

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

David G. Maher and Amy C. Maher,  
Plaintiffs

vs. Pocahontas County Civil Action No. 15-C-55

Oswald "Ike" Joseph Zeringue and Geraldine  
C. Zeringue, his wife; Camp 4 Condominium  
Association, Inc., a West Virginia Corporation,  
Thomas A. Roat, Stephen A. Barnum, Architect  
and Omni Associates Architects, Inc.,  
Defendants

and

Oswald "Ike" Joseph Zeringue and Geraldine  
C. Zeringue, his wife; Camp 4 Condominium  
Association, Inc., and Thomas A. Roat,  
Third Party Plaintiffs

vs.

Intrawest Snowshoe Development, Inc., Omni  
Associates Architects, Inc., and Branch & Associates, Inc.,  
Third Party Defendants

and

Branch & Associates, Inc.,  
Third Party Plaintiff

vs.

J. B. Michael Co., Inc. and Phares Construction,  
Third Party Defendants

The Honorable Jennifer P. Dent, Chief Judge of the Eleventh Judicial Circuit, filed a motion in the Circuit Court of Pocahontas County pursuant to Rule 26.06 of the West Virginia Trial Court Rules requesting that the above-referenced civil action be referred to the Mass Litigation Panel. Plaintiffs David G. Maher and Amy C. Maher, by counsel, J. David Judy, III, and the law firm of Judy & Judy, filed a response to the motion to refer. Defendants Oswald J. Zeringue and Geraldine C. Zeringue, by counsel, Laurie C. Barbe, Christi R.B. Stover, and the law firm of Steptoe & Johnson PLLC; Defendant/Third-Party Plaintiff Camp 4 Condominium Associations,

Inc., by counsel, Melvin F. O'Brien, Aaron M. Ponzo, Michelle D. Baldwin, and the law firm of Dickie, McCamey & Chilcote, L.C., and Robert C. Chenoweth and the law firm of Busch, Zurbuch & Thompson; Defendant Thomas A. Roat, by counsel, P. Joseph Craycraft, Kevin M. Ward, and the law firm of Swartz Campbell, LLC; Defendants Omni & Associates Architects, Inc. and Stephen A. Barnum, by counsel, Paul M. Mannix and the law firm of Marcus & Shapira LLC; and Third-Party Defendant Branch & Associates, Inc., by counsel, Edgar Allen Poe, Jr., Anna F. Ballard, Evan S. Olds, and the law firm of Pullin, Fowler, Flanagan, Brown & Poe, PLLC, also filed a response to the motion to refer. Chief Judge Dent filed a reply memorandum.

The motion appears to be in substantial compliance with Rule 26.06 of the West Virginia Trial Court Rules. The time for litigants, attorneys and affected judges to respond has expired.

Upon careful review and consideration of the motion, the responses thereto, and the reply, the Chief Justice has determined that this litigation does not meet the definition of mass litigation as set forth in Rule 26.04(a) of the West Virginia Trial Court Rules, and the motion to refer should, therefore, be denied.

IT IS, HEREBY, ORDERED, that the motion to refer the above-referenced action is DENIED, and that a copy of this Order be transmitted to the Honorable Alan D. Moats, Chair of the Mass Litigation Panel; to the Honorable Jennifer P. Dent, Chief Judge of the Eleventh Judicial Circuit; to the Mass Litigation Manager; and to the Circuit Clerk of Pocahontas County.

IT IS FURTHER ORDERED, that the Circuit Clerk of Pocahontas County record this Order and serve copies on all parties of record or their counsel.

ENTERED: JULY 7, 2020



TIM ARMSTEAD  
Chief Justice