

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

IN RE: MOTION TO REFER TO THE MASS LITIGATION PANEL PROCEEDINGS STYLED MELISSA LESTER, WEST VIRGINIA RESIDENT, PLAINTIFF V. ALPHA NATURAL RESOURCES SERVICES, A VIRGINIA CORPORATION, ET AL., DEFENDANTS, MINGO COUNTY CIVIL ACTION NO. 09-C-311

WHEREAS, in a prior order entered December 8, 2009, the Chief Justice directed the Mass Litigation Panel, pursuant to the provisions of Trial Court Rule 26.06(c)(2), to conduct a hearing, to receive evidence, and to entertain arguments by the parties and thereafter to submit findings of fact and a recommendation to the Chief Justice as to whether the above-captioned matter should be referred to the Mass Litigation Panel; and

WHEREAS, on January 28, 2010, the Panel conducted a hearing and heard argument of counsel in support of and in opposition to the Motion to Refer, and received evidence relating to the motion; and

WHEREAS, on March 3, 2010, an order containing the findings of fact and recommendation of the Panel, together with a certified copy of the hearing transcript and exhibits submitted into evidence at the hearing, were submitted to the Chief Justice; and


WHEREAS, the Chief Justice has reviewed the Motion to Refer, the findings of fact and recommendation of the Panel, and the record submitted, and is of the opinion that the Motion to Refer should be denied for the reasons set forth in the Panel's order;


IT IS HEREBY ORDERED, pursuant to Trial Court Rule 26.06(c)(3), that the Motion to Refer the above-captioned case to the Mass Litigation Panel be, and hereby is, denied; and

IT IS FURTHER ORDERED, that the Circuit Clerk of Mingo County record this Order in the Office of said Clerk and provide copies of the same to all parties of record or their counsel; and

IT IS FINALLY ORDERED, that all proceedings be conducted as provided by law.

ENTERED this 4th day of MARCH, 2010


ROBIN JEAN DAVIS
Chief Justice

Attest: 
Rory L. Perry, II, Clerk
Supreme Court of Appeals