



**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 ALL CASES:**

**TEMPORARY INJUNCTION AND NOTICE OF HEARING**

Having reviewed the *Motion to Enjoin Settlement Payment to Any Plaintiff Until an Aggregate Settlement is Reached* (Transaction ID 56266323), e-filed on October 30, 2014, in Civil Action Nos. 14-C-229 through 14-C-234, and having conferred with one another to ensure uniformity of their decisions, as contemplated by West Virginia Trial Court Rule 26.07(a), all parties to the Carbon Monoxide Exposure Litigation are temporarily enjoined from making any settlement payment in any of the Carbon Monoxide Exposure cases referred to the Mass Litigation Panel by Administrative Order of the Supreme Court of Appeals of West Virginia entered on May 8, 2014. The temporary injunction is issued in order to give all affected parties an opportunity to respond to the *Motion to Enjoin Settlement Payment to Any Plaintiff Until an Aggregate Settlement is Reached* (Transaction ID 56266323), and so the Court can conduct a hearing and rule on the motion. The temporary injunction will, therefore, remain in effect until further order of the Court.

Because a number of critical motions need to be resolved in the Carbon Monoxide Exposure Litigation, and in order to schedule a time when all three Presiding Judges are available, the Court hereby notifies the parties that a hearing will be conducted at **10:00 a.m. on December 22, 2014**, in Courtroom Four, also known as **the Ceremonial Courtroom**, on the Second Floor of the Kanawha County Courthouse, at 409 Virginia Street, East, in **Charleston, West Virginia**. The Court will hear the following motions:

1. *Motion to Enjoin Settlement Payment to Any Plaintiff Until an Aggregate Settlement*

- is Reached* (Transaction ID 56266323);
2. All dispositive motions regarding the Complaint for Declaratory Relief filed by Nautilus Insurance Company;
  3. *Defendants' Joint Motion to Stay Discovery Regarding Damages* (Transaction ID 56181879); and
  4. Any discovery motions that have not been resolved by the parties.

Counsel are strongly encouraged to work together to resolve all discovery disputes.

Should discovery motions still need to be heard, Liaison Counsel shall confer with their respective co-counsel and with one another, and **by no later than December 12, 2014**, Liaison Counsel shall jointly file and serve the list of discovery motions that remain unresolved. The list of still pending discovery motions shall include the filing dates and Transaction Identification Numbers of the motions, as well as any responses and replies to the motions.

In addition to the **December 22, 2014 hearing date**, the Court's *Order Setting Briefing Schedule on Complaint for Declaratory Relief by Nautilus Insurance Company* (Transaction ID 56233235) is hereby amended as follows:

1. All dispositive motions regarding the Complaint for Declaratory Relief filed by Nautilus Insurance Company shall be filed by **December 5, 2014**.
2. All responses to dispositive motions regarding the Complaint for Declaratory Relief filed by Nautilus Insurance Company shall be filed by **December 16, 2014**.

It is so **ORDERED**.

ENTERED: October 31, 2014

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