

FILED

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA 2016 DEC 19 PM 2:12

**BROTHERHOOD MUTUAL INSURANCE CO.,
a foreign corporation, a/s/o The Keystone Apostolic
Church, f/k/a The Pentecostal Assembly of Jesus
Christ, a non-profit association,**

CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

Plaintiff

v.

Civil Action No. 16-C-293 — 10-102

**CENTRAL WEST VIRGINIA REGIONAL
AIRPORT AUTHORITY, INC., et al.,**

16-C-7000 — 1-2

Defendants.

**ORDER ASSIGNING JUDGES, DESIGNATING LITIGATION FOR ELECTRONIC
FILING AND SERVICE, AND SCHEDULING STATUS CONFERENCE**

On December 16, 2016, Chief Justice Menis E. Ketchum entered an Administrative Order granting the motion to refer the following cases to the Mass Litigation Panel and transferring these cases to the Panel for further proceedings:

- *Brotherhood Mutual Insurance Co., a/s/o The Keystone Apostolic Church, f/k/a The Pentecostal Assembly of Jesus Christ v. Central West Virginia Regional Airport Authority, Inc., et al.*, Civil Action No. 16-C-293;
- ✓ *Central West Virginia Regional Airport Authority v. Triad Engineering, Inc., et al.*, Civil Action No. 15-C-1022; — 430-431
- ✓ *Theodore and Rebecca Carter v. Central West Virginia Regional Airport Authority, et al.*, Civil Action No. 15-C-1074; — 93-94
- ✓ *Kenneth W. Carter v. Cast & Baker Corporation, et al.*, Civil Action No. 15-C-1791; — 96-97
- *Robert L. Harrah II v. Cast & Baker Corporation, et al.*, Civil Action No. 15-C-1792; see 15-C-1791
- *Terry and Rosemary Letart v. Cast & Baker Corporation, et al.*, Civil Action No. 15-C-1793; — see 15-C-1791
- *Deborah K. Harrah v. Cast & Baker Corporation, et al.*, Civil Action No. 15-C-1794; — see 15-C-1791
- ✓ *The Keystone Apostolic Church, f/k/a The Pentecostal Assembly of Christ v. Central West Virginia Regional Airport Authority*, Civil Action No. 16-C-536; — 18-19
- ✓ *James Johnson, et al. v. Cast & Baker Corporation, et al.*, Civil Action No. 16-C-1826; and — 12-13
- ✓ *Patricia A. Wolfe, et al. v. Cast & Baker Corporation, et al.*, Civil Action No. 16-C-1815. — 15-16

Hereinafter these cases will be collectively referred to as “the Yeager Airport Litigation” and the

SCANNED
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style of the litigation will be “*In re: Yeager Airport Litigation*, Civil Action No. 16-C-7000,” pending in the Circuit Court of Kanawha County, West Virginia.

As required by Trial Court Rule 26.07(a), the Panel Chair, with the advice and consent of the Panel, assigns the following judges to the Yeager Airport Litigation or proceedings therein:

Lead Presiding Judge	The Honorable John A. Hutchison
Presiding Judge	The Honorable Derek C. Swope
Presiding Judge	The Honorable Jay M. Hoke
Lead Resolution Judge	The Honorable Booker T. Stephens
Resolution Judge	The Honorable Alan D. Moats
Resolution Judge	The Honorable Jack Alsop

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 assigned to preside in the Yeager Airport Litigation or proceedings therein.

The Panel has determined it is appropriate for the Yeager Airport 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** all civil actions in the Yeager Airport Litigation to be subject to e-filing and service **beginning on February 1, 2017**, as provided in Trial Court Rule 15.01 *et seq.*

All paper court files will remain in the Circuit Court of Kanawha County, West Virginia, until further order of the Court. All documents filed prior to February 1, 2017, any oversized documents that cannot be electronically filed, and any documents the Court orders to be placed under seal in the court file will be filed traditionally in the Circuit Court of Kanawha County, West Virginia.

Registration and training for e-filing and service is **mandatory**. If a party is not registered with File & Serve*Xpress* by February 1, 2017, the party will not receive e-service of

documents in the Yeager Airport Litigation. Even if a party has registered 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 Yeager Airport Litigation that all parties must receive. Communications will be forthcoming from File & Serve*Xpress* regarding registration and training, but the **File & Serve*Xpress* Customer Service Department** may be reached at **1-888-529-7587** if you have any questions.

The Panel 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 Panel **ORDERS** a Status and Scheduling Conference in the Yeager Airport Litigation at **1:30 p.m. on February 17, 2017**, in **Courtroom Four**, also known as the Ceremonial Courtroom, on the Second Floor of the Kanawha County Courthouse, at 409 Virginia Street, East, in **Charleston, West Virginia**.¹ The Panel judges assigned to the Yeager Airport Litigation will preside. All counsel of record and any self-represented parties are **ORDERED** to attend and shall be prepared to discuss:

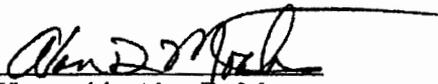
1. Selection of Liaison and Lead Counsel;
2. Status of pretrial discovery, including any inspections of property;
3. Status of declaratory judgment actions;
4. Status of pending motions;
5. Proposed trial schedule;
6. Status of prior mediation and/or settlement negotiations; and
7. Status of implementation of electronic filing and service.

¹ Courtroom Four was not available on January 20, 2017, the date tentatively scheduled during the Panel's December 9, 2016, hearing of the motion to refer.

The Clerk of the Circuit Court of Kanawha County, West Virginia, is **ORDERED** to file this Order, and to provide a copy of this Order to all counsel of record and any *pro se* litigants, and to the Mass Litigation Manager.

It is so **ORDERED**.

ENTER: December 19, 2016.


The Honorable Alan D. Moats
Chair, Mass Litigation Panel

Date: 12/19/16
Certified copies sent to:
 counsel of record
 parties
 other Kim Fields, WUSCA
(please indicate)
By: certified/1st class mail
 fax
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Other directives accomplished:
A. Lavender
Deputy Circuit Clerk