



IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

IN RE: FLOOD LITIGATION

MC FLOOD 7/8/2001

THIS DOCUMENT APPLIES TO ALL CASES

**ORDER REGARDING FINAL ACCOUNTING
OF UNCLAIMED SETTLEMENT CHECKS**

WHEREAS, on October 13, 2009, counsel for plaintiffs provided the Mass Litigation Panel with an accounting of all returned, unclaimed or un-cashed settlement checks from settlement proceeds disbursed in 2007; an explanation as to why those plaintiffs whose settlement checks were returned or are unclaimed or un-cashed should not be dismissed from the Flood Litigation; and discussed a proposed plan for distribution of any returned, unclaimed or un-cashed settlement checks.

WHEREAS, on October 20, 2009, the Court ordered counsel for plaintiffs to prepare and submit a Notice of Newspaper Publication to newspaper(s) of general circulation reasonably calculated to notify each individual plaintiff whose settlement check was returned or remained unclaimed or un-cashed by October 12, 2009, that they had thirty (30) days in which to claim their settlement check or risk dismissal of their civil action. (TID# 27641420)

WHEREAS, Counsel for plaintiffs were further ordered to file and serve a certificate of compliance that the Notice of Newspaper Publication was submitted, including the date(s) on which the Notice was submitted, the newspaper(s) of general circulation to which the Notice was submitted, and attaching a copy of each Notice to the certificate of compliance.

WHEREAS, on August 19, 2011, Lead Presiding Judge John A. Hutchison and Lead Resolution Judge Booker T. Stephens entered an "Order Approving Final

Distribution of Settlement Funds,” filed under seal with the Clerk of the Circuit Court of Raleigh County, West Virginia, that applies to the Civil Action originally styled Charles Ashley, et al. v. Western Pocahontas Properties Limited Partnership, et al., Wyoming County Civil Action No. 03-C-117, including all amendments thereto, also referred to as Trial Group 1 – Segal Plaintiffs, and approves final distribution of settlement proceeds, dismisses the matter with prejudice as to all claims of all parties, including all Plaintiffs who previously had subrogation issues that have now been finally resolved.

WHEREAS, the August 19, 2011, Order does not apply to any other Plaintiff groups in *In re: Flood Litigation*, MC Flood 7/8/2001.

NOW THEREFORE, the Court ORDERS counsel for all Plaintiffs to submit under seal to Lead Presiding Judge John A. Hutchison and Lead Resolution Judge Booker T. Stephens an accounting of the total unpaid settlement proceeds, including any settlement check that was returned, or that remains unclaimed or un-cashed by no later than October 21, 2011. If there are no returned, unclaimed or un-cashed settlement checks, Plaintiffs’ counsel shall certify that to the Court by no later than October 21, 2011.

Plaintiffs’ counsel are further ORDERED to file and serve a certificate of compliance that the Notice of Newspaper Publication was submitted, including the date(s) on which the Notice was submitted, the newspaper(s) of general circulation to which the Notice was submitted, and attaching a copy of each Notice to the certificate of compliance, as previously required by the Court’s October 20, 2009 Order, by no later than October 21, 2011.

The Mass Litigation Panel will order payment of all unclaimed settlement proceeds to an appropriate charity, absent evidence of timely distribution of such settlement proceeds.

ENTER: October 7, 2011

/s/ Booker T. Stephens
Lead Resolution Judge, Flood Litigation

/s/ John A. Hutchison
Lead Presiding Judge, Flood Litigation