



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 MOTION FOR CLARIFICATION
REGARDING MDL 2804 COMMON BENEFIT PAYMENTS**

Now pending before the Court is the *Motion for Clarification Regarding MDL 2804 Common Benefit Payments* (Transaction ID 71963572) (“Motion”) filed on February 6, 2024. Paul T. Farrell, Jr. in his capacity as Co-Lead Counsel for both MDL 2804 and this instant action requests the Court enter an order clarifying the procedures necessary for compliance with the obligations imposed by the MDL *Ongoing Common Benefit Order* (Doc. #4428) (05/09/2022) and *Order Clarifying Ongoing Common Benefit Order* (Doc. #4503) (06/08/2022) (“MDL Common Benefit Order”).

Finding that no objection has been filed in response to the Motion, the West Virginia First Qualified Settlement Fund Administrator and the MDL 2804 Fund Administrator consent to the process set forth in the Motion, and the MDL 2804 Fund Administrator has determined that the process set forth in the Motion will satisfy all of defendants’ obligations under the MDL Common Benefit Order for their West Virginia settlements, the Court **GRANTS** the Motion and **ORDERS** that:

1. All future payment obligations arising out of the West Virginia settlements be paid directly to the West Virginia First Qualified Settlement Fund in accordance with the *Order Establishing West Virginia First Qualified Settlement Fund and Appointing Settlement Fund Administrator* (Transaction ID 68247796).
2. Thereafter, the Administrator of the West Virginia First Qualified Settlement Fund shall ensure payment to the MDL 2804 *Court Common Benefit Fund* of \$30 million

in “annual installments on each November 1st for 5 years beginning November 1, 2023.” Credit shall be given to payments already made. Coordination and accounting shall take place between the West Virginia First Qualified Settlement Fund Administrator and the MDL 2804 Fund Administrator.

A copy of this Order has this day been electronically served on all counsel of record via File & Serve*Xpress*.

It is so **ORDERED**.

ENTERED: February 26, 2024.

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

/s/ Derek C. Swope
Presiding Judge
Opioid Litigation