



**IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA**

**IN RE: FLOAT-SINK LITIGATION      CIVIL ACTION NO. 11-C-5000000**

**THIS DOCUMENT APPLIES TO ALL CASES**

**ORDER REGARDING PROPOSED FACT SHEETS**

On June 10, 2011, the Panel held a Status and Scheduling Conference for all cases pending in the Circuit Court of Raleigh County under the style *In Re: Float-Sink Litigation, Civil Action No. 11-C-5000000*.

During the Status and Scheduling Conference, the Resolution Judges assigned to the Float-Sink Litigation notified the parties they plan to conduct mediation in November and December 2011. Lead Resolution Judge Jay M. Hoke then ordered Liaison Counsel to submit reports regarding the status of the parties' prior settlement efforts to the Resolution Judges within forty-five (45) days.

The Panel has determined that all parties need basic information about each case in the Float-Sink Litigation in order to make an initial evaluation of the cases prior to engaging in mediation. Accordingly, Defendants are hereby **ORDERED** to electronically file and serve on all counsel of record a proposed Plaintiff Fact Sheet within twenty (20) calendar days from the date of this Order. The proposed Plaintiff Fact Sheet shall be e-filed in Rich Text Format, and shall contain no more than twenty (20) interrogatories, including discrete subparts. Defendants shall also serve their proposed Plaintiff Fact Sheet on Lead Presiding Judge John A. Hutchison, Presiding Judge Derek C. Swope, Presiding Judge Thomas C. Evans III, Lead Resolution Judge Jay M. Hoke, Resolution Judge Booker T. Stephens, Resolution Judge James P. Mazzone, and Mass

Litigation Manager Kimberley R. Fields using the “Additional Recipients” tab in LexisNexis File & Serve®.

Plaintiffs are hereby **ORDERED** to electronically file and serve on all counsel of record a proposed Defendant Fact Sheet within twenty (20) calendar days from the date of this Order. The proposed Defendant Fact Sheet shall be e-filed in Rich Text Format, and shall contain no more than twenty (20) interrogatories, including discrete subparts. Plaintiffs shall serve their proposed Defendant Fact Sheet on Lead Presiding Judge John A. Hutchison, Presiding Judge Derek C. Swope, Presiding Judge Thomas C. Evans III, Lead Resolution Judge Jay M. Hoke, Resolution Judge Booker T. Stephens, Resolution Judge James P. Mazzone, and Mass Litigation Manager Kimberley R. Fields using the “Additional Recipients” Tab in LexisNexis File & Serve®.

The Panel will review the interrogatories contained in the proposed Fact Sheets and provide counsel with Fact Sheets that are approved by the Panel. Fact Sheets shall be served no later than **August 15, 2011**. All responses to Fact Sheets shall be electronically served on all counsel of record, the Resolution Judges, and Mass Litigation Manager Kimberley R. Fields using the “serve-only private” feature in LexisNexis File & Serve® by no later than **October 10, 2011**. See Section 17, pages 9-10 of the Court’s May 16, 2011, Electronic Filing and Service Case Management Order for instructions regarding electronic service of documents containing Personal Data Identifiers.

Fact Sheets constitute discovery under Rules 26, 33 and 37 of the West Virginia Rules of Civil Procedure, and shall be subject to all sanctions for failure to respond to discovery, up to and including dismissal.

All Counsel are further **ORDERED** to file and serve a Verification stating that Counsel has provided the Panel with a completed Fact Sheet for each and every party Counsel represents in the Float-Sink Litigation by no later than **October 10, 2011**. A copy of the Verification form is attached.

ENTER: June 28, 2011

/s/ John A. Hutchison  
Lead Presiding Judge  
Float-Sink Litigation

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**VERIFICATION**

I, \_\_\_\_\_, verify that I have filed a completed Fact Sheet for each and every party I represent in the above-styled litigation pending in the Circuit Court of Raleigh County, West Virginia.

\_\_\_\_\_  
Attorney Name  
WV State Bar I.D. Number  
Firm Name and address  
Telephone Number  
Fax Number  
Email address

Dated: \_\_\_\_\_