

IN THE CIRCUIT COURT OF MONONGALIA COUNTY, WEST VIRGINIA

ORDER ASSIGNING JUDGES, DESIGNATING LITIGATION FOR  
ELECTRONIC FILING AND SERVICE, TRANSFERRING LITIGATION  
AND SCHEDULING STATUS CONFERENCE IN LPG LAND LITIGATION

On March 16, 2015, Chief Justice Margaret L. Workman entered an Administrative Order referring the following cases (hereinafter "LPG Land Litigation") to the Mass Litigation Panel:

Billy Myers and Barbara Myers, Plaintiffs vs. LPG Land & Development Corporation and Mike's Pipe Inspection, Inc. d/b/a Inspection Oilfield Services, Defendants, Monongalia County Civil Action No. 13-C-735;

Laurel Satterfield, Plaintiff vs. LPG Land & Development Corporation and Mike's Pipe Inspection, Inc. d/b/a Inspection Oilfield Services, Defendants, Monongalia County Civil Action No. 13-C-736;

Cassandra Harvey and Wade Harvey, Plaintiffs vs. LPG Land & Development Corporation and Mike's Pipe Inspection, Inc. d/b/a Inspection Oilfield Services, Defendants, Monongalia County Civil Action No. 13-C-738;

Ruth Stone, Plaintiff vs. LPG Land & Development Corporation and Mike's Pipe Inspection, Inc. d/b/a Inspection Oilfield Services, Defendants, Monongalia County Civil Action No. 13-C-742;

John Tampoya and Jennifer Tampoya, Plaintiffs vs. LPG Land & Development Corporation and Mike's Pipe Inspection, Inc. d/b/a Inspection Oilfield Services, Defendants, Monongalia County Civil Action No. 13-C-743;

Mary Luzader, Plaintiff vs. LPG Land & Development Corporation and Mike's Pipe Inspection, Inc. d/b/a Inspection Oilfield Services, Defendants, Monongalia County Civil Action No. 13-C-744;

Bonnie Hughes, Plaintiff vs. LPG Land & Development Corporation and Mike's Pipe Inspection, Inc. d/b/a Inspection Oilfield Services, Defendants, Monongalia County Civil Action No. 13-C-745;

Brad Langley, Plaintiff vs. LPG Land & Development Corporation and Mike's Pipe Inspection, Inc. d/b/a Inspection Oilfield Services, Defendants, Monongalia County Civil Action No. 13-C-746;

Ronald M. Gaspar and Roberta A. Gaspar, Plaintiffs vs. LPG Land & Development Corporation and Mike's Pipe Inspection, Inc. d/b/a Inspection Oilfield Services, Defendants, Monongalia County Civil Action No. 13-C-864; and

Denzil R. Banks and Judy K. Banks, Plaintiffs vs. LPG Land & Development Corporation and Mike's Pipe Inspection, Inc. d/b/a Inspection Oilfield Services, Defendants, Monongalia County Civil Action No. 14-C-678

A copy of the Supreme Court's March 16, 2015, Administrative Order is attached. Pursuant to West Virginia Trial Court Rule 26.07(a), "[a]n order from the Chief Justice granting a Motion to Refer to the Mass Litigation Panel is a transfer of Mass Litigation to the Panel."

As required by Trial Court Rule 26.07(a), the Panel Chair, with the advice and consent of the Panel, hereby assigns The Honorable David W. Hummel, Jr. to serve as the Lead Presiding Judge in the LPG Land Litigation, with The Honorable Alan D. Moats and The Honorable Derek C. Swope assigned to assist Judge Hummel as Presiding Judges in this litigation or proceedings therein. To the extent possible, appropriate measures shall be adopted to insure uniformity of decisions, including the requirement that all pretrial dispositive motions be decided by a majority of the Presiding Judges assigned to preside in this litigation. The Panel Chair further assigns The Honorable Booker T. Stephens to serve as the Lead Resolution Judge in the LPG Land Litigation, with The Honorable Jay M. Hoke assigned to assist Judge Stephens as Resolution Judge in this litigation or proceedings therein.

The Panel has determined it is appropriate for the LPG Land Litigation to be subject to electronic filing and service ("e-filing and service"). Pursuant to West Virginia Trial Court Rule 15.02(c), the Panel hereby **ORDERS** the LPG Land Litigation to be subject to e-filing and service beginning on **April 24, 2015**, as provided in Trial Court Rule 15.01 *et seq.*

Pursuant to West Virginia Trial Court Rule 26.08(b), and with the advice and consent of the Panel, it is **ORDERED** that the LPG Land Litigation shall be transferred to the Circuit Court of Ohio County, West Virginia, solely for purposes of implementing electronic filing and service. The style of the Mass Litigation will be, "*In re: LPG Land Litigation*, Civil Action No. 15-C-4000." All paper court files for these civil actions will remain in the Circuit Court of Monongalia County, West Virginia. Furthermore, all documents filed prior to April 24, 2015,

any oversized documents that cannot be electronically filed, and any documents the Court orders to be placed under seal in the court file will be filed traditionally in the Circuit Court of Monongalia County, West Virginia.

Registration and training for e-filing and service is **mandatory**. If a party is not registered with File & ServeXpress by **April 24, 2015**, the party will not receive e-service of documents in the LPG Land Litigation. Even if a party has registered and received training for e-filing and service in other Mass Litigation cases, there will be specific training for e-filing and service in the LPG Land Litigation that all parties must receive. Communications will be forthcoming from File & ServeXpress regarding registration and training, but the File & ServeXpress Customer Service Department may be reached at **1-888-529-7587** if you have any questions.

The Panel reminds the parties that, pursuant to Trial Court Rule 15.02(b), e-filing and service shall not be used to initiate a civil action or to serve a new party with an amended complaint or a third-party complaint.

The Panel **ORDERS** that a Status and Scheduling Conference for the LPG Litigation will be held at **10:00 a.m. on May 15, 2015**, in **Courtroom Four**, also known as the Ceremonial Courtroom, on the Second Floor of the Kanawha County Courthouse, at 409 Virginia Street, East, in **Charleston, West Virginia**. The Panel judges assigned to the LPG Land Litigation will preside. All counsel of record and any self-represented parties are **ORDERED** to attend and shall be prepared to discuss:

1. Appointment of lead and liaison counsel;
2. Status and coordination of pretrial discovery, including proposed fact sheets for Plaintiffs and Defendants;

- 3. Status of pending motions;
- 4. Proposed trial schedule;
- 5. Status of prior mediation and/or settlement negotiations, including whether the litigation should be scheduled for early mediation; and
- 6. Status of implementation of electronic filing and service.

The Clerk of the Circuit Court of Monongalia County, West Virginia, is **ORDERED** to forward a certified copy of this Order to Mass Litigation Manager Kimberley R. Fields via electronic mail at [kim.fields@courtswv.gov](mailto:kim.fields@courtswv.gov), and via U.S. Mail to the Clerk of the Circuit Court of Ohio County, West Virginia, all counsel of record and any unrepresented party.

It is so **ORDERED**.

ENTER: April 9, 2015

  
 The Honorable Alan D. Moats  
 Chair, Mass Litigation Panel

ENTERED April 9, 2015  
 DOCKET LINE #: 32  
 JEAN FRIEND, CIRCUIT CLERK

## ADMINISTRATIVE ORDER

## SUPREME COURT OF APPEALS OF WEST VIRGINIA

In Re: Motion to Refer LPG Land Cases to the Mass Litigation Panel

Billy Myers and Barbara Myers, Plaintiffs vs. LPG Land & Development Corporation and Mike's Pipe Inspection, Inc. d/b/a Inspection Oilfield Services, Defendants, Monongalia County Civil Action No. 13-C-735;

Laurel Satterfield, Plaintiff vs. LPG Land & Development Corporation and Mike's Pipe Inspection, Inc. d/b/a Inspection Oilfield Services, Defendants, Monongalia County Civil Action No. 13-C-736;

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Brad Langley, Plaintiff vs. LPG Land & Development Corporation and Mike's Pipe Inspection, Inc. d/b/a Inspection Oilfield Services, Defendants, Monongalia County Civil Action No. 13-C-746;

Ronald M. Gaspar and Roberta A. Gaspar, Plaintiffs vs. LPG Land & Development Corporation and Mike's Pipe Inspection, Inc. d/b/a Inspection Oilfield Services, Defendants, Monongalia County Civil Action No. 13-C-864; and

Denzil R. Banks and Judy K. Banks, Plaintiffs vs. LPG Land & Development Corporation and Mike's Pipe Inspection, Inc. d/b/a Inspection Oilfield Services, Defendants, Monongalia County Civil Action No. 14-C-678

The Honorable Susan B. Tucker, Judge of the Seventeenth Judicial Circuit, has filed a motion in the Circuit Court of Monongalia County pursuant to Rule 26.06 of the West Virginia Trial Court Rules requesting that the above-referenced civil actions be referred to the Mass Litigation Panel. The motion did not include Monongalia County Civil Action No. 14-C-678, assigned to the Honorable Russell M. Clawges Jr. Thereafter, Defendant Mike's Pipe Inspection, Inc. d/b/a Inspection Oilfield Services, by

counsel, Keith C. Gamble, Jonathan J. Jacks, and the law firm of Pullin, Fowler, Flanagan, Brown & Poe, PLLC, filed a response to the motion requesting that if the motion is granted, the referral include Monongalia County Civil Action No. 14-C-678. After the response periods had expired, the motion and response thereto were filed with the Clerk of the West Virginia Supreme Court.

The motion appears to be in substantial compliance with Rule 26.06 of the West Virginia Trial Court Rules.

The time for parties and affected judges to respond has expired, and the Chief Justice has reviewed the motion and reply memorandum.

The Chief Justice has determined that such Motion to Refer should be granted and that it is appropriate to transfer all actions identified in this Order to the Mass Litigation Panel, and further, that the Mass Litigation Panel is authorized to transfer and join with the existing Mass Litigation any similar or related actions subsequently filed in the Monongalia County Circuit Court.

IT IS, HEREBY, ORDERED, pursuant to Rule 26.06(c)(3) of the West Virginia Trial Court Rules, that the Motion to Refer the above-referenced civil actions to the Mass Litigation Panel be, and hereby is GRANTED, and the actions identified in this Order are transferred to the Mass Litigation Panel for further proceedings.

IT IS FURTHER ORDERED, that the Mass Litigation Panel is authorized to transfer and join with the existing Mass Litigation any similar or related actions subsequently filed in the Monongalia County Circuit Court.

IT IS FURTHER ORDERED, that a copy of this Order be transmitted to the Honorable Alan D. Moats, Chair of the Mass Litigation Panel; the Honorable Susan B. Tucker and the Honorable Russell M. Clawges Jr., Judges of the Seventeenth Judicial Circuit; the Mass Litigation Manager; and the Circuit Clerk of Monongalia County.

IT IS FURTHER ORDERED, that the Circuit Clerk of Monongalia County record this Order and serve copies on all parties of record or their counsel, and take no further action with regard to the case files until direction is received in writing from a member of the Mass Litigation Panel and/or the Chief Justice of the Supreme Court of Appeals.

IT IS FURTHER ORDERED, that all proceedings be conducted as provided by law.

ENTERED: MARCH 16, 2015

*Margaret L. Workman, C.J.*

MARGARET L. WORKMAN  
Chief Justice

Attest:

*Rory B. Petry II*  
Rory B. Petry II, Clerk  
Supreme Court of Appeals