



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

**IN RE: ALDERSON BROADDUS
UNIVERSITY LITIGATION**

Civil Action No. 16-C-9000

THIS DOCUMENT APPLIES TO ALL CASES

ORDER

The Presiding Judges have reviewed and maturely considered the following motions to dismiss, as well as all responses, supplemental responses, and the reply memorandum ordered by the Court:

1. *Defendants', Sodexo, Inc., Chad Plymale, and Phyllis Henry, Motion to Dismiss Employee Plaintiffs' Amended Complaint* (Transaction ID 59922869);
2. *Defendants' Sodexo, Inc., Chad Plymale, and Phyllis Henry, Motion to Dismiss Plaintiff Spouses' and/or Relatives' Amended Complaint that Resided with Employee Plaintiffs* (Transaction ID 59922653);
3. *Defendants' Sodexo, Inc., Chad Plymale, and Phyllis Henry, Motion to Dismiss Amended Complaint of Non-Related Plaintiffs and Plaintiffs Not Residing with Employee Plaintiffs* (Transaction ID 59922789); and
4. *Defendant, Chad Plymale's Motion to Dismiss Plaintiffs' Amended Complaint* (Transaction ID 59922705).

The Presiding Judges find that the facts and legal arguments are adequately presented, and the decisional process would not be significantly aided by oral argument. The Presiding Judges have conferred with one another to insure uniformity of their decision, as contemplated by Rule 26.07(a) of the West Virginia Trial Court Rules. For the reasons set forth in the above-referenced motions and for such other reasons as may be apparent to the Court, the Presiding Judges unanimously rule that Defendants' motions to dismiss should be granted.

This order is entered to advise the parties of the Court's ruling on the above-referenced motions. It is not intended to be a final judgment order for purposes of appellate review. A final judgment order with detailed findings of fact and conclusions of law will be forthcoming. Defendants are hereby ORDERED to file and serve a proposed final order with detailed findings of fact and conclusions of law as to each of the above-referenced motions to dismiss in Rich Text Format **no later than February 24, 2017**. Plaintiffs shall file and serve any objection to Defendants' proposed final order in Rich Text Format **no later than March 17, 2017**.

It is so **ORDERED**.

ENTER: February 3, 2017.

/s/ Alan D. Moats
Lead Presiding Judge
Alderson Broaddus University
Asbestos Litigation