



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: CARBON MONOXIDE LITIGATION

Civil Action No. 14-C-8000

THIS DOCUMENT APPLIES TO ALL CASES

**AMENDMENT TO ELECTRONIC FILING AND SERVICE
CASE MANAGEMENT ORDER REGARDING STATUTORY FILING FEES**

Payment of Statutory Filing Fees - Amendment to W.Va. Code § 59-1-11.

Effective, July 1, 2014, West Virginia Code § 59-1-11(a)(6), as amended, requires each party filing any pleading in circuit court that includes a **COUNTERCLAIM, CROSS CLAIM, THIRD-PARTY COMPLAINT OR MOTION TO INTERVENE** to pay a one-time \$200.00 fee – “[T]his subdivision and the fee it imposes does not apply in family court cases nor may more than one such fee be imposed on any one party in any one civil action.” [Senate Bill 458](#), amends and reenacts West Virginia Code §59-1-11.

If a party is filing a COUNTERCLAIM, CROSS CLAIM, THIRD-PARTY COMPLAINT OR MOTION TO INTERVENE in a civil action:

1. Select the appropriate document type.
2. The statutory filing fee associated with the document type will appear on the *Documents* Tab when the document type is selected:



3. Do not use the multi-case filing feature for any counterclaim, cross claim, third-party complaint or motion to intervene.

4. Do not file more than one counterclaim, cross claim, third-party complaint or motion to intervene per transaction.
5. If a counterclaim, cross claim, third-party complaint or motion to intervene must be filed on behalf of multiple parties, the counterclaim, cross claim, third-party complaint or motion to intervene must be filed on behalf of each party in separate transactions.
6. Do not choose successors in interest as sending parties on the Sending Party Tab in File & Serve*Xpress*. If successors in interest are included in a transaction, list them in the document title field.

If a party has previously filed a COUNTERCLAIM, CROSS CLAIM, THIRD-PARTY COMPLAINT OR MOTION TO INTERVENE in a civil action and paid the statutory fee, and the same party needs to file another one of these pleadings:

1. Select the appropriate document type with the description, “Statutory Fee Previously Paid” for the main document.
2. Electronically “staple” a copy of the receipt for the previously paid statutory fee to the main document by uploading a copy of the receipt and selecting the document type “Receipt –Statutory Fee Previously Paid” as the supporting document.

For example, if a party has filed a cross claim in a case and paid the statutory fee and the same party needs to file a third-party complaint in the same case, the party must select as their main document type, “Third-Party Complaint – Statutory Fee Previously Paid” and electronically staple a copy of their receipt showing payment of the statutory fee to the main document using the document type, “Receipt –Statutory Fee Previously Paid” as the supporting document.

File & Serve*Xpress* will pay the Court for each **COUNTERCLAIM, CROSS CLAIM, THIRD-PARTY COMPLAINT OR MOTION TO INTERVENE** electronically filed when the document is accepted in clerk review, and will bill your firm at the end of the month. If you

would like to associate the statutory fee with a particular client, enter a billing reference code in the “Billing Reference” box on the Review & Submit tab.

It is so **ORDERED**.

ENTER: September 2, 2014

/s/ John A. Hutchison
Lead Presiding Judge
Carbon Monoxide Litigation