



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 TO SHOW CAUSE

WHEREAS, on October 7, 2011, the Court ordered 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. "Order Regarding Final Accounting of Unclaimed Settlement Checks" entered on October 7, 2011 [TID 40250407]. If there were no returned, unclaimed or un-cashed settlement checks, Plaintiffs' counsel were to certify that to the Court by no later than October 21, 2011. *Id.*

WHEREAS, Plaintiffs' counsel were again ordered to file and serve a certificate of compliance that a 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 to attach a copy of each Notice to the certificate of compliance by no later than October 21, 2011. *Id.* See also, "Order Regarding Notice of Publication For Unclaimed Settlement Checks" entered on October 20, 2009 [TID 27641420]

WHEREAS, the Calwell Practice PLLC, James F. Humphreys & Associates, L.C. and the McGraw Law Offices ("Plaintiffs' counsel Calwell, Humphreys and McGraw") have not submitted under seal to the Court either an accounting of the total unpaid settlement proceeds, or a certification that there were no returned, unclaimed or un-

cash settlement checks. Nor have Plaintiffs' counsel Calwell, Humphreys and McGraw filed and served a certificate of compliance that a Notice of Newspaper Publication was submitted, as ordered by the Court on October 20, 2009, and again on October 7, 2011.

NOW THEREFORE, the Court **ORDERS** Plaintiffs' counsel Calwell, Humphreys and McGraw to show cause why they have failed to comply with the Court's directives, and why the Court should not impose sanctions for counsel's said failure to comply.

A Show Cause Hearing is set for **August 20, 2012**, at **2:00 p.m.** in the Courtroom of the Honorable John A. Hutchison, Raleigh County Circuit Court.

ENTER: June 21, 2012

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