FILED

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: ASBESTOS PERSONAL INJURY LITIGATION MASS TRIAL PANEL

02 OCT -2 PM 1: 15

CIVIL ACTION NO. 02-C-9004

CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

ORDER

These matters were before the Court on September 23 and 25, 2002. After an in camera review of certain documents as to which Union Carbide claimed an attorney client and/or work product privilege, the court found as follows:

The Court DENIED Union Carbide's Motion for Protective Order determining that the following exhibits were not privileged: WV-1903, 8388, 8486, 60469 and 60630.

The Court GRANTED Union Carbide's Motion for Protective Order determining the following documents were privileged, but determined that the privilege was waived based on the factors as set forth in Allstate v. Gaughan, 203 W.Va. 538, 508 (1998): WV-8373 (specifically Bates numbered pages A20889, 20895 and 20896); 8349 (specifically pages Bates stamped number 6486-6487); 8390, 8400, 60462, 60482 and 60514.

As to WV-1839, Union Carbide raised a privilege claim and the Plaintiffs agreed to withdraw that document as an Exhibit.

As to WV-8349, Plaintiffs agreed to redact all handwritten notes on pages Bates numbered 6484-6485.

All objections are preserved.

Boston Oct 2, 2002

IT IS SO ORDERED.

The Honorable Arthur Pacht
Circuit Court Judge

For Plaintiffs
Marion Kempson, Ness Motley

For Union Carbide
Elizabeth Price, Alston & Bird

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY FROM THE RECORDS OF SAID COURT GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 2nd DAY OF Oct 2002
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA CLERK