



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

**IN RE: ASBESTOS LITIGATION:**

**Civil Action No.: 03-C-9600**

**FEBRUARY 2021 ASBESTOS PERSONAL INJURY TRIAL GROUP CANCELLATION  
NOTICE**

**THIS DOCUMENT RELATES TO:**

**ALL MESOTHELIOMA AND LUNG CANCER CASES SCHEDULED FOR TRIAL IN THE  
FEBRUARY 2021 TRIAL GROUPS**

It is with much regret that I must start the new year with some disappointing news. As we approach the mesothelioma and lung cancer cases scheduled for February 2021 trial, I find the words of Charles Dickens and Emily Dickinson relevant to my dilemma. The year 2020 "was the worst of times." It was the "epoch of incredulity," but "there's a certain slant of light" given to us by the vaccines of Pfizer-BioNtech Covid-19 and Moderna, indicating an end to our coronavirus nightmare in 2021.

As I write this Notice on New Year's day, I am greatly impacted by the number of COVID-19 obituaries in the Wheeling newspapers that occupy more and more newspaper space. I now know some of the people who have died from the coronavirus. I must now face the reality that people are, with good cause, frightened and are now afraid to even go to the grocery store.

The pandemic prevented us from having the June 2020 trial in Kanawha County and forced us to have Ohio County trials in August and October. That meant that amid the pandemic, over 200 residents of Ohio County had to be asked to be considered for jury duty in a short period of time.

I have given considerable thought to whether I should require people to perform jury duty who are fearful of a virus that could take their life. At the same time, I am also aware of the importance of keeping our regularly scheduled trials because they are crucial to those families suffering from mesothelioma and lung cancer. I am well aware of Abraham Lincoln's admonishment that "you cannot escape the responsibility of tomorrow by evading it today," and to an extent, that's what I'm doing.

A decision had to be made. Even though holding the February trials in the exceptional accommodations made available to us in Ohio County by the Ohio County Commission in a large room that would enable us to comply with all of the CDC coronavirus guidelines, I realized that no fail-safe plan exists to protect everybody. Even though protection would be there, it still would not alleviate the fears of those who had to

participate in the settlement negotiations, the witnesses, court personnel, and the jurors who would have to be in that building for at least one probable trial.

Therefore, as disappointing as I know this news is, I have decided to play it safe and move the February trial to the June 14, 2021 trial date in Kanawha County. I now know or at least believe that by June 2021, most of us will be protected by the vaccine administered before the scheduled June trial in Kanawha County.

Of course, that does not mean that you should not settle as many of your February trial date cases as possible and, if enough February cases are settled, we will be able to keep some of those June 2021 cases in the June trial group.

**Entered: January 4, 2021**

**/s/ Ronald E. Wilson**  
**Ronald E. Wilson, Judge**