



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:

NAUTILUS INSURANCE COMPANY,

INTERVENING PLAINTIFF

v.

**PREMIER POOLS, LLC, a West Virginia Limited Liability Corporation,
STEVEN COMBS,
KAREN COMBS,
LORI BURNSIDE, Individually and as mother and next friend of D.B., an infant;
COREY EPLING, AMANDA EPLING, KARLEE EPLING, an infant,
EDISON HOLESTON, KAREN HOLESTON, and
DANIELLE MALLOW, individually and as next friend of L.M, an infant**

**ORDER GRANTING MOTION OF NAUTILUS INSURANCE COMPANY
TO INTERVENE PURSUANT TO RULE 24(a)**

Having fully considered the *Motion of Nautilus Insurance Company to Intervene Pursuant to Rule 24(a)* filed on August 11, 2014 (Transaction ID 55872480), and having conferred with one another to ensure uniformity of their decisions, as contemplated by West Virginia Trial Court Rule 26.07(a), the Presiding Judges **FIND** that:

1. As the insurer for Premier Pools, LLC (“Premier Pools”), Nautilus Insurance Company (“Nautilus”) claims an interest relating to the property or transaction which is the subject of this litigation.
2. If permitted to intervene, Nautilus proposes to file a Complaint for Declaratory Relief, which poses the question whether Plaintiffs’ claims constitute one occurrence or multiple occurrences for purposes of determining the applicable insurance coverage limit under Policy Number NN129484 (“the Policy”) issued by Nautilus to Premier Pools for the Policy Period of July 14, 2011 to July 14, 2012.

3. Nautilus is situated such that the issues presented in the proposed Complaint for Declaratory Relief must be decided before the underlying litigation is tried and/or settled.
4. Resolution of the insurance coverage issue will assist the parties in resolving the underlying litigation.

For the reasons set forth above, the Court **GRANTS** the motion and **ORDERS** Nautilus to file its Complaint for Declaratory Relief immediately. The Court reminds Nautilus that, “[e]-filing and service shall not be used to initiate a civil action or to serve a new party with an amended complaint or a third-party complaint.” West Virginia Trial Court Rule 15.02 (b).

It is so **ORDERED**.

ENTERED: August 21, 2014

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