



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

**IN RE: TOBACCO LITIGATION  
(INDIVIDUAL PERSONAL INJURY CASES)**

**CIVIL ACTION NO. 00-C-5000  
(JUDGE JACK ALSOP)**

**THIS DOCUMENT APPLIES TO:**

*Bernice Douglas*  
*Roy Mallory*  
*David G. Shaver*  
*Marie Stamper*  
*Sarah Buckley*  
*Buster Franklin Clevinger*  
*John H. Collett*  
*Donald Coulter*  
*Bobby Ray George*  
*Harold Gray*  
*Ruth Mann*  
*Vernon L. Pauley*  
*John Snodgraft*  
*Benjamin F. Whittington*

Civil Action No. 00-C-1048 OHI  
Civil Action No. 00-C-1198 OHI  
Civil Action No. 00-C-805 OHI  
Civil Action No. 00-C-1392 OHI  
Civil Action No. 00-C-448 OHI  
Civil Action No. 00-C-476 OHI  
Civil Action No. 00-C-483 OHI  
Civil Action No. 00-C-489 OHI  
Civil Action No. 00-C-551 OHI  
Civil Action No. 00-C-559 OHI  
Civil Action No. 00-C-1201 OHI  
Civil Action No. 00-C-757 OHI  
Civil Action No. 00-C-827 OHI  
Civil Action No. 00-C-896 OHI

**ORDER**

Pending before the Court is Defendants Liggett Group LLC, Liggett & Myers Inc., and Brooke Group Ltd. (collectively "Liggett Defendants") *Amended Motion to Dismiss Fourteen Civil Actions for Failure to Comply with the In Extremis Protocol* (Transaction ID 62160078), filed in the fourteen above-listed cases. Having reviewed the Liggett Defendants' motion and Plaintiffs' response, heard the argument of counsel, and conferred with one another to insure uniformity of their decision, as contemplated by Rule 26.07(a) of the West Virginia Trial Court Rules, the Presiding Judges **GRANT** the motion to dismiss Plaintiffs Bernice Douglas, Civil Action No. 00-C-1048 OHI, and David G. Shaver, Civil Action No. 00-C-1198 OHI, for failure to comply with the Court's prior order requiring an affidavit with supporting documentation as to the cause of death of these plaintiffs. See *Order Regarding Rulings Issued During April 27, 2018 Hearing* (Transaction ID 62043783) on page 8. Accordingly, the claims of Plaintiffs

Bernice Douglas, Civil Action No. 00-C-1048 OHI, and David G. Shaver, Civil Action No. 00-C-1198 OHI, are **DISMISSED WITH PREJUDICE**.

The remainder of the Liggett Defendants' motion to dismiss is **TAKEN UNDER ADVISEMENT** pending further discovery regarding the following twelve Plaintiffs:

1. Roy Mallory, Civil Action No. 00-C-1198 OHI
2. Marie Stamper, Civil Action No. 00-C-1392 OHI
3. Sarah Buckley, Civil Action No. 00-C-448 OHI
4. Buster Franklin Clevinger, Civil Action No. 00-C-476 OHI
5. John H. Collett, Civil Action No. 00-C-483 OHI
6. Donald Coulter, Civil Action No. 00-C-489 OHI
7. Bobby Ray George, Civil Action No. 00-C-551 OHI
8. Harold Gray, Civil Action No. 00-C-559 OHI
9. Ruth Mann, Civil Action No. 00-C-1201 OHI
10. Vernon L. Pauley, Civil Action No. 00-C-757 OHI
11. John Snodgraft, Civil Action No. 00-C-827 OHI
12. Benjamin F. Whittington, Civil Action No. 00-C-896 OHI

The Court authorizes the Liggett Defendants to conduct full discovery of these twelve Plaintiffs. Full discovery is necessary for the Court to rule on the motion to dismiss, based on all of the facts involved, and especially to determine whether the Liggett Defendants have been prejudiced in defending against these twelve Plaintiffs' claims. Full discovery is also necessary so as not to lose any further evidence, given the ages of the parties and witnesses involved in these cases.

Plaintiffs' Counsel is cautioned to comply with Paragraph 7 of the Court's January 11, 2000 Case Management Order. Plaintiffs' Counsel has a continuing duty to confer with their clients, and if there are Plaintiffs who are *in extremis*, Plaintiffs' Counsel must disclose those Plaintiffs to the Defendants so plaintiff-specific discovery can be conducted.

It is so **ORDERED**.

**ENTER:** October 19, 2018.

/s/ Jack Alsop  
Lead Presiding Judge  
Tobacco Litigation