



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: ASBESTOS PERSONAL
INJURY LITIGATION

MASTER FILE
Civil Action No. 03-C-9600

THIS ORDER APPLIES TO ALL CASES

This Order applies to all asbestos personal injury cases filed after June 29, 2021. It is a second supplement to the Case Management Order E-Filed on January 6, 2012, Transaction ID 41724862

SECOND SUPPLEMENTAL CASE MANAGEMENT ORDER

On a previous date came the collective Plaintiffs and Defendants with cases filed in Civil Action No. 03-C-9600, by their respective counsel, and jointly moved the Court for an Order supplementing the Case Management Order applicable to these matters. For reasons appearing to the Court on record, the Motion is hereby **GRANTED**. Accordingly, it is hereby **ORDERED**:

For all asbestos cases filed after June 29, 2021, the Plaintiff's counsel must, within 60 days of filing any complaint, file a disclosure making a good faith effort to provide the information identified within W.V. Code §55-7G-4(d) to the best of plaintiffs' ability.

At least thirty (30) days after the disclosure, any defendant wishing to challenge the sufficiency of plaintiffs' disclosure, whether pursuant to W.V. Code §55-7G-4(f) or §55-7G-4(g), shall schedule a meaningful meet and confer (live, either in person, over the telephone, or by remote electronic conference) with Plaintiff's counsel. The parties' conferral shall be *meaningful* and may address topics such as:

1. The specific defendants at issue;
2. The specific basis upon which defendant believes the disclosure is deficient;
3. The need for additional discovery from the plaintiff or defendant;

4. Whether a voluntary dismissal is agreeable at that time.

Should any plaintiff fail to provide any disclosure within sixty (60) days of filing a Complaint, any party may file a motion to dismiss pursuant to W.V. Code §55-7G-4 without the need for the meet and confer requirements of this Order.

At any point, the parties may agree to proceed on these issues in any manner they deem proper, including but not limited to: conducting additional discovery, supplements to disclosures, or that the claim may be dismissed. If plaintiffs are willing to dismiss the moving defendants, the parties shall have a meaningful discussion regarding whether a tolling agreement is suitable and appropriate under the circumstances. Once the parties have conferred fully if they are unable to resolve their differences, the Defendant may then file a motion to dismiss pursuant to W.V. Code §55-7G-4(f) or §55-7G-4(g).

IT IS SO ORDERED.

Entered this 27 day of MAY, 2024


HON. RONALD E. WILSON, JUDGE

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