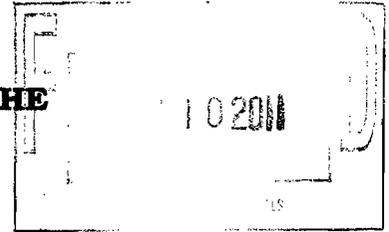


**IN THE SUPREME COURT OF APPEALS OF THE  
STATE OF WEST VIRGINIA**



**OFFICE OF DISCIPLINARY COUNSEL,**

**Petitioner,**

**v.**

**Supreme Court No. 11-1402**

**KENNETH E. CHITTUM, a member of  
The West Virginia State Bar,**

**Respondent.**

**RESPONSE TO  
PETITION FOR RULE TO SHOW CAUSE**

COMES NOW the Respondent, by his counsel, and for and as his Response to the Petition for Rule to Show Cause, respectfully submits the letter attached hereto mailed on or about July 7, 2011, by the accountant hired specifically for the purpose of complying with the reporting requirements set forth in the agreement and Order. Said letter is attached hereto under seal. Inasmuch as the detail of events outlined in the Petition stop short of July 7, 2011, Respondent does not know whether counsel for Petitioner received the same. Accountant Jeffrey S. Hollifield has indicated that he mailed the letter on or about July 7, 2011, and the original was not returned to him.

It should further be noted that in addition to the substantial health problems Respondent has suffered during the relevant time period, as outlined in the Petition, also during the relevant time period, his wife died.

Undersigned counsel has made inquiry on a number on occasions, well prior to the events outlined in the Petition, relative to a form or outline for purposes of the report to be submitted by the accountant. Counsel was advised by the Office of Disciplinary Counsel that no such form or outline exists.

Respondent says and avers that he has made a good faith effort to comply with the accounting requirement, that he has fully disclosed his accounts, books and records to said accountant, and stands ready to direct said accountant to provide whatever other information may be required in a timely manner.

WHEREFORE, Respondent prays that the Rule not issue and for such other and further relief as the Court may see fit to grant.

**KENNETH E. CHITTUM,**

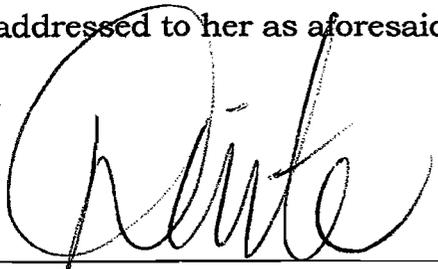
**By Counsel:**

A handwritten signature in cursive script, appearing to read 'D. White', is written over a horizontal line.

David L. White, Esquire  
WV Bar No. 4009  
Suite 314, 179 Summers Street  
Charleston, WV 25301  
(304) 437-0754

**CERTIFICATE OF SERVICE**

This is to certify that I, David L. White, counsel for Respondent Kenneth E. Chittum, have this day, the 10<sup>th</sup> of November, served a true copy of the foregoing "Response To Petition for Rule to Show Cause" upon Rachael L. Fletcher Cipoletti, Chief Lawyer Disciplinary Counsel, City Center East, Suite 1200 C, 4700 MacCorkle Avenue, S.E., Charleston, WV 25304, by depositing same in the United States mail, first class postage pre-paid, in an envelope addressed to her as aforesaid.

A handwritten signature in black ink, appearing to read "D. White", written over a horizontal line.

**David L. White, Esquire**