

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

**Brotherhood Mutual Insurance Co.,
a foreign corporation, a/s/o The Keystone
Apostolic Church, f/k/a The Pentecostal
Assembly of Jesus Christ, a non-profit association,
Plaintiff**

vs. Civil Action No. 16-C-293 (Kanawha County)

**Central West Virginia Regional
Airport Authority, Inc., et al.,
Defendants**

The Chief Justice of the Supreme Court of Appeals has been advised that on August 22, 2016, Central West Virginia Regional Airport Authority, Inc., by counsel, Matthew A. Nelson, Patricia M. Bello, and the law firm of Lewis Brisbois Bisgaard & Smith LLP, and Scott S. Segal and The Segal Law Firm, filed a motion to refer the above-styled action, along with the following Kanawha County civil actions, to the Mass Litigation Panel pursuant to Rule 26.06 of the West Virginia Trial Court Rules:

- *Central West Virginia Regional Airport Authority vs. Triad Engineering, Inc., et al.*, Civil Action No. 15-C-1022;
- *Theodore and Rebecca Carter vs. Central West Virginia Regional Airport Authority, et al.*, Civil Action No. 15-C-1074;
- *Kenneth W. Carter vs. Cast & Baker Corporation, et al.*, Civil Action No. 15-C-1791;
- *Robert L. Harrah II vs. Cast & Baker Corporation, et al.*, Civil Action No. 15-C-1792;
- *Terry and Rosemary Letart vs. Cast & Baker Corporation, et al.*, Civil Action No. 15-C-1793;
- *Deborah K. Harrah vs. Cast & Baker Corporation, et al.*, Civil Action No. 15-C-1794; and
- *The Keystone Apostolic Church, f/k/a The Pentecostal Assembly of Christ vs. Central West Virginia Regional Airport Authority*, Civil Action No. 16-C-536.

On September 8, 2016, “Defendants’ Joint Response in Opposition to Defendant Central West Virginia Regional Airport Authority, Inc.’s Motion to Refer Actions to the Mass Litigation Panel” (“Joint Response”), was filed by Cast & Baker Corporation, by counsel, Michael P. Markins, Jennifer A. Lynch, and the law firm of Cipriani & Werner P.C., and twelve other parties appearing by their respective counsel as set forth in the Joint Response. On September 9, 2016, Brotherhood Mutual Insurance Company a/s/o The Keystone Apostolic Church f/k/a The Pentecostal Assembly of Jesus Christ, by counsel, Jeffrey D. Van Volkenburg, Allison S. McClure, and the law firm of McNeer, Highland, McMunn and Varner, L.C., filed a response stating that it does not object to the motion to refer. On September 9, 2016, Theodore Carter and Rebecca Carter, by counsel, James D. McQueen Jr. and the law firm of McQueen Davis, PLLC, and Christopher J. Heavens and the Heavens Law Firm, PLLC, filed a response in opposition to

the motion to refer. On September 12, 2016, The Keystone Apostolic Church f/k/a The Pentecostal Assembly of Jesus Christ, by counsel, Stephen S. Burchett, S. Taylor Hood, and the law firm of Offutt Nord Burchett, PLLC, filed a response in agreement with the motion to refer. On September 15, 2016, Theodore Carter and Rebecca Carter filed a corrected response in opposition to the motion to refer. On November 1, 2016, Central West Virginia Regional Airport Authority, Inc., by counsel, Anthony J. Majestro and the law firm of Powell & Majestro, PLLC; Timothy C. Bailey, Mark A. Barney, and the law firm of Bailey Javins & Carter, LC; Scott S. Segal and The Segal Law Firm; and Matthew A. Nelson and the law firm of Lewis Brisbois Bisgaard & Smith LLP, filed a reply to the Joint Response.

The motion appears to be in substantial compliance with Rule 26.06 of the West Virginia Trial Court Rules. The time for litigants, attorneys and affected judges to respond has expired, and the Chief Justice has reviewed the motion and reply memoranda.

Pursuant to Trial Court Rule 26.06(c)(1), the Chief Justice has determined that this motion requires a hearing to receive evidence and to entertain arguments relative to whether these cases should be referred to the Mass Litigation Panel or be consolidated before a judge of the Thirteenth Judicial Circuit under Rule 42 of the West Virginia Rules of Civil Procedure.

IT IS, THEREFORE, ORDERED, that the Mass Litigation Panel or a designated member thereof conduct a hearing to receive evidence and entertain arguments by the parties or any judge, and submit findings of fact and a recommendation to the Chief Justice as soon as practicable as to whether these cases should be referred to the Panel or be consolidated before a judge of the Thirteenth Judicial Circuit under Rule 42 of the West Virginia Rules of Civil Procedure.

IT IS FURTHER ORDERED, that a copy of this Order be transmitted to the Honorable Alan D. Moats, Chair of the Mass Litigation Panel; to the Honorable Charles E. King Jr., the Honorable James C. Stucky, the Honorable Tod J. Kaufman, and the Honorable Joanna I. Tabit, Judges of the Thirteenth Judicial Circuit; the Mass Litigation Manager; and to the Circuit Clerk of Kanawha County.

IT IS FURTHER ORDERED, that the Circuit Clerk of Kanawha County record this Order and serve copies of the same on all parties of record or their counsel.

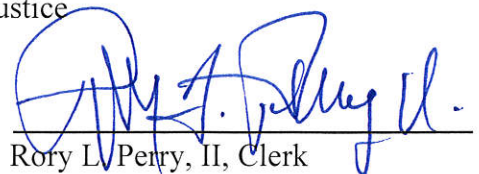
ENTERED: NOVEMBER 18, 2016



MENIS E. KETCHUM

Chief Justice

Attest:



Rory L. Perry, II, Clerk
Supreme Court of Appeals