



IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

IN RE: FLOAT-SINK LITIGATION CIVIL ACTION NO. 11-C-5000000

THIS DOCUMENT APPLIES TO ALL CASES

ORDER REGARDING STATUS AND SCHEDULING CONFERENCE

WHEREAS by Administrative Order entered on November 23, 2010, and amended on January 19, 2011, the Supreme Court of Appeals of West Virginia granted the Motion to Refer the Float-Sink Litigation to the Mass Litigation Panel (“Panel”); transferred those civil actions identified in the Motion to Refer, all cases identified in Appendix A attached to the January 19, 2011, Administrative Order, and *Hatfield v. Arkema, Inc., et al* to the Panel; and further authorized the Panel “to transfer and join with the existing Mass Litigation any similar or related actions subsequently filed in any circuit court, as provided in West Virginia Trial Court Rule 26.09”;

WHEREAS, on February 11, 2011, pursuant to Trial Court Rule 26.08(b), Lead Presiding Judge John A. Hutchison ordered the Float-Sink Litigation to be transferred to the Circuit Court of Raleigh County, West Virginia; the court files to be transferred to the Circuit Court of Raleigh County, West Virginia on or before March 31, 2011; and the Mingo County Coal Slurry Litigation to be consolidated under the style, “*In re: Float-Sink Litigation*, Civil Action No. 11-C-5000, Circuit Court of Raleigh County, West Virginia.” Thereafter, the Master Case Number for the Float-Sink Litigation was amended to “Civil Action No. 11-C-5000000.”

NOW THEREFORE, the Panel hereby schedules a Status and Scheduling Conference for all civil actions in the Float-Sink Litigation at **1:30 p.m. on the 10th day of June, 2011**, to be held in the Circuit Court of Raleigh County, West Virginia, in Judge

Burnside's Courtroom on Second Floor, Room B. The Mass Litigation Panel judges assigned to the Float-Sink Litigation will preside. All counsel of record and any self-represented parties are required to attend.

Parties shall be prepared to discuss:

1. Appointment of Liaison and Lead Counsel;
2. Multiple plaintiff complaints originally filed in the Circuit Court of Mingo County and the Circuit Court of Nicholas County;
3. *Pro hac vice* admissions;
4. Status of any pending motions;
5. Status of pretrial discovery;
6. Proposed trial schedule;
7. Prior mediation and status of settlement negotiations;
8. Status of electronic filing and service; and
9. Status of *Katy Addair, et al. v. Litwar Process Company, LLC, et al.*; Civil Action No. 04-C-252, pending in the Circuit Court of Wyoming County, West Virginia

ENTER: May 31, 2011

/s/ John A. Hutchison
Lead Presiding Judge
Float-Sink Litigation