



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: MOUNTAIN STATE UNIVERSITY LITIGATION Civil Action No. 12-C-9000

THIS DOCUMENT APPLIES TO:

HEATHER RILEY,

Plaintiff,

v.

Civil Action No. 13-C-2160

**MOUNTAIN STATE UNIVERSITY, INC.,
a West Virginia Corporation,
CHARLES H. POLK, former president of MSU,
NANCY FRANCE, former Dean of Nursing of MSU,
SHEILA GARLAND, former Dean of Nursing at MSU,
MOUNTAIN STATE UNIVERSITY BOARD OF TRUSTEES and
former MSU BOARD OF TRUSTEES individually, those being the following
CYNTHIA D. ALEXANDER, V. MAX BEARD,
LYNN BLANCHARD, HARRIET W. CABELL,
ELMER COPPOOLSE, WILLIAM (BILL) H. FILE, JR.,
WILLIAM H. FILE III, FRANK S. HARKINS, JR.,
LEWIS HAZELWOOD, LEWIS HAZELWOOD, JR.,
JOHN B. HEDRICK, JERRY T. ICE,
CHERYL P. MELKONIAN aka CHERYL P. HICKMAN,
SARA OTTO and MONA K. WISEMAN,**

Defendants.

ORDER GRANTING MOTION TO JOIN IN EXISTING MASS LITIGATION

Pursuant to Rule 26.09 of the West Virginia Trial Court Rules, Plaintiff Danielle Ratliffe moved the Mass Litigation Panel ("Panel") to join *Heather Riley v. Mountain State University, Inc., et al.*, Civil Action No. 13-C-2160, pending before The Honorable Judge Paul Zakaib, Jr. in the Circuit Court of Kanawha County, West Virginia, in the existing Mass Litigation styled *In re: Mountain State University Litigation*, Civil Action No. 12-C-9000, also pending in the Circuit Court of Kanawha County, West Virginia.

The Court has reviewed the motion, and has conferred with the Panel regarding the issues presented in the Mountain State University Litigation and the issues raised in

the case filed by Plaintiff. There being no objection to the motion, with the advice and consent of the Panel the Court GRANTS the motion and ORDERS that *Heather Riley v. Mountain State University, Inc., et al.*, Civil Action No. 13-C-2160, pending in the Circuit Court of Kanawha County, West Virginia, be joined with *In re: Mountain State University Litigation*, Civil Action No. 12-C-9000, also pending in the Circuit Court of Kanawha County. The Court notes and preserves the objections of any party aggrieved by this Order.

The Court **ORDERS** the case file for *Heather Riley v. Mountain State University, Inc., et al.*, Civil Action No. 13-C-2160, moved from the general civil actions filed in the Circuit Court of Kanawha County and placed with the case files for *In re: Mountain State University Litigation*, Civil Action No. 12-C-9000, also pending in the Circuit Court of Kanawha County.

The parties are hereby notified that this case shall be subject to electronic filing and service, **effective February 3, 2014**. The civil action number for the *Riley* case will be **Civil Action No. 13-C-2160 KAN** to facilitate electronic filing and service. This civil action number shall be used on all future filings, as provided in Trial Court Rule 15.01 *et seq.*

The parties are further notified that mediation has been ordered to be reconvened in this litigation for the nursing program cases, and that mediation is scheduled to take place in Charleston, West Virginia, beginning on March 26, 2014.

The Clerk of the Kanawha County Circuit Court is ORDERED to send a certified copy of this Order to The Honorable Judge Paul Zakaib, Jr. All parties to *In re: Mountain State University Litigation*, Civil Action No. 12-C-9000, are hereby served with this Order electronically.

It is so ORDERED.

ENTER: January 31, 2014

/s/ Alan D. Moats
Lead Presiding Judge
Mountain State University Litigation