



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:

MELISSA FOX,

Plaintiff,

v.

Civil Action No. 13-C-3 SMR

**MOUNTAIN STATE UNIVERSITY, INC.,
a West Virginia corporation,**

Defendant.

ORDER GRANTING MOTION TO JOIN IN EXISTING MASS LITIGATION

Pursuant to Rule 26.09 of the West Virginia Trial Court Rules, Defendant Mountain State University, Inc. (“MSU”) moved the Mass Litigation Panel (“Panel”) to transfer *Melissa Fox v. Mountain State University, Inc.*, Civil Action No. 13-C-3, pending before The Honorable Robert A. Irons in the Circuit Court of Summers County, West Virginia, to the existing Mass Litigation styled *In re: Mountain State University Litigation*, Civil Action No. 12-C-9000, pending in the Circuit Court of Kanawha County, West Virginia.

The Court has reviewed MSU’s motion, and has conferred with the Panel regarding the issues presented in the Mountain State University Litigation and the issues raised in the case filed by Plaintiff Melissa Fox. There being no objection to the motion, with the advice and consent of the Panel the Court GRANTS the motion and ORDERS that *Melissa Fox v. Mountain State University, Inc.*, Civil Action No. 13-C-3, pending in the Circuit Court of Summers County, West Virginia, be joined with *In re: Mountain*

State University Litigation, Civil Action No. 12-C-9000, and transferred to the Circuit Court of Kanawha County, West Virginia for further proceedings. The Court notes and preserves the objections of any party aggrieved by this Order.

The Court further ORDERS that the case file(s) in *Melissa Fox v. Mountain State University, Inc.*, Civil Action No. 13-C-3, be transferred to the Circuit Court of Kanawha County, West Virginia by no later than **July 29, 2013**.

The parties are hereby notified that this case shall be subject to electronic filing and service, effective **July 29, 2013**. The civil action number for the *Fox* case will be **Civil Action No. 13-C-3 SMR** to facilitate electronic filing and service. This civil action number shall be used on all future filings, as provided in Trial Court Rule 15.01 *et seq.*

Registration and training for e-filing and service is **mandatory**. If a party is not registered with File & Serve*Xpress* by July 29, 2013, the party will not receive e-service of documents in the Mountain State University Litigation. Even if a party has registered and received training for e-filing and service in other Mass Litigation cases, there is specific training for e-filing and service in the Mountain State University Litigation that all parties must receive. Contact the **File & Serve*Xpress* Customer Service Department** at **1-888-529-7587** to schedule training.

The Clerk of the Kanawha County Circuit Court is ORDERED to send a certified copy of this Order to the Panel Chair, to The Honorable Robert A. Irons, to the Mass Litigation Manager and to the Clerk of the Circuit Court of Summers County, West Virginia for service on all parties. The Clerk of the Kanawha County Circuit Court is further ORDERED to send a certified copy of the “Electronic Filing and Service Case Management Order” filed February 7, 2013 (TID 49340519); and the Orders Governing

Mediation filed on May 28, 2013, June 18, 2013 and June 25, 2013 (TIDs 52489309, 52891807, and 53001794) to the Clerk of Summers County, West Virginia for service on all parties.

It is so ORDERED.

ENTER: July 5, 2013

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