

DEC 20 2012

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: MOUNTAIN STATE UNIVERSITY LITIGATION Civil Action No. 12-C-9000

ORDER DESIGNATING MOUNTAIN STATE UNIVERSITY LITIGATION  
FOR ELECTRONIC FILING AND SERVICE

On December 6, 2012, Chief Justice Menis E. Ketchum entered an Administrative Order granting the Motion to Refer and the Supplemental Motion to Refer Civil Actions Regarding Mountain State University, Inc. to the Mass Litigation Panel ("Panel"). As provided by West Virginia Trial Court Rule 26.07(a), "[a]n order from the Chief Justice granting a Motion to Refer to the Mass Litigation Panel is a transfer of Mass Litigation to the Panel."

On December 12, 2012, the Honorable Alan D. Moats was assigned to serve as Lead Judge presiding in the Mountain State University Litigation. Pursuant to West Virginia Trial Court Rule 26.08(b), and with the advice and consent of the Panel, Judge Moats ordered the Mountain State University Litigation transferred and consolidated in the Circuit Court of Kanawha County, West Virginia, on December 17, 2012.

The Panel has determined that it is appropriate for the Mountain State University Litigation to be subject to electronic filing and service ("e-filing and service"). Pursuant to West Virginia Trial Court Rule 15.02(c), the Panel **ORDERS** that all civil actions in the Mountain State University Litigation shall be subject to e-filing and service beginning on **February 1, 2013**, as provided in Trial Court Rule 15.01 *et seq.*

Registration and training for e-filing and service is **mandatory**. If a party is not registered with File & ServeXpress<sup>1</sup> by February 1, 2013, the party will not receive e-

<sup>1</sup> On November 14, 2012, LexisNexis File & Serve and Texas-based CaseFileXpress were acquired by a newly formed company, File & ServeXpress. The Court is advised that this transfer of ownership has no impact on your File & Serve account, and your log on to File & Serve remains the same.

3-4

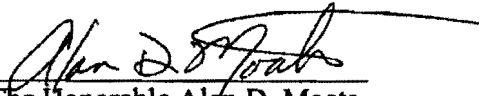


service of documents in the Mountain State University Litigation. Even if a party has registered and received training for e-filing and service in other Mass Litigation cases, there will be specific training for e-filing and service in the Mountain State University Litigation that all parties must receive. Communications will be forthcoming from File & Serve*Xpress* regarding registration and training, but the **File & Serve*Xpress* Customer Service Department** may be reached at **1-888-529-7587** if you have any questions.

The Panel reminds the parties that, pursuant to Trial Court Rule 15.02(b), e-filing and service shall not be used to initiate a civil action or to serve a new party with an amended complaint or a third-party complaint.

The Clerk is **ORDERED** to provide a certified copy of this Order to the Mass Litigation Manager, all counsel of record and all self-represented parties.

ENTER: December 20, 2012

  
The Honorable Alan D. Moats  
Chair, Mass Litigation Panel

