



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: YEAGER AIRPORT LITIGATION

CIVIL ACTION NO. 16-C-7000

THIS DOCUMENT APPLIES TO ALL CASES

**ORDER MEMORIALIZING RULINGS DURING
FEBRUARY 17, 2017 STATUS CONFERENCE**

On February 17, 2017, the Presiding and Resolution Judges assigned to the Yeager Airport Litigation held a Status Conference and made the following rulings:

The following attorneys are assigned to serve as Liaison Counsel:

Plaintiffs' Liaison Counsel

For Central West Virginia Regional Airport Authority: Anthony J. Majestro

For Property Owner Plaintiffs: Stephen S. Burchett

Defendants' Liaison Counsel

For Construction Defendants: Teresa J. Dumire

For Central West Virginia Regional Airport Authority as a Defendant: Matthew A. Nelson

For Insurance Defendants: Brent K. Kesner

Mediation

The homeowner and church property owner cases will be mediated by Lead Resolution Judge Booker T. Stephens, with the assistance of Resolution Judge Alan D. Moats and Resolution Judge Jack Alsop on April 27, 2017 and April 28, 2017 in Courtroom Four, also known as the Ceremonial Courtroom, on the Second Floor of the Kanawha County Courthouse, at 407 Virginia Street, East, Charleston, West Virginia. The Resolution Judges will enter an order governing mediation and mediation statements. A second phase of mediation is tentatively scheduled on or about October 26 and 27, 2017. The Resolution Judges will enter an order governing the second phase of mediation at a later date.

Motions by the Airport Authority

The Airport Authority shall file and serve the three motions discussed during the status conference by February 24, 2017. Responses to the motions shall be filed by March 10, 2017. Replies shall be filed by March 17, 2017.

Motions Regarding Insurance Coverage Issues in *Carter*

Any motion regarding insurance coverage issues in *Theodore Carter and Rebecca Carter v. Central West Virginia Regional Airport Authority, et al.*, Civil Action No. 15-C-1074 KAN, shall be filed and served by March 1, 2017. Any response to the motion shall be filed by March 15, 2017. Any reply shall be filed by March 22, 2017.

Insurance Coverage Chart

The Panel has determined that an insurance coverage chart would be beneficial. Counsel for the Insurance Company Defendants shall meet and confer and work together to prepare a chart containing the available insurance coverage in the cases that will be mediated on April 27-28, 2017. The coverage chart shall be provided to the Resolution Judges no later than April 12, 2017. The coverage chart is for information purposes only and shall not be filed in the court file.

Proposed Order Regarding Destruction of Evidence

Liaison Counsel shall work together to prepare a proposed, agreed order regarding destruction of evidence, as discussed during the status conference. The proposed order shall be filed and served in rich text format no later than March 10, 2017.

It is to **ORDERED**.

ENTER: February 28, 2017.

/s/ John A. Hutchison
Lead Presiding Judge
Yeager Airport Litigation