



IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

IN RE: GAVIN LANDFILL LITIGATION

Civil Action No. 16-C-8000

THIS DOCUMENT APPLIES TO ALL CASES

**ORDER RECONVENING MEDIATION
(AMENDED TO CORRECT DATE OF ENTRY)**

The Resolution Judges hereby **ORDER** that mediation of the Gavin Landfill Litigation will be conducted on **April 12, 2018**, in Courtroom Four, also known as the Ceremonial Courtroom, on the Second Floor of the Kanawha County Courthouse, at 407 Virginia Street, East, Charleston, West Virginia. Mediation will begin at **9:00 a.m. on April 12, 2018**, and will be conducted by Lead Resolution Judge Booker T. Stephens, with the assistance of Resolution Judge Alan D. Moats and Resolution Judge Jay M. Hoke.

REQUIRED PARTICIPANTS

1. The following persons are required to attend mediation **in person**:
 - (a) lead trial counsel for Plaintiffs;
 - (c) lead trial counsel for each Defendant;
 - (d) the corporate representative for each Defendant; and
 - (e) the insurer representative for each Defendant.

FAILURE OF ANY PERSON REQUIRED TO ATTEND MEDIATION IN PERSON SHALL SUBJECT THAT PERSON TO SANCTIONS, UP TO AND INCLUDING THE STRIKING OF PLEADINGS AND DISMISSAL, ABSENT GOOD CAUSE SHOWN.

2. Lead trial counsel and any corporate representative or insurer representative participating in mediation must be familiar with the case and must have **full authority** to act on behalf of the party or parties they represent, including full authority to negotiate a resolution of the cases and to respond to developments during the mediation process.

LEAD TRIAL COUNSEL, CORPORATE REPRESENTATIVES AND INSURER

REPRESENTATIVES MUST ARRIVE AT MEDIATION NO LATER THAN 8:30 A.M. ON APRIL 12, 2018, TO SIGN IN.

CONFIDENTIALITY

4. **The content of mediation statements and mediation discussions, including any resolution or settlement shall remain confidential, shall not be used in the present litigation nor any other litigation (whether presently pending or filed in the future), and shall not be construed as nor constitute an admission. Breach of this provision shall subject the violator to sanctions.**

EX PARTE CONTACTS

5. Before, during and after the scheduled mediation, the Resolution Judges may find it necessary and useful to communicate with one or more parties outside the presence of the other party or parties.

OBLIGATION OF GOOD FAITH PARTICIPATION

6. All Required Participants shall attend the entire mediation in person and shall be available and accessible throughout the mediation process. No party may be compelled by this Order, the Mass Litigation Panel, or the Resolution Judges to settle a case involuntarily or against the party's judgment. However, the Resolution Judges expect the parties' full and good faith cooperation with the mediation process, and expect the participants to be prepared to participate fully, openly and knowledgably in a mutual effort to examine and resolve issues. The Resolution Judges encourage all participants to keep an open mind in order to reassess their previous positions and to find creative means for resolving the dispute.

IMPOSITION OF SANCTIONS

7. **All counsel are reminded of their obligations to read and comply with this Order.**

To avoid the imposition of sanctions, counsel shall advise the Resolution Judges

immediately of any problems regarding compliance with this Order.

It is so **ORDERED**.

ENTER: March 14, 2018.

/s/ Booker T. Stephens
Lead Resolution Judge
Yeager Airport Litigation