



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: DIGITEK® LITIGATION

CIVIL ACTION NO. 08-C-5555

THIS DOCUMENT APPLIES TO ALL CASES

ELECTRONIC FILING AND SERVICE CASE MANAGEMENT ORDER

On December 8, 2008, all cases in the Digitek® Litigation became subject to electronic filing and service (“e-filing and service”). To facilitate uniformity of case captions, case numbering and designation, and to maintain case and party information, the Court has determined that certain procedures must be followed.

The Court hereby **ORDERS** the following procedures to be followed by all counsel and any unrepresented parties when filing and serving documents in the Digitek® Litigation using LexisNexis® File & Serve.

Case Captions. The cover page of each pleading shall contain the following information in the order listed below:

1. The name of the court where the pleading is being filed (i.e., In the Circuit Court of Kanawha County);
2. The name of the mass litigation case type and number (i.e., In re: Digitek® Litigation, Civil Action No. 08-C-5555);
3. A notation indicating whether the pleading applies to all cases or only a subset of cases (i.e., **THIS DOCUMENT APPLIES TO ALL CASES** or **THIS DOCUMENT APPLIES TO:**);
4. A list of the short case title and case number of each case to which the document applies, including the initiating case number and the three-letter county identifier (i.e., Mary E. Rogers v. ABC Corp., et al. Civil Action No. 07-C-222 WNE). A table of the three-letter county identifiers is attached as **Appendix A**;
5. If applicable, the caption shall also state whether the filing is related to cases in a particular group (i.e., 2009 June Trial Group);

6. A title stating the party and subject matter of the document (i.e., Defendant XYZ Corporation's Motion for Summary Judgment).

Master Case. The Digitek® Litigation shall contain a master case bearing the caption: "In re: Digitek® Litigation Civil Action No. 08-C-5555." *The master case file shall contain only pleadings or documents of general applicability to the Digitek® Litigation*, such as trial calendars, case management orders, other orders of general applicability, notices of deposition if they are not case-specific, master pleadings, master discovery and other similar documents.

When a document is intended to be applicable to all cases within the Digitek® Litigation, the title page of the document shall contain the notation "THIS DOCUMENT APPLIES TO ALL CASES" and the document shall be filed in the master case. When a document is intended to be applicable to specific cases, the title page of the document shall contain the notation "THIS DOCUMENT APPLIES TO" If cases are filed in one county and civil action numbers are in sequential order, each case caption must be listed separately. If multiple plaintiffs are filed under one civil action number, each individual plaintiff to which a document applies must be listed separately. Specific examples are attached as **Appendix B**.

Case Groups. The presiding judicial officer may designate certain case groups to be utilized within the electronic filing system (i.e., 2009 June Trial Group), and may further require liaison counsel to confer and maintain those case groups.

Document title section in the e-filing system. When filing a document electronically, the filer shall provide the following information in the document title section of the e-filing system to enable the Court and the parties to search for information in the system:

1. the party or parties filing the document;
2. a descriptive title of the document;
3. the party or parties against whom relief is sought, if any;

4. the nature of relief sought; and
5. the initiating case number(s) with the three-letter county identifier (i.e., Defendant ABC Corporation's Motion for Summary Judgment, 08-C-123 KAN; Plaintiff Jane Smith's Motion to Compel Discovery from Defendant XYZ Corporation, 08-C-456 BNE).

Addition of New Cases or New Parties – Responsibilities. To properly function, the e-filing and service system requires certain case information to be loaded and parties to be registered users in order to receive service, access the register of actions, and use the system to file and serve documents. The filing party is responsible for updating LexisNexis File & Serve with case and party information as outlined in the procedures below and, if applicable, for notifying national counsel of its responsibility to register with LexisNexis File & Serve. National counsel is responsible for adding any attorneys whom it wishes to receive service using the Case & Party Management feature of the LexisNexis File & Serve system.

New cases. Within thirty days from the entry of an order under Trial Court Rule 15.02(c) making a case type subject to e-filing and service, plaintiffs shall provide LexisNexis with a case specific service list containing all parties and cases, and any known corresponding representation in the editable electronic spreadsheet format specified by File & Serve. Within five business days of filing a new case that is already subject to e-filing and service, plaintiffs shall provide LexisNexis with a case specific service list containing all parties and any known corresponding representation in the editable electronic spreadsheet format specified by File & Serve.

New parties. Within five business days of serving an amended complaint, a third-party complaint or a motion or pleading seeking to add a new party to a case, the moving party shall add the new party's information to the LexisNexis File & Serve system using the Case & Party

Management feature. The moving party shall serve a newly added party with an amended complaint or a third-party complaint pursuant to Rule 5 of the Rules of Civil Procedure. (See Trial Court Rule 15.02(b)) If a party sought to be added does not have a registered user, the moving party shall serve the party sought to be added with the motion or pleading pursuant to Rule 5 of the Rules of Civil Procedure.

Responsibility to update case and party information. Within five business days of a case or party being dismissed, a withdrawal or substitution of counsel, or any other event that changes case information, the moving party shall update the LexisNexis File & Serve system with the information necessary to effect the change in case or party status using the Case & Party Management feature.

ENTER: December 19, 2008

/s/ Alan D. Moats
Lead Presiding Judge

APPENDIX A

West Virginia County Listing File & Serve Abbreviations

Abbreviation	County	Judicial District
BRB	Barbour	Nineteenth Judicial Circuit
BER	Berkeley	Twenty-Third Judicial Circuit
BNE	Boone	Twenty-Fifth Judicial Circuit
BRX	Braxton	Fourteenth Judicial Circuit
BRK	Brooke	First Judicial Circuit
CBL	Cabell	Sixth Judicial Circuit
CAL	Calhoun	Fifth Judicial Circuit
CLA	Clay	Fourteenth Judicial Circuit
DOD	Doddridge	Third Judicial Circuit
FAY	Fayette	Twelfth Judicial Circuit
GIL	Gilmer	Fourteenth Judicial Circuit
GRT	Grant	Twenty-First Judicial Circuit
GRN	Greenbrier	Eleventh Judicial Circuit
HMP	Hampshire	Twenty-Second Judicial Circuit
HNK	Hancock	First Judicial Circuit
HDY	Hardy	Twenty-Second Judicial Circuit
HRR	Harrison	Fifteenth Judicial Circuit
JKN	Jackson	Fifth Judicial Circuit
JFN	Jefferson	Twenty-Third Judicial Circuit
KAN	Kanawha	Thirteenth Judicial Circuit
LWS	Lewis	Twenty-Sixth Judicial Circuit
LCN	Lincoln	Twenty-Fifth Judicial Circuit
LGN	Logan	Seventh Judicial Circuit
MRN	Marion	Sixteenth Judicial Circuit
MSH	Marshall	Second Judicial Circuit
MAS	Mason	Fifth Judicial Circuit
MCD	McDowell	Eighth Judicial Circuit
MER	Mercer	Ninth Judicial Circuit
MIN	Mineral	Twenty-First Judicial Circuit
MNG	Mingo	Thirtieth Judicial Circuit
MON	Monongalia	Seventeenth Judicial Circuit
MNR	Monroe	Thirty-First Judicial Circuit
MGN	Morgan	Twenty-Third Judicial Circuit
NIC	Nicholas	Twenty-Eighth Judicial Circuit
OHI	Ohio	First Judicial Circuit

Note: Abbreviations used in case number field on LexisNexis File Serve.

APPENDIX A

West Virginia County Listing File & Serve Abbreviations

Abbreviation	County	Judicial District
PND	Pendleton	Twenty-Second Judicial Circuit
PLE	Pleasants	Third Judicial Circuit
PHS	Pocahontas	Eleventh Judicial Circuit
PRN	Preston	Eighteenth Judicial Circuit
PNM	Putnam	Twenty-Ninth Judicial Circuit
RAL	Raleigh	Tenth Judicial Circuit
RND	Randolph	Twentieth Judicial Circuit
RIT	Ritchie	Third Judicial Circuit
RNE	Roane	Fifth Judicial Circuit
SMR	Summers	Thirty-First Judicial Circuit
TLR	Taylor	Nineteenth Judicial Circuit
TKR	Tucker	Twenty-First Judicial Circuit
TYL	Tyler	Second Judicial Circuit
UPR	Upshur	Twenty-Sixth Judicial Circuit
WNE	Wayne	Twenty-Fourth Judicial Circuit
WBR	Webster	Fourteenth Judicial Circuit
WTZ	Wetzel	Second Judicial Circuit
WRT	Wirt	Fourth Judicial Circuit
WDE	Wood	Fourth Judicial Circuit
WMG	Wyoming	Twenty-Seventh Judicial Circuit

Note: Abbreviations used in case number field on LexisNexis File Serve.

APPENDIX B

For a document that applies to all cases:

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

In re: Digitek® Litigation

Civil Action No. 08-C-5555

THIS DOCUMENT APPLIES TO ALL CASES

CASE MANAGEMENT ORDER

For a document that applies to specific cases:

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

In re: Digitek® Litigation

Civil Action No. 08-C-5555

THIS DOCUMENT APPLIES TO:

John S. Doe v. ABC Corporation, et al.	Civil Action No. 08-C-123 KAN
Jane E. Smith v. ABC Corporation, et al.	Civil Action No. 08-C-124 KAN
Jill Jones v. ABC Corporation, et al.	Civil Action No. 08-C-125 KAN
Mary E. Rogers v. ABC Corporation, et al.	Civil Action No. 07-C-222 WNE
James E. Jones v. ABC Corporation, et al.	Civil Action No. 07-C-561 BNE
Suzy Harris v. ABC Corporation, et al.	Civil Action No. 08-C-124 PNM
James Abbott (Jon Adams) v. ABC Corporation, et al.	Civil Action No. 06-C-255 OHI
James Abbott (Gail E. Harris) v. ABC Corporation, et al.	“ ”
James Abbott (Tammy J. Craig) v. ABC Corporation, et al.	“ ”
James Abbott (George Jones) v. ABC Corporation, et al.	“ ”
Gerald A. Cart v. ABC Corporation, et. al	Civil Action No. 06-C-555 RAL

DEFENDANT ABC CORPORATION'S MOTION TO DISMISS