



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

**IN RE: MOUNTAIN STATE UNIVERSITY LITIGATION Civil Action No. 12-C-9000**

**THIS DOCUMENT APPLIES TO ALL CASES**

**ORDER MEMORIALIZING THE COURT'S RULINGS  
DURING THE FEBRUARY 1, 2013 STATUS CONFERENCE**

On February 1, 2013, the Presiding Judges and Resolution Judges assigned to the Mountain State University Litigation held a Status Conference and the Court made the following rulings:

Because these cases were referred to the Mass Litigation Panel by the Supreme Court on December 6, 2012, and were transferred and consolidated in the Circuit Court of Kanawha County by Panel Order entered on December 17, 2012, all Rule 12(b) motions to dismiss for improper venue filed in any of these cases are DENIED as moot. Defendants shall file their answers to the subject complaints within ten (10) days of February 1, 2013.

Plaintiffs shall file a declaratory judgment action seeking a determination of insurance coverage in these cases within fifteen (15) days of February 1, 2013.

All discovery is stayed pending further order of the Court.

Plaintiffs and Defendants shall e-file and serve proposed Fact Sheets within fifteen (15) days of February 1, 2013. The Court will review the proposed Fact Sheets and advise the parties if the Fact Sheets are approved as submitted, or approved with amendment by the Court. All Fact Sheets shall be completed within one-hundred twenty (120) days of February 1, 2013.

All financial information of Defendants Mountain State University, Inc. and Charles Polk shall be provided to Plaintiffs within thirty (30) days of February 1, 2013.

Counsel for Plaintiffs shall meet and confer to discuss a document sharing and cost sharing agreement.

Motions for admission to practice *pro hac vice* are ORDERED to be filed in each individual action in which counsel seeks admission to practice, and a fee of three-hundred fifty dollars (\$350) shall be paid to the West Virginia State Bar for each individual applicant in each individual *pro hac vice* admission. See Rule 8.0(b) of the Rules for Admission to the Practice of Law.

It is so ORDERED.

ENTER: February 8, 2013

/s/ Alan D. Moats  
Lead Presiding Judge  
Mountain State University Litigation