



**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**

**NOTICE OF HEARING AND IMPROPERLY SUBMITTED MOTION**

Please take notice there will be a hearing on the MOTION FOR WITHDRAWAL OF BAILEY & GLASSER, LLP FOR SMITH RENTALS, LLC (Transaction ID 54667598) at **10:00 a.m. on January 15, 2014, in the Courtroom of the Honorable Alan D. Moats, Barbour County Courthouse, 8 North Main Street, Philippi, West Virginia 26416.**

Plaintiffs' counsel is **ORDERED** to: 1) provide a copy of this Notice of Hearing to Plaintiff Andrew C. Smith, personally and as member of Smith Rentals LLC, immediately; and 2) electronically file Mr. Smith's Response to the motion, which was faxed to the Presiding Judges and the Mass Litigation Manager on December 10, 2013, and which appears to have been mailed or faxed to counsel on December 10, 2013.

Please take further notice Plaintiff Andrew C. Smith personally and as member of Smith Rentals, LLC submitted a MOTION TO REQUEST ANY PLAINTIFF WHO OBJECTS TO THE PROPOSED SETTLEMENT, WHETHER IN WRITING OR OTHERWISE, TO BE EXCUSED FROM APPEARING ON JANUARY 15, 2014, IF GOOD CAUSE SHOWN to the Presiding Judges and the Mass Litigation Manager via facsimile on December 10, 2013. Because the motion is not a validly filed pleading, and it seeks relief from the Court for other Plaintiffs who are represented by Bailey & Glasser, LLP it is hereby disregarded.

It is so **ORDERED**.

ENTER: December 11, 2013

/s/ Derek C. Swope  
Lead Presiding Judge,  
University Commons Litigation