



IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

IN RE: FLOOD LITIGATION

MC FLOOD 7/8/2001

THIS DOCUMENT APPLIES TO ALL CASES

ORDER APPROVING *CY PRES* AWARD

On December 18, 2012, the Court recommended, approved and ordered that unclaimed settlement funds held in the IOLTA accounts of Plaintiffs' Counsel the Calwell Practice P.L.L.C., Humphreys & Associates, L.C., and the McGraw Law Offices be subject to a *cy pres* award. (See "Order Regarding Unpaid Settlement Proceeds" TID 48489294) The Court further ordered the following percentages of such *cy pres* award be given to each county affected by the July 8, 2001, flood event: Wyoming County – 25%; McDowell County – 25%; Fayette County – 15%; Raleigh County – 15%; Mercer County – 10%; Nicholas County – 5%; and Kanawha County – 5%.

Plaintiffs' Counsel Calwell, Humphreys and McGraw have deposited from their IOLTA accounts into the trust account of the Circuit Court of Raleigh County, West Virginia, a total of \$47,162.27 in unclaimed Flood Litigation settlement funds.

Having conferred with the Chief Judge of each Circuit in which the aforementioned counties are located to obtain their recommendations regarding appropriate recipients of the *cy pres* award for each county affected by the July 8, 2001, flood event, the Court hereby **ORDERS** the Raleigh County Circuit Court Clerk to issue the following checks from the trust account of the Circuit Court of Raleigh County, West Virginia:

Wyoming County

\$11,790.56 made payable as follows:

Brenton VFD
Box 470 Brenton, WV 24818

\$1,473.82

Coal Mountain VFD Box 46 Coal Mountain, WV 24823	\$1,473.82
Cyclone VFD Gen. Delivery, Cyclone, WV 24827	\$1,473.82
Hanover VFD Box 528, Hanover, WV 24839	\$1,473.82
Mullins VFD Mullins, WV 25882	\$1,473.82
Oceana VFD Box 848, Oceana, WV 24870	\$1,473.82
Upper Laurel VFD Box 59, Jesse, WV 24849	\$1,473.82
Wyoming County Fire Company Box 2205, West Virginia 24874	\$1,473.82

McDowell County

\$11,790.56 made payable to: Five Loaves and 2 Fishes Community Food Bank
171 Riverside Dr., Welch, WV 24801

Fayette County

\$7,074.34 made payable to: Fayette County Fire Association

Raleigh County

\$7,074.34 made payable to: Region 5 Long-Term Disaster Recovery Group in care of
Marty Agee, Director Raleigh County Emergency Services

Mercer County

\$4,716.23 made payable to: Salvation Army, Mercer County Area

Nicholas County

\$2,358.12 made payable as follows:

Richwood Food Pantry, Richwood West Virginia	\$1,179.06
Summersville Bread of Life Food Pantry, Summersville West Virginia	\$1,179.06

Kanawha County

\$2,358.12 made payable as follows:

Salvation Army - Charleston Area Command	\$1,179.06
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Sissonville Multi-Purpose Center Association	\$1,179.06.
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The Clerk of the Circuit Court of Raleigh County is further **ORDERED** to deliver a certified copy of this order, along with the above-described checks, to Lead Presiding Judge John A. Hutchison who will thereafter deliver a copy of this order and the above-described checks to the Chief Judge of each Circuit in which the recipient organizations are located. The Chief Judge of each such Circuit shall deliver the checks to the recipient organizations with the instruction that the funds are intended for future disaster relief.

It is so **ORDERED**.

ENTER: July 25, 2013

/s/ John A. Hutchison
Lead Presiding Judge
Flood Litigation