

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

SCA EFiled: Jun 08 2026
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Transaction ID 79686553

Kenneth R. Vance, Jr.,
Plaintiff

v. Boone County Civil Action No. CC-03-2018-C-23

Joy Global Underground Mining, LLC, et al.,
Defendants

and

Lillian May Vest, Individually and as
Executrix of the Estate of James H. Vest,
Plaintiff

v. Boone County Civil Action No. CC-03-2020-C-10

Joy Global Underground Mining, LLC, et al.,
Defendants

and

Scott Backus and Peggy Backus,
Plaintiffs

v. Boone County Civil Action No. CC-03-2023-C-69

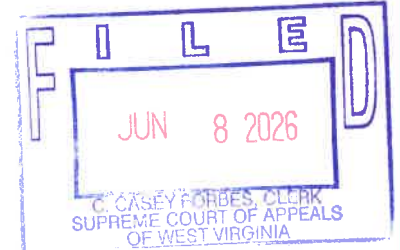
Joy Global Underground Mining, LLC, et al.,
Defendants

and

Jessica Paynter, Individually and as
Administratrix of the Estate of Brian Paynter,
Plaintiff

v. Boone County Civil Action No. CC-03-2023-C-70

Joy Global Underground Mining, LLC, et al.,
Defendants



and

Kelly Sansom and Amy Sansom,
Plaintiffs
a West Virginia corporation,
Plaintiff

v. Boone County Civil Action No. CC-03-2024-C-54

Joy Global Underground Mining, LLC, et al.,
Defendants

Supreme Court Docket No. 25-840

On December 15, 2025, the Honorable Stacy L. Nowicki-Eldridge, Judge of the Circuit Court of Boone County, has advised the Chief Justice of the Supreme Court of Appeals of West Virginia that a motion was filed in the Circuit Court of Boone County pursuant to Rule 26.06 of the West Virginia Trial Court Rules requesting that the above-referenced civil actions, in addition to five actions pending in the Circuit Courts of Logan and Wyoming Counties, be referred to the Mass Litigation Panel.

Defendant Caterpillar Global Mining LLC, by counsel Bryant Spann and Robert Akers, Thomas Combs & Spann, PLLC, filed a response in opposition to the motion to refer.

Plaintiffs Kenneth R. Vance, Jr., Lillian May Vest, Individually and as Executrix of the Estate of James H. Vest, Scott Backus and Peggy Backus, Jessica Paynter, Individually and as Administratrix of the Estate of Brian Paynter, Kelly Sansom and Amy Sansom, filed a response in support of the motion to refer.

Defendant J.H. Fletcher & Co., by counsel Michael J. Farrell, Tamela J. White-Farrell, and Robert E. White, Farrell & Farrell, PLLC, filed a response in support of the motion to refer.

Defendant Joy Global Underground Mining, LLC, by counsel Neil C. Scott, K & L Gates, filed a response in opposition to the motion to refer.

Defendant Sandvik Mining and Construction USA, LLC, by counsel Tom Hancock and Alex Frampton, Nelson Mullins, filed a response taking no position on the motion to refer.

The Honorable Joshua J. Miller, Judge of the Circuit Court of Wyoming County, filed a response in support of the motion to refer.

Chief Justice C. Haley Bunn is designated to review and consider the motion to refer. Upon careful review and consideration of the motion and the responses thereto, the Chief Justice has determined that these civil actions do not meet the definition of mass litigation as set forth in Trial Court Rule 26.04(a), and the motion to refer should be denied without prejudice.

IT IS ORDERED that the motion to refer the above-referenced actions is denied.

IT IS FURTHER ORDERED that a copy of this Order be transmitted to the Honorable Gregory L. Howard, Jr., Chair of the Mass Litigation Panel; to the Honorable Stacy L. Nowicki-Eldridge, Judge of the Circuit Court of Boone County; to the Counsel for the Mass Litigation Panel; and to the Circuit Clerk of Boone County.

IT IS FURTHER ORDERED that the Circuit Clerk of Boone County record this Order and serve copies on all parties of record or their counsel.

ENTERED: June 8, 2026



C. HALEY BUNN
Chief Justice