



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 DEFENDANTS' RENEWED MOTION FOR SEPARATE TRIALS

On June 29, 2016, Defendants filed a *Renewed Motion For Separate Trials* (Transaction ID 59209812). The Panel had previously held Defendants' motion for separate trials in abeyance. See *Order Regarding August 10, 2015 Status Conference* (Transaction ID 57779048) at 1-2. The Panel has reviewed and maturely considered the parties' briefing of the underlying motion and the renewed motion, and has conferred with one another to insure uniformity of their decision, as contemplated by Rule 26.07(a) of the West Virginia Trial Court Rules.

At the time Defendants filed their renewed motion, this matter was comprised of four cases. Since that time, the Panel has granted summary judgment in two of those cases. The remaining two cases involve plaintiffs from West Virginia who bring the same claims under West Virginia law. In both cases, Plaintiffs allege the minor Plaintiffs have cardiac injuries from *in utero* exposure to Zolofit ingested by the mother Plaintiffs during pregnancy.

Under these circumstances, the Panel finds that a consolidated trial is appropriate and, therefore, unanimously DENIES Defendants' motion for separate trials.

The parties' objections and exceptions are noted and preserved.

It is so ORDERED.

ENTER: October 5, 2016.

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