



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

**IN RE: YEAGER AIRPORT LITIGATION**

**Civil Action No. 16-C-7000**

**THIS DOCUMENT APPLIES TO:**

Theodore Carter and Rebecca Carter  
v. Civil Action No. 15-C-1074 KAN  
Central Regional West Virginia Airport Authority, et al.

Kenneth W. Carter  
v. Civil Action No. 15-C-1791 KAN  
Cast & Baker Corporation, et al.

Robert L. Harrah II  
v. Civil Action No. 15-C-1792 KAN  
Cast & Baker Corporation, et al.

Terry Letart, et al.  
v. Civil Action No. 15-C-1793 KAN  
Cast & Baker Corporation, et al.

Deborah K. Harrah  
v. Civil Action No. 15-C-1794 KAN  
Cast & Baker Corporation, et al.

Patricia A. Wolfe, et al.  
v. Civil Action No. 16-C-1815 KAN  
Cast & Baker Corporation, et al.

James Johnson, et al.  
v. Civil Action No. 16-C-1826 KAN  
Cast & Baker Corporation, et al.

Brotherhood Mutual Insurance Co.  
v. Civil Action No. 16-C-293 KAN  
Central West Virginia Regional Airport Authority, Inc., et al.

**ORDER RECONVENING MEDIATION**

The Resolution Judges hereby **ORDER** that mediation of the above-referenced homeowner and church property owner cases will be conducted on February 1, 2018, and February 2, 2018, **on the 17<sup>th</sup> Floor of the Chase Bank Building**, located at 707 Virginia Street,

East, Charleston, West Virginia 25701. **Mediation will begin at 9:00 a.m.** and will be conducted by Lead Resolution Judge Booker T. Stephens, with the assistance of Resolution Judge Alan D. Moats and Resolution Judge Jack Alsop.

**REQUIRED PARTICIPANTS**

1. The following persons are required to attend mediation **in person**:
  - (a) Plaintiffs and their counsel;
  - (c) lead trial counsel for each Defendant;
  - (d) the corporate representative for each Defendant; and
  - (e) the insurer representative for each Defendant.

**FAILURE OF ANY PERSON REQUIRED TO ATTEND MEDIATION IN PERSON SHALL SUBJECT THAT PERSON TO SANCTIONS, UP TO AND INCLUDING THE STRIKING OF PLEADINGS AND DISMISSAL, ABSENT GOOD CAUSE SHOWN.**

2. Lead trial counsel and any corporate representative or insurer representative participating in mediation must be familiar with the case and must have **full authority** to act on behalf of the party or parties they represent, including full authority to negotiate a resolution of the cases and to respond to developments during the mediation process.

**PLAINTIFFS, COUNSEL, CORPORATE REPRESENTATIVES AND INSURER REPRESENTATIVES MUST ARRIVE AT MEDIATION NO LATER THAN 8:30 A.M. ON FEBRUARY 1, 2018, TO SIGN IN.**

**SUPPLEMENTAL MEDIATION STATEMENTS**

3. The parties are **ORDERED** to submit a supplemental mediation statement to Lead Resolution Judge Booker T. Stephens, Resolution Judge Alan D. Moats, and Resolution Judge Jack Alsop **no later than January 18, 2018**. The supplemental mediation statements shall discuss all remaining issues that must be mediated in order to fully resolve these cases. The parties are reminded that supplemental mediation statements are confidential. Each party must

place their supplemental mediation statement in a sealed envelope marked, “**CONFIDENTIAL SUPPLEMENTAL MEDIATION STATEMENT.**”

The supplemental mediation statements shall be delivered by Federal Express, UPS or any other express mail service with tracking capability to the Resolution Judges.

#### **CONFIDENTIALITY**

4. **The content of mediation statements and mediation discussions, including any resolution or settlement shall remain confidential, shall not be used in the present litigation nor any other litigation (whether presently pending or filed in the future), and shall not be construed as nor constitute an admission. Breach of this provision shall subject the violator to sanctions.**

#### **EX PARTE CONTACTS**

5. Before, during and after the scheduled mediation, the Resolution Judges may find it necessary and useful to communicate with one or more parties outside the presence of the other party or parties.

#### **OBLIGATION OF GOOD FAITH PARTICIPATION**

6. All Required Participants shall attend the entire mediation in person and shall be available and accessible throughout the mediation process. No party may be compelled by this Order, the Mass Litigation Panel, or the Resolution Judges to settle a case involuntarily or against the party’s judgment. However, the Resolution Judges expect the parties’ full and good faith cooperation with the mediation process, and expect the participants to be prepared to participate fully, openly and knowledgably in a mutual effort to examine and resolve issues. The Resolution Judges encourage all participants to keep an open mind in order to reassess their previous positions and to find creative means for resolving the dispute.

**IMPOSITION OF SANCTIONS**

7. **All counsel are reminded of their obligations to read and comply with this Order.**

To avoid the imposition of sanctions, counsel shall advise the Resolution Judges immediately of any problems regarding compliance with this Order.

It is so **ORDERED**.

**ENTER:** November 14, 2017.

/s/ Booker T. Stephens  
Lead Resolution Judge  
Yeager Airport Litigation