



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: ASBESTOS PERSONAL INJURY

Civil Action No. 03-C-9600

THIS DOCUMENT APPLIES TO ALL CASES

**AMENDMENT TO ELECTRONIC FILING AND SERVICE
CASE MANAGEMENT ORDER**

The Court's Order that amended the Case Management Order regarding electronic filing and service entered on July 17, 2014 (Transaction ID 55746143) is amended as follows:

EXCEPTION

Asbestos Master case filings, as provided for in the Case Management Order, are the administrative housing of global asbestos litigation cases and they **WILL NOT incur a statutory fee**. However, any counter-claim, cross claim, third party complaint or motion to intervene filed in an individual case, even if it simply incorporates by reference a filing in the master case, **will incur the statutory filing fee**.

Payment of Statutory Filing Fees - Amendments to W.Va. Code § 59-1-11.

Effective, July 1, 2014, West Virginia Code § 59-1-11(a)(6), as amended, requires each party filing any pleading in circuit court that includes a **COUNTERCLAIM, CROSS CLAIM, THIRD-PARTY COMPLAINT OR MOTION TO INTERVENE** to pay a one-time \$200.00 fee – "[T]his subdivision and the fee it imposes does not apply in family court cases nor may more than one such fee be imposed on any one party in any one civil action." Senate Bill 458 amends and reenacts West Virginia Code §59-1-11.

Effective, July 7, 2017, West Virginia Code § 59-1-11(a)(7), as amended, requires "for each additional defendant, respondent or third-party defendant subsequently named in a pleading filed in the civil action, \$15, payable . . . upon the filing of the initial pleading that names the additional defendant, respondent or third-party defendant . . . * * * *Provided*, that for purposes of this subdivision, 'defendant or respondent named' does not include defendants or respondents

identified as ‘John/Jane Doe.’” House Bill 2980 amends and reenacts West Virginia Code §59-1-11.

If a party is filing a COUNTERCLAIM, CROSS CLAIM, THIRD-PARTY COMPLAINT OR MOTION TO INTERVENE in a civil action:

- Select the appropriate document type.

The statutory filing fee associated with the document type will appear on the *Documents Tab* when the document type is selected:

The screenshot shows the 'Attach Documents' interface. At the top, there are tabs: 'Start A Transaction', 'Saved Transactions', 'Scheduled Transactions', and 'Case Import S...'. Below these, there is a date '3/9/16 3:28 PM EST' and a row of tabs: 'Documents', 'Sending Parties', and 'Service'. The 'Documents' tab is active. Below the tabs, there is a button 'Attach Documents' and two buttons: 'Cancel' and 'Save & Close'. Below the 'Attach Documents' button, there is a text prompt: 'For each document, complete each field and click **Attach Document**.' Below this, there is a 'Type:' dropdown menu with the selected option 'Answer & Counterclaim/Crossclaim'. To the right of the dropdown, the 'Statutory Transaction Fee: \$200.00' is displayed. A red arrow points from the selected type to the fee.

- DO NOT use the multi-case filing feature for any counterclaim, cross claim, third-party complaint or motion to intervene.
- DO NOT file more than one counterclaim, cross claim, third-party complaint or motion to intervene per transaction.
- If a counterclaim, cross claim, third-party complaint or motion to intervene must be filed on behalf of multiple parties, the counterclaim, cross claim, third-party complaint or motion to intervene must be filed on behalf of each party in separate transactions.
- Do not choose successors in interest as sending parties on the Sending Party Tab in File & ServeXpress. If successors in interest are included in a transaction, list them in the document title field.

If a party has previously filed a COUNTERCLAIM, CROSS CLAIM, THIRD-PARTY COMPLAINT OR MOTION TO INTERVENE in a civil action and paid the statutory fee, and the same party needs to file another one of these pleadings:

- Select the appropriate document type with the description, “Statutory Fee Previously Paid” for the main document.
- Electronically “staple” a copy of the receipt for the previously paid statutory fee to the main document by uploading a copy of the receipt and selecting the document type “Receipt –Statutory Fee Previously Paid” as the supporting document.

For example, if a party has filed a cross claim in a case and paid the statutory fee and the same party needs to file a third-party complaint in the same case, the party must select as their main document type, **“Third-Party Complaint – Statutory Fee Previously Paid”** and electronically staple a copy of their receipt showing payment of the statutory fee to the main document using the document type, **“Receipt –Statutory Fee Previously Paid”** as the supporting document.

File & Serve*Xpress* will pay the Court for each **COUNTERCLAIM, CROSS CLAIM, THIRD-PARTY COMPLAINT OR MOTION TO INTERVENE** electronically filed when the document is accepted in clerk review, and will bill your firm at the end of the month. If you would like to associate the statutory fee with a particular client, enter a billing reference code in the “Billing Reference” box on the Review & Submit tab.

If a party is ADDING A DEFENDANT OR THIRD-PARTY DEFENDANT:

- If a party is adding a defendant or defendants, select the document type **“Complaint - Amended to add defendant(s)”** and a dropdown menu will appear to allow the filer to choose the number of additional defendants to be added so the \$15 fee for each new defendant can be applied.
- If a party is adding a third-party defendant or third-party defendants, select the document type **“Complaint – 3rd Party Amended to add 3rd party defendant(s)”** and a dropdown menu will appear to allow the filer to choose the number of additional third-party defendants to be added so the \$15 fee for each new third-party defendant can be applied.

The statutory filing fee associated with the document type will appear on the *Documents Tab* when the document type is selected:

Start A Transaction | Saved Transactions | Scheduled Transactions |
7/10/17 9:37 AM EDT | Documents | Sending Parties | Service |
Attach Documents | Cancel | Save & Close
For each document, complete each field and click **Attach Document**.
Type: Complaint - Amended to add defendant(s) - +1 Def
Statutory Transaction Fee: \$15.00

- Remember to link the amended complaint or amended third-party complaint to the Court's order granting the party's motion to amend using the "linked documents" feature in File & ServeXpress.
- DO NOT use the multi-case filing feature to add a defendant or third-party defendant.
- DO NOT file more than one pleading adding a defendant or third-party defendant per transaction.

File & ServeXpress will pay the Court for each defendant, respondent or third-party defendant added when the document is accepted in clerk review, and will bill your firm at the end of the month. If you would like to associate the statutory fee with a particular client, enter a billing reference code in the "Billing Reference" box on the Review & Submit tab.

All other provisions of the Court's *Electronic Filing and Service Case Management Order* (Transaction ID 55746143) remain in full force and effect.

It is so **ORDERED**.

ENTER: July 10, 2017.

Hon. Ronald E. Wilson, Judge