

IN THE CIRCUIT COURT OF MONONGALIA COUNTY, WEST VIRGINIA

UNIVERSITY COMMONS RIVERSIDE
HOME OWNERS ASSOCIATION, INC.
On Its Own Behalf and on Behalf of Its
Members and Individual Unit Owners,

Plaintiff,

v.

Civil Action Number 09-C-85

UNIVERSITY COMMONS
MORGANTOWN, LLC, et al.

Defendants.

ORDER ASSIGNING JUDGES TO UNIVERSITY COMMONS LITIGATION

On May 3, 2013, Chief Justice Brent D. Benjamin entered an Administrative Order granting the "Motion to Refer to the Mass Litigation Panel" filed by the Honorable Susan B. Tucker in the above-captioned civil action, pursuant to the directive set forth in *University Commons Riverside Home Owners Ass'n, Inc. v. University Commons Morgantown, LLC, et al.*, No. 11-1577, 2013 WL 1285977 (W.Va. March 28, 2013), and authorizing the Mass Litigation Panel to transfer and join with the existing Mass Litigation any similar or related actions pending or subsequently filed. Pursuant to West Virginia Trial Court Rule 26.07(a), "[a]n order from the Chief Justice granting a Motion to Refer to the Mass Litigation Panel is a transfer of Mass Litigation to the Panel."

As required by Trial Court Rule 26.07(a), the Panel Chair, with the advice and consent of the Panel, hereby assigns The Honorable Derek C. Swope to serve as the Lead Presiding Judge in the University Commons Litigation. The Honorable Alan D. Moats and The Honorable David W. Hummel, Jr. are assigned to assist Judge Swope as Presiding Judges in the University Commons Litigation. To the extent possible, appropriate measures shall be adopted to insure

uniformity of decisions, including the requirement that all pretrial dispositive motions be decided by a majority of the Presiding Judges.

The Panel Chair further assigns The Honorable Booker T. Stephens to serve as the Lead Resolution Judge in the University Commons Litigation. The Honorable John A. Hutchison is assigned to assist Judge Stephens as a Resolution Judge in the University Commons Litigation.

The Clerk of the Circuit Court of Monongalia County, West Virginia, is **ORDERED** to forward a certified copy of this Order to Mass Litigation Manager Kimberley R. Fields via electronic mail at kim.fields@courtswv.gov and via U.S. Mail to all parties of record or their counsel.

It is so **ORDERED**.

ENTER: May 16 2013


The Honorable Alan D. Moats
Chair, Mass Litigation Panel

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