

IN THE CIRCUIT COURT OF MONONGALIA COUNTY, WEST VIRGINIA

UNIVERSITY COMMONS RIVERSIDE
HOME OWNERS ASSOCIATION, INC.
on Its Own Behalf and on Behalf of Its
Members and Individual Unit Owners,

Plaintiff,

v.

Civil Action Number 09-C-85

UNIVERSITY COMMONS
MORGANTOWN, LLC, et al.

Defendants.

ORDER CONSOLIDATING AND TRANSFERRING
THE UNIVERSITY COMMONS LITIGATION

On May 3, 2013, Chief Justice Brent D. Benjamin entered an Administrative Order referring the above-captioned civil action to the Mass Litigation Panel ("Panel"), and authorizing the Panel to transfer and join with the existing Mass Litigation any similar or related actions pending or subsequently filed. "An order from the Chief Justice granting a Motion to Refer to the Mass Litigation Panel is a transfer of Mass Litigation to the Panel." Rule 26.07(a), West Virginia Trial Court Rules. With the advice and consent of the Panel, The Honorable Derek C. Swope was assigned as Lead Presiding Judge in the University Commons Litigation on May 16, 2013.

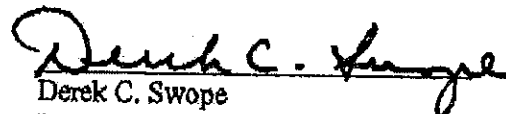
Pursuant to West Virginia Trial Court Rule 26.08(b), and with the advice and consent of the Panel, it is **ORDERED** that the above-referenced litigation and the related declaratory judgment action pending in the Circuit Court of Monongalia County, West Virginia, as *University Commons Riverside Home Owners Association, Inc., on Its Own Behalf and on Behalf Of Its Members and Individual Unit Owners v. R.E. Crawford Construction, Inc., et al.*, Civil Action No. 10-C-637, shall be consolidated to facilitate

the Panel's case management and trial methodologies. It is further **ORDERED** that these cases shall be transferred to the Circuit Court of Kanawha County, West Virginia, solely for purposes of implementing electronic filing and service. The style of the Mass Litigation will be, "*In re: University Commons Litigation*, Civil Action No. 13-C-7000." All paper court files for these civil actions will remain in the Circuit Court of Monongalia County, West Virginia.

By separate order the Panel has designated the University Commons Litigation for electronic filing and service effective June 24, 2013. All documents filed prior to June 24, 2013, shall be filed in the Circuit Court of Monongalia County, West Virginia. Additionally, any oversized documents that cannot be electronically filed and any documents that the Court orders to be placed under seal in the court file will be filed traditionally in the Circuit Court of Monongalia County, West Virginia.

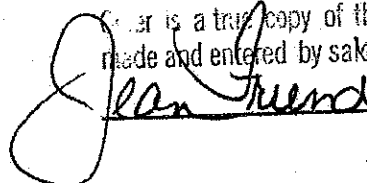
The Clerk of the Circuit Court of Monongalia County, West Virginia, is **ORDERED** to forward a certified copy of this Order to Mass Litigation Manager Kimberley R. Fields via electronic mail at kim.fields@courtsww.gov and via U.S. Mail to the Clerk of the Circuit Court of Kanawha County, West Virginia, and to all counsel of record and any unrepresented party.

ENTER: May 23, 2013


Derek C. Swope
Lead Presiding Judge
University Commons Litigation

STATE OF WEST VIRGINIA SS:

I, Jean Friend, Clerk of the Circuit Court and Family Court of Monongalia County State of West Virginia, do hereby certify that the attached is a true copy of the original Order made and entered by said Court.

 Circuit Clerk

ENTERED May 23, 2013
RECORDED & INDEXED: 1180 / 725
J. FRIEND, CIRCUIT CLERK