



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: DIGITEK® LITIGATION

CIVIL ACTION NO. 08-C-5555

THIS DOCUMENT APPLIES TO ALL CASES

**ORDER REGARDING PROGRAM FOR SETTLEMENT OF
CASES FILED IN STATE COURTS INVOLVING DIGITEK®**

Liaison Counsel for the parties previously advised this Court that on September 1, 2010, the United States District Court for the Southern District of West Virginia, Charleston, Division, entered Pretrial Order #64 ("PTO #64") concerning a program for the settlement of (a) cases pending in the federal MDL proceeding, *In Re: Digitek® Products Liability Litigation*, MDL No. 1968; (b) claims subject to a tolling agreement; and (c) cases filed in State Courts involving Digitek®.

Liaison Counsel jointly requested this Court to adopt PTO #64 for the limited purpose of implementing the terms, conditions and deadlines contained therein that apply to participation of state cases in the settlement program and to require all plaintiffs in *In re: Digitek® Litigation*, Civil Action No. 08-C-5555, who intend to participate in the settlement program to comply with and be subject to all deadlines, terms and conditions in PTO #64 concerning the participation of state cases in the settlement program.

Upon mature consideration of the request of Liaison Counsel, it is hereby **ORDERED** that PTO #64, a copy of which is attached hereto, is adopted by this Court for the limited purpose of implementing the terms, conditions and deadlines contained therein that apply to participation of state cases in the settlement program. All plaintiffs in *In re: Digitek® Litigation*, Civil Action No. 08-C-5555, who intend to participate in the settlement program set forth in PTO #64 are

ORDERED to comply with and are subject to all deadlines, terms and conditions in the attached PTO #64 concerning the participation of state cases in the settlement program.

In cases subsequently filed in *In re: Digitek® Litigation*, Civil Action No. 08-C-5555, a copy of this order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the Complaint. In cases subsequently removed or transferred to this court, a copy of this order will be provided by the Clerk to counsel appearing in each new case upon transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the Court.

ENTER: September 27, 2010

/s/ Alan D. Moats
Alan D. Moats, Lead Presiding Judge