



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: MOUNTAIN STATE UNIVERSITY LITIGATION Civil Action No. 12-C-9000

THIS DOCUMENT APPLIES TO:

Destany Pettry v. Mountain State University, Inc., et al. Civil Action No. 11-C-1746 KAN

Jamie Wagner v. Mountain State University, Inc., et al. Civil Action No. 12-C-2384 KAN

Jeanette Brown v. Mountain State University, Inc., et al. Civil Action No. 13-C-110 KAN

**RULING ON MOTIONS FOR SUMMARY JUDGMENT
REGARDING DECLARATORY JUDGMENT ACTIONS**

On November 15, 2013, came Plaintiffs, Jamie Wagner, Destany Pettry, and Jeannette Brown, through counsel, and also came Defendant United Educators Insurance, through counsel, pursuant to Rule 56 of the West Virginia Rules of Civil Procedure, for a hearing on their respective motions for summary judgment. Having fully considered the parties' respective motions, memoranda, responsive memoranda and arguments of counsel, and having conferred with one another to insure uniformity of their decision, as contemplated by West Virginia Trial Court Rule 26.07(a), the Presiding Judges unanimously GRANT IN PART AND DENY IN PART Plaintiffs' motion to the extent the Court FINDS there is insurance coverage in the amount of ten million dollars (\$10,000,000.00) under the terms of the 2010 – 2011 insurance contract between United Educators and Mountain State University. The Presiding Judges unanimously GRANT IN PART AND DENY IN PART United Educators' motion to the extent the Court FINDS there is not insurance coverage in the amount of thirty million dollars (\$30,000,000.00). A detailed order with findings of fact and conclusions of law will be forthcoming. It is so ORDERED.

ENTER: November 18, 2013

/s/ Alan D. Moats
Lead Presiding Judge
Mountain State University Litigation