



**IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA**

**In re: Asbestos Personal Injury Litigation**

**Civil Action No. 03-C-9600**

**THIS DOCUMENT APPLIES TO ALL CASES**

**AMENDMENT TO PARAGRAPH 27 OF THE  
2012 ASBESTOS CASE MANAGEMENT ORDER**

The following amendment to Paragraph 27 of the *2012 Asbestos Case Management Order* (Transaction ID 41724862) applies to all Asbestos Personal Injury and Wrongful Death cases and shall control in the event it conflicts with any previously entered Case Management Order.

**27. FINAL DISMISSAL OF CASE**

A. Dismissal of Defendants. The parties shall file a proposed order endorsed by counsel for Plaintiffs and Defendants. If the order is “without prejudice” it shall automatically, with or without another order, become a “with prejudice” order ten (10) days after the close of discovery for the particular trial group unless Plaintiff’s counsel files a motion with a legal memorandum within said ten (10) day period requesting a stay of the automatic “with prejudice” dismissal. The filing of the motion shall stay the dismissal “with prejudice” until further order. Counsel for the Defendant shall file a reply legal memorandum within twenty (20) days of the receipt of Plaintiff’s motion. The Court will then enter an order on the issue or set a hearing date. If the Court orders that a case should not be dismissed with prejudice, the case will be reinstated and set in a subsequent trial group. Absent a “Notice of Final Dismissal of Pending Claims,” the dismissal of a Defendant does not divest the Court of jurisdiction regarding enforcement of settlements or other agreements. For cases dismissed without prejudice, pursuant to a “Notice of Dismissal” Defendants may file motions for entry of final judgment beginning two (2) years after the dismissal.

B. Final Dismissal. When the Plaintiff has filed the final endorsed Stipulation of Dismissal and there remains no further need for enforcement jurisdiction, the Plaintiff shall file a “Notice of Final Dismissal of Pending Claims.” **The Plaintiff must use the form set forth in Attachment**

**A.** The filing of this Notice closes the case statistically and completely divests this Court of jurisdiction over the matter. If no Notice of Final Dismissal of Pending Claims is filed, the case shall be considered open and active.

If all claims have been resolved against all Defendants in an action and all orders of dismissal or stipulations of dismissal have been entered, but one or more Defendants have filed a petition in a bankruptcy court of competent jurisdiction that has not formed a trust to pay such claims, counsel for the Plaintiff shall file a “Notice of Final Dismissal of Pending Claims **EXCEPT** for Claims Against a Defendant or Defendants Who Have Filed Bankruptcy.” **The Plaintiff must use the form set forth in Attachment B.** The Notice shall identify with particularity each Defendant who has filed bankruptcy but has not formed a trust to pay such claims, the court in which the bankruptcy proceeding is pending, including the case number and the date of filing of the bankruptcy. The Notice shall set forth that the Clerk of this Court shall close the case statistically and remove it from the active docket of this Court, but the Plaintiff shall have the right to petition this Court to re-open the case upon remand or lifting of the stay by the bankruptcy court by filing a petition within one hundred and eighty (180) days of the said remand or lifting of the stay by the bankruptcy court, for this Court to litigate any claim, approve the settlement of any claim or to order the distribution of any wrongful death settlement in accordance with the wrongful death distribution statute. If no petition to reopen a matter is filed within one hundred and eighty (180) days of the bankruptcy court remanding a case or lifting the bankruptcy stay, the matter shall

be automatically deemed to have been dismissed with prejudice by this Court and shall not later be reopened.

C. Within five (5) business days of a case or party being dismissed, the moving parties shall update the File & Serve*Xpress* system with the information necessary to effect the change in case or party status using the Case & Party Management feature.

A copy of this Order has been electronically served on all counsel of record via File & Serve*Xpress*.

It is so ORDERED.

ENTERED: July28, 2025.

/s/ Jack Alsop  
Presiding Judge  
Asbestos Personal Injury Litigation

/s/ John A. Hutchison  
Presiding Judge  
Asbestos Personal Injury Litigation

**ATTACHMENT A**

**IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA**

**In re: Asbestos Personal Injury Litigation**

**Civil Action No. 03-C-9600**

**THIS DOCUMENT APPLIES TO:**

JANE DOE ADMINISTRATRIX  
OF THE ESTATE OF JOHN DOE,

Plaintiffs,

v.

Civil Action No. 20-C-123 KAN

ABC, Inc., et al.,

Defendants.

**NOTICE OF FINAL DISMISSAL OF PENDING CLAIMS**

This Court being informed by Counsel for the Plaintiffs that the above captioned civil action has been resolved and any pending claims are being voluntarily dismissed, it is hereby **ORDERED** that all claims against Defendants are **DISMISSED** with prejudice. The Clerk of this Court shall close this case statistically and remove it from the active docket of this Court

It is further **ORDERED** that any pending *pro hac vice* admissions are withdrawn, and this matter is closed.

A copy of this Order has been electronically served on all counsel of record via File & ServeXpress.

ENTERED:

---

Presiding Judge  
Asbestos Personal Injury Litigation

---

Presiding Judge  
Asbestos Personal Injury Litigation

**ATTACHMENT A**

**PREPARED BY:**

/s/NAME

NAME (WV State Bar #10861)

FIRM

ADDRESS 1

ADDRESS 2

PHONE NUMBER

*Counsel for Plaintiffs*

**ATTACHMENT B**

**IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA**

**In re: Asbestos Personal Injury Litigation**

**Civil Action No. 03-C-9600**

**THIS DOCUMENT APPLIES TO:**

JANE DOE ADMINISTRATRIX  
OF THE ESTATE OF JOHN DOE,

Plaintiffs,

v.

Civil Action No. 20-C-123 KAN

ABC, Inc., et al.,

Defendants.

**NOTICE OF FINAL DISMISSAL OF PENDING CLAIMS EXCEPT FOR CLAIMS  
AGAINST A DEFENDANT OR DEFENDANTS WHO HAVE FILED BANKRUPTCY**

This Court being informed by Counsel for Plaintiffs that the above civil captioned action has been resolved, and any pending claims are being voluntarily dismissed, it is hereby **ORDERED** that all claims against Defendants are **DISMISSED** with prejudice **EXCEPT** for the following Defendants which have filed a petition in a bankruptcy court of competent jurisdiction that has not formed a trust to pay such claims:

<b>Defendant</b>	<b>Case Number</b>	<b>Date of Bankruptcy Filing</b>
XYZ Corporation	22-BK-1001	January 1, 2021
LMN Corporation	23-BK-1002	February 1, 2022

The Clerk of this Court shall close this case statistically and remove it from the active docket of this Court. However, Plaintiffs shall have the right to petition this Court to re-open the case upon remand or lifting of the stay by the bankruptcy court for this Court to litigate any claim, approve the settlement of any claim, or order the distribution of any wrongful death settlement in accordance with the wrongful death distribution statute.

## ATTACHMENT B

It is further **ORDERED** that any pending *pro hac vice* admissions are withdrawn, and this matter is closed.

A copy of this Order has been electronically served on all counsel of record via File & ServeXpress.

ENTERED:

---

Presiding Judge  
Asbestos Personal Injury Litigation

---

Presiding Judge  
Asbestos Personal Injury Litigation

**PREPARED BY:**

/s/NAME  
NAME (WV State Bar #10861)  
FIRM  
ADDRESS 1  
ADDRESS 2  
PHONE NUMBER  
*Counsel for Plaintiffs*