



IN THE CIRCUIT COURT OF KANWHA COUNTY, WEST VIRGINIA

IN RE: UNIVERSITY COMMONS LITIGATION

Civil Action No. 13-C-7000

THIS DOCUMENT APPLIES TO ALL CASES

**ORDER MEMORIALIZING RULINGS
DURING JULY 9, 2013 STATUS CONFERENCE**

On July 9, 2013, the Presiding Judges and the Resolution Judges assigned to the University Commons Litigation held a Status Conference and the Court made the following rulings:

1. Liaison Counsel for the Plaintiffs is Gregory Haddad; Liaison Counsel for Defendants is Thomas G. Steele; and Liaison Counsel for the Insurer Defendants in the declaratory judgment action is James A. Varner, Sr.
2. Within 10 days from July 9, 2013, Plaintiff and Defendants Nationwide Mutual Fire Insurance Company and Nationwide Mutual Insurance Company are ORDERED to meet and confer to resolve their discovery dispute.
3. All stays of discovery are lifted in *University Commons Riverside Home Owners Association, Inc., on Its Own Behalf and on Behalf of Its Members and Individual Unit Owners v. University Commons Morgantown, LLC, et al.*, Civil Action No. 09-C-85 MON (“underlying action”), and in *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 MON (“declaratory judgment action”).
4. Thomas G. Dyer, Mary Guy Dyer and the Dyer Law Offices are ORDERED to e-file and serve a proposed order of withdrawal as counsel for Defendants Richard Dunlap and Adam Sharp in the declaratory judgment action that is in compliance with Trial

Court Rule 4.03 of the West Virginia Trial Court Rules. The proposed order must be in rich text format as required by Trial Court Rule 15.10(d) and paragraph 9 of the June 24, 2013, *Electronic Filing and Service Case Management Order* (TID 52966762).

5. Plaintiff's Motion to Approve Procedure for Settlement of Claims is held in abeyance.
6. No distribution of funds from settlement proceeds shall be made without prior Court approval. Plaintiff's counsel is ORDERED to file under seal and e-serve only private an accounting of all settlement proceeds disbursed to date on Lead Presiding Judge Derek C. Swope, Presiding Judge Alan D. Moats, Presiding Judge David W. Hummel, Jr., and Mass Litigation Manager Kimberley R. Fields. See Paragraph 15, pages 8-9 of the June 24, 2013, *Electronic Filing and Service Case Management Order* (TID 52966762) for the procedure for submitting a confidential document through File & Serve*Xpress* after the Court has determined a document is confidential.
7. By no later than **July 24, 2013**, counsel shall e-file and serve on the Presiding Judges and on all counsel proposed Plaintiff Fact Sheets for review and approval by the Presiding Judges.
8. By no later than **August 30, 2013**, Plaintiffs shall serve on all parties completed Plaintiff Fact Sheets.
9. By no later than **August 30, 2013**, Plaintiffs shall serve on all parties a quote to repair alleged systemic problems at the University Commons Riverside Condominium Complex located in Star City, West Virginia.

10. Any Defendant with a pending settlement is ORDERED to e-file a motion detailing the terms of the proposed settlement.

11. Mediation of the University Commons Litigation is scheduled to commence on **October 28, 2013**, and shall continue from day to day through October 31, 2013.

The location of the mediation will be identified in a future order. A pre-mediation conference call between the Resolution Judges, the Mass Litigation Manager, and Liaison Counsel will take place at noon on **October 1, 2013**.

ENTER: July 15, 2013

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