



IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

IN RE: FLOAT-SINK LITIGATION CIVIL ACTION NO. 11-C-500000

THIS DOCUMENT APPLIES TO ALL CASES

ORDER RECONVENING MEDIATION

On December 14, 2012, the Panel of Resolution Judges suspended mediation of the Float-Sink Litigation after determining that certain, limited discovery would assist Plaintiffs and Defendant Preiser Scientific, Inc. in their efforts to resolve these cases. The Resolution Judges hereby **ORDER** mediation of the Float-Sink Litigation to reconvene at **10:00 a.m. on February 22, 2013**, in the conference rooms located on the first floor of the W. Kent Carper Justice and Public Safety Complex, 301 Virginia Street, East, Charleston, West Virginia.

Pursuant to Rule 25.10 of the West Virginia Trial Court Rules, the following persons are required to appear at the reconvened mediation:

- (1) each party or the party's representative having *full decision-making discretion* to examine and resolve issues;
- (2) each party's counsel of record; and
- (3) a representative of the insurance carrier for any insured party, which representative has *full decision-making discretion* to examine and resolve issues and make decisions.

If a party or its representative, counsel, or insurance carrier fails to appear at the mediation session without good cause or appears without decision-making discretion, the Court *sua sponte* or upon motion may impose sanctions.

Before reconvening mediation Plaintiffs and Defendant Preiser Scientific, Inc. are **ORDERED** to conduct the following, limited discovery:

- (1) Defendant Preiser Scientific, Inc. shall conduct Independent Medical Examinations (IMEs) of a representative sample of Plaintiffs, which shall be completed by no later than **January 21, 2013**; and
- (2) Defendant Preiser Scientific, Inc. shall conduct depositions of a representative sample of Plaintiffs, which shall be completed by no later than **February 1, 2013**.

IMEs and depositions conducted pursuant to this Order constitute discovery under Rule 26 of the West Virginia Rules of Civil Procedure and are useable for all purposes thereunder.

The parties are **ORDERED** to submit supplemental mediation statements to the Resolution Judges and the Mass Litigation Manager by no later than **February 15, 2013**. The supplemental mediation statements shall identify what effect, if any, the aforementioned discovery has on the positions of the parties with regards to resolution of the Float-Sink Litigation.

It is so **ORDERED**.

ENTER: December 18, 2012

/s/ Jay M. Hoke
Lead Resolution Judge
Float-Sink Litigation