

IN THE CIRCUIT COURT OF BARBOUR COUNTY, WEST VIRGINIA

TROY LEE MCCARTNEY, SR., ET AL.

2016 OCT 27 PM 3:32

v.

BARBOUR COUNTY CIVIL ACTION NO. 16-C-35

SODEXO, INC., ET AL.,

CIRCUIT CLERK
BARBOUR COUNTY

ORDER ASSIGNING JUDGES, DESIGNATING LITIGATION FOR ELECTRONIC FILING AND SERVICE, AND SCHEDULING STATUS CONFERENCE

On September 16, 2016, Chief Justice Menis E. Ketchum entered an Administrative Order granting the motion to refer Troy Lee McCartney, Sr., et al. v. Sodexo, Inc., et al., Barbour County Civil Action No. 16-C-35 to the Mass Litigation Panel, and transferring these cases to the Panel for assignment by the Panel Chair, pursuant to Trial Court Rule 26.07.¹ Hereinafter these cases will be collectively referred to as the Alderson Broaddus University Asbestos Litigation. As required by Trial Court Rule 26.07(a), the Panel Chair, with the advice and consent of the Panel, assigns the following judges to the Alderson Broaddus University Asbestos Litigation or proceedings therein:

Lead Presiding Judge	The Honorable Alan D. Moats
Presiding Judge	The Honorable James P. Mazzone
Presiding Judge	The Honorable Jack Alsop
Lead Resolution Judge	The Honorable Booker T. Stephens
Resolution Judge	The Honorable John Hutchison

To the extent possible, appropriate measures shall be adopted to insure uniformity of decisions, including the requirement that all pretrial dispositive motions be decided by a majority of the Presiding Judges assigned to preside in the Alderson Broaddus University Asbestos Litigation or proceedings therein.

The Panel has determined it is appropriate for the Alderson Broaddus University

¹ Troy Lee McCartney, Sr., et al. v. Sodexo, Inc., et al., Barbour County Civil Action No. 16-C-35 consists of 16 civil actions that originated in the Circuit Court Kanawha County, West Virginia, and were subsequently transferred to Barbour County and consolidated under Barbour County Civil Action No. 16-C-35.

Asbestos Litigation to be subject to electronic filing and service (“e-filing and service”). Pursuant to West Virginia Trial Court Rule 15.02(c), the Panel **ORDERS** all civil actions in the Alderson Broaddus University Asbestos Litigation to be subject to e-filing and service **beginning on November 28, 2016**, as provided in Trial Court Rule 15.01 *et seq.*

Pursuant to West Virginia Trial Court Rule 26.08(b), and with the advice and consent of the Panel, it is **ORDERED** that all civil actions in the Alderson Broaddus University Asbestos Litigation are transferred to the Circuit Court of Kanawha County, West Virginia, *solely for purposes of implementing electronic filing and service.* The style of the Alderson Broaddus University Asbestos Litigation will be “In re: Alderson Broaddus University Asbestos Litigation, Civil Action No. 16-C-9000.”

All paper court files will remain in the Circuit Court of Barbour County, West Virginia, until further order of the Court. All documents filed prior to November 28, 2016, any oversized documents that cannot be electronically filed, and any documents the Court orders to be placed under seal in the court file will be filed traditionally in the Circuit Court of Barbour County, West Virginia.

Registration and training for e-filing and service is **mandatory**. If a party is not registered with File & Serve*Xpress* by November 28, 2016, the party will not receive e-service of documents in the Alderson Broaddus University Asbestos Litigation. Even if a party has registered and received training for e-filing and service in other Mass Litigation cases, there will be specific training for e-filing and service in the Alderson Broaddus University Asbestos Litigation that all parties must receive. Communications will be forthcoming from File & Serve*Xpress* regarding registration and training, but the **File & Serve*Xpress* Customer Service Department** may be reached at **1-888-529-7587** if you have any questions.

The Panel reminds the parties that, pursuant to Trial Court Rule 15.02(b), e-filing and service shall not be used to initiate a civil action or to serve a new party with an amended complaint or a third-party complaint.

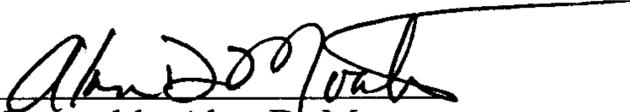
The Panel **ORDERS** a Status and Scheduling Conference in the Alderson Broaddus University Asbestos Litigation at **11:00 a.m. on December 9, 2016**, in **Courtroom Four**, also known as the Ceremonial Courtroom, on the Second Floor of the Kanawha County Courthouse, at 409 Virginia Street, East, in **Charleston, West Virginia**. The Panel judges assigned to the Water Contamination Litigation will preside. All counsel of record and any self-represented parties are **ORDERED** to attend and shall be prepared to discuss:

1. Status of pretrial discovery;
2. Status of pending motions;
3. Proposed trial schedule;
4. Status of prior mediation and/or settlement negotiations; and
5. Status of implementation of electronic filing and service.

The Clerk of the Circuit Court of Barbour County, West Virginia, is **ORDERED** to file this Order, and to provide a copy of this Order to the Circuit Clerk of Kanawha County, West Virginia, to all counsel of record and any *pro se* litigants, and to the Mass Litigation Manager.

It is so **ORDERED**.

ENTER: October 27, 2016.


The Honorable Alan D. Moats
Chair, Mass Litigation Panel