

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 9th day of October, 2008, the following order was made and entered:

RE: APPROVAL OF AMENDMENT TO RULE 3(a) OF THE WEST VIRGINIA RULES OF CIVIL PROCEDURE

On a former day, to-wit, May 22, 2008 the Court approved a period of public comment on a proposed amendment to Rule 3 of the West Virginia Rules of Civil procedure, as recommended by the Mass Litigation Panel. The period of public comment concluded on July 7, 2008. Thereafter, the Mass Litigation Panel presented to the Court the proposed amendment without revision.

Upon consideration whereof, the Court is of opinion to and does hereby approve and adopt the proposed amendment, **effective Monday, November 10, 2008**. Justice Albright did not participate in the consideration of this matter. Senior Status Justice McHugh sitting by temporary assignment. Insertions are indicated by underscoring, deletions by strikethrough, to read as follows:

"Rule 3. Commencement of Action.

(a) *Complaint.* – A civil action is commenced by filing a complaint with the court. For a complaint naming more than one individual plaintiff not related by marriage, a derivative or fiduciary relationship, each plaintiff shall be assigned a separate civil action number and be docketed as a separate civil action and be charged a separate fee by the clerk of a circuit court."

The Clerk of the Court is directed to mail a copy of this amendment to each circuit clerk.

A True Copy

Attest: /s/ Rory L. Perry II, Clerk of Court