



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 APPROVING SPECIAL COMMISSIONER'S RECOMMENDATIONS
REGARDING REIMBURSEMENT OF LITIGATION HELD EXPENSES AND
DISTRIBUTION OF ATTORNEY FEES**

Now pending before the Court is the *Special Commissioner's Recommendations Regarding Reimbursement of Litigation Held Expenses and Distribution of Attorney Fees* (Transaction ID 74187980), filed on August 29, 2024. The Court has reviewed and considered the Commissioner's recommendations. The Court finds the Commissioner's recommendations regarding reimbursement of held litigation costs; the distribution of local government contingency fees and common benefit fees; and the payment schedule are well-reasoned, fair, and equitable. The Court further finds the Commissioner's recommendations are consistent with the Court's prior orders determining litigation costs and expenses as well as attorney fees.

The Court therefore approves the *Special Commissioner's Recommendations Regarding Reimbursement of Litigation Held Expenses and Distribution of Attorney Fees* (Transaction ID 74187980) for all of the reasons set forth in the Commissioner's recommendations, as well as the *Common Benefit Fund Commissioner's Recommendations Regarding Attorney Fees and Expenses* (Transaction ID 70922195; approved and endorsed in the Court's Order entered October 9, 2023, Transaction ID 71045714) and *Special Commissioner's Recommendation Regarding Assessments and Non-Shared Litigation Costs and Expenses* (Transaction ID 71701067; approved and endorsed in the Court's Order entered on December 28, 2023, Transaction ID 71701668).

The Court Orders that the following law firms be reimbursed the following amounts for Held Litigation Expenses incurred from December 10, 2022, through July 31, 2024:

- **Chafin Law Firm**: All post 12/9/2022 expenses approved, totaling \$243.80.

- **Fitzsimmons Law Firm:** All post 12/9/2022 expenses approved, totaling \$771.26.
- **Harris & Holmes:** All post 12/9/2022 expenses approved, totaling \$1,051.22.
- **Irpino, Avin & Hawkins:** All post 12/9/2022 expenses approved, totaling \$2,153.24.
- **Linkous Law:** All post 12/9/2022 expenses approved, totaling \$631.26.
- **Morgan & Morgan:** All post 12/9/2022 expenses approved, totaling \$1,022.85.
- **Motley Rice:** All post 12/9/22 expenses approved, totaling \$202,106.48.
- **Mullins & Mullins:** All post 12/9/2022 expenses approved, totaling \$1,218.56.
- **Powell & Majestro:** All post 12/9/2022 expenses approved, totaling \$1,646.49.
- **The Webb Law Centre:** All post 12/9/2022 expenses approved, totaling \$459.63.
- **West Virginia Attorney General:** All post 12/9/2022 expenses approved, totaling \$59,066.40.

The Court Orders that Fund Administrator John Jenkins, of Smith Cochran Hicks PLLC, reimburse each of these amounts (totaling \$270,371.19) from the MLP Attorney Fee Fund within thirty (30) days. It is further Ordered that in the event the West Virginia Attorney General is reimbursed from the National Opioid Abatement Trust, Joint State Cost Fund, or any other source for any litigation costs or expenses previously reimbursed or paid from the MLP Attorney Fee Fund or the West Virginia First Qualified Settlement Fund, the West Virginia Attorney General shall pay back to the MLP Attorney Fee Fund such amount within twenty days. Any monies paid back by the Attorney General shall be redistributed pursuant to the local government contingency fees and common benefit formulas set forth in the *Common Benefit Fund Commissioner's Recommendations Regarding Attorney Fees and Expenses* (Transaction ID 70922195; adopted in Transaction ID 71045714) (the "Attorney Fees and Expenses Order").

Pursuant to the Attorney Fees and Expenses Order, an amount sufficient to pay estimated litigation costs and expenses was withheld from distribution from the MLP Attorney Fee Fund. After payment of litigation expenses, there remains a balance that is now available for distribution. It is Ordered that this remaining amount be distributed from the MLP Attorney Fee Fund in accordance with the formulas and ratios set forth in the Attorney Fees and Expense Order, using the same allocation between contingency fees and common benefit fees, the same method of distributing local government contingency fees, and the

same pro rata basis for distributing common benefit fees awarded to law firms.¹ The Fund Administrator John Jenkins, of Smith Cochran Hicks PLLC, shall calculate these percentages and issue payment accordingly. It is further Ordered that the distributions described herein for attorney fees shall be made in accordance with the payment schedule set forth in the Attorney Fees and Expenses Order, meaning 75% of the fees addressed by this Recommendation are to be distributed on or before November 1, 2024, and the remaining 25% on or before November 1, 2025.

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

It is so **ORDERED**.

ENTERED: September 17, 2024.

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

/s/ Derek C. Swope
Presiding Judge
Opioid Litigation

¹ As stated in the *Common Benefit Fund Commissioner's Recommendations Regarding Attorney Fees and Expenses* (Transaction ID 70922195, pp. 21-23; approved and endorsed in the Court's Order entered October 9, 2023, Transaction ID 71045714), Motley Rice and The Webb Law Centre have already received the maximum amount of contingency fees allowed under their *Written Determinations Appointing Outside Counsel of the Office of the West Virginia Attorney General* by applying the percentages agreed upon in the *Written Determinations* to the total Manufacturer and Pharmacy settlements. Therefore, Motley Rice and The Webb Law Centre are not eligible for any further contingency fees in connection with the representation as special assistant Attorneys General.