



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 ALL CASES

**ORDER MEMORIALIZING THE COURT'S RULINGS
DURING THE DECEMBER 23, 2013 STATUS CONFERENCE**

On December 23, 2013, the Presiding Judges assigned to the Mountain State University Litigation held a Status Conference and the Court made the following rulings:

Defendant United Educators shall notify the Court and the parties of its position regarding whether the 2010-2011 insurance policy issued by United Educators to Mountain State University is an eroding policy, along with any authority for that position. United Educators is hereby **ORDERED** to file and serve its notice within 5 business days of entry of this order.

Parties shall complete all briefing on "Plaintiff, Destany Pettry's, Motion for Leave to File Third Amended Complaint" (Transaction ID 54703359), including any joinders thereto, as required by the Court's *Order Regarding E-Filing and Service Deadlines for Responses to Motions and Replies to Responses* (Transaction ID 49492319).

Plaintiff's "Motion for Updated Financial Information from Defendants Mountain State University, Inc., and Charles H. Polk" (Transaction ID 54658197) is **GRANTED**. Defendants Mountain State University, Inc. (MSU) and Charles H. Polk are **ORDERED** to provide updated financial information within 30 days of the date of the Court's December 23, 2013, hearing. Defendant MSU is further **ORDERED** to provide updated information regarding MSU's efforts to obtain reimbursement of funds from the United States Department of Education.

Counsel for Charles Polk shall confer with Counsel for Plaintiffs and submit a proposed agreed protective order for updated financial information from Defendant Charles H. Polk.

Discovery in this litigation is **ORDERED** open on all issues. Discovery on all class

certification issues shall be completed by April 30, 2014. All remaining discovery shall be completed by June 30, 2014. The briefing schedule for class certification will be set forth in a separate order.

Mediation of the nursing program cases is **ORDERED** reconvened at a time and place to be determined by the Resolution Judges. Mediation shall not include cases referred to the Mass Litigation Panel that arise from MSU's Certified Nurse Anesthetist Program ("CRNA Program"), or that arise from *Dale Burger, et al. v. Mountain State University, Inc., et al.*, Civil Action No. 12-C-1293 KAN, the putative class action arising from MSU's loss of its school-wide accreditation, as no declaratory judgment actions were filed in those cases. See February 15, 2013, *Order Regarding Declaratory Judgment Action* (Transaction ID 49551753).

It is so **ORDERED**.

ENTER: January 30, 2014

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