

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

DESIMONE HOSPITALITY SERVICES, LLC,

Plaintiff,

v.

Lead

Civil Action No.: 2:14-14845

(A.P. 2:14-2036)

WEST VIRGINIA-AMERICAN WATER COMPANY,

Defendant.

SHAPE SHOP, INC.  
and THELMA FAYS, LLC  
d/b/a THELMA FAYS CAFE,

Plaintiffs,

v.

Civil Action No. 2:14-14846

(A.P. No. 2:14-2008)

FREEDOM INDUSTRIES, INC.  
and AMERICAN WATER WORKS  
SERVICE COMPANY, INC.  
and WEST VIRGINIA AMERICAN  
WATER COMPANY,

Defendants.

NOEL HARDMAN and BRIAN VANNOY and  
DIANA JOHNSON and COURTNEY HARPER and  
KATHRYN CASTO and ROBERT STRINGER and  
KIMBERLY LAPSLEY and TIMOTHY WILBURN and  
MEAGAN KRASYK and HEIDI STRICKLEN and  
MARK STRICKLEN and SONJA MARSHALL and  
MARLENE DIAL and MARGARET SUE ZALENSKI and  
JOSEPH ZALENSKI and JAMES PARSONS and  
JANET ATKINS and KEITH ROEHL and  
LISA ROEHL and CARL CHADBAND and  
KRISTI CHADBAND and WILLIAM LIPSCOMB and  
DEBRA LIPSCOMB and APRIL HARRIS and  
ARMELIA PANNELL and LENOX CHANDLER and

JOHNETTE JASPER and LATAUSHA TAYLOR and  
KEVIN STUBBLEFIELD and MARTHA STUBBLEFIELD and  
TAMMY PARSONS,

Plaintiffs,

v. Civil Action No. 2:14-14847  
(A.P. No. 2:14-2009)

FREEDOM INDUSTRIES, INC. and  
WEST VIRGINIA-AMERICAN WATER COMPANY,

Defendants.

MADDIE P. FIELDS,

Plaintiff,

v. Civil Action No. 2:14-14848  
(A.P. No. 2:14-2010)

FREEDOM INDUSTRIES, INC. and  
WEST VIRGINIA-AMERICAN WATER COMPANY,

Defendants.

RODOCO, INC. d/b/a DONUT CONNECTION, and  
ALMOST HEAVEN BURGERS, INC.  
d/b/a CHECKERS DRIVE-IN RESTAURANT  
and HARGIS UNLIMITED, LLC  
d/b/a KANAWHA CITY COIN LAUNDRY  
and MELANIE MARTIN  
and MEGAN SPEARS  
and SYRRA SALON LLC  
and PAUL KIRK  
d/b/a BARE KNUCKLES TATTOO SHOP,

Plaintiffs,

v. Civil Action No. 2:14-14849  
(A.P. No. 2:14-2011)

FREEDOM INDUSTRIES, INC. and  
WEST VIRGINIA-AMERICAN WATER COMPANY,

Defendants.

EG & K INC.  
and RUSTY A. CARPENTER,

Plaintiffs,

v.

Civil Action No. 2:14-14850  
(A.P. No. 2:14-2012)

FREEDOM INDUSTRIES, INC. and  
WEST VIRGINIA-AMERICAN WATER COMPANY, and  
JOHN DOE CORPORATION 1 THROUGH 5  
and JOHN DOE,

Defendants.

SUSAN K. DYER  
individually and on behalf of  
all others similar situated,

Plaintiff,

v.

Civil Action No. 2:14-14851  
(A.P. No. 2:14-2013)

FREEDOM INDUSTRIES, INC. and  
WEST VIRGINIA-AMERICAN WATER COMPANY,

Defendants.

5 CORNERS CAFÉ, LLC and  
THE VINTAGE BARBER SHOP and  
JUSTIN A. AMOS,

Plaintiffs,

v.

Civil Action No. 2:14-14852  
(A.P. No. 2:14-2014)

FREEDOM INDUSTRIES, INC.,

Defendant.

CANDICE HENRY MAHOOD  
and CARRIE ANN SAMUELS  
and KATHERINE ELLA GRUBB  
and KELLI OLDHAM  
and ELIZABETH GRUBB,

Plaintiffs,

v.

Civil Action No. 2:14-14853  
(A.P. No. 2:14-2015)

FREEDOM INDUSTRIES, INC. and  
DENNIS FARRELL and  
WEST VIRGINIA AMERICAN WATER COMPANY  
and OFFICIAL COMMITTEE OF  
UNSECURED CREDITORS FOR  
FREEDOM INDUSTRIES, INC.,

Defendants.

VON HARVEY,

Plaintiff,

v.

Civil Action No. 2:14-14854  
(A.P. No. 2:14-2016)

FREEDOM INDUSTRIES, INC. and  
WEST VIRGINIA AMERICAN WATER and  
AMERICAN WATER WORKS SERVICE COMPANY, INC. and  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS FOR  
FREEDOM INDUSTRIES, INC.,

Defendants.

PRAY CONSTRUCTION COMPANY and  
A-LEX, INC. and  
GRUMPY'S GRILLE, LLC and  
TWOD INC.,

Plaintiffs,

v.

Civil Action No. 2:14-14855  
(A.P. No. 2:14-2017)

FREEDOM INDUSTRIES, INC. and  
WEST VIRGINIA AMERICAN WATER  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS FOR  
FREEDOM INDUSTRIES, INC.,

Defendants.

JOE FAZIO'S RESTAURANT, INC.,

Plaintiff,

v.

Civil Action No. 2:14-14856  
(A.P. No. 2:14-2018)

FREEDOM INDUSTRIES, INC. and  
WEST VIRGINIA AMERICAN WATER,

Defendants.

LAURA GANDEE,  
individual and as representative  
of others similarly situated,

Plaintiff,

v.

Civil Action No. 2:14-14857  
(A.P. No. 2:14-2019)

FREEDOM INDUSTRIES, INC.,

Defendant.

JOHN NELSON and  
WANDA TRIBBIE,  
an individual and as representative  
of and along with "other stylists  
or barbers, located in Kanawha,  
Putnam, Boone, Jackson, Cabell, Clay  
Lincoln, Logan and Roane Counties  
similarly situated,

Plaintiffs,

v.

Civil Action No. 2:14-14858  
(A.P. No. 2:14-2022)

FREEDOM INDUSTRIES, INC. and  
WEST VIRGINIA AMERICAN WATER COMPANY,

Defendants.

KUPPEL LLC  
d/b/a DREAM TANK  
d/b/a CAPITOL DOME BAR & GRILLE  
and REEMA FAMILY HAIRSTYLING,

Plaintiffs,

v.

Civil Action No. 2:14-14859  
(A.P. No. 2:14-2023)

FREEDOM INDUSTRIES, INC.  
and WEST VIRGINIA AMERICAN WATER,

Defendants.

SHANNON LARWA and  
SHANNON'S SUITE SALON, LLC  
d/b/a SHANNON'S SUITE SALON and  
JENNIFER SCHOOLCRAFT and INNOV8 SALON, LLC  
d/b/a INNOV8 SALON, LLC and  
ALEX MORGADO and MORGADO DESIGN, LLC  
d/b/a MORGADO DESIGN and JOHN PATRICK BURGESS, DDS and  
MADIGAN RAE BURGESS, DDS, individually and on behalf of  
all others similarly situated,

Plaintiffs,

v.

Civil Action No. 2:14-14860  
(A.P. No. 2:14-2024)

FREEDOM INDUSTRIES, INC. and  
WEST VIRGINIA AMERICAN WATER COMPANY,

Defendants.

CORNELLISUS D. CHRISTIAN,

Plaintiff,

v.

Civil Action No. 2:14-14861  
(A.P. No. 2:14-2025)

FREEDOM INDUSTRIES, INC.,

Defendant.

JOHN LEVIN and  
LOUISA LEVIN  
on behalf of themselves and  
all others situated,

Plaintiffs,

v.

Civil Action No. 2:14-14862  
(A.P. No. 2:14-2026)

FREEDOM INDUSTRIES, INC. and  
WEST VIRGINIA AMERICAN WATER COMPANY,

Defendants.

GRAZIANO INVESTMENTS, INC. and  
CATERING UNLIMITED, INC. and  
SHELTON'S OF KANAWHA CITY, LLC and  
ERIC BOOTH individually and on behalf of  
others similarly situated,

Plaintiffs,

v.

Civil Action No. 2:14-14863  
(A.P. No. 2:14-2027)

FREEDOM INDUSTRIES, INC.,

Defendant.

HAIR WE ARE, INC.,

Plaintiff,

v.

Civil Action No. 2:14-14864  
(A.P. No. 2:14-2029)

FREEDOM INDUSTRIES, INC. and  
WEST VIRGINIA AMERICAN WATER,

Defendants.

JUNE GURSKI  
and JOHN DOE BUSINESS OWNER,

Plaintiffs,

v.

Civil Action No. 2:14-14865  
(A.P. No. 2:14-2030)

FREEDOM INDUSTRIES, INC.  
and WEST VIRGINIA-AMERICAN  
WATER COMPANY  
and JOHN DOE CORPORATION  
1 THROUGH 5  
and JOHN DOE,

Defendants.



LITTLE BO PEEP DAYCARE and  
KIDS R US DAYCARE and  
PAULINE'S HOUSE OF CURLS and  
JANE GURSKI and  
PAULA MILLER, individually and on behalf  
of others similarly situated,

Plaintiffs,

v.

Civil Action No.: 2:14-14866  
(A.P. 2:14-2031)

WEST VIRGINIA-AMERICAN WATER COMPANY,

Defendant.

BOBBY L. TUCKER and  
REBA TUCKER, his wife,

Plaintiffs,

v.

Civil Action No.: 2:14-14867  
(A.P. 2:14-2032)

WEST VIRGINIA-AMERICAN WATER COMPANY,

Defendant.

MAID IN THE USA, INC., doing business as  
Maid to Perfection of Charleston,

Plaintiff,

v.

Civil Action No.: 2:14-14868  
(A.P. 2:14-2030)

WEST VIRGINIA-AMERICAN WATER COMPANY,

Defendant.

OTIS TUCKER and  
DANETTE TUCKER, his wife,

Plaintiffs,

v.

Civil Action No.: 2:14-14869  
(A.P. 2:14-2034)

WEST VIRGINIA-AMERICAN WATER COMPANY,

Defendant.

THE TOWN OF BUFFALO,

Plaintiff,

v.

Civil Action No.: 2:14-14870  
(A.P. 2:14-2035)

WEST VIRGINIA-AMERICAN WATER COMPANY,

Defendant.

RONNIE ALLEN BRISCOE and  
DENISE EVON BRISCOE,

Plaintiffs,

v.

Civil Action No.: 2:14-14871  
(A.P. 2:14-2037)

WEST VIRGINIA-AMERICAN WATER COMPANY,

Defendant.

DEBORAH J. HEDRICK,

Plaintiff,

v.

Civil Action No.: 2:14-14872  
(A.P. 2:14-2038)

WEST VIRGINIA-AMERICAN WATER COMPANY,

Defendant.

WILLIAM DESIMONE, JR. and  
DEANNA L. DESIMONE,

Plaintiffs,

v.

Civil Action No.: 2:14-14873  
(A.P. 2:14-2039)

WEST VIRGINIA-AMERICAN WATER COMPANY,

Defendant.

LARRY NEWHOUSE and  
BRENDA NEWHOUSE,

Plaintiffs,

v.

Civil Action No.: 2:14-14874  
(A.P. 2:14-2040)

WEST VIRGINIA-AMERICAN WATER COMPANY,

Defendant.

WELLINGTON'S, INC., a West Virginia corporation,  
doing business as Wellington's Cafe' & Catering,

Plaintiff,

v.

Civil Action No.: 2:14-14875  
(A.P. 2:14-2041)

WEST VIRGINIA-AMERICAN WATER COMPANY,

Defendant.

DARRELL L. MOORE and  
TAMMY MOORE, his wife,

Plaintiffs,

v.

Civil Action No.: 2:14-14876  
(A.P. 2:14-2042)

WEST VIRGINIA-AMERICAN WATER COMPANY,

Defendant.

GARY N. DEWEESE and  
CONNIE L. DEWEESE,

Plaintiffs,

v.

Civil Action No.: 2:14-14877  
(A.P. 2:14-2043)

WEST VIRGINIA-AMERICAN WATER COMPANY,

Defendant.

GERALDINE JOHNS,

Plaintiff,

v.

Civil Action No.: 2:14-14878  
(A.P. 2:14-2044)

WEST VIRGINIA-AMERICAN WATER COMPANY,

Defendant.

CHRISTOPHER M. DEWEESE and  
LORI L. DEWEESE,

Plaintiffs,

v. Civil Action No.: 2:14-14879  
(A.P. 2:14-2045)

WEST VIRGINIA-AMERICAN WATER COMPANY,

Defendant.

CHRISTOPHER JORDAN,

Plaintiff,

v. Civil Action No.: 2:14-14880  
(A.P. 2:14-2046)

WEST VIRGINIA-AMERICAN WATER COMPANY,

Defendant.

SANDYLOU & TIFFANY 2, LLC, a West Virginia corporation,  
doing business as Angaleno's Pizza,

Plaintiff,

v. Civil Action No.: 2:14-14881  
(A.P. 2:14-2047)

WEST VIRGINIA-AMERICAN WATER COMPANY,

Defendant.

MARGIE JORDAN,

Plaintiff,

v. Civil Action No.: 2:14-14882  
(A.P. 2:14-2048)

WEST VIRGINIA-AMERICAN WATER COMPANY,

Defendant.

NICK KONNOVITCH,

Plaintiff,

v.

Civil Action No.: 2:14-14883  
(A.P. 2:14-2049)

WEST VIRGINIA-AMERICAN WATER COMPANY and  
FREEDOM INDUSTRIES, INC.,

Defendants.

MISTY HARRIS,

Plaintiff,

v.

Civil Action No.: 2:14-14884  
(A.P. 2:14-2050)

WEST VIRGINIA-AMERICAN WATER COMPANY,

Defendant.

MARY BARBER

Plaintiff

v.

Civil Action No.: 2:14-14885  
(A.P. No. 2:14-2051)

WEST VIRGINIA AMERICAN WATER COMPANY

Defendant

WARREN SHAMBLIN and  
JESSICA SHAMBLIN,

Plaintiffs

v.

Civil Action No.: 2:14-14886  
(A.P. No. 2:14-2052)

WEST VIRGINIA AMERICAN WATER COMPANY

Defendant

BUFFALO VOLUNTEER FIRE DEPARTMENT, INC.,

Plaintiff

v.

Civil Action No.: 2:14-14887  
(A.P. No. 2:14-2053)

WEST VIRGINIA AMERICAN WATER COMPANY

Defendant

TRENT FORBIS and  
LESLI FORBIS

Plaintiffs

v.

Civil Action No.: 2:14-14888  
(A.P. No. 2:14-2054)

WEST VIRGINIA AMERICAN WATER COMPANY

Defendant

EJ&K ENTERPRISES, LLC and  
SOUTH HILLS MARKET & CAFÉ, LLC

Plaintiffs

v.

Civil Action No.: 2:14-14889  
(A.P. No. 2:14-2055)

WEST VIRGINIA AMERICAN WATER COMPANY

Defendant

JASON BROGAN

Plaintiff

v.

Civil Action No.: 2:14-14890  
(A.P. No. 2:14-2056)

WEST VIRGINIA AMERICAN WATER COMPANY

Defendant

AM & GH LLC,  
doing business as  
Grano, and L AND G FOODS, INC. and  
SAHARA CATERING & RESTAURANT, INC., and  
MADELINES CAFÉ INC., and  
MOUND CLEANERS, INC., and  
NEXUS ATHLETIC CLUBS, INC., and  
CITY FITNESS, INC., and  
NAUTILUS FITNESS CENTER, INC., and  
KINETIX FITNESS LLC, and  
PAUL WALTON, JR., and  
TABETHA PEIROS and  
BART A. ROBERTS and  
KRISTI MADDOX,  
and all others similarly situated,

Plaintiffs

v.

Civil Action No.: 2:14-14891  
(A.P. No. 2:14-2057)

WEST VIRGINIA AMERICAN WATER COMPANY

Defendant

FALBO & MONDAY, PLLC,  
and similiarly situated,

Plaintiffs

v.

Civil Action No.: 2:14-14892  
(A.P. No. 2:14-2058)

WEST VIRGINIA AMERICAN WATER COMPANY

Defendant



J. E., individually  
and on behalf of their minor child,  
K.E.,

Plaintiff

v.

Civil Action No.: 2:14-14893  
(A.P. No. 2:14-2059)

WEST VIRGINIA AMERICAN WATER COMPANY

Defendant

MELISSA JEAN MEDLEY,

Plaintiff

v.

Civil Action No.: 2:14-14894  
(A.P. No. 2:14-2060)

WEST VIRGINIA AMERICAN WATER COMPANY

Defendant

RICHARD GRAVELY,

Plaintiff

v.

Civil Action No.: 2:14-14895  
(A.P. No. 2:14-2061)

WEST VIRGINIA AMERICAN WATER COMPANY

Defendant

SCOTT MILLER and  
BAR 101, LLC, and  
ICHIBAN, individually and on  
behalf of all others similarly situated,

Plaintiffs

v. Civil Action No.: 2:14-14896  
(A.P. No. 2:14-2062)

WEST VIRGINIA AMERICAN WATER COMPANY

Defendant

MARK STRICKLAND,

Plaintiff

v. Civil Action No.: 2:14-14897  
(A.P. No. 2:14-2063)

WEST VIRGINIA AMERICAN WATER COMPANY

Defendant

DANIEL CLEVE STEWART,

Plaintiff

v. Civil Action No.: 2:14-14898  
(A.P. No. 2:14-2064)

WEST VIRGINIA AMERICAN WATER COMPANY

Defendant

KRISTY ORD and SHERRI VANCE and  
CAMBREE VANCE and ANN PERRINE and  
SANDRA BOWLES and JENNIFER TOTTEN and  
WILLIAM G. JONES,

Plaintiffs

v.

Civil Action No.: 2:14-14899  
(A.P. No. 2:14-2065)

WEST VIRGINIA AMERICAN WATER COMPANY

Defendant

ADELPHIA, INC.,  
on behalf of themselves and  
all others similarly situated,  
doing business as  
Adelphia Sports Bar & Grill,  
doing business as  
Capitol Car Wash,  
doing business as  
Spyros Parking Lots,

Plaintiffs

v.

Civil Action No.: 2:14-14900  
(A.P. No. 2:14-2067)

WEST VIRGINIA AMERICAN WATER COMPANY

Defendant

KANAWHA GOURMET SANDWICHES, LLC,  
individually and on behalf of  
all others similarly situated

Plaintiff

v.

Civil Action No.: 2:14-14901  
(A.P. No. 2:14-2028)

FREEDOM INDUSTRIES, INC., and  
WEST VIRGINIA AMERICAN WATER and  
OFFICIAL COMMITTEE OF UNSECURED  
CREDITORS FOR FREEDOM INDUSTRIES, INC.,

Defendants

MEMORANDUM OPINION AND ORDER

Pending are certain motions to remand filed on various dates in each of the above-styled adversary proceedings except for Christian v. Freedom Industries, Inc., 2:14-14861. These motions are subject to a briefing order entered in the bankruptcy court on March 27, 2014.

The assignment of these formerly miscellaneous actions was entered April 10, 2014. On April 16, 2014, the court withdrew the references of the cases to the bankruptcy court. The court presently has under consideration certain administrative steps to achieve the just, speedy, and efficient resolution of the litigation. The purpose of this memorandum opinion and order is to address a limited consolidation of the cases pending the further order of the court.

I.

Freedom is a West Virginia corporation engaged primarily in the production of specialty chemicals for the mining, steel, and cement industries. It is also a leading supplier of freeze conditioning agents, dust control palliatives, flotation reagents, water treatment polymers, and other specialty chemicals. Freedom operates two production facilities in West Virginia, namely, in Nitro ("Nitro Facility") and Charleston ("Charleston Facility").

On January 9, 2014, an apparent leak occurred in one of Freedom's storage tanks located at the Charleston Facility. On January 17, 2014 ("Petition Date"), Freedom petitioned in this district for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101.

At the time of filing of the omnibus motions to withdraw reference, 62 civil actions had been instituted against various defendants relating to the incident. Freedom contends it is foreseeable that, in those cases where it is not named, parties will assert indemnity or contribution claims against it at a later time. On February 21 and 22, 2014, Freedom removed to the bankruptcy court those state actions in which it was named a defendant. On February 24, 2014, West Virginia American

Water Company ("WVAWC") removed to this court as "related-to" cases each of the state actions in which Freedom was not named.<sup>1</sup>

The factual allegations in all of the cases arise from the alleged leak. According to Freedom, the claims vary and rely on a range of legal and equitable theories. No one disputes, however, that the plaintiffs assert one or more of four categories of claims as follows: (a) physical personal injury tort claims, such as bodily injury, emotional distress and/or requests for medical monitoring to detect bodily injury in the future; (b) non-physical personal injury tort claims, such as annoyance, loss of enjoyment, nuisance and inconvenience; (c) property-related claims, such as trespass, property damage, and loss of use of property; and (d) financial claims, such as lost income or loss-of-business claims.

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<sup>1</sup> Two cases were instituted in the district court invoking federal question jurisdiction. Two more were removed and invoke diversity jurisdiction under the Class Action Fairness Act ("CAFA") and 28 U.S.C. § 1332(d)(2). The remaining actions were instituted in various state circuit courts and removed as adversary proceedings pursuant to 28 U.S.C. §§ 1334 and 1452(a).

## II.

### A. The Governing Standard

Federal Rule of Civil Procedure 42(a) provides as follows:

(a) Consolidation. If actions before the court involve a common question of law or fact, the court may:

- (1) join for hearing or trial any or all matters at issue in the actions;
- (2) consolidate the actions; or
- (3) issue any other orders to avoid unnecessary cost or delay.

Fed. R. Civ. Proc. 42(a).

Our court of appeals affords broad discretion to district courts in assessing the desirability of consolidation, recognizing the superiority of the trial court in determining how best to structure similar pieces of litigation. See A/S J. Ludwig Mowinckles Rederi v. Tidewater Const. Co., 559 F.2d 928, 933 (4th Cir. 1977) ("District courts have broad discretion under F.R.Civ.P. 42(a) to consolidate causes pending in the same district."). It has, however, provided guidelines for exercising that discretion. See Arnold v. Eastern Air Lines, Inc., 681 F.2d 186, 193 (4th Cir. 1982). Those guidelines essentially balance the specific risks of prejudice and possible

confusion with the potential for inconsistent adjudications of common factual and legal issues and the burden on available judicial resources posed by multiple lawsuits. Id. at 193. Efficiency from a time and cost perspective are also considered. Id.

The risk of inconsistent adjudications, substantial expense to the parties, and inefficient use of court resources markedly increases here if the court declines consolidation at least to some extent. Consolidation for purposes of adjudicating the motions for remand, with coordinated and consolidated briefing, would avoid each of those undesirable outcomes and diminish the chances of confusion and prejudice that might otherwise result.

For example, an individual consideration of dozens of sets of remand briefs, with differing arguments by the parties, might lead to remand in some cases but not others depending upon the precise grounds raised by particular plaintiffs seeking a return to state court. The length of time required to resolve each of these actions separately, and the expenses associated therewith, also militate strongly in favor of consolidation as to the remand motions.



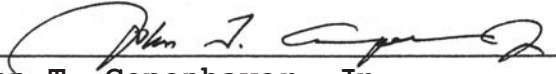
Based upon the foregoing, a limited consolidation is appropriate. Additionally, other initial procedural devices are in order at this time. The court, accordingly, ORDERS as follows:

1. That the above-styled civil actions be, and hereby are, consolidated for purposes of briefing and resolving the matter of remand;
2. That Desimone Hospitality Services v. West Virginia American Water Company, civil action 2:14-14845, be and hereby is, designated as the lead case, with all further filings to be captioned and docketed in that case pending the further order of the court;
3. That counsel for the parties be, and hereby are, directed to designate by agreement no more than three of their number from each the plaintiff and the defendant sides to serve as liaison counsel for purposes of the consultations required below and to notice the designated lawyers on the record on or before May 1, 2014; and
4. That, in lieu of the briefing order entered in the bankruptcy court on March 27, 2014, liaison counsel be, and hereby are, directed to meet and confer no

later than May 8, 2014, for purposes of arriving at a proposed stipulated briefing schedule designed to result in a single set of omnibus briefing that addresses all of the arguments for remand found in the pending remand motions.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record.

DATED: April 18, 2014

  
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John T. Copenhaver, Jr.  
United States District Judge