

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

**A.H. and ADRIANA FLEMING,
individually and on behalf of all others
similarly situated,**

Plaintiffs,

v.

**TO BE FILED IN: 16-C-497
Honorable Jennifer Bailey
*A.H. and Adriana Fleming
v. Matulis, et al. – 18-C-176***

**STEVEN R. MATULIS, M.D.;
CHARLESTON GASTROENTEROLOGY
ASSOCIATES, P.L.L.C.; and
CHARLESTON AREA MEDICAL CENTER, INC.;**

Defendants.

**VERIFIED PETITION
FOR AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

Settlement Class Counsel respectfully submits the instant Petition for Award of Attorneys' Fees and Litigation Expenses for Settlement Class Counsel's work in the above-referenced civil action which ultimately resulted in a \$23.1 million class settlement with Defendant Charleston Area Medical Center, Inc. (CAMC), after many years of active and contentious litigation beginning in 2016. This class settlement has already received preliminary approval from the Court.

Summary of Litigation

This litigation was commenced when Plaintiff/Class Representative Adriana Fleming filed her Class Action Complaint against the Defendants on or about March 31, 2017.¹ Ms. Fleming's

¹ Prior to filing her Complaint, Ms. Fleming served Notices of Claim against the Defendants pursuant to the West Virginia Medical Professional Liability Act.

case was assigned Kanawha County Civil Action No. 17-C-456 and assigned to the Honorable Joanna Tabit. The Defendants immediately sought to have the case dismissed on numerous legal grounds, leading to an in-person hearing and arguments on the pending motions on September 7, 2017. By order dated January 29, 2018, Judge Tabit denied the Defendants' motions to dismiss. Plaintiff/Class Representative A.H. filed her Class Action Complaint against the Defendants on or about February 22, 2018. A.H.'s case was assigned Kanawha County Civil Action 18-C-176 and originally assigned to the Honorable J. Stucky.

Shortly thereafter, Defendant CAMC moved, pursuant to Trial Court Rule 26.06, to refer both the Fleming and A.H. cases, as well as all other pending lawsuits involving Defendant Matulis to the Mass Litigation Panel. Both A.H. and Fleming were opposed to such a referral and, instead, sought to consolidate their cases (and the remainder of the Matulis litigation) before this Court pursuant to W.Va.R.Civ.P. 42. This Court held a hearing on the issue of consolidation on August 15, 2018, and on September 27, 2018, this Court entered an order consolidating before it all Matulis litigation (including the Fleming and A.H. civil actions).²

Following the Court's consolidation of Matulis-related cases, Plaintiffs/Class Representatives Fleming and A.H. consolidated their claims and filed a joint Amended Class Action Complaint on or about October 17, 2018.³ The Defendants immediately moved to dismiss the Amended Complaint filed motions to dismiss and asserted various arguments as to why Plaintiffs allegedly failed to state legally cognizable claims against them. On February 13, 2019 the Court entered a Scheduling Order in this matter which included both a class certification hearing date (November 22, 2019) and a trial date (April 6, 2020). The Court held a hearing and

² The Supreme Court of Appeals of West Virginia would later deny CAMC's motion to refer the Matulis cases to the Mass Litigation Panel.

³ The Consolidated Class Action Complaint retained Civil Action No. 18-C-176.

heard oral arguments on Defendants' motions to dismiss on March 1, 2019 and denied Defendants' motions from the bench.

The Parties continued to engage in extensive fact and expert witness discovery as the Court's hearing date for class certification grew nearer. During this period, Plaintiffs/Class Representatives and Defendant CAMC engaged in extensive settlement negotiations and mediations which culminated in a class settlement of some of Plaintiffs' claims against CAMC. Plaintiffs' claims against CAMC for harassment and discrimination have not been settled and remain pending.⁴

Summary of Settlement Benefits and Requested Attorneys' Fees and Expenses

The pending class settlement negotiated by Settlement Class Counsel requires CAMC to pay a gross amount of \$23.1 million into a common fund. This amount will be inclusive of Settlement Class Counsel's attorneys' fees, expenses, any service awards to Class Representatives A.H. and Ms. Fleming, and payment of 1% of the gross amount to the West Virginia Patient Injury Compensation Fund. In addition to the forgoing amount, the pending class settlement also requires CAMC to separately pay all costs of claims administration (including the cost of a court-appointed guardian ad litem utilized in the claims administration process). Significantly, the pending settlement negotiated by Settlement Class Counsel **preserves** Plaintiffs' claims (and the claims of the Settlement Class) against CAMC for harassment and discrimination up to the maximum aggregate limit of insurance for such claims. The maximum aggregate limit of insurance under

⁴ As the Court is aware, Plaintiffs mediated these remaining claims with CAMC and its insurers in September 2020 without success.

insurance under the relevant policies for such claims is \$30 million.⁵ Thus, the \$23.1 million settlement negotiated by Settlement Class Counsel protects the rights of the Settlement Class to continue proceed against CAMC on certain other claims up to an additional \$30 million.

After nearly a half-decade of litigation, Plaintiffs' pending class settlement with CAMC received final approval from the Court. Settlement Class Counsel is seeking payment of attorneys' fees of up to 39% (up to \$9,009,000.00) and reimbursement of expenses in the amount of \$362,080.11 from the gross settlement amount. Settlement Class Counsel has previously requested that each Class Representative be granted a service award of \$42,000.00 from the gross settlement amount (for a total of \$84,000.00). Lastly, West Virginia law requires payment of 1% of the gross settlement amount to the West Virginia Patient Injury Compensation Fund. This payment would total \$231,000.00.

Should the Court (1) grant Settlement Class Counsel's request for payment attorneys' fees and reimbursement of expenses, (2) grant payment of the requested service awards to the Class Representatives, and (3) authorize statutory payment to the West Virginia Patient Injury Compensation Fund, then the amount available for distribution to the Settlement Class will be approximately \$13,413,919.90. Under this scenario, each member of the 2,525-person Settlement Class would receive an equal payment of approximately \$5,312.44. This amount would exceed the projected settlement amount that was contained in the Class Notice approved by the Court.⁶

⁵ As the Court is aware, the availability of insurance coverage for such claims is currently the subject of a declaratory judgment action between CAMC and its insurer.

⁶ In its Preliminary Approval Order, the Court recognized that some percentage of the settlement checks that are initially distributed to members of the Settlement Class may go unclaimed. The Court reserved the option of redistributing unclaimed monies to members of the Settlement Class. Should this occur, then those members of the Settlement Class who claim their initial settlement payment would receive additional settlement money.

Discussion

I. Settlement Class Counsel's requested attorneys' fees are fair and reasonable given the novel and complex nature of the case, the work performed, the risks taken, and the results achieved.

The pending \$23.1 million class settlement with CAMC is result of multiple years of litigation by Settlement Class Counsel in a novel and complex case against multiple parties. Settlement Class Counsel's request for attorneys' fee is supported by existing law, as well as by the work performed, the risks taken, and the results that Settlement Class Counsel achieved for the Settlement Class.

A. The appropriate measure for determining Settlement Class Counsel's fee is based on a percentage of the benefit conferred to the Settlement Class.

The common fund doctrine is one of the earliest recognized exceptions to the "American Rule" which generally requires that litigants bear their own costs and attorneys' fees. Premised on the equitable powers of the court, the common fund doctrine allows individuals who maintain a suit that results in the creation, preservation or increase of benefits in which others have a common interest, to be reimbursed from a percentage of those benefits. *Cent. R.R. & Banking Co. v. Pettus*, 113 U.S. 116 (1885); *Boeing Co. v. Van Gemert*, 444 U.S. 472, 478 (1980).

Nearly all federal circuits that have considered the issue have found that a trial court may use the percentage method and, importantly, in West Virginia a one-third (33.3%) contingency fee is presumptively reasonable. *See Hayseeds, Inc. v. State Farm Fire & Cas.*, 177 W.Va. 323, 352 S.E.2d 73, 80 (1986). *Muhammad*, 2008 U.S. Dist. LEXIS 103534, at *18; *see Goldenberger v. Integrated Res., Inc.*, 209 F.3d 43 (2d Cir. 2000); *Cook v. Niedert*, 142 F.3d 1004, 1013 (7th Cir.

1998); *In re Thirteen Appeals Arising out of San Juan DuPont Plaza Hotel Fire Litig.*, 56 F.3d 295, 307 (1st Cir. 1995); *In re Wash. Public Power Supply Sys. Litig.*, 19 F.3d at 1291, 1295 (9th Cir. 1994); *Gottlieb v. Barry*, 43 F.3d 474 (10th Cir. 1994); *Rawlings v. Prudential-Bache Props., Inc.*, 9 F.3d 513, 516 (6th Cir. 1993); *Longden v. Sunderman*, 979 F.2d 1095, 1099 (5th Cir. 1992); see also *In re Cont'l Ill. Sec. Litig.*, 962 F.2d 566 (7th Cir. 1992); *Paul, Johnson, Alston & Hunt v. Grauly*, 886 F.2d 268, 272 (9th Cir. 1989); *Brown v. Phillips Petroleum Co.*, 838 F.2d 451, 454, 456 (10th Cir.), cert. denied, 488 U.S. 822 (1988); *Camden I Condo. Ass'n*, 946 F.2d 768, 773-774 (11th Cir. 1991); *Bebchick v. Wash. Met. Area Transit Comm'n*, 805 F.2d 396, 406-7 (D.C. Cir. 1986). In fact, some circuits mandate use of the percentage of fund method. *Swedish Hosp. Corp. v. Shalala*, 1 F.3d 1261, 1271 (D.C. Cir. 1993); *Camden I Condo. Ass'n*, 946 F.2d at 774; see generally 1 Alba Conte, *Attorney Fee Awards* § 2.02 at 31 (2d ed. 1993); *Court Awarded Attorney Fees, Report of the Third Circuit Task Force ("Task Force Report")*, 108 F.R.D. 237 (1985) (Prof. Arthur R. Miller, Reporter).

The District Courts within the Fourth Circuit, including West Virginia Federal District Courts, have consistently endorsed the percentage method. "...application of a percentage method to calculate an attorney's fee award is now favored." *Kidrick v. ABC Television & Appliance Rental*, 1999 WL 1027050 *1 (N.D. W. Va. 1999) (citing *Boeing Co. v. Van Gemert*, 444 U.S. 472, 478 (1980)); see also *Teague v. Bakker*, 213 F. Supp. 2d 571, 582 (W.D.N.C. 2002) ("The percentage recovery method is generally favored...."); *Goldenberger v. Marriott PLP Corp.*, 33 F. Supp.2d 434, 437-38 (D. Md. 1998) (applying percentage method, and noting general trend in favor thereof); *Strang v. JHM Mortgage Sec. Ltd. P'ship*, 890 F. Supp. 499, 504-03 (E.D. Va. 1995) (holding that calculating fees based upon percentage "is a more efficient and less burdensome than the traditional lodestar method, and offers a more reasonable measure of

compensation for common fund cases”); *Edmonds v. United States*, 658 F. Supp. 1126 (D.S.C. 1987) (finding percentage method preferable). Percentage-based attorney’s fees:

- (1) align the interests of claimants and lawyers by rewarding superior performance and punishing failure;
- (2) minimize the need to evaluate the reasonableness of attorneys’ efforts *ex post*, which is both time consuming and often hard to do; and
- (3) transfer the burden of financing lawsuits and other risks from claimants to attorneys who are better able to bear them.

Kirchoff v. Flynn, 786 F.2d 320, 326 (7th Cir. 1986); *see also Muhammad*, 2008 U.S. Dist. LEXIS 103534, at *19-20.

In its 1985 report, the Third Circuit Task Force recommended that a district court “should attempt to establish a percentage fee arrangement.” *Task Force Report*, 108 F.R.D. 237, 255 (1985); *see also Muhammad*, 2008 U.S. Dist. LEXIS 103534, at *20. Since that time, the Third Circuit has, on several occasions, “reaffirmed that application of a percentage-of-recovery method is appropriate in common-fund cases.” *In re Cendant Corporate PRIDES Litig.*, 243 F.3d 722 (3d Cir. 2001) (collecting cases). In sum, there is a clear legal support among the federal and state courts, that the award of attorneys’ fees, such as the requested award in this matter of up to 39%, should be based on a percentage of the recovery. This consensus derives from the recognition that the percentage of benefits approach is a well-reasoned and more equitable method of determining attorneys’ fees in such cases.

B. The fee percentage requested by Settlement Class Counsel is warranted by the work performed, risks taken, and results achieved.

The benefits conferred by the pending class settlement with CAMC are significant. As discussed above, a request for attorneys’ fees of one-third (33.3%) is “presumptively fair” for an

ordinary case. The instant case is, undeniably, far from the ordinary case. The Court is aware of this fact by virtue of presiding in these matters for many years and ruling upon novel and complicated issues repeatedly. While many other civil actions began and ended, this case continued to be hard-fought. The near half-decade of risk, unknown outcome, complex nature of class actions and claims made pursuant to the MPLA work firmly support the fee request in this case of up to 39%. MPLA claims, without the added complexity of a class action, are complicated and require specialized litigation knowledge. In sum, the fee request is firmly support by the work performed, risk taken, and substantial benefits conferred to the class members.

The settled claims against CAMC (as well as claims against the other Defendants who remain in the case) were brought by Plaintiffs under the West Virginia Medical Professional Liability Act (“MPLA”), W.VA. CODE §55-7B-1, *et seq.* brought under MPLA. MPLA claims are generally accepted as more complex than many other types of civil actions brought to remedy personal injuries. MPLA claims, like this one, generally require medical experts, not only to assist counsel in initially assessing a case, but also to testify on both liability and damages. Moreover, and as the Court is aware, MPLA claims have statutory caps on non-economic damages as well as other limitations on damages. For this reason, MPLA cases are commonly undertaken by counsel in West Virginia on 40% contingency due to the increased work, expense, and risk. Thus, Settlement Class Counsel’s fee request in this case is below the customary amount for MPLA action in this jurisdiction.

This Court has already recognized this case is complex and required specialized knowledge by Settlement Class Counsel. The Court has further recognized that Settlement Class Counsel has already engaged in an extensive amount of work litigating this case to-date:

The experience of counsel in the area of class litigation is significant, including experience with regard to class action and

complex litigation. Discovery in this case was extensive and thorough. Plaintiffs' Counsel have deposed over 21 witnesses in this case. They retained six experts in the areas of hospital management, psychiatry, and gastroenterology. The record reflects that Plaintiff' Counsel has zealously prosecuted the litigation.

(See *Order Granting Preliminary Approval of Proposed Settlement Class*, March 1, 2021, at p.10.)

The Court has acknowledged that the negotiations between Plaintiffs and CAMC that led to the pending class settlement were complex and time-consuming and required the use of a third-party mediator.⁷ *Id.*

Unlike most cases brought under MPLA where medical providers' insurance coverage is effectively a "given," the issue of insurance coverage for the Defendants in this litigation is more complicated due to some of the allegations regarding Defendant Matulis's reported conduct and his criminal charges. Multiple companies that insure various Defendants in the consolidated Matulis litigation have filed declaratory judgment actions related the availability and scope of insurance coverage pertaining to Plaintiffs' claims. As a result, Plaintiffs were also named as defendants in multiple lawsuits filed in both federal and West Virginia state court. (See, e.g., *Westfield Insurance Company v. Steven R. Matulis, M.D., et al.*, S.D.W.Va. Civil Action No. 2:17-CV-01269; *West Virginia Mutual Insurance Company v. Steven R. Matulis, et al.*, Kanawha County Civil Action No. 17-C-748.⁸ Settlement Class Counsel had to litigate these declaratory judgment actions simultaneously while litigating this case.

Give the complex nature of this litigation and the existence of such related litigation related to insurance coverage for Plaintiffs' claims, Settlement Class Counsel has thousands of hours of

⁷ Settlement Class Counsel also negotiated with insurance carriers who were seeking arbitration of CAMC coverage-related issues in Europe.

⁸ The *West Virginia Mutual Insurance Case* has already been to the West Virginia Supreme Court once on a writ of prohibition and appears to be headed there again.

work time invested in this litigation over many years.⁹ The amount of time the Settlement Class Counsel has invested in this case strongly supports Settlement Class Counsel's request for attorneys' fees.

The risks that Settlement Class Counsel faced in pursuing Plaintiffs' claim, both individually and on behalf of a class, were significant and numerous. As discussed above, there are many risks associated with actions brought under the MPLA, including the risk that the MPLA's cap on damages will ultimately make it impractical to invest substantial time and expenses necessary to pursue a complex case such as time one. As the Court will recall, the Defendants' initial motions to dismiss in this case argued, in part, that the damages sought by Plaintiffs were not recoverable under the MPLA and, as a practical matter, that a class action could not be brought for claims brought under the MPLA. If these arguments were ultimately persuasive, then Plaintiffs' recovery would be significantly, perhaps fatally, limited. Moreover, the nature of Defendant Matulis's alleged misconduct made the availability of applicable insurance a significant issue from the very start of the case. Thus, Settlement Class Counsel ran the real risk their investment of substantial time and money in this litigation might all be for naught. The significant risks that Settlement Class Counsel undertook in litigating this case strongly supports Settlement Class Counsel's request for attorneys' fees.

The pending CAMC class settlement that was negotiated by Settlement Class Counsel is not a "coupon" or "rebate" settlement. This class settlement will provide real and significant benefits to the Settlement Class. It will provide a cash payment exceeding \$5,000.00 to more than

⁹ Given that the pending class settlement is only a partial settlement of the claims against CAMC and litigation against CAMC (as well as the other Defendants) is continuing, Settlement Class Counsel requests the opportunity to provide a more detailed statement of their time to the Court for *in camera* review in advance of the Final Fairness Hearing, should the Court desire such a review.

2,500 former patients of CAMC and Defendant Matulis. This is a substantial cash payment that will be even more welcome given the current economic climate and the ongoing pandemic. Moreover, the settlement negotiated by Settlement Class Counsel will permit members of the Settlement Class to continue to litigate additional claims against CAMC. Members of the Settlement Class can continue to litigate their claims of harassment and discrimination against CAMC up to an aggregate amount of \$30 million. This represents a significant benefit to the Settlement Class.

Another substantial benefit of the settlement negotiated by Settlement Class Counsel is the that it will permit members of the Settlement Class to receive compensation while remaining anonymous. Unlike the Class Representatives, members of the settlement class **will not have to turn over their medical and mental health records and will not have to answer intrusive questions in a deposition about their sexual histories and sexual practices.** The significant benefits that are provided by the CAMC class settlement strongly supports Settlement Class Counsel's request for attorneys' fees.

II. Settlement Class Counsel's expenses are indicative of their zealous litigation of a novel and complex case against multiple Defendants over multiple years.

Settlement Class Counsel requests reimbursement of expenses totaling \$362,080.11 in this matter.¹⁰ This amount reflects the realities of litigating a novel and complex case against multiple Defendants over multiple years. This Court has recognized this litigation is complex and requires specialized knowledge by Settlement Class Counsel. The Court has further recognized that

¹⁰ Given that the pending class settlement is only a partial settlement of the claims against CAMC and litigation against CAMC (as well as the other Defendants) is continuing, Settlement Class Counsel requests the opportunity to provide a more detailed breakdown of expenses to the Court for *in camera* review in advance of the Final Fairness Hearing, should the Court desire such a review.

litigating a case such as this one has required Settlement Class Counsel to spend substantial time and money:

The experience of counsel in the area of class litigation is significant, including experience with regard to class action and complex litigation. Discovery in this case was extensive and thorough. Plaintiffs' Counsel have deposed over 21 witnesses in this case. They retained six experts in the areas of hospital management, psychiatry, and gastroenterology. The record reflects that Plaintiff Counsel has zealously prosecuted the litigation.

(See *Order Granting Preliminary Approval of Proposed Settlement Class*, March 1, 2021, at p.

10.) These expenses have permitted Settlement Class Counsel to vigorously litigate this matter and achieve a highly successful result for the Settlement Class.

Conclusion

WHEREFORE undersigned Settlement Class Counsel respectfully request that the Court approve payment of the requested attorneys' fees and approve the reimbursement of Settlement Class Counsel's expenses as indicated.

Respectfully submitted,
A.H. and Adriana Fleming, on behalf of herself
and on behalf of a class of West Virginia residents similarly situated,
Plaintiffs/Class Representatives, By Counsel:



L. Danté DiTrapano (WV Bar No. 6778)
David H. Carriger (WV Bar No. 7140)
CALWELL LUCE DI TRAPANO PLLC
Law and Arts Center West
500 Randolph Street
Charleston, West Virginia 25302
304.343.4323 Telephone
304.344.3684 Facsimile
Settlement Class Counsel



P. Rodney Jackson (WV Bar No. 1861)
LAW OFFICES OF P. RODNEY JACKSON
401 Fifth-Third Center
700 Virginia Street East, Suite 400
Charleston, WV 25301
Settlement Class Counsel



Ben Salango (WV Bar No. 7790)
Kristy Salango (WV Bar No. 12139)
PRESTON & SALANGO, PLLC
Post Office Box 3084
Charleston, WV 25331
Settlement Class Counsel



Marvin W. Masters (WV Bar No. 2359)
THE MASTERS LAW FIRM LC
181 Summers Street
Charleston, WV 25301
Settlement Class Counsel



Robert V. Berthold, Jr. (WV Bar No. 326)
BERTHOLD LAW FIRM PLLC
208 Capitol Street
Post Office Box 3508
Charleston, WV 25301
Settlement Class Counsel



Matthew Stonestreet (WV Bar No. 11398)
THE GIATRAS LAW FIRM, PLLC
118 Capitol Street, #400
Charleston, WV 25301
Settlement Class Counsel

VERIFICATION OF COUNSEL

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, to-wit:

Comes now David H. Carriger, and after first being duly sworn, does hereby certify that the statements contained in the foregoing "*Verified Petition for Award of Attorney's Fees and Litigation Expenses*" with respect to Settlement Class Counsel's time and expenses litigating this matter are true and correct.



David H. Carriger, Esquire

Taken, subscribed and sworn to before me this 2 day of April, 2021.

My commission expires: March 1, 2022



Notary Public

[SEAL]

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
MELISSA HARRISON
Calwell Luce d/t/b/p/a/o P/LC
P.O. Box 173
Charleston, W.V. 25301
My Commission Expires March 1, 2005



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

A.H. and ADRIANA FLEMING,
INDIVIDUALLY, AND ON BEHALF
OF ALL OTHERS SIMILARLY SITUATED,

Plaintiffs,

v.

TO BE FILED IN: 16-C-497
Honorable Jennifer F. Bailey
Civil Action No. 18-C-176

STEVEN R. MATULIS, M.D.;
CHARLESTON GASTROENTEROLOGY
ASSOCIATES, P.L.L.C.;
and CHARLESTON AREA MEDICAL CENTER, INC.;

Defendants.

CERTIFICATE OF SERVICE

I, David H. Carriger, counsel for Plaintiff A.H. and Adriana Fleming, individually and on behalf of others similarly situated, do hereby certify that I have served a true and exact copy of the foregoing "*Verified Petition For Award of Attorney Fees And Litigation Expenses*" via U.S. Mail, postage prepaid, on this 2nd day of April, 2021, addressed to the following.

Marvin Masters, Esq.
The Masters Law Firm, LC
181 Summers Street
Charleston, WV 25301

Robert V. Berthold, Jr., Esq.
Berthold Law Firm, PLLC
208 Capitol St.
P.O. Box 3508
Charleston, WV 25335

Heather Heiskell Jones, Esq.
Don C.A. Parker, Esq.
Joseph A. Ford, Esq.
Spilman, Thomas & Battle, PLLC
300 Kanawha Blvd., East
Charleston, WV 25301

Adam Campbell, Esq.
Matthew Smith, Esq.
Campbell & Smith, PLLC
100 Capitol St., #402
Charleston, WV 25301

Benjamin Salango, Esq.
Preston & Salango, PLLC
206 Capitol Street, Second Floor
Charleston, WV 25301

Isaac Forman, Esq.
Hissam Forman Donovan Ritchie, PLLC
707 Virginia St., E., Suite 260
P.O. Box 3983
Charleston, WV 25301

Perry W. Oxley, Esq.
Oxley Rich Sammons
P.O. Box 1704
Huntington, WV 25718-1704

Lee Murray Hall, Esq.
Charlotte A. Hoffman Norris, Esq.
Sarah A. Walling, Esq.
Jenkins Fenstermaker, PLLC
P.O. Box 2688
Huntington, WV 25726

Benjamin L. Bailey, Esq.
P. Gregory Haddad, Esq.
Bailey & Glasser, LLP
209 Capitol St.
Charleston, WV 25301

Michael J. Del Giudice, Esq.
Ciccarello, Del Giudice & LaFon
1219 Virginia St., E., Suite 100
Charleston, WV 25301

Richard D. Lindsey, II, Esq.
Richard D. Lindsey, M.D., J.D.
Tabor Lindsey & Associates
P.O. Box 1269
Charleston, WV 25325

Robert P. Fitzsimmons, Esq.
Mark A. Colantonio, Esq.
Fitzsimmons Law Firm, PLLC
1609 Warwood Ave.
Wheeling, WV 26003

Ronald P. Schiller, Esq.
Michael R. Carlson, Esq.
Hangley Aronchick Segal Pudlin & Schiller
One Logan Square, 27th Floor
Philadelphia, PA 19103

Tamela J. White, Esq.
Bernard S. Vallejos, Esq.
Farrell, White & Legg, PLLC
914 5th Ave., P.O. Box 6457
Huntington, WV 25772-6457

Michael W. Carey, Esq.
John A. Kessler, Esq.
David R. Pogue, Esq.
Carey, Scott, Douglas & Kessler, PLLC
901 Chase Tower
707 Virginia St., E.
P.O. Box 913
Charleston, WV 25323

P. Rodney Jackson
Law Offices of Rodney Jackson
401 Fifth Third Center
700 Virginia St., E.
Charleston, WV 25301

Angel R. Moore, Esq.
The Moore Firm of Charleston, PLLC
106 Capitol Street
Charleston, WV 25301

William M. Tiano, Esq.
Tony O'Dell, Esq.
Cheryl A. Fisher, Esq.
Tiano & O'Dell, PLLC
P.O. Box 11830
Charleston, WV 25339

Jan Dils, Esq.
Kelly Little Guice, Esq.
Jan Dils, Attorney at Law
963 Market Street
Parkersburg, WV 26101

Troy N. Giatras, Esq.
Matthew Stonestreet, Esq.
The Giatras Law Firm
118 Capitol St., Suite 400
Charleston, WV 25301

Charles R. Bailey, Esq.
Josef A. Horter, Esq.
Bailey & Wyant, PLLC
P.O. Box 3710
Charleston, WV 25337

Robert L. Massie, Esq.
Marc E. Williams, Esq.
Nelson Mullins
949 Third Ave., Suite 200
Huntington, WV 25701



David H. Carriger, Esquire (WVSB #7140)