



**IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA**

**IN RE: CARBON MONOXIDE EXPOSURE LITIGATION Civil Action No. 14-C-8000**

**THIS DOCUMENT APPLIES TO THE FOLLOWING CASES:**

Lori Burnside, et al. v. Manisha Patel, et al.	Civil Action No. 14-C-120 KAN
Timothy J. Evans, et al. v. Manisha Patel, et al.	Civil Action No. 13-C-1620 KAN
Christian Ferris, et al. v. Manisha Patel, et al.	Civil Action No. 14-C-223 KAN
Matthew Fontaine, v. Manisha Patel, et al.	Civil Action No. 14-C-215 KAN
Jeffrey Hunter, et al. v. Manisha Patel, et al.	Civil Action No. 14-C-214 KAN
Danielle Mallow, et al. v. Manisha Patel, et al.	Civil Action No. 14-C-119 KAN
Danielle Sharot, v. Manisha Patel, et al.	Civil Action No. 14-C-224 KAN
Tony Ray Linn, Sr. v. Manish Patel, et al.	Civil Action No. 12-C-634 KAN

**ORDER**

Having reviewed “Plaintiffs’ Motion to Extend Time for Hearing and Decision of Discovery Commissioner” (Transaction ID 56973806) and “Plaintiff’s, Tony Linn, Sr.’s Motion to Extend Time for Hearing and Decision of Discovery Commissioner” (Transaction ID

56977972), and having conferred with one another to ensure uniformity of their decision as contemplated by West Virginia Trial Court Rule 26.07(a), the Presiding Judges unanimously **FIND** that time is of the essence and a delay of hearing is not appropriate in light of the April 3, 2015, Pretrial Conference. Accordingly, the Discovery Commissioner shall treat Plaintiffs' motions as motions to compel and for sanctions for failure to engage in discovery previously ordered by the Court, pursuant to Rule 37 of the West Virginia Rules of Civil Procedure. The parties are **ORDERED** to appear for a hearing on the motions to compel and for sanctions on the next date available to the Discovery Commissioner that is prior to the April 3, 2015 Pretrial Conference.

The Discovery Commissioner shall make a recommendation to the Court no later than the close of business on April 2, 2015, regarding the Plaintiffs' motions to compel and for sanctions under Rule 37(b)(2) including, but not limited to, whether the Court should enter an order:

1. striking the defense of Defendant Intercontinental Hotels Group, PLC ("IHG, PLC") that this Court lacks personal jurisdiction over it in these proceedings;
2. refusing to allow IHG, PLC to oppose Plaintiffs' claims that IHG, PLC is the alter ego of Defendants Six Continents Hotels, Inc. ("Six Continents"), Holiday Hospitality Franchising, LLC ("Franchising") and InterContinental Hotels Group Resources, Inc. ("Resources");
3. refusing to allow IHG, PLC to oppose Plaintiffs' claims that IHG, PLC has engaged in a joint venture with Six Continents, Franchising and Resources, along with Defendant Pikes, Inc., the franchisee that owns and operates the South Charleston Holiday Inn Express; and

4. refusing to allow IHG, PLC to oppose Plaintiffs' claims that Six Continents, Franchising, Resources, and Pikes, Inc., acted as the agent of IHG, PLC in managing the South Charleston Holiday Inn Express.

It is so **ORDERED**.

**ENTER:** March 26, 2015.

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