



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA
IN RE: FELA ASBESTOS CASES **CIVIL ACTION NO. 02-C-9500**

THIS DOCUMENT APPLIES TO:

JESSICA HIGGINBOTHAM, *Administratrix for*
***the Estate of* DUSTIN C. HIGGINBOTHAM,**

Plaintiff,

v.

Civil Action No. 20-C-285 KAN FELA

NORFOLK SOUTHERN RAILWAY CO., *etc.*

Defendant.

ORDER REGARDING TRANSFER OF CASE TO MASS LITIGATION PANEL

By Administrative Order entered on April 29, 2009, the Supreme Court of Appeals of West Virginia referred “. . . all pending and subsequently filed cases in West Virginia asserting claims under FELA for personal injury and damages caused, in whole or part, from exposure to asbestos and asbestos-containing materials” to the Mass Litigation Panel (“Panel”) and transferred such cases to the Circuit Court of Kanawha County, West Virginia, for coordinated or consolidated resolution in *In Re: FELA Asbestos Cases*, Kanawha County Civil Action No. 02-C-9500. By Order entered on September 4, 2018, the Panel Chair, with the advice and consent of the Panel, assigned the Honorable Jay M. Hoke to preside in the FELA Asbestos Cases.

Because the above-captioned case asserts a claim under FELA for personal injuries and damages caused, in whole or part, from exposure to asbestos and asbestos-containing materials, and the complaint was filed in the above-captioned case after April 29, 2009, the case is transferred for coordinated or consolidated resolution in *In Re: FELA Asbestos Cases*, Kanawha County Civil Action No. 02-C-9500. Accordingly, the Dismissal Order entered on June 15,

2022, pursuant to Rule 41(b) of the West Virginia Rules of Civil Procedure is hereby rendered MOOT.

A copy of this Order has this day been served upon the Honorable Joanna I. Tabit, the Clerk of the Circuit Court of Kanawha County, West Virginia, and all counsel of record via File & Serve*Xpress*.

It is so **ORDERED**.

ENTERED: June 29, 2022.

/s/ Jay M. Hoke
Presiding Judge
FELA Asbestos Litigation