



**4. Motley- Rice have 66 total defendants involved in five plaintiffs' cases.**

I can't think of the right word to express my frustration with your failure to reduce the number of lung cancer cases to a reasonable number that, if we have to go to trial, it will not be like the mass trial that occurred in Charleston in another decade. Quite frankly I am concerned about the future of our great system of settling claims that has, for over 15 years, settled a substantial number of asbestos personal injury cases with very few trials when – to be perfectly frank –some of our West Virginia case law is tested in appeals that will surely be considered by what in now a conservative West Virginia Supreme Court of Appeals.

In my judgment the phrase “you reap what you sow” may come true to those who abuse the liberal civil procedure for suing questionable defendants, accusing them of causing personal injury to their clients when the evidence of their liability amounts to a mere gamble in a lawsuit. That may or may not apply to you, but with the excessive number of defendants in these lawsuits it is a matter that may need further investigation.

**Bottom line: there is no way I can mediate these cases with the vast number of defendants. The mediation for lung cancer group 17 cases set for February 6 is canceled. This cancellation does not in any way concern the mediation that is frequently successful in the mesothelioma cases set at the same time. It will take place without my presence.**

Dated this 5<sup>th</sup> day of February, 2020

/s/ Ronald E. Wilson  
**Ronald E. Wilson, Judge**