

**BUSINESS COURT DIVISION – WEST VIRGINIA SUPREME COURT OF APPEALS
IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA**

PEOPLES BANK, NATIONAL ASSOCIATION,

Plaintiff,

vs.

Civil Action No. 15-C-807

Presiding Judge: Tabit

Resolution Judge: Young

**APPALACHIAN MINING AND RECLAMATION,
L.L.C., a Kentucky limited liability company,
DJWV2, LLC, a West Virginia limited liability company,
GREEN COAL, LLC, a Kentucky limited liability company,
JOINT VENTURE DEVELOPMENT, LLC, a Kentucky
limited liability company,
PRODUCER'S COAL, INC., a Kentucky corporation
formerly known as Producer's Dock, Inc.,
PRODUCER'S LAND, LLC, a Kentucky limited liability
company,
REDBUD DOCK, LLC, a Kentucky limited liability
company,
SOUTHERN MARINE SERVICES LIMITED
LIABILITY COMPANY, a Kentucky limited liability
company,
SOUTHERN MARINE TERMINAL. LLC, a Kentucky
limited liability company,
DENISE DAWN JOHNSON, Trustee of the Denise
Johnson Real Estate Trust,
DENNIS JOHNSON, a West Virginia resident, and
MARK PINSON, a West Virginia resident,
Defendants.**

JE HODD
CIRCUIT CLERK
CABELL CO WVA

2016 MAR 21 PM 1:35

FILED

**ORDER GRANTING MOTION TO WITHDRAW AND RESCHEDULING HEARING
ON MOTION TO APPOINT SPECIAL RECIEVER**

This matter came before the Court pursuant to the Motion to Withdraw of Defendants' Counsel. On or about March 14, 2016, came Melissa Eakle Leasure, James R. Bailes and the law firm of Bailes, Craig & Yon, PLLC, and moved this Court to enter an Order permitting said

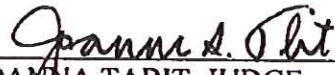
counsel to withdraw from representing the Defendants in the present action. Based upon Counsels' proffer that a conflict has arisen and that the continued representation of Defendants would result in a violation of the Rules of Professional Conduct, and upon review of the client termination letter attached to the motion as exhibit A, the Court finds that the movants have complied with Trial Court Rule 4.03 and finds good cause to grant Counsel's Motion to Withdraw.

Taking into consideration that many of the Defendants are precluded from self-representation by virtue of being artificial entities created by law, and for that reason required to act through duly licensed attorneys in legal matters, the Court delays and RESCHEDULES the Wednesday, March 23, 2016 hearing on the Peoples Bank, National Association's Revised Motion to Appoint Special Receiver, to Wednesday, March 30, 2016, at 1:00 p.m., prevailing time, or as soon thereafter as the Court shall permit. The hearing shall be conducted at the Kanawha County Courthouse, 111 Court Street, Charleston, WV 25301. In order to argue any opposition to said Motion, Defendants that are precluded from appearing *pro se* under Trial Court Rule 4.03 must appear with prepared duly-licensed counsel.

THEREFORE, the Court hereby GRANTS the Motion to Withdraw of Defendants' Counsel and ORDERS Melissa Eakle Leasure, James R. Bailes and the law firm of Bailes, Craig & Yon, PLLC, to forward Defendants this Order with a letter explaining to the Defendants the effective date of the withdrawal; that all pleadings, notices, and other papers will be served on the parties directly by mail at the last known address of the party until new counsel enters an appearance; and that certain Defendants will be precluded from making any oral or written argument without new counsel. Furthermore, withdrawing counsel will provided the Circuit Clerk of Cabell County, West Virginia, a list of each Defendant's last known address.

The Clerk of the Circuit Court of Cabell County, West Virginia, is directed to forward an attested copy of this Order to the Resolution Judge, the Honorable James H. Young, Jr., at the Wayne County Courthouse, P.O. Box 68, Wayne, West Virginia 25570; the Business Court Division Central Office at the Berkeley County Judicial Center, 380 W. South Street, Suite 2100, Martinsburg, West Virginia, 25401; all counsel of record; and and the law firm of Bailes, Craig & Yon, PLLC.

ENTER this 17th day of March 2016.



JOANNA TABIT, JUDGE
BUSINESS COURT DIVISION