



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: YEAGER AIRPORT LITIGATION

CIVIL ACTION NO. 16-C-7000

THIS DOCUMENT APPLIES TO:

**REGINA ADKINS,
Individually and as the parent
and future guardian of Joshua Adkins;
JOSHUA ADKINS; and
MORGAN ADKINS,**

Plaintiffs,

v.

CIVIL ACTION NO. 17-C-75 KAN

**CENTRAL WEST VIRGINIA REGIONAL
AIRPORT AUTHORITY, et al.,**

Defendants.

**ORDER APPOINTING GUARDIAN AD LITEM
AND SCHEDULING SUMMARY PROCEEDING**

WHEREAS, the Resolution Judges assigned to *In re: Yeager Airport Litigation*, Civil Action No. 16-C-7000 conducted mediation of the property owner cases on April 27 and 28, 2017.

WHEREAS, after engaging in extensive discussion regarding the issues presented in *Regina Adkins, et al. v. Central West Virginia Regional Airport Authority, et al.*, Civil Action No. 17-C-75 KAN (“the *Adkins* case”) and the possible terms of settlement, counsel for Plaintiffs and counsel for Defendants reached agreement to compromise and settle the *Adkins* case as a result of the aforementioned mediation.

WHEREAS, the Resolution Judges notified the Presiding Judges that the parties to the *Adkins* case have agreed to resolve their dispute.

WHEREAS, Plaintiff Regina Adkins was appointed the Guardian of Joshua Adkins, a “protected person” under West Virginia Code §44A-1-4, by order of the Circuit Court of Kanawha County, West Virginia, entered February 10, 2017 in Case No. 2016-G-20-0103-OA.

WHEREAS, Plaintiff Regina Adkins filed a petition to be appointed Conservator of Joshua Adkins, and the Circuit Court of Kanawha County, West Virginia, has scheduled the petition for hearing on June 15, 2017.

NOW THEREFORE, the Presiding Judges **FIND** that it is proper to appoint a guardian ad litem to represent the interests of Joshua Adkins with regard to the proposed settlement of this case. The Presiding Judges, hereby **ORDER** that Matthew J. Smith, a duly licensed and qualified attorney, shall be appointed as guardian ad litem to represent the interests of Joshua Adkins in this matter. The guardian ad litem shall make a prompt investigation and review of this matter and make recommendations to the Court regarding whether the proposed settlement terms are fair, equitable and reasonable under all circumstances and in the best interests of Joshua Adkins.

Counsel for Plaintiffs is hereby **ORDERED** to file the *Petition for Approval of Settlement with Defendants and Authorization of Attorney Fees and Distribution of Net Settlement Proceeds* under seal **no later than June 9, 2017**. Any response to the petition must be filed under seal **no later than June 23, 2017**. The Presiding Judges will hear the petition at **1:30 p.m. on June 30, 2017**, in the Ceremonial Courtroom on the Second Floor of the Kanawha County Courthouse, at 407 Virginia Street, East, Charleston, West Virginia.

Counsel for Plaintiffs is **ORDERED** to immediately provide a copy of this order to guardian ad litem Matthew J. Smith. Counsel for Plaintiffs shall assist the guardian ad litem with electronically filing and serving the guardian ad litem’s report under seal via File & ServeXpress

no later than June 23, 2017. It is further **ORDERED** that the settling Defendants shall pay the reasonable fees and costs of the guardian ad litem.

It is so **ORDERED**.

ENTER: June 1, 2017

/s/ John A. Hutchison
Lead Presiding Judge
Yeager Airport Litigation