

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

RE: ASSIGNMENT OF A SUPERVISING JUDGE TO PRESIDE IN ASBESTOS LITIGATION REFERRED TO THE MASS LITIGATION PANEL

WHEREAS, By Administrative Order entered November 17, 2000, the Chief Justice ordered all asbestos personal injury litigation pending in the Circuit Courts of this State to be referred to the Mass Litigation Panel; and

WHEREAS, On July 6, 2001, the Court issued an opinion granting a moulded Writ of Mandamus in three original jurisdiction actions related to management of the asbestos personal injury litigation: State ex rel. Ronald Allman, et al. v. Honorable A. Andrew MacQueen, III, Senior Status Judge, Mass Litigation Panel, et al., No. 29767; State ex rel. Mobil Oil Corporation v. Honorable A. Andrew MacQueen, III, Senior Status Judge, Mass Litigation Panel, et al., No. 29768; and State ex rel. Romie Kermit Jones, et al. v. Honorable A. Andrew MacQueen, III, Senior Status Judge, Mass Litigation Panel, et al., No. 29769; and

WHEREAS, The aforesaid opinion directed the Chief Justice to enter an order clarifying the procedure for referrals to the Panel, and designating an additional judge to work with, and to have the assistance of, the Honorable A. Andrew MacQueen, III, Senior Status Judge, and such additional circuit judges as may be assigned, in the administration of the asbestos personal injury litigation;

IT IS THEREFORE ORDERED, That the Honorable Martin J. Gaughan be, and he hereby is, assigned to the Circuit Court of Kanawha County, in the Thirteenth Judicial Circuit, under the provisions of Article VIII, Section 3, of the Constitution of West Virginia, for the purpose of presiding in the asbestos personal injury litigation filed in or transferred to and pending in the Circuit Court of Kanawha County, and such additional asbestos personal injury litigation as is hereafter filed in or transferred to the Circuit Court of Kanawha County, all known as Kanawha County Civil Action No. 01-C-9000; and

IT IS FURTHER ORDERED, That all asbestos personal injury cases filed subsequent to the Motion to Refer on June 27, 2000, are hereby transferred to the Mass Litigation Panel for inclusion in the appropriate trial group; and

IT IS FURTHER ORDERED, That any asbestos personal injury litigation filed subsequent to the entry of this order, may, upon appropriate order, be transferred to the Mass Litigation Panel for consideration of assignment to the appropriate trial group upon a motion of a party, or upon a motion of a member of the Mass Litigation Panel, or upon a motion of the

Honorable Martin J. Gaughan, or the judge subsequently assigned by the Chief Justice of the Supreme Court of Appeals of West Virginia to hear any case or trial group; and

IT IS FINALLY ORDERED, That a copy of this order be provided to lead counsel for the parties from whom the Court received pleadings in the original jurisdiction proceedings, to the Mass Litigation Panel, to all circuit court judges, and to the Clerk of the Circuit Court of Kanawha County, who is directed to provide a copy of same to all counsel of record in Civil Action No. 01-C-9000.

ENTER: JULY 9, 2001

A handwritten signature in black ink, reading "Warren R. McGraw C.J.", written in a cursive style.

WARREN R. MCGRAW
Chief Justice