



**IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA**

**IN RE: UNIVERSITY COMMONS LITIGATION, CIVIL ACTION NO. 13-C-7000**

**THIS DOCUMENT APPLIES TO ALL CASES**

**REQUEST FOR PERMISSION TO DISTRIBUTE FUNDS TO PRIOR  
OWNERS IN ACCORDANCE WITH JULY 15, 2013, FEBRUARY 5, 2014  
AND MARCH 6, 2014 ORDERS**

Comes now P. Gregory Haddad, Kerrie Wagoner Boyle, and the law firm of Bailey & Glasser, LLP, and requests permission to distribute funds to prior owners in accordance with July 15, 2013, February 5, 2014 and March 6, 2014 Orders. In support of this request, Bailey & Glasser states as follows:

1. By order dated July 15, 2013, the MLP held, "No distribution of funds from settlement proceeds shall be made without prior Court approval." (TID# 53257811).
2. By order dated February 5, 2014 the Court approved payment to compensate the 9 prior unit owners for all of their damages. The sum shall be paid in accordance with the distribution set forth in Plaintiffs' Exhibit G, Settlement Proceeds Report with Distribution Plan. The parties were advised that the Order was the subject of immediate appellate review. (TID# 54948031).
3. By order dated March 6, 2014 the Court again stated that the Court's February 5, 2014, Order was a final order available for the proper application of the appellate process pursuant to Rule 54(b) of the Rules of Civil Procedure and the Rules of Appellate Procedure. As such, the Court will not revisit the rulings set forth in that order. (TID# 55103941).
4. As of the filing of this request Bailey & Glasser has NOT received notice of any appeal by any party to the Court's February 5, 2014 Order. Bailey & Glasser has also contacted

**Granted** Judge Swope, Derek C Mar 13, 2014

the WV Supreme Court Clerk's Office to determine if any appeals had been filed. Bailey & Glasser was advised that that there is no record of any appeal filed in this matter to date.

WHEREFORE, Bailey & Glasser requests permission to distribute the settlement funds to the 9 prior unit owners in accordance with the Court's February 5, 2014 Order.

**Bailey & Glasser, LLP,**

/s/ P. Gregory Haddad

P. Gregory Haddad (WVSB #5834)

Kerrie Wagoner Boyle, Esq. (WVSB #9439)

Crystal I. Bombard, Esq. (WVSB #11631)

Bailey & Glasser, LLP

2855 Cranberry Square

Morgantown, WV 26508

(304) 594-0087 – telephone

(304) 594-9709 – facsimile

**IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA**

**IN RE: UNIVERSITY COMMONS LITIGATION, CIVIL ACTION NO. 13-C-7000**

**THIS DOCUMENT APPLIES TO ALL CASES**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of **REQUEST FOR PERMISSION TO DISTRIBUTE FUNDS TO PRIOR OWNERS IN ACCORDANCE WITH JULY 15, 2013, FEBRUARY 5, 2014 AND MARCH 6, 2014 ORDERS** has been electronically forwarded to counsel and parties of record in conformance with the Case Management Order.

/s/ P. Gregory Haddad

P. Gregory Haddad (WVSB #5834)

**This document constitutes a ruling of the court and should be treated as such.**

**Court:** WV Kanawha County Circuit Court

**Current Date:** Mar 13, 2014

**Case Number:** MC 13-C-7000

**Case Name:** University Commons Litigation 13-C-7000 Master Case

**Court Authorizer**

**Comments:**

Bailey & Glasser, LLP shall provide a copy of this order to all Plaintiffs.

/s/ **Judge Swope, Derek C**