



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: MOUNTAIN STATE UNIVERSITY LITIGATION Civil Action No. 12-C-9000

THIS DOCUMENT APPLIES TO:

JEANETTE BROWN,	Civil Action No.	13-C-110 KAN
DESTANY PETTRY,	Civil Action No.	11-C-1746 KAN
JAMIE WAGNER,	Civil Action No.	12-C-2384 KAN
DALE BURGER, AMANDA BURGER, and JEFF BURGER,	Civil Action No.	12-C-1293 KAN
each individually and, on behalf of all other similarly situated,		

Plaintiffs

v.

MOUNTAIN STATE UNIVERSITY, INC.

Defendant.

ORDER MEMORIALIZING RULINGS DURING JANUARY 16, 2015 HEARING

On January 16, 2015, the Presiding Judges assigned to the Mountain State University Litigation held a hearing on a number of issues related to the Final Fairness Hearing and made the following rulings:

FINAL FAIRNESS HEARING RESCHEDULED

Putative Class Counsel advised the Court that the Settlement Agreement and Release (“Agreement”) has been amended to resolve objections of certain Plaintiffs regarding the proposed distribution of settlement proceeds. *First Amendment to Settlement Agreement and Release* (TID 56596338). The Court previously determined that the form and procedures in the Notice Plan are the best practicable and are reasonably calculated, under all the circumstances, to apprise the Putative Class of the pendency of this litigation and the proposed settlement, and to afford any Putative Class Member an opportunity to present any objections to the settlement. *Preliminary*

Approval Order (TID 56245690). Because the proposed distribution of settlement proceeds has been amended, the Court **ORDERS** additional notice consistent with the Notice Plan to be sent to the Putative Class members regarding the *First Amendment to Settlement Agreement and Release* (TID 56596338). Such notice shall also advise the Putative Class members that the Final Fairness Hearing (the “Fairness Hearing”) will be conducted at **10:00 a.m. on February 26, 2015 in the Ceremonial Courtroom in the Kanawha County Courthouse located at Kanawha County Judicial Building, 111 Court Street, Charleston, West Virginia 25301.**

The Court will determine at or following the Fairness Hearing: a) whether the proposed settlement set forth in the amended Settlement Agreement is fair, reasonable, and adequate and should be finally approved; and b) the amount of attorney’s fees, costs, and expenses that should be awarded to Putative Class Counsel and any other eligible attorneys representing Putative Class members.

MOTION FOR APPROVAL OF SALES

Mountain State University, Inc. (“MSU”) presented oral argument in support of their *Motion for Approval of Sales* (TID 56607120) of MSU’s Martinsburg, West Virginia property known as “Viking Way” and MSU’s Beckley Campus. There being no objection by any party to the Limited Fund Class Settlement to MSU’s motion, the Court **GRANTS** the motion and hereby approves the proposed sale of MSU’s Martinsburg, West Virginia property to Viking Way Holdings, LLC for the sum of \$2,000,000.00; and the proposed sale of MSU’s Beckley Campus to West Virginia University for the sum of \$8,000,000.00.

It is so **ORDERED.**

ENTER: January 23, 2015

/s/ Alan D. Moats
Lead Presiding Judge
Mountain State University Litigation