



IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

No. 13-1080

**ALCAN ROLLED PRODUCTS RAVENSWOOD, LLC,
Respondent Below, Petitioner**

v.

**TERRY W. McCARTHY,
Petitioner Below, Respondent**

SUMMARY RESPONSE BRIEF OF THE RESPONDENT

Counsel for Respondent:

Thomas P. Maroney, Esquire
Patrick K. Maroney, Esquire
Maroney, Williams, Weaver & Pancake, PLLC
608 Virginia Street, East
Charleston, West Virginia 25301
Phone: 304-346-9629
Fax: 304-346-3325
patrickmaroney@aol.com
pmaroney@mwwplaw.com

TABLE OF CONTENTS

I. SUMMARY RESPONSE.....1

II. STATEMENT OF THE CASE.....2

III. ARGUMENT4

IV. RESPONSE TO ALLEGATION AS TO GROSS MISCONDUCT.....7

V. RESPONSE AS TO PROPERTY RIGHT AND STANDARD OF EVIDENCE8

VI. CONCLUSION.....12

TABLE OF AUTHORITIES

CASES

<u>Adkins v. Gatson</u> 192 W.Va. 561, 453 S.E.2d 395 (1994).....	4
<u>Board of Regents v. Roth</u> 408 U.S. 564 at 572 (1972)	9
<u>Brown v. Gobble</u> 195 W.Va. 559	10, 11
<u>Cramer v. Dep't of Hwys.</u> 180 W.Va. 97 (1988)	11
<u>Dailey v. Board of Review, West Virginia Bureau of Employment Programs</u> 214 W.Va. 419 (2003)	8
<u>Jefferson County Bd. of Educ. v. Jefferson County Educ. Ass'n</u> 183 W.Va. 15 (1990)	11
<u>Kessel v. Monongalia County Hospital</u> 215 W.Va. 609 (2004)	9
<u>Lawrence v. Barlow</u> 77 W.Va. 289 (1915)	9
<u>Lusher v. Sparks</u> 146 W.Va. 795 (1961)	4
<u>McGlone v. Superior Trucking Co. Inc.</u> 178 W.Va. 659 (1987)	5, 6
<u>Peery v. Rutledge</u> 177 W.Va. 548 (1987)	6, 12
<u>Smith v. Scott</u> 167 W.Va. 231 (1981)	4
<u>State v. Goodwill</u> 33 W.Va. 179 (1889)	9
<u>State ex rel. Tuck v. Cole</u> 182 W.Va. 178 (1989)	10

<u>UB Services v. Gatson</u> 207 W.Va. 365 (2000)	8
<u>Waite v. Civil Service Commission</u> 161 W.Va. 154 (1977)	9, 10
<u>Workman v. Clear Fork Lumber</u> 111 W.Va. 496 (1932)	3, 5, 6

STATUTORY

29 U.S.C. § 165.....	11
West Virginia Code § 21A-6-3	8
West Virginia Code 21A-6-3(4)	1, 6, 7

REGULATORY PROVISIONS

Board of Review Procedural Rule 84-1-6.3.1	6
Board of Review Procedural Rule 84-1-6.7.4.....	6

OTHER

Cleckley, <i>Handbook on Evidence for West Lawyers</i> , 3 rd Ed., 1-4(A), p. 12	10
---	----

I. SUMMARY RESPONSE

This is the response of Terry W. McCarthy to the appeal brief of Employer/Petitioner, Constellium Rolled Products Ravenswood, LLC, where the Circuit Court of Kanawha County reversed the decision of Workforce West Virginia Board of Review disqualifying Mr. McCarthy and holding him eligible for unemployment benefits under West Virginia Code 21A-6-3(4).

II. STATEMENT OF THE CASE

Mr. McCarthy was discharged for allegedly throwing a jack rock on the roadway as several cars drove through the South Y intersection of State Route 2 and Century Road. This intersection is approximately one mile from the employee entrance to Constellium Rolled Products Ravenswood, LLC (hereinafter "Employer"), and not at the entrance to Constellium's plant as set forth in Petitioner's Appeal Brief, p. 3.

The driver of the first car, Rocky Elkins, Production Supervisor for Constellium, (App. 11), stated on direct examination he saw Mr. McCarthy make "...a motion like he was tossing something, but I didn't see anything or hear anything..." (App. 12.) "...I didn't see anything come out of his hand." (App. 12.) "I said he was messing with me acted like he was throwing something at me..." (App. 12.) "And like I said, I seen him make a motion but I didn't see anything come out of his hand." (App. 13-15.) Four times on direct, and re-direct examination by the company's attorney, Mr. Elkins stated he did not see Mr. McCarthy throw anything.

Mr. Elkins further testified that Mr. McCarthy was on the other side of the road, but not on the road, and was standing in the triangle piece of land of the intersection (App. 11), and when he saw the motion of Mr. McCarthy, he was closest to the left front quarter panel of his car with the motion being made before the vehicle got to him. (App. 14.)

The company did not call Jeffrey Wamsley, the driver of the car following Elkins, but rather called David Johnson, a supervisor who was in the passenger seat of the Wamsley vehicle. (App. 17.) Johnson's testimony was that Wamsley's car was four to five feet from the Elkins car going through the intersection. (App. 17.) This puts the Elkins car blocking Johnson's view of where Mr. Elkins places Mr. McCarthy at the time of the alleged tossing motion. Johnson says he saw a jack rock on the road between the Elkins car and the Wamsley vehicle (App. 17), and that the motion by Mr. McCarthy was after Elkins passed McCarthy (App. 19), and that the jack rock was thrown between the Elkins and Wamsley car. (App. 19.) Johnson's written statement (App. 43), prepared by Tom Sloan, Director of Security for Employer, is in total conflict with his testimony. The written statement states "I witnessed Terry McCarthy toss a jack rock at Rocky's [Elkins] vehicle" (App. 43), yet on cross-examination, Johnson testified that the jack rock was thrown between the Wamsley car and Elkins car and could not say if the jack rock was thrown at the Elkins car or the Wamsley car, and "no one else saw it." (App. 19.) [Emphasis added.] Johnson's testimony is totally inconsistent with Mr. Elkins' testimony, and is totally opposite from the statement prepared by Tom Sloan that Johnson signed stating "I witnessed Terry McCarthy toss a jack rock at Rocky's vehicle." (App. 43.) Additionally, Johnson said he did not see McCarthy until the Elkins car had passed him (App. 20), and that's when he saw Mr. McCarthy make the motion. (App. 20.) The testimony of Johnson is in total conflict with that of Mr. Elkins who was in a much better position to observe Mr. McCarthy, and conflicts with Johnson's own written statement. Jeff Wamsley, the driver of the second car who was not called by the Employer as a witness, signed a statement prepared by Sloan stating "I observed Terry McCarthy toss a jack rock at "Rocky's" [Elkins] back tire." This is totally in conflict with the testimony of Mr. Elkins and Johnson's statement that "no one else saw it." The statement of

Wamsley was allowed into evidence over the objection of Mr. McCarthy without cross-examination. This hearsay statement does not meet the requirements of the West Virginia Rules of Evidence 803(b) as reliable and trustworthy and should not be considered in any decision. (App. 43.) The testimony of Mr. Johnson should be totally disregarded as being self-conflicting and not reliable.

Terry McCarthy, an 18-year employee of the plant with no write-ups (App. 24), testified that at the time of the alleged incident there were between twenty to twenty-five people at the picket line, a tent, and many people carrying signs. (App. 24.) The only motion he ever made while on the line was giving the finger (App. 25), and he never threw a jack rock. (App. 28.) Ed Nunn, who was on the picket line with Mr. McCarthy, testified he was sitting in a chair side-by-side with him and he never saw him throw a jack rock or make any motions. (App. 28.)

Luke Staskal, Human Resource Business Partner for Employer, was not called by the company, but was by the claimant. Mr. Staskal testified that there was a video in the possession of Tom Slone taken by AMAC (sic – the correct name is IMAC), the security company employed by the company. If these videos had shown Mr. McCarthy making any motion or throwing jack rocks, the company would have produced them. This omission, along with the failure to call Jeffrey Wamsley, a supervisor, gives rise to the legal principal that if called, the testimony of Wamsley would have been adverse to Employer since they had power to produce him. This failure to produce the witness is prejudicial to Employer's case. Syl. pt. 2, Workman v. Clear Fork Lumber, 111 W.Va. 496 (1932).

The Circuit Court did correctly apply the preponderance of the evidence standard and correctly applied the correct standard of appellate review by finding that the evidence of the appellant, who has the burden to show gross misconduct, was conflicting to the point that it was

not trustworthy. While the Circuit Court did refer to a clear and convincing standard, specifically found that “the evidence of the employer at best is contradictory and confusing and does not rise to the level of meeting the employer’s burden of preponderance of the evidence test, and falls far short of clear and convincing evidence.” (App. 281.) The Circuit Court found that the findings of fact by Workforce West Virginia Board of Review were clearly wrong after reviewing all the evidence.

III. ARGUMENT

As stated, the evidence presented by Employer’s witnesses is contradictory and conflicting to the point that the testimony of Johnson, the only person testifying that he saw a jack rock, is totally unreliable and does not even meet the standard of burden of proof required by the employer in a gross misconduct case.

The preponderance of the evidence standard does not refer to the quantity of testimony, but refers to the quality. Smith v. Scott, 167 W.Va. 231, 233, (1981). Disparity in the number of witnesses is a circumstance not to be overlooked and is to be considered by the trier of facts. Lusher v. Sparks, 146 W.Va. 795, 808, (1961). The burden here is on Employer to prove, as they assert, by a preponderance of the evidence. If the evidence is equally balanced, or if the evidence outweighs the position of Employer, then they have not met their burden and Mr. McCarthy is entitled to benefits.

In Syl. pt. 3 of Adkins v. Gatson, 192 W.Va. 561, 453 S.E.2d 395 (1994), this Court held:

“The findings of fact of the Board of Review of [Workforce West Virginia] are entitled to substantial deference unless a reviewing court believes the findings are clearly wrong. If the question on review is one purely of law, no deference is given and the standard is of judicial review is *de novo*.”

The Circuit Court found that employer did not meet its burden by the preponderance of the evidence test. (App. 281.) Contrary to Employer's brief, the three company witnesses made conflicting statements as to what allegedly happened. Mr. Elkins, the lead car, signed a written statement prepared by Tom Sloan, "observed Terry McCarthy throw an object toward his vehicle, believed to be a jack rock" (App. 142), yet on direct and cross-examination testimony stated four times he did not see Mr. McCarthy throw anything. (App.11-15.) The testimony of Johnson is clearly self-conflicting and conflicts with the testimony of Elkins and the written statement of Wamsley.

Employer's brief asserts that Workman is not the leading case on negative inference as to Wamsley's testimony, but rather is McGlone v. Superior Trucking Co. Inc., 178 W.Va. 659 (1987). McGlone did not overrule Workman, and, in fact, enhanced its rule by holding:

"The unjustified failure of a party in a civil case to call an available material witness may, if the trier of the facts so finds, give rise to an inference that the testimony of the "missing" witness would, if he or she had been called, have been adverse to the party failing to call such witness. To the extent that syllabus point 1 of Vandervort v. Fouse, 52 W. Va. 214, 43 S.E. 112 (1902), syllabus point 5 of Garber v. Blatchley, 51 W. Va. 147, 41 S.E. 222 (1902), and syllabus point 3 of Union Trust Co. v. McClellan, 40 W. Va. 405, 21 S.E. 1025 (1895), are inconsistent with this opinion, they are hereby overruled." McGlone, Syl. 3. [Emphasis added.]

While Workman, which was not overruled, holds:

"Where the burden rests upon a party to prove a material fact at issue and he fails to produce an important and necessary witness to such fact, a presumption is raised that the testimony of that witness, if introduced, would be adverse to the party having it in his power to produce him; unless, of course, there is some valid excuse for his non-production." Workman, Syl. pt. 2.

Supervisor Wamsley was listed as a witness by the Employer. In employment security hearings, there is no discovery by regulation. In McGlone, this Court stated that "The

availability of modern discovery procedures serves to diminish both the justification and need for the inference.” Id. at 665. Here, with no discovery, a presumption must exist as to the failure of Employer to call Wamsley, and the statement written by Sloan and signed by Wamsley should not have been admitted.¹

Board of Review regulations in discharge cases for gross misconduct place the burden of going forward is on the employer, thus giving rise to the presumption that if Wamsley testified, his testimony would be adverse to Employer.²

The statement signed by Mr. Wamsley did not corroborate nor was it consecutive evidence, and was in total conflict with the testimony of Elkins and the signed statement of Wamsley. The failure to call Johnson, the driver of the second car, does give rise to the negative inference of Workman and McGlone.

“Disqualifying provisions of the Unemployment Compensation Law [of West Virginia] are to be narrowly construed.” Syl. pt. 1, Peery v. Rutledge, 177 W.Va. 548 (1987). The term “misconduct” should be construed in a manner most favorable to not working a forfeiture. The penal character of the provision should be minimized by excluding cases not clearly intended to be within the exception denying unemployment benefits. Peery at 551.

West Virginia Code § 21A-6-3(4) sets forth specific reasons for disqualification for gross misconduct as follows:

“If he or she were discharged from his or her most recent work for one of the following reasons, or if he or she were discharged from his or her last thirty days employing unit for one of the following reasons: Gross misconduct consisting of willful destruction of his or her employer's property; assault upon the person of his or her employer or any employee of his or her employer; if the assault is committed at the individual's place of employment or in the course

¹ Board of Review Procedural Rule 84-1-6.3.1. Discovery. “There shall be no discovery in claims or cases before the Board or an Appeal Tribunal.”

² Board of Review Procedural Rule 84-1-6.7.4.

of employment; reporting to work in an intoxicated condition, or being intoxicated while at work; reporting to work under the influence of any controlled substance, as defined in chapter sixty-a of this code without a valid prescription, or being under the influence of any controlled substance, as defined in said chapter without a valid prescription, while at work; adulterating or otherwise manipulating a sample or specimen in order to thwart a drug or alcohol test lawfully required of an employee; refusal to submit to random testing for alcohol or illegal controlled substances for employees in safety sensitive positions as defined in section two, article one-d, chapter twenty-one of this code; arson, theft, larceny, fraud or embezzlement in connection with his or her work; or any other gross misconduct, he or she is disqualified for benefits until he or she has thereafter worked for at least thirty days in covered employment: *Provided*, That for the purpose of this subdivision, the words ‘any other gross misconduct’ includes, but is not limited to, any act or acts of misconduct where the individual has received prior written warning that termination of employment may result from the act or acts.” [Emphasis added.]

The Circuit Court’s Conclusion of Law ruling that the findings of fact and conclusions of law by the Administrative Law Judge and Board of Review were clearly wrong and finding Mr. McCarthy eligible for benefits is correct, and should be affirmed.

IV. RESPONSE TO ALLEGATION AS TO GROSS MISCONDUCT

Respondent is replying to the arguments of Petitioner/Employer’s brief on the remaining issues. However, Respondent calls to the Court’s attention that these issues need not be addressed since the Circuit Court’s decision found as a matter of law that the findings of fact by the Administrative Law Judge and Board of Review were clearly wrong is dispositive of the main issue, that being is Mr. McCarthy eligible and not disqualified for benefits under 21A-6-3(4).

The alleged act of misconduct occurred on August 8, 2012, which was three days after the labor dispute began and did not occur during the course of Mr. McCarthy’s work hours, nor on Employer’s property, nor did it result in damage or destruction of company property.

Employer, in its brief, inaccurately states that the alleged act of throwing a jack rock was while the vehicle was entering the plant. The alleged incident was about one (1) mile from the plant entrance on a public highway. (App. 24.)

In Dailey v. Board of Review, 214 W.Va. 419 (2003), the Supreme Court of Appeals overruled its decision in UB Services Inc. v. Gatson, 207 W.Va. 365 (2000), where the claimant in UB Services had savagely beat a co-worker at the claimant's residence, holding there was a substantial nexus between the gross misconduct and the work environment, that the effects of the gross misconduct extend substantially into the work area. In overruling UB Services, the Supreme Court of Appeals held:

“...an act of misconduct shall be considered gross misconduct where the underlying misconduct consists of (1) willful destruction of the employer's property; (2) assault upon the employer or another employee in certain circumstances; (3) certain instances of use of alcohol or controlled substances as delineated in West Virginia Code § 21A-6-3; (4) arson, theft, larceny, fraud, or embezzlement in connection with employment; or (5) any other gross misconduct which shall include but not be limited to instances where the employee has received prior written notice that his continued acts of misconduct may result in termination of employment. *See W. Va. Code § 21A-6-3*. To the extent that UB Services implemented a definition for gross misconduct inconsistent with the foregoing, it is expressly overruled.” [Footnote omitted.] Dailey at 427.

The alleged act of throwing a jack rock onto a public highway while not on company time and a mile from the plant entrance does not fall within the definition of gross misconduct as defined by the Legislature in West Virginia Code § 21A-6-3.

V. RESPONSE AS TO PROPERTY RIGHT AND STANDARD OF EVIDENCE

As previously stated, the evidence of the employer at best is contradictory and confusing and does not rise even to the level of meeting the employer's position that there is the preponderance of the evidence test and falls far short of clear and convincing evidence.

West Virginia has long recognized the property rights that a person has in his right to earn a living. In State v. Goodwill, 33 W.Va. 179 (1989), our Supreme Court held:

“The property which every man has in his own labor, as it is the original foundation of all other property, so it is the most sacred and inviolable. The patrimony of the poor man lies in the strength and dexterity of his own hands; and to hinder him from employing these in what manner he may think proper, without injury to his neighbor, is a plain violation of this most sacred property.” Cited with approval in Lawrence v. Barlow, 77 W.Va. 289, 292 (1915). [Emphasis added.]

The Employer, in its brief, incorrectly cites Kessel v. Monongalia County Hospital, 215 W.Va. 609 (2004), that there is no property right to continued employment in the private sector from a private contract. The issue in Kessel was a contract to provide services and not an employment contract issue as opposed to the case here with a collective bargaining contract in place. In Kessel, this Court affirmed in Syllabus 5 and 6 the rulings from Waite v. Civil Service Commission, 161 W.Va. 154 (1977), in employment issues that liberty and property interests do exist. Waite went on to hold:

“the concept of a ‘liberty’ interest is grounded in the Due Process Clause of both our State and Federal Constitutions, which prohibit the deprivation of ‘. . . life, liberty or property, without due process of law.’ United States Constitution, Amendment V; West Virginia Constitution, Article III, Section 10,” and

“The liberty interest concept . . . is the interest an individual has in being free to move about, live and work at his chosen vocation without the burden of an unjustified label of infamy.... A liberty interest is implicated when the state makes a ‘charge against him that might seriously damage his standing and associations in his community,’” and ...that a charge of dishonesty or immorality would implicate an individual's liberty interests.”³ [Emphasis added.]

“We follow these principles and find that an accusation or label given the individual by his employer which belittles his worth and

³ Citing Board of Regents v. Roth, 408 U.S. 564 at 572 (1972).

dignity as an individual and, as a consequence, is likely to have severe repercussions outside his work world, infringes one's liberty interest. Moreover, an individual has an interest in avoiding 'a stigma or other disability' that forecloses future employment opportunities..." [Citations omitted] Waite at 159-160.

In addressing the property interest involved regarding employment, the Court also held:

"It is clear from the Supreme Court decision in Roth, supra, that the Constitution protects property interests beyond the traditional concept of real or personal property. The Court indicated that a benefit which merits protection as a property interest must be one to which there is more than a 'unilateral expectation...." Waite at 160-161.

"...a property interest clearly can be found in appellant's acknowledged status as a permanent employee entitled to 'security of tenure.' State ex rel. Karnes v. Dadisman, 153 W.Va. 771, 781, 172 S.E.2d 561, 568 (1970)." Waite at 159-161. [Other citations omitted].

Employer also cites State ex rel. Tuck v. Cole, 182 W.Va. 178 (1989). "A state college administrator . . . has no property right in continued employment with the college beyond his current contract..." The omitted portion of the quote left out "who seeks an appointment as a tenured professor." Tuck was an administrative assistant with a negotiated contract running from July 1 to June of each year which was not renewed after July 1, 1982. Tuck then sought tenure as a professor, which he was not, and therefore had no property right in a tenured professorship. Administrators (unless designated as faculty for tenure purposes and temporary (non-tenure track) faculty members, have only right attendant to their current contracts.)" Id. at 181.

Justice Franklin Cleckley,⁴ writing for a unanimous court in Brown v. Gobble, 196 W.Va. 559, 564 (1996), opined:

"[9, 10] While the preponderance standard applies across the board in civil cases, a higher standard is needed where fairness and equity require more persuasive proof. See 2 McCormick on

⁴ Justice Cleckley is a recognized authority on the law of evidence and the author of Handbook on Evidence for West Virginia Lawyers.

Evidence § 340 (Strong ed. 1992) (cases collected); Christopher B. Mueller & Laird C. Kirkpatrick, Evidence § 3.4, pp. 135 (1995) (cases collected). Although the standard clear and convincing is less commonly used, it nonetheless is no stranger to West Virginia civil cases. In Wheeling Dollar Sav. & Trust Co. v. Singer, 162 W.Va. 502, 510, 250 S.E.2d 369, 374 (1978), this Court stated that ‘clear and convincing’ is the measure or degree of proof that will produce in the mind of the factfinder a firm belief or conviction as to the allegations sought to be established. It should be the highest possible standard of civil proof....”

This Court in Brown referred to Cramer v. Dep't of Hwys., 180 W.Va. 97 (1988), stating:

“The interest at stake in an adverse possession claim is not the mere loss of money as is the case in the normal civil proceedings. Rather, it often involves the loss of a homestead, a family farm or other property associated with traditional family and societal values. To this extent, most courts have used the clear and convincing standard to protect these important property interests. Adopting the clear and convincing standard of proof is more than a mere academic exercise. At a minimum, it reflects the value society places on the rights and interests being asserted.” [Citations omitted.] Brown at 564.

Here, the important property right is that of working at a job without the fear of infliction of economic capital punishment where the worker has the right to strike, yet is discharged on weak, inconsistent and uncorroborated testimony, and should be by clear and convincing evidence. Employer asserts on Page 35 of its brief that there is no constitutional or common law right to strike. This is a direct misquote of the law in West Virginia. Syl. pt. 1 of Jefferson County Bd. of Educ. v. Jefferson County Educ. Ass'n, 183 W.Va. 15 (1990), which held “In the absence of legislation, the common law rule recognized in both federal and state courts is that public employees do not have the right to strike.” Here, Mr. McCarthy, a union member, is protected under the National Labor Relations Act which provides under 29 U.S.C. 165 that the right to strike is preserved.

The Circuit Court did not apply the clear and convincing burden of proof standards. The Circuit Court found “the evidence of the employer at best is contradictory and confusing and does not rise even to the level of meeting the employer’s burden of preponderance of the evidence test, and falls far short of clear and convincing evidence.”

VI. CONCLUSION

As previously stated, “Disqualifying provisions of the Unemployment Compensation Law [of West Virginia] 21A-6-3(4) are to be narrowly construed.” Syl. pt. 1, Peery v. Rutledge, 177 W.Va. 548 (1987). The term “misconduct” should be construed in a manner most favorable to not working a forfeiture. The penal character of the provision should be minimized by excluding cases not clearly intended to be within the exception denying unemployment benefits. Peery at 551.

Taking the evidence of Employer at its best, the Circuit Court of Kanawha County found that the Board of Review’s findings were clearly wrong and the ruling of the Circuit Court of Kanawha County should be affirmed.

Respectfully submitted,



Thomas P. Maroney (WVSB #2326)
Patrick K. Maroney (WVSB #8956)
MARONEY, WILLIAMS, WEAVER
& PANCAKE, PLLC
608 Virginia Street, East
Charleston, West Virginia 25301
Telephone: 304-346-9629
Fax: 304-346-3325

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

No. 13-1080

**ALCAN ROLLED PRODUCTS RAVENSWOOD, LLC,
Respondent Below, Petitioner**

v.

**TERRY W. McCARTHY,
Petitioner Below, Respondent**

CERTIFICATE OF SERVICE

I, Thomas P. Maroney, counsel for Respondent herein, do hereby certify that on the 19th day of February 2014, a true and accurate copy of **SUMMARY RESPONSE BRIEF OF RESPONDENT** was mailed First Class Mail via the U.S. Postal Service, postage prepaid, to counsel for all other parties to this appeal as follows:

Ancil G. Ramey, Esquire
Nora Clevenger Price, Esquire
Steptoe & Johnson PLLC
P.O. Box 2195
Huntington, WV 25722-2195
Counsel for Employer/Petitioner



THOMAS P. MARONEY (WVSB #2326)
MARONEY, WILLIAMS, WEAVER
& PANCAKE, PLLC
608 VIRGINIA STREET, EAST
CHARLESTON, WEST VIRGINIA 25301
304/346-9629