



**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**

**SECOND ORDER REQUIRING NOTICE OF PUBLICATION REGARDING NON-RESPONSIVE PAST AND PRESENT UNIT OWNERS OF CONDOMINIUM UNITS  
AT THE UNIVERSITY COMMONS RIVERSIDE CONDOMINIUM  
COMPLEX IN STAR CITY, MORGANTOWN, WV**

Plaintiffs, by counsel, P. Gregory Haddad, Kerrie Wagoner Boyle, and the law firm of Bailey & Glasser, LLP moved this Honorable Court for an Order of Publication against all unknown and non-responsive past and present unit owners of condominium units at the University Commons Riverside Condominium Complex in Star City, Morgantown, WV ("past and present owners"). The Court being advised that the Plaintiffs have used due diligence to provide notice upon all past and present owners, without effect, does hereby ORDER and DIRECT counsel for Plaintiffs to cause to be published a second Notice of Publication against past and present owners in the form attached to this Order as **Exhibit A**.

The Court ORDERS the Notice of Publication to be published once a week for two successive weeks (or for such period as may be prescribed by statute, whichever period is longer) in a newspaper of general circulation in Monongalia county.

The Court further ORDERS that proof of service by publication shall be made by filing the publisher's certificate of publication with the Court.

It is so ORDERED.

ENTER: December 11, 2013

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



**In re: University Commons Litigation      Civil Action No. 13-C-7000**

**University Commons Riverside Home Owners Association, Inc. et al.**

**v.      Civil Action Nos. 09-C-85 and 10-C-637**

**University Commons Morgantown, LLC**

**Star City, Morgantown WV**

The Supreme Court of Appeals of West Virginia, by and through its Mass Litigation Panel, has authorized this Notice. It concerns a case called University Commons Riverside Home Owners Association, Inc. et al. v. University Commons Morgantown, LLC, Civil Action Nos. 09-C-85 and 10-C-637. A copy of the complaints may be obtained from the Clerk of the Circuit Court of Monongalia County, WV. By order dated October 5, 2011, and subsequent order dated July 24, 2013, all persons or entities identified in the chain of title for any condominium unit at University Commons Riverside, addresses 1101-7312 University Commons Drive, Star City, WV 26508 were made Plaintiffs to this action. This litigation is your only opportunity to pursue claims against the named Defendants (University Commons Morgantown, LLC, Koehler Development, LLC, Collegiate Homes, Inc., Richard Koehler, Frank Koehler, Adam Sharp, Richard Dunlap, R.E. Crawford Construction, Inc., Pozzuto and Sons, Inc., Crone Mechanical Contracting, LLC, O. C. Cluss Professional Services, LLC, Building Code Enforcement Official of Star City, WV, Herron Engineering, Universal Forest Products, Inc., Eagle Interiors, Inc., BUH Enterprises, Inc., D/B/A BUH Construction, Triad Engineering Inc., Universal Forest Products Eastern Division, Inc., and Tri-State Framing, Inc.) relating to your purchase and ownership of any condominium unit at University Commons Riverside. Two prior notices were sent to the last known address of all prior persons and/or entities listed on any deed providing notice of the litigation and that this is the sole opportunity to pursue any claims regarding the purchase and ownership of this property. **If you wish to pursue any claims, you must appear 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, to show cause why you have not responded to notices and/or participated in the litigation of this matter. Failure to appear will likely result in dismissal of any and all claims you may have or had with prejudice.**

For more information, please contact P. Gregory Haddad, Kerrie Wagoner Boyle, Bailey & Glasser LLP, 209 Capitol Street, Charleston, WV 25301. Address your questions to Melissa Dennis at [mdennis@baileyglasser.com](mailto:mdennis@baileyglasser.com) or call 304-340-7873.

**EXHIBIT A**