

IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA
IN RE: FLOAT-SINK LITIGATION CIVIL ACTION NO. 11-C-500000

**ORDER DESIGNATING FLOAT-SINK LITIGATION
FOR ELECTRONIC FILING AND SERVICE AND
AMENDING MASTER CASE NUMBER**

WHEREAS on November 23, 2010, then Chief Justice Robin Jean Davis entered an Administrative Order granting the Motion to Refer *Jeffrey Blount v. Arkema, Inc., et al.*, Kanawha County Civil Action No. 10-C-1109, and all cases identified in the Motion, and transferred all such cases to the Mass Litigation Panel (“Panel”).

WHEREAS on January 19, 2011, Chief Justice Margaret L. Workman entered an Administrative Order amending the November 23, 2010, Administrative Order to reflect that all cases identified in “Appendix A” attached to the January 19, 2011, Administrative Order, as well as *Hatfield v. Arkema, Inc., et al.*, which is to be filed in the Circuit Court of McDowell County, are referred to the Panel.

WHEREAS the November 23, 2010, Administrative Order was further amended to authorize the Panel to transfer and join with the existing Mass Litigation any similar or related actions subsequently filed in any circuit court, as provided in West Virginia Trial Court Rule 26.09.

WHEREAS for ease of reference the civil actions listed or described in the November 23, 2010, and January 19, 2011, Administrative Orders are collectively referred to as the “Float-Sink Litigation.”

WHEREAS, on February 11, 2011, pursuant to Trial Court Rule 26.08(b), Lead Presiding Judge John A. Hutchison ordered the Float-Sink Litigation to be transferred to the Circuit Court of Raleigh County, West Virginia; the court files to be transferred to the

Circuit Court of Raleigh County, West Virginia on or before March 31, 2011; and the Float-Sink Litigation to be consolidated under the style, "*In re: Float-Sink Litigation*, Civil Action No. 11-C-5000, in the Circuit Court of Raleigh County, West Virginia."

NOW THEREFORE, the Panel has determined that it is appropriate for the Float-Sink Litigation to be subject to electronic filing and service ("e-filing and service"). Pursuant to West Virginia Trial Court Rule 15.02(c), the Panel **ORDERS** that all civil actions in the Float-Sink Litigation shall be subject to e-filing and service beginning on **May 17, 2011**, as provided in Trial Court Rule 15.01 *et seq.*

To facilitate efficient management of the Float-Sink Litigation, the Panel has further determined that the attached case numbering system will be used in conjunction with e-filing and service in the Float-Sink Litigation. All parties must review this list carefully prior to registering with LexisNexis and receiving training regarding e-filing and service in the Float-Sink Litigation.

In accordance with the attached case numbering system, the Master Case Number for the Float-Sink Litigation is hereinafter **Civil Action No. 11-C-5000000**, and the style of the Float-Sink Litigation shall now be, "*In re: Float-Sink Litigation*, Civil Action No. 11-C-5000000, in the Circuit Court of Raleigh County, West Virginia."

Every participant e-filing on behalf of third-party plaintiffs or third-party defendants shall provide LexisNexis with their name, contact information, the third party(ies) they represent and the cases where third-party complaints have been filed no later than **May 20, 2011**. Third-party case and party information shall be provided to LexisNexis in the Case Load Template. Parties can contact Rosemary Willcox at rosemary.willcox@lexisnexis.com to request a copy of the Case Load Template if they

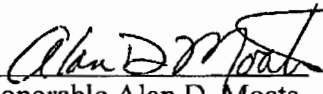
need to submit their data. When the Case Load Template is completed, email it to Rosemary Willcox.

The Panel reminds the parties that registration and training for e-filing and service using LexisNexis File & Serve is **mandatory**. If a party is not registered with LexisNexis by the May 17, 2011, Live Date, the party will not receive e-service of documents in the Float-Sink Litigation. Even if a party has registered with LexisNexis and received training for e-filing and service in other Mass Litigation cases, there will be specific training for e-filing and service in the Float-Sink Litigation that all parties must receive. Communications will be forthcoming from LexisNexis regarding registration and training, but the **LexisNexis Customer Service Department** may be reached at **1-888-529-7587** if you have any questions.

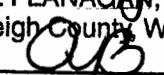
The Panel also reminds the parties that, pursuant to Trial Court Rule 15.02(b), e-filing and service shall not be used to initiate a civil action or to serve a new party with an amended complaint or a third-party complaint.

The Clerk is **ORDERED** to provide a certified copy of this Order to the Mass Litigation Manager, all counsel of record and all self-represented parties.

ENTER: May 10, 2011.


The Honorable Alan D. Moats
Chair, Mass Litigation Panel



The foregoing is a true copy of an order entered in this Office on the 10th day of May, 20 11.
PAUL H. FLANAGAN, Circuit Clerk of Raleigh County, West Virginia
By:  Deputy

West Virginia Mass Litigation Panel
 Float-Sink Litigation Case Listing

Circuit Case #	CaseName	Original County	MLP Case #	Party/LastName/ Co Name	Party/First	Party/Mid	Party/ Suffix
	Float-Sink Litigation 11-C-5000000 Master Case		MC 11-C-5000000				
10-C-41	Kelley, Robert M vs Arkema Inc et al	Barbour	11-C-5010001	Kelley	Robert	M	
10-C-58	Mitchell, Mickey vs Arkema Inc et al	Barbour	11-C-5010002	Mitchell	Mickey		
10-C-59	Spottoe, Sandra vs Arkema Inc et al	Barbour	11-C-5010003	Spottoe	Sandra		
10-C-144	Bias, John vs Arkema Inc et al	Boone	11-C-5030001	Bias	John	M	
10-C-184	Blevins, Joseph vs Arkema Inc et al	Boone	11-C-5030002	Blevins	Joseph	R	
10-C-185	Bowen, Gene A vs Arkema Inc et al	Boone	11-C-5030003	Bowen	Gene		
10-C-186	Chandler, John vs Arkema Inc et al	Boone	11-C-5030004	Chandler	John		
10-C-187	Fraley, Westley vs Arkema Inc et al	Boone	11-C-5030005	Fraley	Westley		
10-C-188	Gallagher, Michael vs Arkema Inc et al	Boone	11-C-5030006	Gallagher	Michael	P	
10-C-189	Gillispie, Ronald Jr vs Arkema Inc et al	Boone	11-C-5030007	Gillispie	Ronald		Jr
10-C-190	Hartless, Fred vs Arkema Inc et al	Boone	11-C-5030008	Hartless	Fred	V	
10-C-191	Jarvis, Carlos G Jr vs Arkema Inc et al	Boone	11-C-5030009	Jarvis	Carlos	G	Jr
10-C-192	Miller, Dennis A vs Arkema Inc et al	Boone	11-C-5030010	Miller	Dennis	A	
10-C-283	Jones, Joseph vs Arkema Inc et al	Boone	11-C-5030011	Jones	Joseph	W	
10-C-37	Groves, Michael W vs Arkema Inc et al	Braxton	11-C-5040001	Groves	Michael	W	
10-C-46	Yates, Gary vs Oneida Coal Co	Braxton	11-C-5040002	Yates	Gary		
10-C-158	Jarvis, Gary L vs Arkema Inc et al	Fayette	11-C-5100001	Jarvis	Gary	L	
10-C-258	Lewark, Tod vs Arkema Inc et al	Harrison	11-C-5170001	Lewark	Tod		
10-C-1109	Blount, Jeffrey vs Arkema Inc et al	Kanawha	11-C-5200001	Blount	Jeffery	L	
10-C-1110	Elswick, James E Jr vs Arkema Inc et al	Kanawha	11-C-5200002	Elswick	James	E	Jr
10-C-1111	Hapney, Theodore vs Arkema Inc et al	Kanawha	11-C-5200003	Hapney	Theodore		
10-C-1113	Hicks, Carl R vs Arkema Inc et al	Kanawha	11-C-5200004	Hicks	Carl	R	
10-C-1114	Hodge, Gary W vs Arkema Inc et al	Kanawha	11-C-5200005	Hodge	Gary	W	
10-C-1115	Hodge, William E vs Arkema Inc et al	Kanawha	11-C-5200006	Hodge	William	E	
10-C-1116	Johnson, Elmer Lee vs Arkema Inc et al	Kanawha	11-C-5200007	Johnson	Elmer	L	
10-C-1117	Koenig, Charles T vs Arkema Inc et al	Kanawha	11-C-5200008	Koenig	Charles	T	
10-C-1118	March, Wilda vs Arkema Inc et al	Kanawha	11-C-5200009	March	Wilda		
10-C-1119	McGraw, John L vs Arkema Inc et al	Kanawha	11-C-5200010	McGraw	John	L	
10-C-1120	McNeal, Roy E Jr vs Arkema Inc et al	Kanawha	11-C-5200011	McNeal	Roy	E	Jr
10-C-1121	Nickell, Steven vs Arkema Inc et al	Kanawha	11-C-5200012	Nickell	Steven		
10-C-1208	Elswick, James E Sr vs Arkema Inc	Kanawha	11-C-5200013	Elswick	James	E	Sr
10-C-1122	Raines, Donald vs Arkema Inc	Kanawha	11-C-5200014	Raines	Donald		
10-C-220	Riffe, James vs American Coal Testing Inc et al	Logan	11-C-5230001	Riffe	James		

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Circuit Case #	CaseName	Original County	MLP Case #	Party Last Name/ Co. Name	Party First	Party Mid	Party Suffix
10-C-200	Boylek, Joe vs American Coal Testing Inc et al	Logan	11-C-5230002	Boylek	Joe		
10-C-201	Boylek, Monty vs American Coal Testing Inc et al	Logan	11-C-5230003	Boylek	Monty	E	
10-C-202	Boylek, Randy vs American Coal Testing Inc et al	Logan	11-C-5230004	Boylek	Randy		
10-C-203	Browning, Ricky vs American Coal Testing Inc et al	Logan	11-C-5230005	Browning	Ricky	L	
10-C-204	Chafin, Drema vs American Coal Testing Inc et al	Logan	11-C-5230006	Chafin	Drema	G	
10-C-351	Cline, Joseph C vs Arkema Inc et al	Logan	11-C-5230007	Cline	Joseph	C	
10-C-205	Conley, Craig vs American Coal Testing Inc et al	Logan	11-C-5230008	Conley	Craig		
10-C-206	Copley, Joseph vs American Coal Testing Inc et al	Logan	11-C-5230009	Copley	Joseph	W	
10-C-207	Copley, Keith vs American Coal Testing Inc et al	Logan	11-C-5230010	Copley	Keith		
10-C-208	Doty, Bruce vs American Coal Testing Inc et al	Logan	11-C-5230011	Doty	Bruce	E	
10-C-209	Estrathers, Manuel Jr vs American Coal Testing Inc et al	Logan	11-C-5230012	Estrathers	Manuel	Jr	
10-C-210	Funk, Orville vs American Coal Testing Inc et al	Logan	11-C-5230013	Funk	Orville	L	
10-C-211	Hager, Edward vs American Coal Testing Inc et al	Logan	11-C-5200014	Hager	Edward	W	
10-C-212	Hatfield, Thomas vs American Coal Testing Inc et al	Logan	11-C-5230015	Hatfield	Thomas	E	
10-C-213	Herrdon, William vs American Coal Testing Inc et al	Logan	11-C-5230016	Herrdon	William	A	
10-C-214	Jeffrey, Thomas vs American Coal Testing Inc et al	Logan	11-C-5230017	Jeffrey	Thomas	L	
10-C-215	Midkiff, Lowell Jr vs American Coal Testing Inc et al	Logan	11-C-5230018	Midkiff	Lowell	Jr	
10-C-216	Pierson, Paul vs American Coal Testing Inc et al	Logan	11-C-5230019	Pierson	Paul	B	
10-C-217	Podunavac, Sammy vs American Coal Testing Inc et al	Logan	11-C-5230020	Podunavac	Sammy		
10-C-218	Redmond, Randy vs American Coal Testing Inc et al	Logan	11-C-5230021	Redmond	Randy		
10-C-219	Reedy, Ralph vs American Coal Testing Inc et al	Logan	11-C-5230022	Reedy	Ralph	D	
10-C-221	Shell, Russell vs American Coal Testing Inc et al	Logan	11-C-5230023	Shell	Russell		
10-C-222	Slater, James vs American Coal Testing Inc et al	Logan	11-C-5230024	Slater	James	D	
10-C-223	Townsend, David vs American Coal Testing Inc et al	Logan	11-C-5230025	Townsend	David	G	
10-C-224	Vance, Marlene vs American Coal Testing Inc et al	Logan	11-C-5230026	Vance	Marlene		
10-C-225	Webster, Harrison vs American Coal Testing Inc et al	Logan	11-C-5230027	Webster	Harrison		
10-C-226	Wellman, Dennis vs American Coal Testing Inc et al	Logan	11-C-5230028	Wellman	Dennis	K	
10-C-227	White, Berry Jr vs American Coal Testing Inc et al	Logan	11-C-5230029	White	Berry	Jr	
10-C-228	Williams, Kenneth vs American Coal Testing Inc et al	Logan	11-C-5230030	Williams	Kenneth	R	
10-C-229	Wilson, Kenneth vs American Coal Testing Inc et al	Logan	11-C-5230031	Wilson	Kenneth	R	
10-C-149	Barto, Mary Jo vs American Coal Testing Inc	Logan	11-C-5230032	Barto	Mary	Jo	
10-C-199	Blevins, Mark vs American Coal Testing Inc	Logan	11-C-5230033	Blevins	Mark		
10-C-119	Auth, Larry vs Arkema Inc et al	Marshall	11-C-5260001	Auth	Larry	G	
10-C-164	Gatts, Roger vs Arkema Inc et al	Marshall	11-C-5260002	Gatts	Roger		

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10-C-165	Stephens, John v Arkema Inc et al	Marshall	11-C-5260003	Stephens	John	M	
10-C-116	Atwell, Ralph K vs Arkema Inc et al	McDowell	11-C-5240001	Atwell	Ralph	K	
10-C-147	Buckland, Larry D vs Allied Chemical Corp	McDowell	11-C-5240002	Buckland	Larry	D	
10-C-148	Forthner, Arnold E vs Allied Chemical Corp	McDowell	11-C-5240003	Forthner	Arnold	E	
10-C-149	Hall, Darlene vs Allied Chemical Corp	McDowell	11-C-5240004	Hall	Darlene		
10-C-150	Lester, Bobby L vs Allied Chemical Corp	McDowell	11-C-5240005	Lester	Bobby	L	
10-C-151	Mocrik, Dieter vs Allied Chemical Corp	McDowell	11-C-5240006	Mocrik	Dieter		
10-C-152	Rose, James vs Allied Chemical Corp	McDowell	11-C-5240007	Rose	James	A	
10-C-153	Testerman, Anthony S vs Allied Chemical Corp	McDowell	11-C-5240008	Testerman	Anthony	S	
10-C-154	Waugh, Carl D vs Allied Chemical Corp	McDowell	11-C-5240009	Waugh	Carl	D	
10-C-243-c	Holt, Earl vs Arkema Inc et al	Mercer	11-C-5280001	Holt	Earl		
10-C-199	Birchfield, Jimmy D vs Arkema Inc et al	Mingo	11-C-5300001	Birchfield	Jimmy	D	
10-C-199	Blankenship, Kenneth vs Arkema Inc et al	Mingo	11-C-5300002	Blankenship	Kenneth	R	
10-C-199	Dean, Billy Joe vs Arkema Inc et al	Mingo	11-C-5300003	Dean	Billy	J	
10-C-199	Dean, Lowell vs Arkema Inc et al	Mingo	11-C-5300004	Dean	Lowell	G	
10-C-199	Lester, Curtis vs Arkema Inc et al	Mingo	11-C-5300005	Lester	Curtis	H	
10-C-199	Lester, Donald vs Arkema Inc et al	Mingo	11-C-5300006	Lester	Donald	R	
10-C-199	Lester, Joseph vs Arkema Inc et al	Mingo	11-C-5300007	Lester	Joseph	L	
10-C-199	Lester, Shelah vs Arkema Inc et al	Mingo	11-C-5300008	Lester	Shelah		
10-C-199	Maynard, Bruce G vs Arkema Inc et al	Mingo	11-C-5300009	Maynard	Bruce	G	
10-C-199	Maynard, Daniel vs Arkema Inc et al	Mingo	11-C-5300010	Maynard	Daniel	E	
10-C-199	McCune, Earl vs Arkema Inc et al	Mingo	11-C-5300011	McCune	Earl	G	
10-C-199	Simpkins, Eddy vs Arkema Inc et al	Mingo	11-C-5300012	Simpkins	Eddy		
10-C-199	Teeters, Jason vs Arkema Inc et al	Mingo	11-C-5300013	Teeters	Jason	W	
10-C-437	Fridley, Mickey D vs Arkema Inc et al	Monongalia	11-C-5310001	Fridley	Mickey	D	
10-C-95	Akers, Dennis vs Arkema Inc et al	Nicholas	11-C-5340001	Akers	Dennis		
10-C-95	Bailey, Larry vs Arkema Inc et al	Nicholas	11-C-5340002	Bailey	Larry	D	
10-C-95	Fitzwater, Benjamin vs Arkema Inc et al	Nicholas	11-C-5340003	Fitzwater	Benjamin	M	
10-C-95	Boothe, Dwayne vs Arkema Inc et al	Nicholas	11-C-5340004	Boothe	Dwayne	B	
10-C-95	Cook, Richard vs Arkema Inc et al	Nicholas	11-C-5340005	Cook	Richard		
10-C-95	Cooper, David vs Arkema Inc et al	Nicholas	11-C-5340006	Cooper	David	L	
10-C-95	Kershner-Vanover, Janet vs Arkema Inc et al	Nicholas	11-C-5340007	Kershner-Vanover	Janet		
10-C-95	Kutcher, Robert vs Arkema Inc et al	Nicholas	11-C-5340008	Kutcher	Robert	W	
10-C-95	Smith, David vs Arkema Inc et al	Nicholas	11-C-5340009	Smith	David	M	

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Circuit Case #	CaseName	Original County	MLP Case #	PartyLast/Name/Co Name	PartyFirst	PartyMid	Party Suffix
10-C-215	Bibbee, Michael vs Arkema Inc et al	Ohio	11-C-5350001	Bibbee	Michael	W	
10-C-281	Doll, Carey G vs Arkema Inc et al	Ohio	11-C-5350002	Doll	Carey	G	
10-C-282	Greathouse, Cindy L vs Arkema Inc et al	Ohio	11-C-5350003	Greathouse	Cindi	L	
10-C-283	Huntsman, Kevin L vs Arkema Inc et al	Ohio	11-C-5350004	Huntsman	Kevin		
10-C-284	Nixon, James E vs Arkema Inc et al	Ohio	11-C-5350005	Nixon	James	E	
10-C-285	Wisor, Keith E vs Arkema Inc et al	Ohio	11-C-5350006	Wisor	Keith	E	
10-C-491	Allison, Terrance R vs Arkema Inc et al	Raleigh	11-C-5410001	Allison	Terrance	R	
10-C-492	Altice, Kevin L vs Arkema Inc et al	Raleigh	11-C-5410002	Altice	Kevin	L	
10-C-493	Clay, Roscoe vs Arkema Inc et al	Raleigh	11-C-5410003	Clay	Roscoe		
10-C-494	Dickens, Gerald vs Arkema Inc et al	Raleigh	11-C-5410004	Dickens	Gerald		
10-C-495	Fondale, David vs Arkema Inc et al	Raleigh	11-C-5410005	Fondale	David		
10-C-496	Keene, Jack S vs Arkema Inc et al	Raleigh	11-C-5410006	Keene	Jack	S	
10-C-497	Lilly, Anthony N vs Arkema Inc et al	Raleigh	11-C-5410007	Lilly	Anthony	N	
10-C-498	Lilly, James K vs Arkema Inc et al	Raleigh	11-C-5410008	Lilly	James	K	
10-C-499	Lipford, Michael P vs Arkema Inc et al	Raleigh	11-C-5410009	Lipford	Michael	P	
10-C-500	Lykins, Mark L vs Arkema Inc et al	Raleigh	11-C-5410010	Lykins	Mark	L	Sr
10-C-501	McKinney, Lacy D vs Arkema Inc et al	Raleigh	11-C-5410011	McKinney	Lacy	D	Jr
10-C-502	Plantz, Matthew D vs Arkema Inc et al	Raleigh	11-C-5410012	Plantz	Matthew		
10-C-503	Wright, Nina V vs Arkema Inc et al	Raleigh	11-C-5410013	Wright	Nina	V	
10-C-504	Shannon, Donald vs Arkema Inc et al	Raleigh	11-C-5410014	Shannon	Donald		
10-C-505	Trail, Dustin vs Arkema Inc et al	Raleigh	11-C-5410015	Trail	Dustin		
10-C-506	Williams, Bobbie vs Arkema Inc et al	Raleigh	11-C-5410016	Williams	Bobbie		
10-C-507	Williams, Harold vs Arkema Inc et al	Raleigh	11-C-5410017	Williams	Harold		
10-C-22	Hicks, Walter M vs Arkema Inc et al	Webster	11-C-5510001	Hicks	Walter	M	
10-C-23	McClung, Lloyd vs Arkema Inc et al	Webster	11-C-5510002	McClung	Lloyd	B	
10-C-106	Dunn, Lyndall W vs Cliffs Natural Resources Exploration	Wyoming	11-C-5550001	Dunn	Lyndall	W	
10-C-138	Hicks, Ricky vs Arkema Inc et al	Wyoming	11-C-5550002	Hicks	Rickey	E	