

# FILE COPY

## ADMINISTRATIVE ORDER

### SUPREME COURT OF APPEALS OF WEST VIRGINIA

RE: ASSIGNMENT OF THE HONORABLE RONALD E. WILSON, THE HONORABLE JAMES P. MAZZONE, AND THE HONORABLE MARK A. KARL, TO ASSIST AND TO PRESIDE IN THE ASBESTOS CASES REFERRED TO THE MASS LITIGATION PANEL, KANAWHA COUNTY CIVIL ACTION NOS. 03-C-9600 AND 03-C-9800

WHEREAS, By Supreme Court Administrative Order entered July 9, 2002, the Honorable Arthur M. Recht, Judge of the First Judicial Circuit, was assigned to replace the Honorable Martin J. Gaughan as the Supervising Judge to preside in Asbestos cases referred to the Mass Litigation Panel; and

WHEREAS, By this same Order, the Honorable Booker T. Stephens, Judge of the Eighth Judicial Circuit, was assigned to replace the Honorable A. Andrew MacQueen, III, to assist Judge Recht in the Asbestos cases; and

WHEREAS, The Honorable Arthur M. Recht, Judge of the First Judicial Circuit and Chairman of the Mass Litigation Panel, has requested that the Chief Justice of the Supreme Court of Appeals assign the Honorable Ronald E. Wilson, Chief Judge of the First Judicial Circuit, the Honorable James P. Mazzone, Judge of the First Judicial Circuit, and the Honorable Mark A. Karl, Chief Judge of the Second Judicial Circuit, to assist and preside in the following asbestos litigation cases with said cases to be tried in the Counties in the First and Second Judicial Circuits:

In Re: Asbestos Personal Injury Litigation, Kanawha County Civil Action No. 03-C-9600: Asbestos Exigent Cases [All cases filed after September 6, 2001, and serious injury, e.g. Mesothelioma cases] (Approximately 1,230 cases - to be identified by Judge Recht in a case management order); and

In Re: Asbestos Personal Injury Litigation, Kanawha County Civil Action No. 03-C-9800: Asbestos Remnant Docket [Involving all severed cases; cases against Owens-Illinois; A & I Co.; Cypress Foote; Lockheed; and Valley Supply (Paul Harris)] (Approximately 13,000 cases - to be identified by Judge Recht in a case management order); and

WHEREAS, Upon review thereof, the Chief Justice deems such requests to be warranted;

IT IS THEREFORE ORDERED, That the Honorable Ronald E. Wilson, Chief Judge of the First Judicial Circuit, the Honorable James P. Mazzone, Judge of the First Judicial Circuit, and the Honorable Mark A. Karl, Chief Judge of the Second Judicial Circuit, are hereby assigned to assist and preside in the following asbestos litigation cases with said cases to be tried in the Counties in the First and Second Judicial Circuits:

In Re: Asbestos Personal Injury Litigation, Kanawha County Civil Action No. 03-C-9600: Asbestos Exigent Cases [All cases filed after September 6, 2001, and serious injury, e.g. Mesothelioma cases] (Approximately 1,230 cases - to be identified by Judge Recht in a case management order); and

In Re: Asbestos Personal Injury Litigation, Kanawha County Civil Action No. 03-C-9800: Asbestos Remnant Docket [Involving all severed cases; cases against Owens-Illinois; A & I Co.; Cypress Foote; Lockheed; and Valley Supply (Paul Harris)] (Approximately 13,000 cases - to be identified by Judge Recht in a case management order); and

IT IS THEREFORE ORDERED, That the Honorable Arthur M. Recht, Judge of the First Judicial Circuit, is hereby directed to enter a case management order in the Circuit Court of Kanawha County and to provide a copy of said order to the Chief Justice of the Supreme Court of Appeals within sixty (60) days from the date of this order, which identifies all of the cases under case number 03-C-9600, the counties to which Judge Recht recommends they be transferred, and the judge or judges he would recommend be assigned to preside; and

IT IS THEREFORE ORDERED, Once the Chief Justice receives the case management order and Judge Recht's recommendations, and if the Chief Justice approves said order and recommendations, an order will be entered transferring the asbestos cases identified in the case management order to one of the Counties in the First or Second Judicial Circuits and one or more of the aforementioned judges will be assigned to preside in said cases; and

IT IS THEREFORE ORDERED, That the Honorable Arthur M. Recht, Judge of the First Judicial Circuit, is hereby directed to enter a case management order in the Circuit Court of Kanawha County and to provide a copy of said order to the Chief Justice of the Supreme Court of Appeals within seventy-five (75) days from the date of this order, which identifies all of the cases under case number 03-C-9800, the counties to which Judge Recht recommends they be transferred, and the judge or judges he would recommend be assigned to preside; and

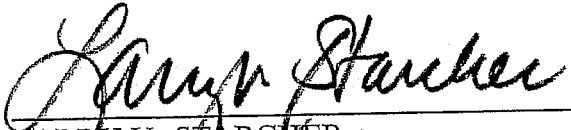
IT IS THEREFORE ORDERED, Once the Chief Justice receives the case management order and Judge Recht's recommendations, and if the Chief Justice approves said order and recommendations, an order will be entered transferring the asbestos cases identified in the case management order to one of the Counties in the First or Second Judicial Circuits and one or more of the aforementioned judges will be assigned to preside in said cases; and

IT IS THEREFORE ORDERED, The Clerk of the Circuit Court of Kanawha County need take no action to remove or otherwise transfer these matters until further direction is received in writing from the Mass Litigation Panel, a member thereof, or the Chief Justice; and

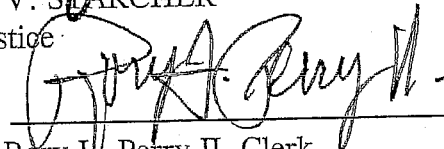
IT IS FURTHER ORDERED, That a copy of this order be provided to lead counsel for the parties from whom the Chief Justice had previously received pleadings, to the Mass Litigation Panel, the Honorable Ronald E. Wilson, the Honorable James P. Mazzone, the

Honorable Mark A. Karl, the Clerks of the Circuit Courts of Brooke, Hancock, Ohio, Marshall, Tyler, and Wetzel Counties, and to the Clerk of the Circuit Court of Kanawha County, who is directed to provide a copy of this order to all counsel of record or any unrepresented parties in Civil Action Nos. 03-C-9600 and 03-C-9800.

ENTER: APRIL 2, 2003

  
LARRY V. STARCHER  
Chief Justice

Attest:

  
Rory L. Perry II, Clerk  
Supreme Court of Appeals