

**IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA**

**IN RE: GAVIN LANDFILL LITIGATION**

**Civil Action No. 16-C-8000**

**ORDER ASSIGNING JUDGES, DESIGNATING LITIGATION FOR ELECTRONIC FILING AND SERVICE, AND SCHEDULING STATUS CONFERENCE**

On April 14, 2016, Chief Justice Menis E. Ketchum entered an Administrative Order referring *Joy Clary, as Administratrix of the Estate of Bobby Clary, et al. v. American Electric Power Co., Inc., et al.*, Mason County Civil Action Nos. 14-C-101 through 14-C-139, to the Mass Litigation Panel for further proceedings (hereinafter "Gavin Landfill Litigation.") Pursuant to West Virginia Trial Court Rule 26.07(a), "[a]n order from the Chief Justice granting a Motion to Refer to the Mass Litigation Panel is a transfer of Mass Litigation to the Panel."

As required by Trial Court Rule 26.07(a), the Panel Chair, with the advice and consent of the Panel, assigns the following judges to the Gavin Landfill Litigation or proceedings therein:

Lead Presiding Judge	The Honorable Derek C. Swope
Presiding Judge	The Honorable John A. Hutchison
Presiding Judge	The Honorable David W. Hummel, Jr.
Lead Resolution Judge	The Honorable Booker T. Stephens
Resolution Judge	The Honorable Alan D. Moats
Resolution Judge	The Honorable Jay M. Hoke

To the extent possible, appropriate measures shall be adopted to insure uniformity of decisions, including the requirement that all pretrial dispositive motions be decided by a majority of the Presiding Judges assigned to preside in the Litigation or proceedings therein.

The Panel has determined it is appropriate for the Gavin Landfill Litigation to be subject to electronic filing and service ("e-filing and service"). Pursuant to West Virginia Trial Court Rule 15.02(c), the Panel **ORDERS** all civil actions in the Gavin Landfill Litigation to be subject to e-filing and service **beginning on May 31, 2016**, as provided in Trial Court Rule 15.01 *et seq.*

Pursuant to West Virginia Trial Court Rule 26.08(b), and with the advice and consent of

the Panel, it is **ORDERED** that all civil actions in the Gavin Landfill Litigation are transferred to the Circuit Court of Raleigh County, West Virginia, *solely for purposes of implementing electronic filing and service*. The style of the Gavin Landfill Litigation will be “*In re: Gavin Landfill Litigation*, Civil Action No. 16-C-8000.” *All paper court files will remain in the circuit court where the civil action originated until further order of the Court*. All documents filed prior to May 31, 2016, any oversized documents that cannot be electronically filed, and any documents the Court orders to be placed under seal in the court file will be filed traditionally in the circuit court where the case originated.

Registration and training for e-filing and service is **mandatory**. If a party is not registered with File & ServeXpress by May 31, 2016, the party will not receive e-service of documents in the Gavin Landfill Litigation. Even if a party has registered and received training for e-filing and service in other Mass Litigation cases, there will be specific training for e-filing and service in the Gavin Landfill Litigation that all parties must receive. Communications will be forthcoming from File & ServeXpress regarding registration and training, but the **File & ServeXpress Customer Service Department** may be reached at **1-888-529-7587** if you have any questions.

The Panel reminds the parties that, pursuant to Trial Court Rule 15.02(b), e-filing and service shall not be used to initiate a civil action or to serve a new party with an amended complaint or a third-party complaint.

The Panel **ORDERS** a Status and Scheduling Conference in the Gavin Landfill Litigation at **10:00 a.m. on June 10, 2016**, 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 Panel judges assigned to the Gavin Landfill Litigation will



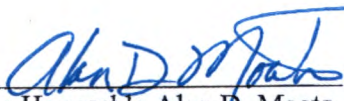
preside. All counsel of record and any self-represented parties are **ORDERED** to attend and shall be prepared to discuss:

1. Status of pretrial discovery;
2. Status of pending motions;
3. Proposed trial schedule;
4. Status of prior mediation and/or settlement negotiations; and
5. Status of implementation of electronic filing and service.

The Clerk of the Circuit Court of Raleigh County, West Virginia, is **ORDERED** to file this Order and the attached list of Plaintiffs and Mason County Civil Action Numbers, and to provide a certified copy of this Order and attached list to the Circuit Clerk of Mason County, West Virginia, and the Mass Litigation Manager. The Circuit Clerk of Mason County, West Virginia, is **ORDERED** to record this Order and attached list, and to provide copies of this Order and attached list to all counsel of record, and any *pro se* litigants.

It is so **ORDERED**.

ENTER: April 18, 2016.

  
The Honorable Alan D. Moats  
Chair, Mass Litigation Panel



The foregoing is a true copy of an order entered in this office on the 19 day of April, 20 16.  
PAUL H. FLANAGAN, Circuit Clerk of Raleigh Co., WV  
By A. Flanagan Deputy

## LIST OF PLAINTIFFS

14-C-101 The Estate of Bobby Clary, by Joy Clary, Administrator,  
14-C-102 The Estate of Larry Laudermitl, by Harriett Laudermitl, Administrtor  
14-C-103 The Estate of Fred Parker, by Nancy Parker, Administrator  
14-C-104 The Estate of James Stewart, by Shawn Stewart, Administrator  
14-C-105 The Estate of Joan Wamsley, by John Wamsley, Administrator  
14-C-106 The Estate of Judith Wright, by Thomas Wright, Administrator  
14-C-107 Robert Allen  
14-C-108 Larry Angel  
14-C-109 Joseph Ball  
14-C-110 Paul Brammer  
14-C-111 Robert Bruce  
14-C-112 Ronald Campbell  
14-C-113 Anthony Cardillo  
14-C-114 David Carsey  
14-C-115 James Chapman  
14-C-116 Rick Clary  
14-C-117 Gary Cooper  
14-C-118 Charles Ehman  
14-C-119 Robert Frazier  
14-C-120 David Jones  
14-C-121 Richard Lambe  
14-C-122 Tanya Lavender  
14-C-123 Paul McDaniel  
14-C-124 Tammy Mullens  
14-C-125 Tracey Mullens  
14-C-126 John Poff  
14-C-127 Don Rees  
14-C-128 Elton Ritchie  
14-C-129 Wilbur Robinson  
14-C-130 Michael Shaw  
14-C-131 Chris Shaw  
14-C-132 Iva Sisson  
14-C-133 Carolos Stepp  
14-C-134 Theron Swisher  
14-C-135 Roy Taylor  
14-C-136 Paul Thomas  
14-C-137 Sharen Wamsley  
14-C-138 Steven Watson  
14-C-139 Edmond Wright