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KARAWHA COUNTY CLERK
S. GATSON
KAWAHA COUNTY CIRCUIT COURT

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA
IN RE: CARBON MONOXIDE EXPOSURE LITIGATION Civil Action No. 14-C-8000
ORDER ASSIGNING JUDGES, DESIGNATING LITIGATION
FOR ELECTRONIC FILING AND SERVICE,
AND SCHEDULING STATUS CONFERENCE AND MEDIATION

On May 8, 2014, Acting Chief Justice Margaret L. Workman entered an Administrative Order granting the Motion to Refer the proceeding styled, *Bain Edmondson and Dawn Edmondson vs. Manisha Patel, et al.*, Kanawha County Civil Action No. 12-C-579, and twenty-two other Kanawha County Cases identified in the Administrative Order (hereinafter “Carbon Monoxide Exposure Litigation”) to the Mass Litigation Panel. A copy of the Supreme Court’s May 8, 2014, 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 John A. Hutchison to serve as the Lead Judge presiding in the Carbon Monoxide Exposure Litigation, with The Honorable Alan D. Moats and The Honorable Jay M. Hoke assigned to assist Judge Hutchison as Presiding Judges in the Carbon Monoxide Exposure 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 the Carbon Monoxide Exposure Litigation or proceedings therein.

The Panel Chair further assigns The Honorable Booker T. Stephens to serve as the Lead Resolution Judge in the Carbon Monoxide Exposure Litigation, with The Honorable Derek C. Swope and the Honorable David W. Hummel, Jr. assigned to assist Judge Stephens as Resolution

Judges in the Carbon Monoxide Exposure Litigation or proceedings therein.

The Panel has determined that it is appropriate for the Carbon Monoxide Exposure 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 **ORDERS** that all civil actions in the Carbon Monoxide Litigation shall be subject to e-filing and service beginning on **June 13, 2014**, as provided in Trial Court Rule 15.01 *et seq.*

Registration and training for e-filing and service is **mandatory**. If a party is not registered with File & ServeXpress by June 13, 2014, the party will not receive e-service of documents in the Carbon Monoxide Exposure 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 Carbon Monoxide Exposure 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 Carbon Monoxide Exposure Litigation will be held at **10:00 a.m. on June 13, 2014**, 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 Carbon Monoxide Exposure Litigation will preside. All counsel of record and any self-represented parties are **ORDERED** to attend and shall be prepared to discuss:

1. Status of pretrial discovery;
2. Status of pending motions;
3. Proposed trial schedule;
4. Status of prior mediation and/or settlement negotiations; and
5. Status of implementation of electronic filing and service.

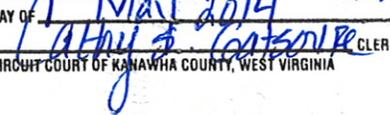
The Panel further **ORDERS** that mediation will be conducted in the Carbon Monoxide Exposure Litigation on **July 22, 23 and 24, 2014**, in **Courtroom Four**, also known as the Ceremonial Courtroom, on the Second Floor of the Kanawha County Courthouse, at 409 Virginia Street, East, in **Charleston, West Virginia**. The Resolution Judges will enter a separate order setting the time mediation will commence and the procedures for the mediation.

The Clerk is **ORDERED** to provide a certified copy of this Order via electronic mail to Mass Litigation Manager Kimberley R. Fields at kim.fields@courtswv.gov, and via U.S. Mail to all counsel of record and all self-represented parties.

ENTER: May 23, 2014



The Honorable Alan D. Moats
Chair, Mass Litigation Panel

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT.
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 23rd
DAY OF May 2014


CATHY S. GATSON, CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

IN RE: MOTION TO REFER TO THE MASS LITIGATION PANEL THE PROCEEDING OF BAIN EDMONDSON AND DAWN EDMONDSON VS. MANISHA PATEL, ET AL., KANAWHA COUNTY CIVIL ACTION NO. 12-C-579, AND TWENTY-TWO OTHER KANAWHA COUNTY CASES IDENTIFIED IN THE MOTION TO REFER

The Honorable Tod J. Kaufman, Judge of the Thirteenth Judicial Circuit, has filed a motion with the Circuit Court of Kanawha County pursuant to Rule 26.06 of the West Virginia Trial Court Rules requesting that the above-referenced proceedings be referred to the Mass Litigation Panel. Thereafter, the motion and all reply memoranda were filed with the Clerk of the West Virginia Supreme Court.

Chief Justice Robin Jean Davis has voluntarily recused herself from considering said motion.

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 Acting Chief Justice has reviewed the motion and all reply memoranda.

The Acting Chief Justice has determined that such Motion to Refer should be granted and that it is appropriate to transfer all cases identified in said motion to the Mass Litigation Panel with the exception of Rosenbrook vs. Patel, et al., Kanawha County Case No. 12-C-1418, which has settled, and Estate of William Moran vs. Patel, et al., Kanawha County Case No. 12-C-469, which is scheduled for trial on October 14, 2014, and will remain on Judge Kaufman's docket, in light of the fact that Moran is the only wrongful death case of the group, and is also the only case that has been developed in such a fashion as to have a scheduled trial date.

IT IS, HEREBY, ORDERED, pursuant to Trial Court Rule 26.06(c)(3), that the Motion to Refer the above-referenced proceedings to the Mass Litigation Panel be, and hereby is, granted with respect to all cases identified in said motion with the exception of Rosenbrook vs. Patel, et al., Kanawha County Case No. 12-C-1418, and Estate of William Moran vs. Patel, et al., Kanawha County Case No. 12-C-469, which will remain on Judge Kaufman's docket, and all such cases are hereby transferred to the Mass Litigation Panel. The list of the cases referred to the Mass Litigation Panel pursuant to this Administrative Order is attached as Exhibit A.

IT IS FURTHER ORDERED, that a copy of this Order be transmitted to the Honorable Alan D. Moats, Chair of the Mass Litigation Panel; to the Honorable Tod J. Kaufman, the Honorable James C. Stucky, the Honorable Louis H. Bloom, the Honorable Charles E. King Jr., the Honorable Carrie L. Webster, the Honorable Paul Zakaib Jr., and the Honorable Jennifer F. Bailey, Judges of the Thirteenth Judicial Circuit; to Steven C. Hanley, Kanawha County Court Administrator; to the Mass Litigation Manager; and to the Circuit Clerk of Kanawha County.

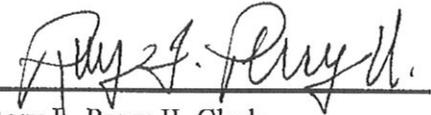
IT IS FURTHER ORDERED, that the Circuit Clerk of Kanawha County record this Order and serve copies on all parties of record or their counsel, and take no further action with regard to the case files until direction is received in writing from a member of the Mass Litigation Panel, and/or the Chief Justice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

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

ENTERED: MAY 8, 2014



MARGARET L. WORKMAN
Acting Chief Justice

Attest: 

Rory B. Perry II, Clerk
Supreme Court of Appeals

EXHIBIT A

1. *Bain Edmondson and Dawn Edmondson vs. Manisha Patel, et al.*, Kanawha County Case No. 12-C-579
2. *Shirley Linn and Tony Linn vs. Manisha Patel, et al.*, Kanawha County Case No. 12-C-634
3. *Emmett Williams vs. Manisha Patel, et al.*, Kanawha County Case No. 12-C-1417
4. *Craig Reed vs. Manisha Patel, et al.*, Kanawha County Case No. 12-C-1419
5. *Terry Harvey vs. Manisha Patel, et al.*, Kanawha County Case No. 12-C-1420
6. *Isaac Croy vs. Manisha Patel, et al.*, Kanawha County Case No. 12-C-1424
7. *Stephen Agnatovech and Maria Agnatovech vs. Manisha Patel, et al.*, Kanawha County Case No. 13-C-234
8. *Timothy Evans and Debbie Evans vs. Manisha Patel, et al.*, Kanawha County Case No. 13-C-1620
9. *Danielle Mallow, Individually, and Danielle Mallow, as mother and next friend of L.M., an infant vs. Manisha Patel, et al.*, Kanawha County Case No. 14-C-119
10. *Lori Burnside, Individually, and Lori Burnside, as mother and next friend of D.B., an infant vs. Manisha Patel, et al.*, Kanawha County Case No. 14-C-120
11. *Edison Holeston and Karen Holeston vs. Manisha Patel, et al.*, Kanawha County Case No. 14-C-189
12. *Cory Epling, Amanda Epling, and Karlee Epling vs. Manisha Patel, et al.*, Kanawha County Case No. 14-C-191
13. *Jeffrey Hunter and Paulette Hunter vs. Manisha Patel, et al.*, Kanawha County Case No. 14-C-214
14. *Matthew Fontaine vs. Manisha Patel, et al.*, Kanawha County Case No. 14-C-215
15. *Christian Ferris and Brenda Ferris vs. Manisha Patel, et al.*, Kanawha County Case No. 14-C-223
16. *Danielle L. Sharot vs. Manisha Patel, et al.*, Kanawha County Case No. 14-C-224
17. *S.R.A., an Infant, by his father and next friend Stephen Agnatovech vs. Manisha Patel, et al.*, Kanawha County Case No. 14-C-225
18. *Brittini J. Doerfer vs. Manisha Patel, et al.*, Kanawha County Case No. 14-C-229
19. *William Jason Flocker vs. Manisha Patel, et al.*, Kanawha County Case No. 14-C-230
20. *David K. Whitt vs. Manisha Patel, et al.*, Kanawha County Case No. 14-C-231
21. *Brent F. Walker vs. Manisha Patel, et al.*, Kanawha County Case No. 14-C-232
22. *James K. Ross vs. Manisha Patel, et al.*, Kanawha County Case No. 14-C-233
23. *Michael W. Moore vs. Manisha Patel, et al.*, Kanawha County Case No. 14-C-234