



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

On September 21, 2011, the Court granted PPG Industries, Inc.'s (hereinafter "PPG") *Motion to Compel Plaintiffs to Serve Answers and Responses to Defendant PPG Industries, Inc.'s First Combined Requests for Admissions, Interrogatories and Requests for Production of Documents and Things* and ordered Plaintiffs to respond to PPG's discovery requests and any other previously served discovery requests by no later than November 15, 2011. (Transaction ID# 39950069)

On January 9, 2012, the Court held a hearing on PPG's *Motion for Sanctions Due to Plaintiffs' Failure to Serve Complete and Responsive Answers and Responses to PPG Industries, Inc.'s Combined Discovery as Ordered by the Court*. (Transaction ID# 41422075) After reviewing the motion and all related pleadings, and hearing oral argument on the same, and having conferred with one another to ensure uniformity of their decisions, as contemplated by West Virginia Trial Court Rule 26.07(a), the Court **FINDS** any objections to discovery were waived by Plaintiffs when they failed to serve objections prior to the March 18, 2011, extended service deadline. The Court **GRANTS** PPG's motion, in part, and **ORDERS** Plaintiffs to fully answer and respond, without objection, to PPG's *First Combined Requests for Admissions, Interrogatories and Requests for Production of Documents and Things* within thirty (30) days of the date this order is entered, including but not limited to providing PPG with executed authorizations

for Worker's Compensation records, Social Security Disability records, employment records, and mental health records.

The Court further **ORDERS** that Plaintiffs' failure to fully answer such discovery will result in Plaintiffs claims against PPG being dismissed with prejudice.

Attorney Michael J. Farrell is **ORDERED** to e-serve only Private an Affidavit stating the attorney fees and costs incurred by PPG in connection with PPG's *Motion for Sanctions Due to Plaintiffs' Failure to Serve Complete and Responsive Answers and Responses to PPG Industries, Inc.'s Combined Discovery as Ordered by the Court.* (Transaction ID# 41422075) on counsel for Plaintiffs, the Presiding Judges and the Mass Litigation Manager.

Plaintiffs' objections and exceptions to the Court's ruling are duly noted.

It is so **ORDERED**.

ENTER: January 24, 2012

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