

IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

**IN RE: MINGO COUNTY
COAL SLURRY LITIGATION**

CIVIL ACTION NO. 10-C-5000

**ORDER DESIGNATING MINGO COUNTY COAL SLURRY
LITIGATION FOR ELECTRONIC FILING AND SERVICE**

WHEREAS by Administrative Order entered by Chief Justice Robin Jean Davis on March 31, 2010, the Supreme Court of Appeals of West Virginia granted a Motion to Refer the above-captioned Civil action and other Civil Actions identified in the Administrative Order to the Mass Litigation Panel ("Panel") and transferred those Civil actions to the Panel;

WHEREAS by Administrative Order entered by Chief Justice Robin Jean Davis on April 28, 2010, the Supreme Court of Appeals of West Virginia amended its March 31, 2010 Administrative Order to refer to the Panel all civil actions pending or subsequently filed in the Circuit Court of Mingo County, West Virginia, against Defendants Rawl Sales and Processing Co. and Massey Energy Company arising from allegations that Defendants caused personal injury and/or property damage by storing coal slurry in underground mine workings and in an above-ground impoundment thereby contaminating Plaintiffs' well water, including any third-party actions for declaratory relief, compensatory and punitive damages based on allegations of insurance coverage, indemnification and duty to defend;

WHEREAS for ease of reference those civil actions listed or described in the March 31, 2010, and April 28, 2010, Administrative Orders are collectively referred to as the "Mingo County Coal Slurry Litigation;"

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WHEREAS, on June 2, 2010, pursuant to Trial Court Rule 26.08(b), Lead Presiding Judge James P. Mazzone ordered the Mingo County Coal Slurry Litigation to be transferred to the Circuit Court of Ohio County, West Virginia; the court files to be transferred to the Circuit Court of Ohio County, West Virginia on or before June 7, 2010; and the Mingo County Coal Slurry Litigation to be consolidated under the style, “*In re: Mingo County Coal Slurry Litigation*, Civil Action No. 10-C-5000, Circuit Court of Ohio County, West Virginia.”

NOW THEREFORE, the Panel has determined that it is appropriate for the Mingo County Coal Slurry Litigation to be subject to electronic filing and service (“e-filing and service”). Pursuant to West Virginia Trial Court Rule 15.02(c), the Panel **ORDERS** that all civil actions in the Mingo County Coal Slurry Litigation shall be subject to e-filing and service beginning on **June 28, 2010**, as provided in Trial Court Rule 15.01 *et seq.*

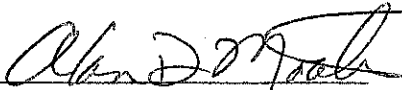
The Panel reminds the parties that, pursuant to Trial Court 15.02(b), e-filing and service shall not be used to initiate a civil action or to serve a new party with an amended complaint or a third-party complaint.

The Panel further reminds the parties that registration and training for e-filing and service using LexisNexis File & Serve is **mandatory**. If a party is not registered with LexisNexis by the June 28, 2010, Live Date, the party will not receive e-service of documents in the Mingo County Coal Slurry Litigation. Even if a party has registered with LexisNexis and received training for e-filing and service in other Mass Litigation cases, there will be specific training for e-filing and service in the Mingo County Coal Slurry Litigation that all parties must receive. Communications will be forthcoming from

LexisNexis regarding registration and training, but the **LexisNexis Customer Service Department** may be reached at **1-888-529-7587** if you have any questions.

The Clerk is directed to provide a certified copy of this Order to the Mass Litigation Manager, all counsel of record and all self-represented parties.

ENTER: June 4, 2010.


The Honorable Alan D. Moats
Chair, Mass Litigation Panel