

IN THE CIRCUIT COURT OF ROANE COUNTY, WEST VIRGINIA

NATIONWIDE MUTUAL INSURANCE COMPANY,
Plaintiff/Counterclaim Defendant,

v.

CIVIL ACTION NO. 00-C-37
Judge David W. Nibert

GEORGE G. O'DELL, JR. and STACY McKOWN O'DELL,
Defendants/Counterclaim Plaintiffs,

and

CHAD DAVID KENNY and BOBBIE DAWN KENNY,
Plaintiffs,

v.

NATIONWIDE MUTUAL INSURANCE COMPANY,
Defendant.

FILED
CIRCUIT COURT
BY W.V.A.
07 DEC -6 PM 1:02
CIRCUIT CLERK

AGREED ORDER APPROVING THE CLASS NOTICE PLAN

Pursuant to this Court's *Order Granting Motion of George and Stacy O'Dell for Certification of a Trial Class*, dated August 30, 2007 and entered on September 4, 2007, Nationwide Mutual Insurance Company ("Nationwide") and Class Counsel met with the Court's class notice expert, Kinsella/Novak Communications, LLC, and conferred regarding a trial notice plan to provide the best practicable notice to potential class members pursuant to W.Va.R.Civ.P. 23.

Nationwide, Class Counsel and Kinsella/Novak Communications, LLC have agreed upon a trial notice plan that will satisfy Rule 23's requirement to provide potential class members with the best practicable notice under the circumstances, including individual notice to all members who can be identified through reasonable effort. That plan, including the publication (short) form Notice and

direct mail (long) form Notice, is attached hereto as Exhibit "A" and incorporated herein by reference.

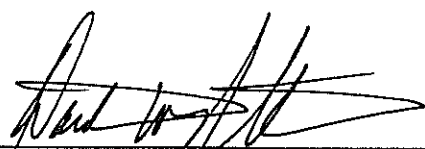
The agreed-upon trial notice plan should be approved and ordered implemented on January 2, 2008, provided, however, that if the parties, pursuant to this Court's October 15, 2007 (entered on October 17, 2007) Agreed Scheduling Order, reach a settlement of this action prior to January 2, 2008, they shall so advise the Court, and this Order implementing the trial notice plan shall be automatically vacated in lieu of the parties' submitting a settlement notice plan.

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that:

The agreed-upon trial notice plan, attached hereto as Exhibit "A", is hereby approved and ordered implemented on January 2, 2008, provided, however, that if the parties, pursuant to this Court's October 15, 2007 (entered on October 17, 2007) Agreed Scheduling Order, reach a settlement of this action prior to January 2, 2008, they shall so advise the Court, and this Order implementing the trial notice plan shall be automatically vacated in lieu of the parties' submitting a settlement notice plan.

The Clerk of this Court shall forward certified copies of this Order to counsel of record.


Dated this 4th day of December, 2007.



The Honorable David W. Nibert, Circuit Judge

TRUE COPY TESTE:

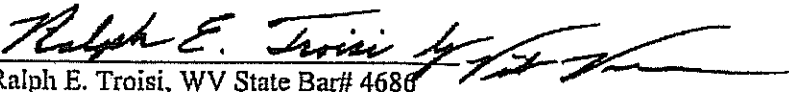
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CLERK of CIRCUIT COURT of
ROANE COUNTY, WEST VIRGINIA

CIV
Entered in C.O.B. No. 43 Page _____
this 6 day of Dec, 2007

BY _____ DEPUTY


PREPARED AND SUBMITTED BY:


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AGREED TO BY:


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