



IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

IN RE: FLOOD LITIGATION

MC FLOOD 7/8/2001

THIS DOCUMENT APPLIES TO ALL CASES

ORDER REGARDING REQUIRED PARTICIPANTS AT MEDIATIONS

WHEREAS, counsel have requested clarification regarding the parties who are required to participate in person at the mediation of cases in *In re: Flood Litigation, MC Flood 7/8/2001* ("Flood Litigation").

NOW THEREFORE, the Panel **ORDERS** that the following parties are required to participate in the mediation of cases in the Flood Litigation in person: (a) lead trial counsel for each party who is prosecuting a claim (i.e., the plaintiffs and each defendant who has made a counterclaim, crossclaim or third-party complaint); (b) lead trial counsel for each named defendant; (c) a representative of each named defendant; and (d) a representative of the insurance carrier for each insured party. Lead trial counsel, the representative of each named defendant, and the representative of the insurance carrier for each insured party must be familiar with the cases to be mediated and must have full authority to act on behalf of the party/parties they represent, including the authority to negotiate a resolution of the cases and to respond to developments during the mediation process. Individual plaintiffs may, but are not required to attend the mediation. Counsel shall provide individual plaintiffs with written notice of the mediation advising them of their right to attend the mediation if they so desire.

ENTER: October 22, 2009

/s/ Alan D. Moats
Resolution Judge, Flood Litigation