



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: ASBESTOS PERSONAL INJURY

Civil Action No. 03-C-9600

This document applies to all Asbestos Personal Injury cases. It is an amendment of the Case Management Order regarding electronic filing and service that was made necessary by the Amendment of Code §59-1-11(a)(6), effective July 1, 2014, that establishes a \$200.00 filing fee when a party files a **counterclaim, cross claim, third-party complaint or motion to intervene**. **However a party is only liable for one filing fee in each individual case.**

EXCEPTION

Asbestos Master case filings, as provided for in the Case Management Order, are the administrative housing of global asbestos litigation cases and they **will not incur a statutory fee**. However, any counterclaim, cross claim, third party complaint or motion to intervene filed in an individual case, even if it simply incorporates by reference a filing in the master case, **will incur the statutory filing fee**.

INSTRUCTIONS

A. To file a **COUNTERCLAIM, CROSS CLAIM, THIRD-PARTY COMPLAINT OR MOTION TO INTERVENE** in an individual case:

1. Select the appropriate document type. (The statutory filing fee associated with the document type will appear on the *Documents Tab* when the document type is selected.) and complete the filing as usual.
2. Electronically save your receipt for the payment of the statutory fee for future use to avoid subsequent fees in that same individual case.
3. **DO NOT:**

- a. Use the multi-case filing feature for any counterclaim, cross claim, third-party complaint or motion to intervene.
 - b. File more than one counterclaim, cross claim, third-party complaint or motion to intervene per transaction.
 - c. Treat successors in interest as sending parties in File & Serve*Xpress*. They are only included in the document title field.
4. If a counterclaim, cross claim, third-party complaint or motion to intervene pleading is filed on behalf of multiple parties, the pleading has to be filed in a separate transaction on behalf of each party.

B. To file a **COUNTERCLAIM, CROSS CLAIM, THIRD-PARTY COMPLAINT OR MOTION TO INTERVENE** in an individual case and you have already paid the statutory fee in that case, you must:

- a. Select as the main document type, “**Third-Party Complaint – Statutory Fee Previously Paid,**” and
- b. upload a copy of the receipt for the previously paid fee.
- c. If you need to reproduce the transaction receipt use the *Quick Find* search in the homepage to find the transaction.
- d. Click on the “Document History” link.
- e. A new page will open. Print the Document History page to PDF to be attached to your transaction as proof of a previously paid Statutory Filing Fee.
- f. Please note the appropriate way to title the receipt should include the previous TID parenthetically (i.e. “Receipt for Statutory Fees Previously Paid by ABC Corp (TID # 123456)”).

- g. electronically staple to the main document a copy of the receipt,
- h. use the document type, “Receipt –Statutory Fee Previously Paid” as a supporting document.

PAYMENT OF FEES

- 5. File & Serve*Xpress* will advance the payment of these electronically filed statutory fees to the Court when the document is accepted in clerk review, and will then bill your firm at the end of the month. If you would like to associate the statutory fee with a particular client, enter a billing reference code in the “Billing Reference” box on the Review & Submit tab.

It is so **ORDERED**.

ENTER: July 17, 2014

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