



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: ZOLOFT LITIGATION

Civil Action No. 14-C-7000

THIS DOCUMENT APPLIES TO ALL CASES

**ORDER REGARDING PLAINTIFFS' MOTION TO STAY THE PANEL'S
OCTOBER 21, 2014 FORUM NON CONVENIENS ORDER PENDING APPEAL**

Having reviewed *Plaintiffs' Motion to Stay the Panel's October 21, 2014 Forum Non Conveniens Order Pending Appeal* filed on October 22, 2014 (Transaction ID 56228566), and Defendants' opposition to the motion filed on October 24, 2014 (Transaction ID 56244234); and having conferred with one another to ensure uniformity of their decisions, as contemplated by West Virginia Trial Court Rule 26.07(a), the Presiding Judges DENY Plaintiffs' motion for the foregoing reasons.

Pursuant to the Court's October 21, 2014 *Forum Non Conveniens* Order (Transaction ID 56224960) twenty out-of-state Plaintiff Families have been dismissed and, therefore, their claims cannot be removed to federal court. Defendants represent to the Court and to Plaintiffs' counsel that: 1) they do not intend to remove the five remaining Plaintiff Families who either have a factual connection to West Virginia (C H , and E), or for whom the Court has determined the law of the Plaintiff Families' home states does not provide an adequate remedy (*Maskill* and *Fields*); and 2) they are prepared to proceed with fact and expert discovery as to the five remaining Plaintiff Families' claims pursuant to the Court's Case Management Order entered on June 24, 2014 (Transaction ID 55637257). Accordingly, the Court **DENIES** Plaintiffs' motion and **ORDERS** the parties to proceed with fact and expert discovery as to the claims of the C H , E , Ma and F Plaintiff Families' claims pursuant to the Court's Case Management Order.

Understanding that Plaintiff-specific fact and expert witness discovery will be necessary for each Plaintiff Family's claims, the Court hereby **ORDERS** that any general liability discovery will apply to all Zolofit Litigation cases assigned to the Mass Litigation Panel. In the

event the Panel's dismissal of the twenty Plaintiff Families' claims is reversed on appeal, the Panel will enter a Case Management Order addressing Plaintiff-specific fact and expert discovery deadlines for those Plaintiff Families.

It is so **ORDERED**.

ENTER: November 12, 2014

/s/ James P. Mazzone
Lead Presiding Judge
Zolofit Litigation