

FILED  
CIRCUIT CLERK'S OFFICEIN THE CIRCUIT COURT OF WAYNE COUNTY, WEST VIRGINIA  
JAN 22 PM 12:13J.C., a minor by and through his mother and  
next friend, MICHELLE COOK, et al.,WAYNE COUNTY, WV  
BY: R Adams

Plaintiffs,

v. Wayne County Consolidated Civil Action Number: 12-C-146

PFIZER, INC., ROERIG, a division of Pfizer,  
Inc., and GREENSTONE, LLC f/k/a  
GREENSTONE, LTD.,

Defendants.

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

On January 14, 2014, Chief Justice Robin Jean Davis entered an Administrative Order granting the Motion to Refer the proceeding styled, *J.C., a minor by and through his mother and next friend, Michelle Cook, et al., v. Pfizer, Inc., Roerig, a division of Pfizer, Inc., and Greenstone, LLC f/k/a Greenstone, Ltd.*, Wayne County Consolidated Civil Action No. 12-C-146, (hereinafter "Zolofit Litigation") to the Mass Litigation Panel.<sup>1</sup> 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 James P. Mazzone to serve as the Lead Judge presiding in the Litigation, with The Honorable Jay M. Hoke and The Honorable David W. Hummel, Jr. assigned to assist Judge Mazzone as Presiding Judges in the Zolofit Litigation or proceedings

<sup>1</sup> Pursuant to orders entered on October 18, 2012, and October 28, 2013, the Circuit Court of Wayne County, West Virginia, consolidated Wayne County Civil Action Numbers 12-C-146 through 12-C-164 and 13-C-229 through 13-C-234 into Wayne County Consolidated Civil Action Number 12-C-146. On December 24, 2013, a "Notice of Removal by Defendants Pfizer Inc. and Greenstone LLC" was filed, giving notice of their removal of the consolidated action consisting of 19 separate Plaintiff families (Wayne County Civil Action Numbers 12-C-146 through 12-C-164), pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, to the United States District Court for the Southern District of West Virginia. Defendants' Notice of Removal does not include Wayne County Civil Action Numbers 13-C-229 through 13-C-234.

therein. 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 Zoloff Litigation or proceedings therein.

The Panel Chair further assigns The Honorable Booker T. Stephens to serve as the Lead Resolution Judge in the Zoloff Litigation, with The Honorable Alan D. Moats assigned to assist Judge Stephens as Resolution Judge in the Zoloff Litigation or proceedings therein.

The Panel has determined that it is appropriate for the Zoloff 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 Zoloff Litigation shall be subject to e-filing and service beginning on **February 10, 2014**, as provided in Trial Court Rule 15.01 *et seq.*<sup>2</sup>

Registration and training for e-filing and service is **mandatory**. If a party is not registered with File & ServeXpress<sup>3</sup> by February 10, 2014, the party will not receive e-service of documents in the Zoloff 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 Zoloff Litigation that all parties must receive. Communications will be forthcoming from File & ServeXpress regarding registration and training, but the **File & ServeXpress 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

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<sup>2</sup> Wayne County Civil Action Numbers 12-C-146 through 12-C-164 will be marked "Removed" in File & ServeXpress.

<sup>3</sup> On November 14, 2012, LexisNexis File & Serve and Texas-based CaseFileXpress were acquired by a newly formed company, File & ServeXpress. The Court is advised that this transfer of ownership has no impact on your File & Serve account, and your log on to File & Serve remains the same.

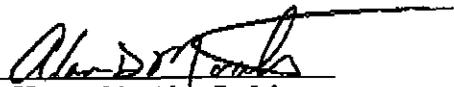
service shall not be used to initiate a civil action or to serve a new party with an amended complaint or a third-party complaint.

The Panel further **ORDERS** that a Status and Scheduling Conference for the Zoloff Litigation will be held at **1:00 p.m. on March 4, 2014, 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**. The Panel judges assigned to the Zoloff Litigation will preside. All counsel of record and any self-represented parties are **ORDERED** to attend and shall be prepared to discuss:

1. Status of pretrial discovery;
2. Status of pending motions;
3. Proposed trial schedule;
4. Status of mediation and/or settlement negotiations; and
5. Status of implementation of electronic filing and service.

The Clerk is **ORDERED** to provide a certified copy of this Order via electronic mail to Mass Litigation Manager Kimberley R. Fields at [kim.fields@courtsww.gov](mailto:kim.fields@courtsww.gov), and via U.S. Mail to all counsel of record and all self-represented parties.

ENTER: January 22, 2014

  
The Honorable Alan D. Moats  
Chair, Mass Litigation Panel