

# FILE COPY

## ADMINISTRATIVE ORDER

### SUPREME COURT OF APPEALS OF WEST VIRGINIA

RE: MOTION TO REFER ASBESTOS LITIGATION TO THE MASS LITIGATION PANEL

WHEREAS, By Supreme Court Administrative Order entered on November 17, 2000, all Asbestos cases pending in the Circuit Courts of this State were referred to the Mass Litigation Panel; and

WHEREAS, By Supreme Court Administrative Order entered on December 20, 2000, all Asbestos cases referred to the Mass Litigation Panel were transferred to the Circuit Court of Kanawha County; and

WHEREAS, By Supreme Court Administrative Order entered on July 9, 2002, the Honorable Arthur M. Recht, Judge of the First Judicial Circuit, was assigned as the Supervising Judge to preside in Asbestos cases referred to the Mass Litigation Panel and the Honorable Booker T. Stephens, Judge of the Eighth Judicial Circuit, was assigned to assist Judge Recht in said Asbestos cases; and

WHEREAS, Pursuant to Rule 26.01(e) of the West Virginia Trial Court Rules, the Chief Justice has received a copy of the motion filed in the Circuit Court of Kanawha County in the proceeding of In Re: Asbestos Personal Injury Litigation, Civil Action No. 01-C-9000, which was filed by the Honorable Thomas A. Bedell, Judge of the Fifteenth Judicial Circuit, seeking to refer the following two pending actions to the Mass Litigation Panel:

George E. Abel, et al. vs. CSX Transportation, Inc., Harrison County Civil Action No. 03-C-208-2; and

Robert D. Wells vs. CSX Transportation, Inc., Harrison County Civil Action No. 03-C-236-2; and

WHEREAS, The Honorable Arthur M. Recht., Judge of the First Judicial Circuit, has advised the Chief Justice of the Supreme Court of Appeals that he concurs in the recommendation that the above-styled cases pending in the Circuit Court of Harrison County should be transferred to the Mass Litigation Panel; and

WHEREAS, The Chief Justice finds that the motion appears to be in substantial compliance with Rule 26.01 of the West Virginia Trial Court Rules; and

WHEREAS, Upon review of the motion, the Chief Justice finds that this litigation qualifies for a coordinated or consolidated resolution, and in the interests of justice and due process, both cases referenced above should be referred to the Mass Litigation Panel;

UPON CONSIDERATION WHEREOF, IT IS HEREBY ORDERED, The Motion to Refer is granted with respect to the above-referenced cases; and

IT IS FURTHER ORDERED, The Clerk of the Circuit Court of Harrison County need take no action to remove or otherwise transfer these matters until further direction is received in writing from the Mass Litigation Panel, a member thereof, or the Chief Justice; and

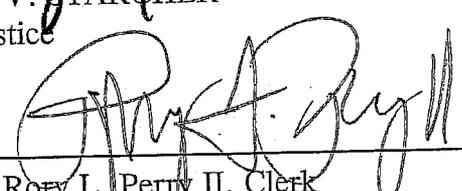
IT IS FURTHER ORDERED, That all proceedings in the transferred cases be conducted as provided by law; and

IT IS FURTHER ORDERED, That a copy of this ORDER be transmitted to Mark T. Coulter, Esquire, of Peirce, Raimond & Coulter, counsel for the plaintiffs in the above-referenced cases, and to Fred Adkins, Esquire, of Huddleston, Bolen, Beatty, Porter & Copen, counsel for the defendant in the above-referenced cases; and

IT IS FINALLY ORDERED, That a copy of this ORDER be transmitted to the Mass Litigation Panel, the Honorable Thomas A. Bedell, and to the Clerks of the Circuit Courts of Kanawha and Harrison Counties.

ENTERED: JULY 25, 2003

  
LARRY V. STARCHER  
Chief Justice

Attest:   
Rory L. Perry II, Clerk  
Supreme Court of Appeals