

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Autovest, LLC, assignee of
Wells Fargo Bank, N.A.,
Plaintiff

vs. Harrison County Civil Action No. 15-C-190-2

Emory A. Oldaker,
Defendant

The Chief Justice of the Supreme Court of Appeals has been advised that on August 17, 2016, Plaintiff and Counter-Defendant Autovest, L.L.C., assignee of Wells Fargo Bank, N.A., by counsel, Webster J. Arceneaux III, Spencer D. Elliott, and the law firm of Lewis, Glasser, Casey & Rollins, PLLC, and Michael R. Simmonds, R. Travis Campbell, and the law firm of Simmonds & Narita LLP, and Defendant and Counter-Plaintiff Emory A. Oldaker, by counsel, Bren J. Pomponio, Colten Fleu, and Mountain State Justice, filed a joint motion to refer the above-styled action, along with the following Raleigh County civil actions: *Autovest, L.L.C., assignee of Wells Fargo Bank, N.A. vs. James D. Thornton and Russell P. Thornton*, Civil Action No. 14-C-751, and *Autovest, L.L.C., assignee of Wells Fargo Bank, N.A. vs. John E. Gregory and Bettina M. Shrewsberry*, Civil Action No. 14-C-6, to the Mass Litigation Panel pursuant to Rule 26.06 of the West Virginia Trial Court Rules.

On August 18, 2016, the Honorable Thomas A. Bedell, Judge of the Fifteenth Judicial Circuit, filed "Court's Motion to Refer Action to the Mass Litigation Panel," which states that he agrees that the cases referenced above should be referred to the Mass Litigation Panel. Thereafter, the Honorable Robert A. Burnside Jr., Judge of the Tenth Judicial Circuit currently assigned to the Raleigh County cases referenced above, filed a "Reply to Motion to Refer to Mass Litigation Panel" in the Circuit Court of Raleigh County advising that he takes no position with regard to the motion to refer.

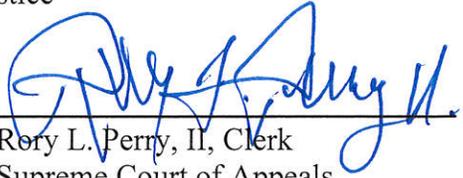
Upon careful review and consideration of the motions, the Chief Justice has determined that these cases do not meet the definition of mass litigation as set forth in Rule 26.04(a) of the West Virginia Trial Court Rules, and the motions to refer should, therefore, be denied.

IT IS, HEREBY, ORDERED, that the motions to refer the cases referenced in this order to the Mass Litigation Panel, are DENIED, and that a copy of this order be transmitted to the Honorable Alan D. Moats, Chair of the Mass Litigation Panel; to the Honorable Thomas A. Bedell, Judge of the Fifteenth Judicial Circuit; the Honorable Robert A. Burnside Jr., Judge of the Tenth Judicial Circuit; to the Mass Litigation Manager; and to the Circuit Clerks of Harrison and Raleigh Counties.

IT IS FURTHER ORDERED, that the Circuit Clerks of Harrison and Raleigh Counties record this Order and serve copies on all parties of record or their counsel.

ENTERED: SEPTEMBER 7, 2016


MENIS E. KETCHUM
Chief Justice

Attest: 
Rory L. Perry, II, Clerk
Supreme Court of Appeals