

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, 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 Thomas A. Bedell, Judge of the Fifteenth Judicial Circuit, seeking to refer the following case to the Mass Litigation Panel:

Herbert J. Adams, et al. vs. CSX Transportation, Inc., Harrison County Civil Action No. 06-C-182-2; and

WHEREAS, No party or affected judge has filed a reply memorandum stating a position in response to said motion; and

WHEREAS, Chief Justice Robin Jean Davis has voluntarily recused herself from considering said motion; and

WHEREAS, The Acting 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 of the motion, 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 with respect to the above-referenced case; and

IT IS FURTHER ORDERED, The Clerk of the Circuit Court of Harrison 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

Page 2

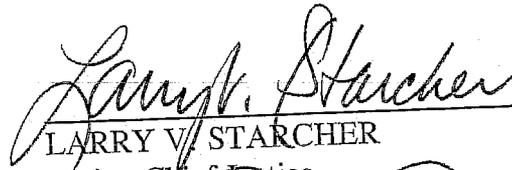
Adams et al. vs. CSX

Harrison Co. Case No. 06-C-182-2

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

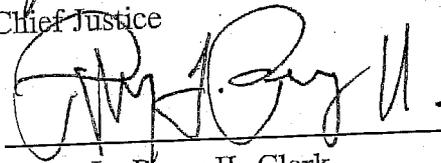
IT IS FINALLY ORDERED, That a copy of this ORDER be transmitted to Robert F. Daley, Esquire, of Peirce, Raimond & Coulter, counsel for the plaintiffs in the above-referenced case, to the Mass Litigation Panel, the Honorable Thomas A. Bedell, and to the Clerks of the Circuit Courts of Kanawha and Harrison Counties.

ENTERED: JUNE 14, 2006


LARRY V. STARCHER

Acting Chief Justice

Attest:



Rory L. Perry II, Clerk
Supreme Court of Appeals