

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: FELA ASBESTOS CASES

CIVIL ACTION NO. 02-C-9500

THIS DOCUMENT APPLIES TO ALL CASES

ORDER ASSIGNING JUDGE AND SCHEDULING STATUS CONFERENCE

On October 17, 2017, Chief Justice Allen H. Loughry II entered an Administrative Order relieving the Honorable Arthur M. Recht of his assignment as a senior status judge in *In Re: FELA Asbestos Cases*, Kanawha County Civil Action No. 02-C-9500, and ordering the Mass Litigation Panel to assign an active judge or judges to preside over and expedite the resolution of these cases.

As required by Trial Court Rule 26.07(a), the Panel Chair, with the advice and consent of the Panel, assigns The Honorable James P. Mazzone to preside over *In Re: FELA Asbestos Cases*, Kanawha County Civil Action No. 02-C-9500, or proceedings therein. The Panel is advised the following cases are currently pending in this litigation:

1. *Lois J. Cottrell, individually and as Executrix of the Estate of Ronald Cottrell v. CXS Transportation Company*, Kanawha County Civil Action No. 16-C-1444;
2. *Dale F. Offner and Kathryn Offner, his wife v. A.O. Smith Corporation, CSX Transportation, etc. et al.*, Kanawha County Civil Action No. 17-C-197; 1097
3. *Pamela Murphy, Individually and as Executrix of the Estate of Shannon B. Pettit v. CSX Transportation Company*, Civil Action No. 17-C-445;
4. *Claudia Ross, Administratrix of the Estate of Larry Ross, deceased v. A.O. Smith Corporation, CSX Transportation Company, et al.*, Kanawha County Civil Action No. 17-C-623;
5. *Donald Ray Sowards and Wilma L. Sowards, his wife v. 20th Century Glove Corporation of Texas, et al.*, Kanawha County Civil Action No. 17-C-1242.
6. *Rita Wigal and David H. Wigal, her husband v. AECOM Energy and Construction, Inc., et al.*, Kanawha County Civil Action No. 17-C-1171.

The Panel has determined it is appropriate for the FELA Asbestos cases to be subject to

electronic filing and service (“e-filing and service”). Pursuant to West Virginia Trial Court Rule 15.02(c), the Panel **ORDERS** all civil actions in *In Re: FELA Asbestos Cases*, Kanawha County Civil Action No. 02-C-9500, to be subject to e-filing and service **beginning on November 10, 2017**, as provided in Trial Court Rule 15.01 *et seq.*

All paper court files will remain in the Circuit Court where the case originated until further order of the Court. All documents filed prior to November 10, 2017, any oversized documents that cannot be electronically filed, and any documents the Court orders to be placed under seal in the court file will be filed traditionally in the Circuit Court where the case originated.

Registration and training for e-filing and service is **mandatory**. If a party is not registered with File & ServeXpress by November 10, 2017, the party will not receive e-service of documents in *In Re: FELA Asbestos Cases*, Kanawha County Civil Action No. 02-C-9500. Even if a party has registered and received training for e-filing and service in other Mass Litigation cases, there will be specific training for e-filing and service in *In Re: FELA Asbestos Cases*, Kanawha County Civil Action No. 02-C-9500, all parties must receive. Communications will be forthcoming from File & ServeXpress regarding registration and training, but the **File & ServeXpress Customer Service Department** may be reached at **1-888-529-7587** if you have any questions.

The Panel reminds the parties that, pursuant to Trial Court Rule 15.02(b), e-filing and service shall not be used to initiate a civil action or to serve a new party with an amended complaint or a third-party complaint.

The Panel **ORDERS** a Status and Scheduling Conference in *In Re: FELA Asbestos Cases*, Kanawha County Civil Action No. 02-C-9500 **at 1:30 p.m. on December 7, 2017**, in the

Courtroom on the Second Floor of the Ohio County Courthouse, at 1500 Chapline Street, in **Wheeling, West Virginia**. All counsel of record and any self-represented parties are

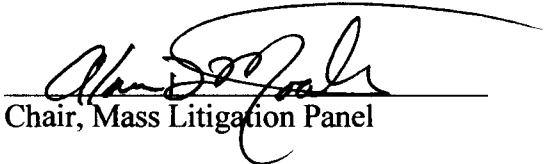
ORDERED to attend and shall be prepared to discuss:

1. Status of pretrial discovery;
2. Status of pending motions;
3. Trial schedule;
4. Status of prior mediation and/or settlement negotiations; and
5. Any other matters relative to expedition of these cases.

The Clerk of the Circuit Court of Kanawha County, West Virginia, is **ORDERED** to file this Order, and to provide a copy of this Order to all counsel of record and any *pro se* litigants, and to the Mass Litigation Manager.

It is so **ORDERED**.

ENTER: October 27, 2017.


Chair, Mass Litigation Panel