ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

RE: MOTION TO REFER ASBESTOS LITIGATION TO THE MASS LITIGATION PANEL

WHEREAS, On November 17, 2000 and December 20, 2000, former Chief Justice Elliott E. Maynard entered Administrative Orders relating to asbestos cases pending in the various circuit courts of West Virginia; and

WHEREAS, The order entered on November 17, 2000, stayed certain asbestos cases and was drafted based upon findings of fact and conclusions of law forwarded by the Honorable John A. Hutchison, Judge of the Tenth Judicial Circuit and a member of the Mass Litigation Panel; and

WHEREAS, The order entered on December 20, 2000, transferred all pending asbestos cases, excluding the four "Putnam County Mesothelioma" cases, to the Circuit Court of Kanawha County; and

WHEREAS, In light of the recent correspondence from the Honorable John A. Hutchison, the following cases were **not** subject to the stay:

I. **Grace G. Folden, Individual and Executrix of the Estate of Wayne E. Folden v. Vimasco Corporation, et al., Putnam County Civil Action No. 97-C-242;**

II. **Joyce Scruggs, Individual and Executrix of the Estate of Donald D. Scruggs v. A & I Company, et al., Putnam County Civil Action No. 00-C-93;**

III. **Blaine E. Balser and Joan Balser v. Pneumo Abex Corporation, et al., Putnam County Civil Action No. 00-C-227;**

IV. **Thelmer Robertson and Joyce Ann Robertson v. AC&F Inc., et al., Putnam County Civil Action No. 00-C-264; and**

V. **Beulah M. Webb, Individual and Administratrix of the Estate of Jay B. Webb AND Daniel E. Wallace and Rilda L. Wallace v. A & I Company et al., Mason County Civil Action No. 99-C-330.**

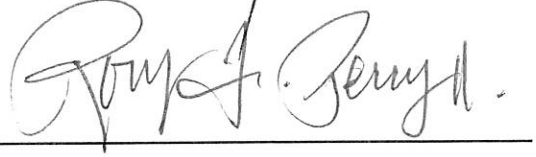
IT IS HEREBY ORDERED, That the Administrative Order entered on November 17, 2000, is amended to reflect that the above-referenced cases are **not** subject to the stay; and

IT IS FURTHER ORDERED, That the Administrative Order entered on December 20, 2000, is amended to reflect that all asbestos cases referred to the Mass Litigation Panel and which were identified by the Panel, be transferred to the Circuit Court of Kanawha County, with the exception of the above-referenced cases; and

IT IS FINALLY ORDERED, that a copy of this ORDER be transmitted to lead counsel for the parties from whom this Court has received pleadings, to the Mass Litigation Panel, and to the Clerks of the Circuit Courts of Kanawha, Putnam and Mason Counties to provide copies of same to counsel of record.

ENTER: FEBRUARY 28, 2001

WARREN R. MCGRAW
Chief Justice



Attest: _____
Rory L. Perry II, Clerk
Supreme Court of Appeals

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Administrative Order entered 2/28/01

February 28, 2001: order faxed to Judge Nibert, Lonnie Simmons and James Barber

March 1, 2001 - order was mailed to the following:

Hendrickson, Morton, Fischer, McGhee, Leon, Victorson, Gray, Martin, Everett, Watson, Fowler, Mangino, Hartley, Matthews, Harris, Wallace

Kanawha, Putnam & Mason Co. Circuit Clerks

Panel: Judges Recht, Johnson, MacQueen, Hutchison, Kaufman & Stephens

Lonnie Simmons, Bill Schartz and James Barber (Involved in the Meso cases)

Honorable Nibert, Spaulding and Eagloski.