

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

RE: MOTION TO REFER ASBESTOS LITIGATION TO THE MASS LITIGATION PANEL

WHEREAS, By Supreme Court Administrative Order entered on November 17, 2000, all Asbestos cases pending in the Circuit Courts of this State were referred to the Mass Litigation Panel; and

WHEREAS, By Supreme Court Administrative Order entered on December 20, 2000, all Asbestos cases referred to the Mass Litigation Panel were transferred to the Circuit Court of Kanawha County; and

WHEREAS, By Supreme Court Administrative Order entered on July 9, 2002, the Honorable Arthur M. Recht, Judge of the First Judicial Circuit, was assigned as the Supervising Judge to preside in Asbestos cases referred to the Mass Litigation Panel and the Honorable Booker T. Stephens, Judge of the Eighth Judicial Circuit, was assigned to assist Judge Recht in said Asbestos cases; and

WHEREAS, Pursuant to Rule 26.01(e) of the West Virginia Trial Court Rules, the Chief Justice has received a copy of the motion filed in the Circuit Court of Kanawha County in the proceeding of In Re: Asbestos Personal Injury Litigation, Civil Action No. 01-C-9000, which was filed by the Honorable James P. Mazzone, Judge of the First Judicial Circuit, seeking to refer the following pending action to the Mass Litigation Panel:

Helen L. Bailey, et al. v. George V. Hamilton, et al., Hancock County Civil Action No. 03-C-10; and

WHEREAS, The Honorable Arthur M. Recht, Judge of the First Judicial Circuit and Chairman of the Mass Litigation Panel, has filed a response thereto which states that he concurs in the recommendation that the above-styled case pending in the Circuit Court of Hancock County should be transferred to the Mass Litigation Panel; and

WHEREAS, The Chief Justice finds that the motion appears to be in substantial compliance with Rule 26.01 of the West Virginia Trial Court Rules; and

WHEREAS, Upon review thereof, the Chief Justice finds that this litigation qualifies for a coordinated or consolidated resolution, and in the interests of justice and due process, the case referenced above should be referred to the Mass Litigation Panel;

UPON CONSIDERATION WHEREOF, IT IS HEREBY ORDERED, The Motion to Refer is granted and the case of Helen L. Bailey, et al. v. George V. Hamilton, et al., Hancock

County Civil Action No. 03-C-10, is hereby transferred to the Mass Litigation Panel and in accordance with Supreme Court Administrative Order entered on December 20, 2000, the above referenced case is hereby transferred to the Circuit Court of Kanawha County; and

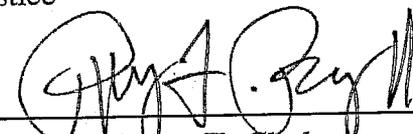
IT IS FURTHER ORDERED, The Clerk of the Circuit Court of Hancock County need take no action to remove or otherwise transfer this matter until further direction is received in writing from the Mass Litigation Panel, a member thereof, or the Chief Justice; and

IT IS FURTHER ORDERED, That all proceedings in the transferred case be conducted as provided by law; and

IT IS FINALLY ORDERED, That a copy of this ORDER be transmitted to the Mass Litigation Panel, the Honorable James P. Mazzone, to the Clerk of the Circuit Court of Kanawha County, and to the Clerk of the Circuit Court of Hancock County, which is hereby directed to provide copies of the same to all parties of record or their counsel.

ENTER: APRIL 2, 2003


LARRY V. STARCHER
Chief Justice

Attest: 
Rory L. Perry II, Clerk
Supreme Court of Appeals