

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

RE: ASSIGNMENT OF THE HONORABLE ARTHUR M. RECHT, AS SUPERVISING JUDGE, WITH THE ASSISTANCE OF THE HONORABLE BOOKER T. STEPHENS, TO PRESIDE IN ASBESTOS CASES REFERRED TO THE MASS LITIGATION PANEL, KANAWHA COUNTY CIVIL ACTION NOS. 01-C-9000 AND 02-C-9004

WHEREAS, By Administrative Order entered November 17, 2000, then Chief Justice Elliott E. Maynard ordered all Asbestos cases pending in the Circuit Courts of this State to be referred to the Mass Litigation Panel; and

WHEREAS, By Administrative Order entered December 20, 2000, then Chief Justice Elliott E. Maynard ordered that all Asbestos cases referred to the Mass Litigation Panel be transferred to the Circuit Court of Kanawha County with the Honorable A. Andrew MacQueen, III to preside over said cases; and

WHEREAS, By Administrative Order entered January 30, 2001, then Chief Justice Warren R. McGraw ordered that the Honorable A. Andrew MacQueen, III, following his retirement as Circuit Judge, be recalled for temporary assignment to the Circuit Court of Kanawha County, in the Thirteenth Judicial Circuit, to preside in all Asbestos cases referred by the Mass Litigation Panel; and

WHEREAS, Following this Court's decision in 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, an Administrative Order was entered dated July 9, 2001, by then Chief Justice Warren R. McGraw, which ordered that the Honorable Martin J. Gaughan be assigned to the Circuit Court of Kanawha County for the purpose of presiding in the Asbestos cases filed in or transferred to and pending in the Circuit Court of Kanawha County, and such additional Asbestos cases as thereafter filed in or transferred to the Circuit Court of Kanawha County, all known as Kanawha County Civil Action No. 01-C-9000; and

WHEREAS, The Honorable A. Andrew MacQueen, III, by letter dated June 20, 2002, has resigned his position as a Senior Status Judge and as a member of the Mass Litigation Panel, and has requested to be relieved as a presiding judge in the Asbestos cases, all being accepted by the Court; and

WHEREAS, The Honorable Martin J. Gaughan, Judge of the First Judicial Circuit, has advised the Chief Justice of the Supreme Court of Appeals of a motion filed for his disqualification from presiding in all Asbestos cases; and

WHEREAS, Judge Gaughan has further advised the Chief Justice that he does not wish to disqualify himself voluntarily from presiding in said cases; and

WHEREAS, Upon review of said motion, and in accordance with Trial Court Rule 17.01(c)(2)(B), the Acting Chief Justice has determined that the matters set forth therein are sufficient to warrant such disqualification to avoid even an appearance of impropriety;


IT IS THEREFORE ORDERED, That the Honorable Arthur M. Recht, Chief Judge of the First Judicial Circuit, be, and he hereby is, assigned to replace the Honorable Martin J. Gaughan as the Supervising Judge to preside in Asbestos cases referred to the Mass Litigation Panel; and


IT IS FURTHER ORDERED, That the Honorable Booker T. Stephens, Chief Judge of the Eighth Judicial Circuit, be, and he hereby is, assigned to replace the Honorable A. Andrew MacQueen, III, to assist Judge Recht in the Asbestos cases; and

IT IS FURTHER ORDERED, That the Honorable Booker T. Stephens, be, and he hereby is, assigned to preside over that portion of the Asbestos litigation that is now set for trial in Kanawha County in September 2002; and

IT IS FURTHER ORDERED, That a copy of this order be provided to lead counsel for the parties from whom the Acting Chief Justice has received pleadings, to the Mass Litigation Panel, 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 Nos. 01-C-9000 and 02-C-9004.

ENTER: JULY 9, 2002


LARRY V. STACHER
Acting Chief Justice

Attest: 
Rory L. Perry II, Clerk
Supreme Court of Appeals