

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

RE: TEMPORARY ASSIGNMENT OF THE HONORABLE JAY M. HOKE, JUDGE OF THE TWENTY-FIFTH JUDICIAL CIRCUIT, TO ASSIST THE MASS LITIGATION PANEL IN RESOLVING THE FELA ASBESTOS LITIGATION, *IN RE: FELA ASBESTOS CASES*, KANAWHA COUNTY CIVIL ACTION NO. 02-C-9500

Pursuant to the Administrative Order of the Supreme Court of Appeals entered on April 29, 2009, cases in West Virginia asserting claims under FELA for personal injury and damages caused, in whole or in part, from exposure to asbestos and asbestos-containing materials were referred to the Mass Litigation Panel ("Panel") and transferred to the Circuit Court of Kanawha County for coordinated or consolidated resolution in *In re: FELA Asbestos Cases*, Kanawha County Civil Action No. 02-C-9500.

On September 4, 2018, the Honorable Jay M. Hoke, Judge of the Twenty-Fifth Judicial Circuit and, at that time, a member of the Panel, was assigned as the presiding judge over the FELA Asbestos cases.

On April 16, 2020, *Donald G. Corn, Sr. v. Norfolk Southern Railway Company, etc.*, McDowell County Civil Action No. 19-C-70, was transferred to the Panel and joined with *In re: FELA Asbestos Cases*, Kanawha County Civil Action No. 02-C-9500.

By letter dated August 23, 2024, the Honorable Gregory L. Howard, Jr., Chair of the Panel, advised the Chief Justice of the Supreme Court of Appeals that pursuant to Rule 26.05(c) of the West Virginia Trial Court Rules, the Panel hereby requests the assignment of Judge Hoke, whose term on the Panel ended on June 30, 2024, to assist the Panel in resolving the FELA Asbestos Litigation, specifically to preside over *Donald G. Corn, Sr. v. Norfolk Southern Railway Company, etc.*, Civil Action No. 19-C-70 MCD FELA, currently scheduled for trial on September 23, 2024.

Chief Justice Tim Armstead is not participating in the review or consideration of the Panel's request. Acting Chief Justice William R. Wooton, given Judge Hoke's previous assignment as presiding judge and his experience and expertise regarding this litigation, deems the request to be warranted.

IT IS HEREBY ORDERED that the Honorable Jay M. Hoke, Judge of the Twenty-Fifth Judicial Circuit, be, and he hereby is, assigned to assist the Panel in resolving the FELA Asbestos Litigation, *In re: FELA Asbestos Cases*, Kanawha County Civil Action No. 02-C-9500, by presiding over *Donald G. Corn, Sr. v. Norfolk Southern Railway Company, etc.*, Civil Action No. 19-C-70 MCD FELA.

IT IS FURTHER ORDERED that a copy of this Order be filed with the Clerk of Court of the Supreme Court of Appeals of West Virginia who shall provide copies of the same to the Honorable Gregory L. Howard, Jr., Chair of the Panel; the Honorable Jay M. Hoke, Judge of the

Twenty-Fifth Judicial Circuit; Counsel to the Mass Litigation Panel; and to the Circuit Clerk of Kanawha County.

IT IS FURTHER ORDERED that the Circuit Clerk of Kanawha County shall provide copies of this Order to all parties of record or their counsel.

ENTERED: SEPTEMBER 5, 2024



WILLIAM R. WOOTON
Acting Chief Justice