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2016 FEB 12 AM 10:11

CARLY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: WATER CONTAMINATION LITIGATION

Civil Action No. 16-C-6000

**ORDER ASSIGNING JUDGES, DESIGNATING LITIGATION FOR ELECTRONIC
FILING AND SERVICE, AND SCHEDULING STATUS CONFERENCE**

On January 28, 2016, Chief Justice Menis E. Ketchum entered an Administrative Order referring the civil actions identified in the Motion to Refer filed in *Scott Miller, and Bar 101, LLC, d/b/a Bar 101 and Ichiban, Individually and on Behalf of All Others Similarly Situated v. Freedom Industries, Inc., a West Virginia Corporation, and West Virginia-American Water Company, a West Virginia Corporation*, Kanawha County Civil Action No. 14-C-47, to the Mass Litigation Panel, and transferring to the Panel for further proceedings "all civil actions involving the same or similar common questions of law or fact concerning the chemical leak and water contamination at issue in the above-referenced civil action" (hereinafter, "Water Contamination Litigation"). Pursuant to West Virginia Trial Court Rule 26.07(a), "[a]n order from the Chief Justice granting a Motion to Refer to the Mass Litigation Panel is a transfer of Mass Litigation to the Panel."

As required by Trial Court Rule 26.07(a), the Panel Chair, with the advice and consent of the Panel, assigns the following judges to the Water Contamination Litigation or proceedings therein:

Lead Presiding Judge	The Honorable Alan D. Moats
Presiding Judge	The Honorable John A. Hutchison
Presiding Judge	The Honorable Derek C. Swope
Lead Resolution Judge	The Honorable Booker T. Stephens
Resolution Judge	The Honorable James P. Mazzone
Resolution Judge	The Honorable David W. Hummel, Jr.

To the extent possible, appropriate measures shall be adopted to insure uniformity of decisions, including the requirement that all pretrial dispositive motions be decided by a majority of the

Presiding Judges assigned to preside in the Water Contamination Litigation or proceedings therein.

The Panel has determined it is appropriate for the Water Contamination Litigation 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 the Water Contamination Litigation to be subject to e-filing and service **beginning on March 14, 2016**, as provided in Trial Court Rule 15.01 *et seq.*

Pursuant to West Virginia Trial Court Rule 26.08(b), and with the advice and consent of the Panel, it is **ORDERED** that all civil actions in the Water Contamination Litigation are transferred to the Circuit Court of Kanawha County, West Virginia, *solely for purposes of implementing electronic filing and service*. The style of the Water Contamination Litigation will be "*In re: Water Contamination Litigation*, Civil Action No. 16-C-6000."

All paper court files will remain in the circuit court where the civil action originated until further order of the Court. All documents filed prior to March 14, 2016, 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 March 14, 2016, the party will not receive e-service of documents in the Water Contamination Litigation. 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 the Water Contamination Litigation that 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 the Water Contamination Litigation at 10:00 a.m. on March 18, 2016, in Courtroom Four, also known as the Ceremonial Courtroom, on the Second Floor of the Kanawha County Courthouse, at 409 Virginia Street, East, in Charleston, West Virginia. The Panel judges assigned to the Water Contamination Litigation will preside. 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. Proposed trial schedule;
4. Status of prior mediation and/or settlement negotiations; and
5. Status of implementation of electronic filing and service.

The Clerk of the Circuit Court of Kanawha County, West Virginia, is **ORDERED** to file this Order and the attached list of pending water contamination cases, and to provide a certified copy of this Order and attached list to the Circuit Clerks of Boone and Putnam Counties, and to the Mass Litigation Manager.

The Circuit Clerks of Kanawha, Boone and Putnam Counties are **ORDERED** to record this Order in each of the water contamination cases pending in their respective circuits, as indicated on the attached list of pending water contamination cases, and to provide copies of this Order and attached list to all counsel of record, and any *pro se* litigants in those cases.

It is so **ORDERED**.

ENTER: February 12, 2016.


The Honorable Alan D. Moats
Chair, Mass Litigation Panel

Circuit Court Cases re Freedom Spill

	Plaintiff	Defendant	County	Case No.	Judge	Plaintiff Counsel (1)	Plaintiff Counsel (2)	Plaintiff Counsel (3)	Plaintiff Counsel (4)	Notes
1	June Gurski	West Virginia-American Water Company	BOONE	14-C-16	Thompson	John Kennedy Bailey John Kennedy Bailey Law				Not served
2	Little Bo Peep Daycare, et al.	West Virginia-American Water Company	BOONE	14-C-38	Thompson	Warren R. McGraw II Andrew G. Dimlich	John Kennedy Bailey John Kennedy Bailey Law	Adam J. Levitt Joh E. Tangren	Edward S. Cook Matthew J. Grossman	
3	Kuppel LLC d/b/a Dream Tank, et al.	West Virginia-American Water Company	KANAWHA	14-C-111	Kaufman	Richard D. Lindsay, Esq. Richard D. Lindsay, M.D., J.D.				
4	Shannon Larwa, et al.	West Virginia-American Water Company	KANAWHA	14-C-112	Zakalb	Shawn R. Romano, Esq. Miles R. Berger, Esq.				
5	Falbo & Company, PLLC	West Virginia-American Water Company	KANAWHA	14-C-122	Kaufman	Marvin W. Masters The Masters Law Firm LC	Robert V. Berthold, Jr.			
6	AM & GH LLC, d/b/a Grano, et al.	West Virginia-American Water Company	KANAWHA	14-C-123	Stucky	Marvin W. Masters The Masters Law Firm LC	Robert V. Berthold, Jr. Berthold Law Firm PLLC			
7	Kristy Ord, et al.	West Virginia-American Water Company	KANAWHA	14-C-161	Stucky	Marvin W. Masters The Masters Law Firm LC	Robert V. Berthold, Jr. Berthold Law Firm PLLC			
8	Jason Brogan	West Virginia-American Water Company	KANAWHA	14-C-262	Stucky	J. Michael Ranson Cynthia M. Ranson	G. Patrick Jacobs Law Office of G. Patrick			
9	EJ&K Enterprises, et al.	West Virginia-American Water Company, et al.	KANAWHA	14-C-46	Bailey	Cynthia M. Ranson Robert H. Miller, II	Jonathan R. Mani, Esq. Damon L. Ellis, Esq.			
10	Scott Miller and Bar 101, LLC d/b/a Bar 101 and Ichiban	West Virginia-American Water Company	KANAWHA	14-C-47	Stucky	Aaron L. Harrah James C. Peterson	Anthony J. Majestro Powell & Majestro, PLLC	Timothy C. Bailey L. Lee Javins, II		
11	Adelphia, Inc. d/b/a Adelphia Sports Bar & Grill, and d/b/a	West Virginia-American Water Company	KANAWHA	14-C-48	Stucky	J. Timothy DiPiero Lonnie C. Simmons	Charles R. "Rusty" Webb Webb Law Firm, PLLC			
12	Susan K. Dyer	West Virginia-American Water Company	KANAWHA	14-C-53	Stucky	Harry F. Bell, Jr., Esq. Jonathan W. Price, Esq.	Jerrold S. Parker, Esq. Parker Waichman LLP	Richard J. Arsenault Neblett, Beard & Arsenault		
13	Kanawha Gourmet Sandwiches, LLC	West Virginia-American Water Company	KANAWHA	14-C-55	King	Harry F. Bell, Jr., Esq. Jonathan W. Price, Esq.	Jerrold S. Parker, Esq. Parker Waichman LLP	Richard J. Arsenault Neblett, Beard & Arsenault		
14	EG&K Inc. and Rusty Carpenter	West Virginia-American Water Company	KANAWHA	14-C-56	Bloom	John Kennedy Bailey John Kennedy Bailey Law				Not served; Dismissed by Judge Bloom without
15	Hair We Are, Inc.	West Virginia-American Water Company	KANAWHA	14-C-57	Webster	J. Michael Ranson Cynthia M. Ranson	G. Patrick Jacobs Law Office of G. Patrick			
16	Von Harvey	West Virginia-American Water Company	KANAWHA	14-C-58	Bailey	J. Michael Ranson Cynthia M. Ranson	G. Patrick Jacobs Law Office of G. Patrick			
17	Joe Fazio's Restaurant, Inc.	West Virginia-American Water Company	KANAWHA	14-C-59	Bloom	J. Michael Ranson Cynthia M. Ranson	G. Patrick Jacobs Law Office of G. Patrick			Dismissed by Judge Bloom without prejudice
18	Pray Construction Company, et al.	West Virginia-American Water Company	KANAWHA	14-C-62	Webster	Benjamin L. Bailey Jonathan R. Marshall				
19	Heidi Roub, as Executrix of the Estate of Daniel Cleve Stewart	West Virginia-American Water Company, et al.	KANAWHA	14-C-64	Stucky	John E. Sutter Robert H. Miller, II	William C. Forbes, Esq. W. Jesse Forbes, Esq.			
20	Candice Henry Mahood et al.	West Virginia-American Water Company	KANAWHA	14-C-65	King	David L. Grubb Cameron S. McKinney				
21	J.E. & K. E.	West Virginia-American Water Company, et al.	KANAWHA	14-C-66	Kaufman	John E. Sutter Robert H. Miller, II	William C. Forbes, Esq. W. Jesse Forbes, Esq.			
22	Shape Shop, Inc. and Thelma Fays, LLC d/b/a Thelma Fays	West Virginia-American Water Company, et al.	KANAWHA	14-C-70	Bailey	Stephen P. Meyer Meyer, Ford, Glasser &				
23	Mark Strickland	West Virginia-American Water Company, et al.	KANAWHA	14-C-73	King	John E. Sutter Robert H. Miller, II	William C. Forbes, Esq. W. Jesse Forbes, Esq.			
24	Noel Hardman, et al.	West Virginia-American Water Company	KANAWHA	14-C-75	King	James A. McKowen Bronwyn I. Rinehart				
25	Melissa Jean Medley	West Virginia-American Water Company, et al.	KANAWHA	14-C-76	Kaufman	John E. Sutter Robert H. Miller, II	William C. Forbes, Esq. W. Jesse Forbes, Esq.			
26	John Nelson, et al.	West Virginia-American Water Company	KANAWHA	14-C-82	Bailey	Henry E. Wood, III Wood Law Office, L.C.				

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27	Richard Gravely	West Virginia-American Water Company	KANAWHA	14-C-85	Stucky	Richard Gravely (pro se) 100 Washington St E, 620				
28	John Levin and Louisa Levin	West Virginia-American Water Company	KANAWHA	14-C-88	Stucky	D. Aaron Rihn, Esq. Max Petrunya, Esq.				
29	Rodoco, Inc. d/b/a Donut Connection, et al.	West Virginia-American Water Company	KANAWHA	14-C-97	Zakaib	Michael O. Callaghan Richard Neely	Frank M. Petosa Morgan & Morgan	Jana Eisinger, Esq. Law Office of Jana Eisinger,		
30	Keith Morgan and Karla Rae	West Virginia-American Water Company	KANAWHA	15-C-2158	Bloom	Marvin W. Masters The Masters Law Firm LC				
31	Spring Hill Primary Care, P.L.L.C.	West Virginia-American Water Company	KANAWHA	16-C-21	Webster	Marvin W. Masters The Masters Law Firm LC				
32	Mason Dixon, LLC	West Virginia-American Water Company	KANAWHA	16-C-22	Tabit	Shawn R. Romano, Esq. Miles R. Berger, Esq.				
33	Jerry Kinder	West Virginia-American Water Company	KANAWHA	16-C-23	Tabit	Shawn R. Romano, Esq. Miles R. Berger, Esq.				
34	Ashby's Pre Owned Autos Inc.	West Virginia-American Water Company	KANAWHA	16-C-24	Stucky	Shawn R. Romano, Esq. Miles R. Berger, Esq.				
35	Williams Enterprises, Inc.	West Virginia-American Water Company	KANAWHA	16-C-25	Stucky	Shawn R. Romano, Esq. Miles R. Berger, Esq.				
36	The City of Charleston, et al.	West Virginia-American Water Company, et al.	KANAWHA	16-C-32	Kaufman	William C. Forbes, Esq. W. Jesse Forbes, Esq.	Timothy J. Dipiero, Esq. Sean P. McGinley, Esq.			
37	Deborah Greene	West Virginia-American Water Company, et al.	KANAWHA	16-C-33	Tabit	John E. Sutter Robert H. Miller, II	William C. Forbes, Esq. W. Jesse Forbes, Esq.		Not Served	
38	Racing Corporation of West Virginia and Tri-State	West Virginia-American Water Company, et al.	KANAWHA	16-C-34	Kaufman	Benjamin L. Bailey Jonathan R. Marshall				
39	Robert Johns	Eastman Chemical Company	KANAWHA	16-C-61	Tabit	Anthony J. Majestro Powell & Majestro, PLLC	Brian R. Blickenstaff Turner & Johns, PLLC			
40	Bobby L. Tucker and Reba Tucker, his wife	West Virginia-American Water Company	PUTNAM	14-C-21	Reeder	Harvey D. Peyton, Esq. Thomas H. Peyton, Esq.				
41	Deborah J. Hedrick	West Virginia-American Water Company	PUTNAM	14-C-24	Reeder	Harvey D. Peyton, Esq. Thomas H. Peyton, Esq.				
42	The Town of Buffalo	West Virginia-American Water Company	PUTNAM	14-C-25	Reeder	Harvey D. Peyton, Esq. Thomas H. Peyton, Esq.				
43	Desimone Hospitality Services, LLC	West Virginia-American Water Company	PUTNAM	14-C-26	Stowers	Harvey D. Peyton, Esq. Thomas H. Peyton, Esq.				
44	William Desimone, Jr. and Deanna L. Desimone, his wife	West Virginia-American Water Company	PUTNAM	14-C-27	Stowers	Harvey D. Peyton, Esq. Thomas H. Peyton, Esq.				
45	Otis Tucker and Danette Tucker, his wife	West Virginia-American Water Company	PUTNAM	14-C-28	Stowers	Harvey D. Peyton, Esq. Thomas H. Peyton, Esq.				
46	Maid in The USA, Inc. d/b/a Maid to Perfection of Wellington's Inc. d/b/a Wellington's Café & Catering	West Virginia-American Water Company	PUTNAM	14-C-29	Stowers	Harvey D. Peyton, Esq. Thomas H. Peyton, Esq.				
47	Trent Forbis and Lesli Forbis, his wife	West Virginia-American Water Company	PUTNAM	14-C-32	Reeder	Harvey D. Peyton, Esq. Thomas H. Peyton, Esq.				
48	Ronnie Allen Briscoe and Denise Evon Briscoe, his wife	West Virginia-American Water Company	PUTNAM	14-C-35	Reeder	Harvey D. Peyton, Esq. Thomas H. Peyton, Esq.				
49	Larry Newhouse and Brenda Newhouse, his wife	West Virginia-American Water Company	PUTNAM	14-C-36	Reeder	Harvey D. Peyton, Esq. Thomas H. Peyton, Esq.				
50	Darrell L. Moore and Tammy Moore, his wife	West Virginia-American Water Company	PUTNAM	14-C-37	Stowers	Harvey D. Peyton, Esq. Thomas H. Peyton, Esq.				
51	Gary N. Deweese and Connie L. Deweese, his wife	West Virginia-American Water Company	PUTNAM	14-C-38	Stowers	Harvey D. Peyton, Esq. Thomas H. Peyton, Esq.				
52		West Virginia-American Water Company	PUTNAM	14-C-39	Reeder	Harvey D. Peyton, Esq. Thomas H. Peyton, Esq.				

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53	Christopher M. Deweese and Lori L. Deweese, his wife	West Virginia-American Water Company	PUTNAM	14-C-40	Stowers	Harvey D. Peyton, Esq. Thomas H. Peyton, Esq.				
54	Christopher Jordan	West Virginia-American Water Company	PUTNAM	14-C-53	Reeder	Harvey D. Peyton, Esq. Thomas H. Peyton, Esq.				
55	Margie Jordan	West Virginia-American Water Company	PUTNAM	14-C-54	Reeder	Harvey D. Peyton, Esq. Thomas H. Peyton, Esq.				
56	Geraldine Johns	West Virginia-American Water Company	PUTNAM	14-C-55	Stowers	Harvey D. Peyton, Esq. Thomas H. Peyton, Esq.				
57	Sandy Lou & Tiffany 2, LLC d/b/a Angaleno's Pizza	West Virginia-American Water Company	PUTNAM	14-C-61	Reeder	Harvey D. Peyton, Esq. Thomas H. Peyton, Esq.				
58	Mary Barber	West Virginia-American Water Company	PUTNAM	14-C-62	Stowers	Harvey D. Peyton, Esq. Thomas H. Peyton, Esq.				
59	Nick Konnovitch	West Virginia-American Water Company	PUTNAM	14-C-63	Reeder	Harvey D. Peyton, Esq. Thomas H. Peyton, Esq.				
60	Warren Shamblin and Jessica Shamblin, his wife	West Virginia-American Water Company	PUTNAM	14-C-64	Reeder	Harvey D. Peyton, Esq. Thomas H. Peyton, Esq.				
61	Misty Harris	West Virginia-American Water Company	PUTNAM	14-C-65	Stowers	Harvey D. Peyton, Esq. Thomas H. Peyton, Esq.				
62	Buffalo Volunteer Fire Department	West Virginia-American Water Company	PUTNAM	14-C-67	Stowers	Harvey D. Peyton, Esq. Thomas H. Peyton, Esq.				
63	Craig A. Cook	West Virginia-American Water Company	PUTNAM	15-C-281	Stowers	Robert V. Berthold Jr., Esq. Robert V. Berthold, III, Esq.				
64	Keli Harrison and Brett and Jane Harrison	West Virginia-American Water Company	PUTNAM	15-C-283	Stowers	Marvin W. Masters The Masters Law Firm LC				