



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: OPIOID LITIGATION

CIVIL ACTION NO. 19-C-9000

THIS DOCUMENT APPLIES TO ALL CASES

ORDER REGARDING DISTRIBUTION OF OPIOID SETTLEMENT FUNDS

Pursuant to this Court's September 26, 2023, Order,¹ a hearing was held on October 13, 2023, concerning the status of the distribution of the proceeds of the settlements in the above captioned consolidated opioid litigation. Appearing at the hearing were Fund Administrator John Jenkins, Bob Fitzsimmons and Mark Colantonio on behalf of the County and City local governments, and John Hurst and Attorney General Patrick Morrissey on behalf of the State of West Virginia.

Whereupon the Court inquired of Mr. Jenkins and the parties as to the amount and timing of the distribution of available settlement funds considering the Court's October 9, 2023, Order adopting the Common Benefit Fund Commissioner's recommendations regarding attorneys' fees and expenses, the payment of potential MDL assessments, and the status of formation of the West Virginia First Foundation, and upon consideration therefor, the Court is of the opinion that Three Hundred Million Dollars (\$300,000,000.00) should be distributed by the Fund Administrator to the State and Local Governments and the West Virginia First Foundation in accordance with the West Virginia First Memorandum of Understanding, with each Local Government share consistent with the allocations in Amended Exhibit C filed on September 29, 2023.² As six board members have been selected by the regions and five board members have been appointed by the Governor as authorized to act until approval by the Senate pursuant to W.Va. Code § 5-1-22(a), which

¹ *Notice of Hearing Regarding Distribution of Settlement Proceeds from the West Virginia First Qualified Settlement Fund* (Transaction ID 70951334).

² *Amended Exhibit C to West Virginia First Memorandum of Understanding* (Transaction ID 70990878).

specifically states “In case of a vacancy, during the recess of the Senate, in any office, which vacancy the Governor is authorized to fill by and with the advice and consent of the Senate, the Governor shall, by appointment within ninety days, fill such vacancy until the next meeting of the Senate, ...”, distribution to the West Virginia First Foundation shall be made upon designation of an appropriate depository account to receive such funds, and it is therefore,

ORDERED that Fund Administrator John Jenkins shall:

1. Distribute from the available settlement funds attorneys’ fees and costs in accordance with the Common Benefit Fund Commissioner’s September 21, 2023, recommendations³ adopted by Order dated October 9, 2023;⁴ and
2. Distribute Three Hundred Million Dollars to the State and Local Governments and the West Virginia First Foundation in accordance with the West Virginia First Memorandum of Understanding and Amended Exhibit C filed on September 29, 2023, but such funds shall not be distributed to the West Virginia First Foundation until an appropriate depository account has been established to receive such funds; and
3. Distribute such further settlement funds received in the future periodically in accordance with this Order and/or as otherwise directed by this Court.

A copy of this Order has this day been electronically filed and served on all counsel of record via File & ServeXpress.

It is so **ORDERED**.

³ *Common Benefit Fund Commissioner’s Recommendations Regarding Attorney Fees and Expenses* (Transaction ID 70922195).

⁴ *Order Approving Common Benefit Fund Commissioner’s Recommendations Regarding Attorney Fees and Expenses* (Transaction ID 71045714).

ENTERED: October 18, 2023.

/s/ Alan D. Moats
Lead Presiding Judge
Opioid Litigation

/s/ Derek C. Swope
Presiding Judge
Opioid Litigation