

IN THE CIRCUIT COURT OF LINCOLN COUNTY, WEST VIRGINIA

LITIGATION INVOLVING CASES
ALLEGING NUISANCE
AND DAMAGE FROM
OVERWEIGHT TRUCKS

CIVIL ACTION NO. 04-C-187
JUDGE JAY M. HOKE

ORDER ASSIGNING RESOLUTION JUDGES

WHEREAS, on December 30, 2003, the Chief Justice of the Supreme Court of Appeals of West Virginia granted a motion to refer certain cases alleging nuisance and damage from overweight trucks ("the Overweight Trucks Litigation") to the Mass Litigation Panel.

WHEREAS on February 5, 2004, the Chief Justice of the Supreme Court of Appeals of West Virginia ordered these cases to be transferred to the Circuit Court of Lincoln County, West Virginia, and assigned The Honorable Jay M. Hoke to preside over these cases.

WHEREAS on March 10, 2005, the Chief Justice of the Supreme Court of Appeals of West Virginia ordered the motion to refer the case of *Denver Mitchell, et al. v. Delbarton Mining Company, et al.*, Mingo County Civil Action No. 04-C-88 granted and transferred to the Mass Litigation Panel and to the Circuit Court of Lincoln County, West Virginia, with the Honorable Jay M. Hoke presiding, to be considered with the cases previously referred to the Panel.

NOW THEREFORE, pursuant to Trial Court Rule 26.07(a), the Panel Chair, with the advice and consent of the Panel, hereby assigns The Honorable Derek C. Swope to serve as the Lead Resolution Judge in the Overweight Trucks Litigation or proceedings therein, with The Honorable Thomas C. Evans, III assigned to assist Judge Swope as Resolution Judge in the Overweight Trucks Litigation or proceedings therein.

The Clerk is ORDERED to forward a copy of this Order to the Mass Litigation Manager, all Counsel of record and all self-represented parties.

ENTER: September 10, 2012


The Honorable Alan D. Moats
Chair, Mass Litigation Panel

