

IN THE CIRCUIT COURT OF WYOMING COUNTY, WEST VIRGINIA

RICHARD D. ABBOTT, et al.

Plaintiffs,

v.

CIVIL ACTION NO. 08-C-138

EARTH SUPPORT SERVICES

d/b/a MICON, INC., et al.

Defendants.

**NOTICE OF HEARING ON MOTION TO REFER
TO THE MASS LITIGATION PANEL**

WHEREAS pursuant to Rule 26.06 of the West Virginia Trial Court Rules, Chief Justice Brent D. Benjamin, of the Supreme Court of Appeals of West Virginia, received a motion filed in the Circuit Court of Wyoming County, West Virginia, to refer and transfer the above-styled proceeding to the Mass Litigation Panel; and

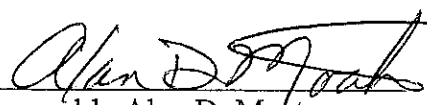
WHEREAS by Administrative Order entered on June 16, 2009, Chief Justice Benjamin ordered the Mass Litigation Panel or a designated member thereof to conduct a hearing to receive evidence and to entertain arguments by the parties or any judge, and to submit findings of fact and a recommendation to the Chief Justice relative to the issue of whether this case should be referred to the Mass Litigation Panel;

NOW THEREFORE, the Mass Litigation Panel hereby schedules a hearing at 9:00 a.m. on the 20th day of August, 2009, to be held in Courtroom Four, also known as the Ceremonial Courtroom, on the Second Floor of the Kanawha County Courthouse in Charleston, West Virginia, to receive evidence and to entertain

arguments by the parties or any judge relative to the issue of whether this case should be referred to the Mass Litigation Panel. The Honorable Alan D. Moats, The Honorable James P. Mazzone and the Honorable Thomas C. Evans, III will preside.


The Clerk is ORDERED to forward a copy of this Order to Chief Justice Brent D. Benjamin, to the Honorable Richard A. Facemire, Judge of the Fourteenth Judicial Circuit, to the Mass Litigation Manager, to all Counsel of record and any self-represented parties.

ENTER: July 17, 2009


The Honorable Alan D. Moats
Chair, Mass Litigation Panel

TRUE COPY, ATTEST.
DAVID "BUGS" STOVER, CLERK

is the 22nd day of July, 2009

By: 
Deputy.