

12-0546

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

FILED

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CATHY S. BATSOR, CLERK
KANAWHA COUNTY CIRCUIT COURT

STATE OF WEST VIRGINIA ex rel.

DARRELL V. McGRAW, JR.,

ATTORNEY GENERAL,

Plaintiff,

RECEIVED
MAR 27 2012

BY:.....

v.

CIVIL ACTION NO.10-C-994

CAVALRY SPV I, LLC,

CAVALRY SPV II, LLC; CAVALRY INVESTMENTS LLC;

CAVALRY PORTFOLIO SERVICES, LLC;

MICHAEL GODNER; STEVE ANDERSON;

DON STRAUCH; and CHRISTIAN PARKER,

Defendants.

ORDER

On the 10th day of February, 2012, came the Plaintiff, the State of West Virginia ex rel. Darrell V. McGraw, Jr., Attorney General ("the State" or "Attorney General"), by counsel, Norman Googel, Assistant Attorney General, and also came the above-named Defendants, by counsel, Leah P. Macia, of Spilman, Thomas & Battle, PLLC, for a hearing on various motions

filed by the parties. After consideration of the pleadings and memoranda of law of record herein, and the oral argument of counsel, the Court finds and it is there ORDERED as follows:

1. The Defendants' motion to dissolve or, in the alternative, to modify temporary injunction should be, and it hereby is, DENIED.

2. The State's motion for stay of discovery pending defendants' compliance with the Attorney General's investigative subpoena should be, and it hereby is, DENIED.

3. The Defendants' motion for express determination of finality of that portion of the October 7, 2011 Order pertaining to compliance with the state's investigative subpoena should be, and it hereby is, GRANTED. Accordingly, the Court declares that the portion of its Order requiring Cavalry SPV I, Cavalry SPV II, Cavalry Investments, and Cavalry Portfolio Services to comply with the State's investigative subpoena shall be deemed to be a "Final Order" for appeal purposes.

4. The parties' dispute concerning the content of the letter to be sent to all affected consumers informing them of the existence of its Order is hereby resolved as follows: The Cavalry Debt Buyers shall send the letter that they prepared: provided,

however, the letter shall be revised by informing consumers that they may also contact the Office of the West Virginia Attorney General if they have any questions about the Order, and an actual copy of the Order shall be included with the letter to each affected consumer.

5. Inasmuch as the parties have advised the Court that they may have reached a tentative agreement to resolve their dispute concerning compliance with the subpoena, the parties' respective motions pertaining to compliance with the subpoena will be held in abeyance to afford the parties an opportunity to finalize and perform the Agreement or to request further assistance from the Court.

The Clerk is directed to forward attested copies of this Order to all parties or their counsel of record.

Entered this 20 day of March, 2012.

James C. Stucky
Honorable James C. Stucky, Judge
Circuit Court of Kanawha County

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 23rd
DAY OF March 2012
Cathy S. Gatson CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

Prepared by:

Norman Googel / By permission: am

NORMAN GOOGEL (WV #1438)
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Approved by:

Alexander Macia

Alexander Macia (WV State Bar No. 6077)
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