matthew C. Berthold, and the Berthold Law Firm, PLLC; Marvin W. Masters and the Masters Law Firm, LC; and Stephen P. New and the Law Office of Stephen P. New, filed a motion to refer to the Mass Litigation Panel the above-styled civil action as well as the civil actions identified in the motion ("Raleigh Heart Clinic" cases), along with any similar or related actions subsequently filed.

Judge Kirkpatrick filed a reply memorandum in support of the motion to refer and included a list of currently pending Raleigh Heart Clinic cases.

The motion appears to be in substantial compliance with Rule 26 of the West Virginia Trial Court Rules. The time for parties and affected judges to respond has expired.

Upon reviewing the motion to refer and Judge Kirkpatrick's reply memorandum, the Chief Justice is of the opinion that the motion to refer should be granted; that it is appropriate to transfer the Raleigh Heart Clinic cases to the Mass Litigation Panel; and further, that the Mass Litigation Panel is authorized to transfer and join with the existing Mass Litigation any similar or related actions currently pending in any circuit court, as well as any similar or related actions subsequently filed in any circuit court.

IT IS, HEREBY, ORDERED, pursuant to Rule 26.06(c)(3) of the West Virginia Trial Court Rules, that the motion to refer the Raleigh Heart Clinic cases to the Mass Litigation Panel be, and hereby is GRANTED. A list of currently pending Raleigh Heart Clinic cases is attached as Exhibit A.

IT IS FURTHER ORDERED, that the Mass Litigation Panel is authorized to transfer and join with the existing Mass Litigation any similar or related actions currently pending in any circuit court, as well as any similar or related actions subsequently filed in any circuit court.

IT IS FURTHER ORDERED that, if the Mass Litigation Panel later determines that any action referred to it pursuant to this Order is not sufficiently similar or related to this Mass Litigation, the Panel may request that the Chief Justice transfer the action from the Panel to the appropriate circuit court.

IT IS FURTHER ORDERED, that a copy of this Order, along with the Exhibit A attached hereto, be transmitted to the Honorable Alan D. Moats, Chair of the Mass Litigation Panel; the Honorable H. L. Kirkpatrick III; the Mass Litigation Manager; and the Circuit Clerk of Raleigh County, who is to record this Order and its attachment, and to provide copies of the same to all parties of record or their counsel.

IT IS FURTHER ORDERED, that the Clerk of the Circuit Court of Raleigh County need take no action to remove or otherwise transfer these matters until direction is received in writing from a member of the Mass Litigation Panel or the Chief Justice of the Supreme Court of Appeals.

IT IS FURTHER ORDERED, that all proceedings be conducted as provided by law.

ENTERED: MAY 1, 2018

C.J.

MARGARET L. WORKMAN
Chief Justice

Attest: 
Edythe Nash Gaiser, Clerk
Supreme Court of Appeals

EXHIBIT "A"

01	RALEIGH HEART CLINIC	D	18-C-57	MALP	CIVIL
02	RALEIGH HEART CLINIC	D	16-C-324	MALP	
03	RALEIGH HEART CLINIC	D	16-C-387	MALP	CIVIL
04	RALEIGH HEART CLINIC	D	16-C-390	MALP	CIVIL
05	RALEIGH HEART CLINIC	D	16-C-550	MALP	CIVIL
06	RALEIGH HEART CLINIC	D	17-C-103	MALP	CIVIL
07	RALEIGH HEART CLINIC	D	17-C-118	MALP	CIVIL
08	RALEIGH HEART CLINIC	D	17-C-232	PERI	CIVIL
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10	RALEIGH HEART CLINIC	D	17-C-626	MALP	CIVIL
11	RALEIGH HEART CLINIC	D	17-C-627	MALP	CIVIL
12	RALEIGH HEART CLINIC	D	17-C-628	MALP	CIVIL
13	RALEIGH HEART CLINIC	D	17-C-629	MALP	CIVIL
14	RALEIGH HEART CLINIC	D	17-C-632	MALP	CIVIL
15	RALEIGH HEART CLINIC	D	17-C-635	MALP	CIVIL
16	RALEIGH HEART CLINIC	D	17-C-636	MALP	CIVIL
17	RALEIGH HEART CLINIC	D	17-C-637	MALP	CIVIL
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16	RALEIGH HEART CLINIC	D	17-C-700	MALP	CIVIL
17	RALEIGH HEART CLINIC	D	17-C-701	MALP	CIVIL
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18	RALEIGH HEART CLINIC	D	18-C-11	MALP	CIVI
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05	RALEIGH HEART CLINIC	D	18-C-140	MALP	
06	RALEIGH HEART CLINIC	D	18-C-131	MALP	
07	RALEIGH HEART CLINIC INC	D	18-C-29	MALP	CIV.
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09	RALEIGH HEART CLINIC INC	D	16-C-388	MALP	CIV.
10	RALEIGH HEART CLINIC INC	D	17-C-651	MALP	CIV.
11	RALEIGH HEART CLINIC INC	D	17-C-650	MALP	CIV.
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17	RALEIGH HEART CLINIC INC	D	17-C-682	MALP	CIV.
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05	RALEIGH HEART CLINIC INC	D	17-C-743	MALP	CIV.
06	RALEIGH HEART CLINIC INC	D	17-C-742	MALP	CIV.
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11	RALEIGH HEART CLINIC INC	D	18-C-26	MALP	CIV.
12	RALEIGH HEART CLINIC INC	D	18-C-27	MALP	CIV.
13	RALEIGH HEART CLINIC INC	D	18-C-28	MALP	CIV.
14	RALEIGH HEART CLINIC INC	D	18-C-67	MALP	CIV.
15	RALEIGH HEART CLINIC INC	D	18-C-135	MALP	
16	RALEIGH HEART CLINIC INC	D	18-C-132	MALP	
17	RALEIGH HEART CLINIC INC	D	18-C-141	MALP	
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06	RALEIGH HEART CLINIC, INC	D	17-C-671	MALP	CIVI
07	RALEIGH HEART CLINIC, INC	D	17-C-679	MALP	CIVI
08	RALEIGH HEART CLINIC, INC	D	17-C-733	MALP	CIVI
09	RALEIGH HEART CLINIC, INC	D	17-C-734	MALP	CIVI
10	RALEIGH HEART CLINIC, INC	D	17-C-735	MALP	CIVI
11	RALEIGH HEART CLINIC, INC	D	17-C-736	MALP	CIVI
12	RALEIGH HEART CLINIC, INC	D	17-C-737	MALP	CIVI
13	RALEIGH HEART CLINIC, INC	D	17-C-751	MALP	CIVI
14	RALEIGH HEART CLINIC, INC	D	17-C-753	MALP	CIVI
15	RALEIGH HEART CLINIC, INC	D	18-C-10	MALP	CIVI
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19	RALEIGH HEART CLINIC, INC	D	17-C-633	MALP	CIVI
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05	RALEIGH HEART CLINIC, INC	D	17-C-681	MALP	CIV.
06	RALEIGH HEART CLINIC, INC	D	17-C-678	MALP	CIV.
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12	RALEIGH HEART CLINIC, INC	D	17-C-750	MALP	CIV.
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14	RALEIGH HEART CLINIC, INC	D	18-C-8	MALP	CIV.
15	RALEIGH HEART CLINIC, INC	D	18-C-12	MALP	CIV.
16	RALEIGH HEART CLINIC, INC	D	18-C-13	MALP	CIV.
17	RALEIGH HEART CLINIC, INC.	D	17-C-245	MALP	CIV.
18	RALEIGH HEARTCLINIC INC	D	17-C-652	MALP	CIV.
19	RALEIGH LAND LLC	P	17-C-112	MISC	CIV.
20	RALEIGH LODGING, LLC	D	05-C-612	PERI	COB
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