



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:

ORDER

On April 3, 2015, came the Plaintiffs, by their respective counsel, and Defendants Manisha Patel; Parbhubhai Patel; Kanu Patel; and Pikes Inc. (“the Pikes Defendants”); and Holiday Hospitality Franchising, LLC; InterContinental Hotels Group Resources, Inc.; and Six Continents Hotels, Inc.¹ (“the IHG Defendants”), by their respective counsel, for a Pretrial Conference. Prior to the Pretrial Conference, all Plaintiffs had reached agreements with Defendants Steve Combs; Karen Combs; Premier Pools, LLC (“the Premier Pools Defendants”); and John Providenti and JP Mechanical, Inc. (“the JP Mechanical Defendants”), to settle and compromise Plaintiffs’ claims against each of those Defendants. At the Pretrial Conference, it was announced to the Court that all claims presented by all Plaintiffs in all cases had been fully compromised and settled as to the Pikes Defendants and the IHG Defendants.

By Order entered April 8, 2015 (Transaction ID 57042928), the Court directed Liaison Counsel for Defendants to submit the instant Order, pursuant to Trial Court Rule 24.01, memorializing the settlements achieved at the Pretrial Conference.

Several issues remain before the Court for disposition. Upon receipt of settlement funds and execution of Releases of the remaining Plaintiffs’ claims against the Pikes Defendants and

¹ Plaintiffs’ with claims still pending against Defendant InterContinental Hotels Group, PLC were dismissed by the Court, with prejudice, due to Plaintiffs’ failure to effectuate service of process upon InterContinental Hotels Group, PLC in accordance with The Hague Convention service standards.

the IHG Defendants, the parties shall tender proposed dismissal orders for the Court's consideration.

As previously ordered, the Court shall hear Tony Ray Linn, Sr.'s *Verified Petition for Court Approval of Wrongful Death Settlement and for Approval as to the Proposed Distribution of Settlement Funds as to All Defendants* at 1:00 p.m., on May 20, 2015, in Courtroom 2, Raleigh County Judicial Center, 222 Main Street, West Virginia, 25801 (Transaction ID 57153343).

Plaintiff L. Mallow, a minor, shall submit a petition to approve the settlement of her claims against all Defendants, and the Court shall appoint a guardian ad litem and hold a hearing to approve same. At the conclusion of their respective hearings, the parties in the *Linn* and *Mallow* cases are directed to file and serve proposed dismissal orders for the Court's consideration.

Although Plaintiffs have agreed to accept aggregate settlements tendered by or on behalf of the Premier Pools Defendants and the JP Mechanical Defendants, Plaintiffs have been unable to reach agreement as to distribution of the aggregate settlement funds. Pursuant to the Court's Order entered on April 16, 2015 (Transaction ID 57094647), the Court has remanded all issues regarding distribution of aggregate settlement funds to the Mass Litigation Panel Resolution Judges. Upon resolution of these issues, Plaintiffs, the Premier Pools Defendants, and the JP Mechanical Defendants are directed to file and serve proposed dismissal orders for the Court's consideration.

It is so **ORDERED**.

ENTER: May 6, 2015.

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