

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

R.S. and K.S., individually and as parents,  
guardians and next friends of A.S., a minor,  
Plaintiffs

vs. Kanawha County Civil Action No. 21-C-1120

Kanawha County Board of Education; Nancy Boggs;  
Lori Gibson; Lisa Perdue; National Union Fire Ins.  
Co. of Pittsburgh, PA; and the Insurance Company  
of the State of Pennsylvania,  
Defendants

The Honorable Joanna I. Tabit, Judge of the Thirteenth Judicial Circuit, has advised the Chief Justice of the Supreme Court of Appeals that Plaintiffs R.S. and K.S., individually and as parents, guardians and next friends of A.S., a minor, by counsel Benjamin L. Bailey, Sharon F. Iskra, and Samuel A. Hrko, Bailey Glasser LLP, filed a motion in the Circuit Court of Kanawha County pursuant to Rule 26.06 of the West Virginia Trial Court Rules requesting that the above-referenced civil action and designated companion cases be referred to the Mass Litigation Panel.

Defendant Kanawha County Board of Education, by counsel, Lou Ann S. Cyrus, Caleb B. David, and Shannon M. Rogers, Shuman McCuskey Slicer PLLC, and Defendant Lori Gibson, by counsel, Perry W. Oxley, David E. Rich, and Samantha J. Fields, Oxley Rich Sammons, PLLC, filed separate responses in opposition to the motion to refer. Defendant Nancy Boggs, by counsel Julie Meeks Greco and Jonathon W. Fischer, Pullin, Fowler, Flanagan, Brown & Poe, PLLC, joined in said responses. Plaintiffs', by counsel, filed an Omnibus Reply.

The motion appears to be in substantial compliance with Rule 26.06 of the West Virginia Trial Court Rules. The time for litigants, attorneys and affected judges to respond has expired.

Upon careful review and consideration of the motion, the responses thereto, and the reply, the Chief Justice has determined that this litigation does not meet the definition of mass litigation as set forth in Rule 26.04(a) of the West Virginia Trial Court Rules, and the motion to refer should, therefore, be denied.

IT IS, HEREBY, ORDERED, that the motion to refer the above-referenced action is DENIED, and that a copy of this Order be transmitted to the Honorable Alan D. Moats, Chair of the Mass Litigation Panel; to the Honorable Joanna I. Tabit, the Honorable Tera L. Salango, the Honorable Maryclaire Akers, the Honorable Louis H. Bloom, the Honorable Carrie L. Webster, and the Honorable Kenneth Ballard, Judges of the Thirteenth Judicial Circuit; to the Mass Litigation Manager; and to the Circuit Clerk of Kanawha County.

IT IS FURTHER ORDERED, that the Circuit Clerk of Kanawha County record this Order and serve copies on all parties of record or their counsel.

ENTERED: JUNE 7, 2022



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JOHN A. HUTCHISON  
Chief Justice