

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

KENNETH S. REYNOLDS,

Plaintiff,

v.

Civil Action No. 01-C-538
(Judge Bloom)

A & I COMPANY, GRANITE STATE
INSURANCE COMPANY, NEW
HAMPSHIRE INSURANCE COMPANY,
TRAVELERS INSURANCE COMPANY,
AMERICAN MOTORISTS INSURANCE
COMPANY, OHIO FARMERS
INSURANCE COMPANY, and
SCOTTSDALE INSURANCE COMPANY,

Defendants.

**MOTION FOR PRELIMINARY CERTIFICATION OF SETTLEMENT CLASS ,
PRELIMINARY APPROVAL OF PROPOSED CLASS SETTLEMENT,
AND APPROVAL OF CLASS NOTICE**

Plaintiff, through his undersigned counsel, moves for preliminary certification of a settlement class pursuant to W. Va. R. Civ. P. 23(b)(2), for preliminary approval of a proposed class settlement pursuant to W. Va. R. Civ. P. 23(e), and for approval of class notice pursuant to W. Va. R. Civ. P. 23(d)(2) and 23(e), upon the following grounds, as more fully explicated in Plaintiff's Memorandum in support of this Motion.

1. Plaintiff's proposed settlement class (the "Settlement Class") consists of:

All persons who have been exposed to asbestos for which A & I Corporation ("A&I") is alleged to be liable, except those who either (i) have a pending unsettled lawsuit filed on or before November 5, 2001, or (ii) have settled, released or had adjudicated a claim for mesothelioma, against A&I or its insurers in connection with such exposure.

2. The Settlement Class is so numerous that joinder of all members is impracticable.

3. There are questions of law or fact common to the Settlement Class.

4. Plaintiff's claims are typical of the claims of the Settlement Class.

5. Plaintiff will fairly and adequately protect the interests of the Settlement Class.

6. Defendants have acted on grounds generally applicable to the Settlement Class, thereby making appropriate final injunctive and corresponding declaratory relief with respect to the Settlement Class as a whole.

7. Plaintiff, on behalf of the Settlement Class, has agreed to a proposed class settlement with the AIG Companies and Travelers, as those entities are defined in the Stipulation of Settlement attached hereto as Exhibit A (the "Settling Insurers"), subject to this Court's approval following appropriate notice to the Settlement Class. The terms of the proposed class settlement are set forth in a March _____, 2005 Stipulation of Settlement.

8. The Settling Insurers do not oppose class certification, conditioned upon approval of the proposed class settlement.

9. The proposed class settlement was fairly made and does not contravene law or public policy.

10. Approval of the proposed class settlement will further the best interests of the

Settlement Class and its members.

11. A proposed form and method of class notice is attached to the Stipulation of Settlement as Exhibit F.

12. The proposed class notice is reasonably calculated to apprise Settlement Class members of their rights with respect to this action and the proposed class settlement, and is the best notice practicable under the circumstances. See Declaration of Cameron R. Azari, Esq., attached to the Stipulation of Settlement as Exhibit G.

WHEREFORE, Plaintiff requests that this Court enter an Order preliminarily certifying the Settlement Class; appointing Plaintiff as representative of the Settlement Class and his undersigned counsel as Settlement Class Counsel; preliminarily approving the proposed class settlement; approving the proposed class notice; and scheduling a hearing for final approval of the proposed class settlement.

Respectfully submitted,

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Settlement Counsel for Plaintiff