



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 REGARDING SECOND RECOMMENDED
DECISION OF DISCOVERY COMMISSIONER**

The Presiding Judges have reviewed the *Second Recommended Decision* of the Discovery Commissioner filed on January 9, 2018 (Transaction ID 61543017) regarding *Plaintiffs' Motion to Compel AEP's Coal Waste Test Results* (Transaction ID 61183915). The time for filing exceptions to the *Second Recommended Decision* has expired with no exceptions filed.

For the reasons set forth in the Discovery Commissioner's *Second Recommended Decision* the Court dismisses *Plaintiffs' Motion to Compel AEP's Coal Waste Test Results* (Transaction ID 61183915) as **MOOT** and hereby **ORDERS** the parties to each pay one-half of the total amount of \$1,800.00 for the Discovery Commissioner's costs in this matter. Each party's payment in the amount of \$900.00 shall be delivered to the Discovery Commissioner for receipt **no later than February 1, 2018**.

It is so **ORDERED**.

ENTER: January 18, 2018.

/s/ Derek C. Swope
Lead Presiding Judge
Gavin Landfill Litigation