

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

IN RE: MOTION TO REFER TO THE MASS LITIGATION PANEL THE PROCEEDING STYLED SHIRLEY LYNN STANLEY, ET AL. V. RAWL SALES & PROCESSING, ET AL., MINGO COUNTY CIVIL ACTION NO. 08-C-69, ALONG WITH OTHER CASES IDENTIFIED HEREIN

WHEREAS, pursuant to Rule 26.06 of the West Virginia Trial Court Rules, the Chief Justice has received a copy of the Motion filed in the Circuit Court of Mingo County, to refer to the Mass Litigation Panel Shirley Lynn Stanley, et al. V. Rawl Sales & Processing, et al., Civil Action No. 08-C-69, and all other similar cases pending in the Circuit Court of Mingo County as defined in said Motion. The Motion was filed by the Honorable Thomas C. Evans, III, Judge of the Fifth Judicial Circuit, who is sitting by special assignment in the Mingo County Circuit Court pursuant to Supreme Court Administrative Orders entered on August 17, 2009, August 26, 2009, and October 21, 2009; and

WHEREAS, Judge Evans has identified the following Civil Actions filed against Rawl Sales & Processing Company and Massey Energy Company, which are currently pending in the Circuit Court of Mingo County:

04-C-332, 05-C-308, 05-C-309, 05-C-310, 05-C-311, 05-C-312, 05-C-313, 05-C-314, 05-C-315, 05-C-318, 05-C-319, 05-C-324, 05-C-325, 05-C-327, 05-C-328, 05-C-329, 05-C-330, 05-C-334, 05-C-336, 05-C-337, 05-C-338, 05-C-339, 05-C-340, 05-C-341, 05-C-343, 05-C-344, 05-C-345, 05-C-346, 05-C-349, 05-C-350, 05-C-351, 05-C-352, 05-C-353, 05-C-354, 05-C-355, 05-C-357, 05-C-358, 05-C-359, 05-C-360, 05-C-361, 05-C-362, 05-C-363, 05-C-364, 05-C-365, 05-C-366, 05-C-367, 05-C-368, 05-C-369, 05-C-370, 05-C-372, 05-C-373, 05-C-374, 05-C-375, 05-C-376, 05-C-377, 05-C-379, 05-C-380, 05-C-381, 05-C-382, 05-C-383, 05-C-384, 05-C-385, 05-C-386, 05-C-387, 05-C-389, 05-C-395, 05-C-396, 05-C-397, 05-C-398, 05-C-399, 05-C-400, 05-C-401, 05-C-402, 05-C-442, 05-C-443, 05-C-444, 05-C-446, 05-C-447, 05-C-450, 05-C-451, 05-C-452, 05-C-453, 05-C-454, 05-C-457, 05-C-459, 05-C-461, 05-C-464, 05-C-465, 05-C-467, 05-C-468, 05-C-469, 05-C-470, 05-C-471, 05-C-473, 05-C-474, 05-C-476, 05-C-477, 05-C-478, 05-C-479, 05-C-480, 05-C-482, 05-C-483, 05-C-484, 05-C-485, 05-C-486, 05-C-487, 05-C-488, 05-C-489, 05-C-490, 05-C-491, 05-C-492, 05-C-495, 05-C-496, 05-C-498, 05-C-499, 05-C-500, 05-C-502, 05-C-503, 05-C-504, 05-C-505, 05-C-509, 05-C-510, 05-C-511, 05-C-512, 05-C-513, 06-C-008, 06-C-009, 06-C-012, 06-C-014, 06-C-015, 06-C-016, 06-C-017, 06-C-019, 06-C-020, 06-C-023, 06-C-025, 06-C-027, 06-C-200, 06-C-203, 06-C-204, 06-C-208, 06-C-209, 06-C-210, 06-C-212, 06-C-214, 06-C-215, 06-C-217, 06-C-221, 06-C-223, 06-C-224, 06-C-229, 06-C-230, 06-C-231, 06-C-232, 06-C-233, 06-C-234, 06-C-235, 06-C-324,

06-C-325, 06-C-327, 06-C-328, 06-C-329, 06-C-330, 06-C-331, 06-C-332, 06-C-333, 06-C-334, 06-C-335, 06-C-337, 06-C-341, 06-C-342, 06-C-343, 06-C-344, 06-C-345, 06-C-346, 06-C-347, 06-C-348, 06-C-349, 06-C-350, 06-C-351, 06-C-352, 06-C-354, 06-C-355, 06-C-356, 06-C-357, 06-C-359, 06-C-360, 06-C-361, 06-C-362, 06-C-409, 06-C-411, 06-C-412, 06-C-413, 06-C-416, 06-C-417, 06-C-418, 06-C-448, 06-C-449, 06-C-450, 06-C-452, 06-C-453, 06-C-454, 06-C-456, 06-C-457, 06-C-458, 06-C-459, 06-C-460, 06-C-462, 06-C-463, 06-C-465, 06-C-466, 06-C-467, 06-C-468, 06-C-470, 06-C-473, 06-C-474, 06-C-475, 06-C-476, 06-C-477, 06-C-478, 06-C-479, 06-C-480, 06-C-481, 06-C-483, 06-C-485, 06-C-486, 06-C-489, 06-C-491, 06-C-492, 06-C-493, 06-C-494, 06-C-495, 06-C-496, 06-C-498, 06-C-499, 06-C-501, 06-C-502, 06-C-503, 06-C-504, 06-C-505, 06-C-507, 06-C-508, 06-C-509, 06-C-510, 06-C-511, 06-C-512, 06-C-514, 06-C-515, 06-C-517, 06-C-518, 06-C-519, 06-C-520, 06-C-553, 06-C-555, 06-C-556, 06-C-557, 06-C-558, 06-C-560, 06-C-561, 06-C-562, 07-C-087, 07-C-089, 07-C-091, 07-C-092, 07-C-095, 07-C-096, 07-C-098, 07-C-099, 07-C-102, 07-C-103, 07-C-104, 07-C-105, 07-C-106, 07-C-107, 07-C-109, 07-C-113, 08-C-058, 08-C-059, 08-C-061, 08-C-063, 08-C-064, 08-C-065, 08-C-066, 08-C-067, 08-C-068, and 08-C-069; and

WHEREAS, on this date, the Chief Justice has received a letter from Judge Evans requesting that his Motion be amended to include the following Civil Actions, which were inadvertently omitted from his original Motion:

05-C-335, 05-C-493, 05-C-494, 06-C-026, 06-C-487, 06-C-488, 09-C-140, 09-C-141, 09-C-142, 09-C-143, 09-C-144, 09-C-145, 09-C-146, 09-C-147, 09-C-148, 09-C-149, 09-C-165, 09-C-166, 09-C-167, 09-C-168, and 09-C-169; and

WHEREAS, the Motion appears to be in substantial compliance with Rule 26.06 of the West Virginia Trial Court Rules; and

WHEREAS, the time for parties and affected judges to file a reply memorandum has expired; and

WHEREAS, upon review of the Motion and responses thereof, the Chief Justice has determined that the Motion to Refer should be granted and that it is appropriate to transfer all cases identified in this Administrative Order to the Mass Litigation Panel;

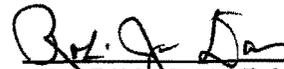
UPON CONSIDERATION THEREOF, IT IS HEREBY ORDERED, that the Motion to Refer is granted with respect to all cases identified in this Administrative Order, and all such cases are hereby transferred to the Mass Litigation Panel; and

IT IS FURTHER ORDERED, that a copy of this ORDER be transmitted to the Mass Litigation Panel, the Mass Litigation Manager, the Administrative Director of the Courts, the Honorable Thomas C. Evans, III, and the Clerk of the Circuit Court of Mingo County, who is to provide copies of the same to all parties of record or their counsel; and

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

IT IS FURTHER ORDERED, that all proceedings be conducted as provided by law.

ENTERED: MARCH 31, 2010



ROBIN JEAN DAVIS
Chief Justice

Attest: 

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