

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 22nd day of May 2008, the following order was made and entered:

IN RE: Request for Comments on a Proposed Amendment to The West Virginia Rules of Civil Procedure, Rule 3.

On a former day came the Mass Litigation Panel and presented to the Court proposed amendment to Rule 3 of the West Virginia Rules of Civil Procedure.

Upon consideration whereof, the Court is of opinion to and does hereby approve a period of public comment on the proposed amendment to conclude on July 7, 2008, with comments to be filed with the Clerk of this Court. Justice Starcher and Justice Albright disagree with the proposed amendment and would not publish it for public comment.

Insertions are indicated by underscoring, to read as follows:

“WEST VIRGINIA RULES OF CIVIL PROCEDURE

Rule 3. Commencement of Action

(a) *Complaint.* – A civil action is commenced by filing a complaint with the court. For a complaint naming more than one individual plaintiff not related by marriage, a derivative or fiduciary relationship, each plaintiff shall be assigned a separate civil action number and be docketed as a separate civil action and be charged a separate fee by the clerk of a circuit court.”

A True Copy

Attest: _____
Deputy Clerk, Supreme Court of Appeals