



IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

IN RE: FLOOD LITIGATION

MC FLOOD 7/8/2001

THIS DOCUMENT APPLIES TO: MC 2a MULLENS MASTER CASE
TRIAL GROUP 1 - SEGAL

**ORDER REGARDING DEFENDANTS' MOTION FOR
LEAVE TO CONDUCT INTERIOR INSPECTIONS**

WHEREAS, Defendants Western Pocahontas Properties Limited Partnership and Western Pocahontas Corporation, by counsel, has moved this Court to permit Western Pocahontas Properties Limited Partnership, Western Pocahontas Corporation and their counsel, representatives and experts to inspect the interiors of the structures that Plaintiffs are claiming were damaged by the July 8, 2001 flooding on the grounds set forth in the "Motion of Defendants Western Pocahontas Properties Limited Partnership and Western Pocahontas Corporation to Conduct Interior Inspections and Incorporated Memorandum of Law in Support;" and

WHEREAS, the Panel has reviewed Defendants' motion as well as the response to the motion filed by the Segal Plaintiffs;

NOW THEREFORE, the Panel finds that a blanket order allowing internal inspections by the Defendants of the Plaintiff properties is not warranted. The Panel

ORDERS:

1. The Motion of Defendants Western Pocahontas Properties Limited Partnership and Western Pocahontas Corporation to Conduct Interior Inspections is **DENIED**;

2. No later than **October 18, 2009**, counsel for the parties shall meet and confer regarding the need to conduct interior inspections of the Plaintiff properties on a case by case basis, and shall determine the protocol for conducting such interior inspections;
3. Interior inspections of the agreed upon Plaintiff properties shall be completed before **November 16, 2009**, the date on which mediation begins;
4. Any disagreements concerning interior inspections of the agreed upon Plaintiff properties, shall be promptly presented to Lead Presiding Judge John A. Hutchison and Presiding Judges Jay M. Hoke and Derek C. Swope for decision.

ENTER: October 8, 2009

/s/ John A. Hutchison
Lead Presiding Judge, Flood Litigation

/s/ Jay M. Hoke
Presiding Judge, Flood Litigation

/s/ Derek C. Swope
Presiding Judge, Flood Litigation