

IN THE CIRCUIT COURT OF MARSHALL COUNTY, WEST VIRGINIA

E. JEAN HALL,
Executrix of the Estate of
ERNEST B. HALL, deceased
Plaintiff,

v.

Civil Action No. 12-C-70K
Judge Mark A. Karl

CSX TRANSPORTATION, INC.
Defendant.

FRANK SCHACHTELE,
Plaintiff,

v.

Civil Action No. 12-C-72K
Judge Mark A. Karl

CSX TRANSPORTATION, INC.
Defendant.

ETHEL K. WARD,
Executrix of the Estate of
CHARLES R. WARD, deceased

v.

Civil Action No. 12-C-71H
Judge David W. Hummel, Jr.

CSX TRANSPORTATION, INC.
Defendant.

**ORDER GRANTING PLAINTIFFS' MOTION TO
TRANSFER FELA ASBESTOS CASES TO 02-C-9500**

Pursuant to West Virginia Trial Court Rule 26.08(b), "With the advice and consent of the Panel, the Presiding Judge is authorized to consolidate and/or transfer Mass Litigation or proceedings therein from one circuit to one or more other circuits to facilitate the Panel's case management and trial methodologies and to order the transfer of court files to the appropriate circuit."

By Administrative Order entered on April 29, 2009, the Supreme Court of Appeals of West Virginia referred ". . . all pending and subsequently filed cases in West Virginia asserting claims under FELA for personal injury and damages caused, in whole or part, from exposure to

asbestos and asbestos-containing materials” to the Mass Litigation Panel and transferred such cases to the Circuit Court of Kanawha County, West Virginia, for coordinated or consolidated resolution in *In Re: FELA Asbestos Cases*, Kanawha County Civil Action No. 02-C-9500, the Honorable Arthur M. Recht presiding. By Administrative Order entered on January 12, 2012, the Supreme Court ordered the Honorable Arthur M. Recht recalled as a Senior Status Judge to continue presiding in the Tobacco Litigation and the FELA Asbestos Litigation.

The above-captioned cases assert claims under for FELA for personal injuries and damages caused, in whole or part, from exposure to asbestos and asbestos-containing materials, and each complaint filed in the above-captioned cases was filed after April 29, 2009. Accordingly, with the advice and consent of the Panel, the above-captioned cases and their respective court files are **ORDERED** transferred from the Circuit Court of Marshall County, West Virginia, to the Circuit Court of Kanawha County, West Virginia, for coordinated or consolidated resolution in *In Re: FELA Asbestos Cases*, Kanawha County Civil Action No. 02-C-9500.

The Office of the Circuit Clerk of Marshall County, West Virginia, shall coordinate with the Office of the Circuit Clerk of Kanawha County, West Virginia, to accomplish the prompt and orderly transfer of the court files for each of these cases.

The Circuit Court Clerk of Marshall County, West Virginia is **ORDERED** to forward a certified copy of this Order to the Clerk of Kanawha County, West Virginia, the Mass Litigation Manager, all Counsel of record, and any self-represented parties.

ENTER: August 25, 2014

Arthur M. Recht
ARTHUR M. RECHT
Presiding Judge
In Re: FELA Asbestos Cases
*By: KRF
with permission*