



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: UNIVERSITY COMMONS LITIGATION

Civil Action No. 13-C-7000

THIS DOCUMENT APPLIES TO ALL CASES

ORDER

Having reviewed Bailey & Glasser, LLP's *Motion for an Extension of Time to File and Serve a Proposed Remediation Plan and Request for Hearing*, e-served only private on March 26, 2014 (Transaction ID 55204490); reviewed *pro se* Plaintiff Andrew C. Smith's response to the motion, e-filed on March 26, 2014 (Transaction ID 55207306); and conferred with one another to insure uniformity of their decision, as contemplated by West Virginia Trial Court Rule 26.07(a); the Presiding Judges hereby **GRANT IN PART AND DENY IN PART** Bailey & Glasser, LLP's motion.

Bailey & Glasser, LLP's motion for a 14 day extension is **GRANTED**. Bailey & Glasser, LLP shall file the proposed remediation plan for the University Commons Riverside Condominium Complex (UCR Complex) **not later than April 14, 2014**, and shall serve it on the Presiding Judges, the Mass Litigation Manager, each individual unit owner, the HOA officers, and any expert witness or entity consulted in preparing the proposed plan.

Any objections to the proposed plan for remediation of the UCR Complex shall be filed under seal **not later than May 16, 2014**. Bailey & Glasser, LLP is **ORDERED** to file all objections under seal and serve them on the Presiding Judges, the Mass Litigation Manager, each individual unit owner, the HOA officers, any expert witness or entity consulted in preparing the proposed plan.

Bailey & Glasser LLP's request for a hearing on its motion is **DENIED**.

As previously ordered, the Court will hear the proposed remediation plan and any

objections to such plan at **10:00 a.m. on June 2, 2014, at the Taylor County Courthouse in Grafton, West Virginia.** Bailey & Glasser, LLP shall make available for questioning at the hearing any expert witness or entity consulted in preparing the proposed remediation plan.

Bailey & Glasser, LLP shall provide a copy of this order to all Plaintiffs and to any expert witness or entity consulted in preparing the proposed remediation plan for the University Commons Riverside Condominium Complex.

It is so **ORDERED.**

ENTER: March 27, 2014

/s/ Derek C. Swope
Lead Presiding Judge
University Commons Litigation