



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA
IN RE: ASBESTOS PERSONAL INJURY LITIGATION Civil Action No. 03-C-9600

THIS ORDER APPLIES TO ALL CASES
ORDER REGARDING TIMELINE FOR
COMPLETION OF SETTLEMENT AGREEMENTS

This Order applies to all counsel involved in Asbestos Personal Injury Litigation in West Virginia, it is a supplement to the Case Management Order electronically filed on January 6, 2012 (Transaction ID 41724862), and it supersedes the *Amended Supplemental Case Management Order of April 1, 2020* (Transaction ID 73407235).

The Court hereby **ORDERS** the following timeline for the completion of settlement agreements in this litigation:

1. Counsel for the settling Defendant(s) shall provide to counsel for the settling Plaintiff(s) a proposed release and other paperwork necessary for the conclusion of that settlement within thirty (30) days of the conclusion of the Trial Group in which the settled case has been placed.
2. If a settlement is reached in a matter that has not yet been placed in a Trial Group or where the settlement is reached more than sixty (60) days prior to the trial date, counsel for the settling Defendant(s) shall provide the release and other necessary paperwork to counsel for the settling Plaintiff(s) within thirty (30) days of the settlement agreement being confirmed in writing by either party.
3. If counsel for the settling Defendant(s) is more than thirty (30) days late in providing a release, counsel for the settling Plaintiff(s) shall provide written notice to counsel for the settling Defendant(s) regarding the matter. If seven (7) days after written notice is provided no release is forthcoming, the settling Plaintiff(s) can execute a release with identical terms

to a release used by the settling Defendant(s) within the prior two (2) years and it will be treated as effective.

4. Should counsel for the settling Plaintiff(s) request changes to a release provided by counsel for the settling Defendant(s), the parties shall make reasonable efforts in a good faith attempt to resolve any issue in this regard within twenty-one (21) days. In the process of seeking modifications to a proposed release, counsel for the requesting Plaintiff(s) shall advise counsel for the providing Defendant(s) of the reasons for seeking the requested modifications and, should the requested modifications not be readily agreed to, counsel for the providing Defendant(s) shall advise counsel for the requesting Plaintiff(s) of the reasons for not agreeing to same.
5. Unless otherwise expressly agreed by the settling parties, once a release is received, counsel for the settling Plaintiff(s) shall take appropriate steps to have the paperwork completed, executed, and returned to counsel for the settling Defendant(s) within thirty (30) days.
6. Unless otherwise expressly agreed by the settling parties, upon receipt of the completed and executed release paperwork, payment shall be sent to counsel for the settling Plaintiff(s) within seventy-five (75) days.
7. To the extent there are issues arising between the settling Plaintiff(s) and the settling Defendant(s) regarding the matters referenced herein, **involved counsel should first make reasonable efforts to work it out before seeking the intervention of the Court.** Should it become necessary to seek the involvement of the Court, involved counsel should be prepared to advise the Court of the efforts made to avoid such involvement, including the steps taken to reasonably meet the referenced timeline(s) or resolve the issue(s) between

the parties. Counsel for the settling Plaintiff(s) and counsel for the settling Defendant(s) are encouraged to communicate with each other throughout the process of completing settlements and to take reasonable steps to work with each other to accomplish full payment of outstanding settlements.

8. If payments are not made to the settling Plaintiff(s) by the deadlines above, counsel for the settling Plaintiff(s) shall file a motion to enforce settlement under seal and serve it on counsel for the settling Defendant(s). In addition to the efforts made to avoid the Court's involvement, including the steps taken to reasonably meet the referenced timeline(s) or resolve the issue(s) between the parties, the motion to enforce settlement shall state the:
 - a. Name(s) of the settling Defendant corporation(s);
 - b. Name(s) of counsel for the settling Defendant(s);
 - c. Names of any known insurance carriers of the settling Defendant(s);
 - d. Names of any individuals with ultimate authority for issuing payment on behalf of the settling Defendant(s);
 - e. Settlement amounts;
 - f. Contact information for individuals or entities outlined in paragraphs 8(a) through (d) above.
9. If any of the information listed in paragraphs 8(a) through (f) above is not known or available to counsel for the settling Plaintiff(s), the information shall be provided by counsel for the settling Defendant(s), who shall file a response to the motion to enforce settlement under seal and serve it on counsel for the settling Plaintiff(s) no later than fourteen (14) days after the motion to enforce settlement is filed.

10. **After reviewing the motion to enforce settlement and response, the Court will enter an order outlining the possible consequences available under West Virginia law for failure to comply with settlement agreements, including a potential entry of a judgment in favor of the settling Plaintiff(s). Further, the Court will provide a deadline by which payment of the settlement(s) must be made in full.**
11. If payment in full is not received by counsel for the settling Plaintiff(s) before the Court's deadline, the Court will enter judgment in favor of the settling Plaintiff(s) against the settling Defendant(s) for failure to comply with the Court's order.
12. **Once judgment is entered the settling Plaintiff(s) can seek any remedy available under West Virginia law for collecting judgments.**
13. Settling Plaintiff(s) shall attempt to satisfy the judgment by one or more of the available remedies under West Virginia law. If at least thirty (30) days pass since the entry of the judgment and payment in full of settlements due is not received through the collection efforts available to the settling Plaintiff(s), the settling Plaintiff(s) shall notify the Court of their efforts.
14. Upon such notification, the Court may schedule a hearing to consider the appropriate sanctions. Counsel for the non-paying Defendant(s) AND representatives for the non-paying entity (defendant or insurance carrier) will be required to attend. After considering the explanation of the settling Defendant(s) for failure to satisfy the judgment, the Court will, if appropriate, consider whether contempt of court should be issued against the settling Defendant(s).

A copy of this Order has been electronically served on all counsel of record via File & Serve*Xpress*.

It is so ORDERED.

ENTERED: March 30, 2026.

/s/ Jack Alsop
Presiding Judge
Asbestos Personal Injury Litigation

/s/ John A. Hutchison
Presiding Judge
Asbestos Personal Injury Litigation