



IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

IN RE: FLOOD LITIGATION

MC FLOOD 7/8/2001

THIS DOCUMENT APPLIES TO MC 2a MULLENS MASTER CASE

**ORDER GRANTING PLAINTIFFS' MOTIONS FOR RELIEF UNDER THE CASE
MANAGEMENT ORDER AND AMENDING SCHEDULING ORDER**

WHEREAS, on August 14, 2009, by counsel, the Segal Plaintiffs electronically filed a Motion for Relief under the Case Management Order seeking an extension of time to respond to the discovery requests propounded by the Western Pocahontas Defendants. Counsel for the Segal Plaintiffs represented that counsel for the Defendants did not object to a 30-day extension giving Plaintiffs' counsel until September 15, 2009 to provide the initial discovery responses. The Court notes that in the future, counsel should electronically provide the Court with a proposed order accompanying any motion seeking relief.

WHEREAS, it appears that counsel for the McGraw and Calwell Plaintiffs attempted to electronically file a similar Motion for Relief as well as a Proposed Order but that the motion and order submitted were rejected by the circuit clerk and were never re-filed.

WHEREAS, the Court received another Motion for Relief and Proposed Order from Plaintiffs' counsel, Randolph McGraw, requesting a two-week extension on behalf of all the Plaintiffs. However, upon review of the record it appears that the Motion and Proposed Order provided by Mr. McGraw were never electronically filed at all. In the future, counsel shall electronically file and serve any motions, proposed orders, pleadings, etc. as required by the Case Management Order dated July 20, 2009.

WHEREAS, upon review of the various Motions for Relief Under the Case Management Order seeking an extension of time to respond to the initial discovery propounded by the

Western Pocahontas Defendants, the Court hereby **GRANTS** all Plaintiffs an additional 30 days to respond to the discovery requests and the Scheduling Order previously entered is hereby amended to allow the Plaintiffs until **September 15, 2009** to provide responses to the initial discovery.

ENTER: August 25, 2009

/s/ John A. Hutchison
Lead Presiding Judge, Flood Litigation