

IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

IN RE: FLOOD LITIGATION

CIVIL ACTION NO. 02-C-797

ORDER ASSIGNING JUDGES TO FLOOD LITIGATION

WHEREAS on September 4, 2008, the Supreme Court of Appeals of West Virginia ordered that *In re: Flood Litigation Coal River Watershed*, and *In re: Flood Litigation Upper Guyandotte River Watershed Subwatershed 2a* be remanded to the Raleigh County Circuit Court and transferred to the Mass Litigation Panel (“Panel”) for further proceedings by current member(s) of the Panel; and

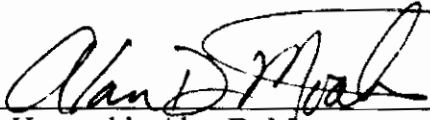
WHEREAS on September 17, 2008, the Supreme Court of Appeals of West Virginia ordered that the Flood Damage cases previously transferred to the Circuit Court of Raleigh County be reassigned to the current members of the Panel.

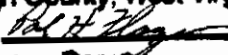
NOW THEREFORE, pursuant to Trial Court Rule 26.07(a), the Panel Chair, with the advice and consent of the Panel, hereby assigns The Honorable John A. Hutchison to serve as the Lead Judge presiding in all cases in all watersheds pending in the Circuit Court of Raleigh County, West Virginia, under the style *In Re: Flood Litigation, Civil Action No. 02-C-797* (“Flood Litigation”), with The Honorable Jay M. Hoke and The Honorable Derek C. Swope to assist Judge Hutchison as Presiding Judges in the Flood Litigation or proceedings therein. The Panel Chair further assigns The Honorable Booker T. Stephens to serve as the Lead Resolution Judge in the Flood Litigation, with The Honorable Alan D. Moats and The Honorable James A. Mazzone to assist Judge Stephens as Resolution Judges in the Flood Litigation or proceedings therein.

The Panel Chair requires that appropriate measures be adopted to insure uniformity of decisions in the Flood Litigation, to the extent possible, including the requirement that all pretrial dispositive motions be decided by a majority of the Presiding Judges assigned to preside in the Flood Litigation.

The Clerk is ORDERED to forward a copy of this Order to all Counsel of record and all self-represented parties.

ENTER: October 22, 2008


The Honorable Alan D. Moats
Chair, Mass Litigation Panel

The foregoing is a true copy of an order
entered in this office on the 27th day
of October, 2008
JANICE B. DAVIS, Circuit Clerk of
Raleigh County, West Virginia
By: 
Deputy