

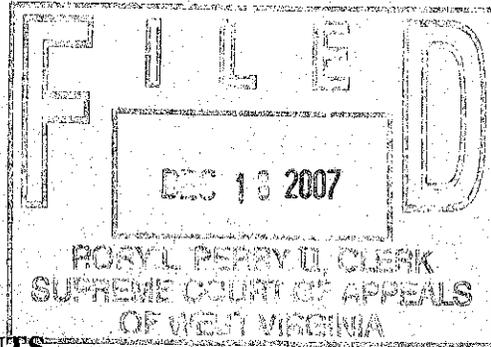
IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

No. 33710

IN RE: FLOOD LITIGATION

Raleigh County Civil Action No: 02-&797

**Honorable John A. Hutchison, Mass Litigation Panel
(Upper Guyandotte River Watershed)**



BRIEF OF APPELLANTS

W. Stuart Calwell, Esquire (WV Bar No. 595)
Alex D. McLaughlin, Esquire (WV Bar No. 9696)
David A. Ford (WV Bar No. 9207)
The Calwell Practice, PLLC
Law and Arts Center West
500 Randolph Street
Charleston, WV 25302

W. Randolph McGraw, II
(WV Bar No. 5086)
McGraw Law Office
P. O. Box 279
Prosperity, WV 25909

James F. Humphreys (WV Bar No. 4522)
J. David Cecil (WV Bar No. 683)
James Humphreys and Associates, L. C.
Suite 800, 500 Virginia Street, East
Charleston, WV 25301

Counsel for Appellants

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	STATEMENT OF FACTS	2
III.	ASSIGNMENTS OF ERROR.....	2
IV.	POINTS OF AUTHORITY AND DISCUSSION OF LAW	2,3
	A. The Trial Court's Dicta Concerning the Significance of a Highly Technical Paper Submitted as "Newly Found Evidence" Is Contradicted by the Deposition Testimony of the Primary Author.....	3
	B. The Trial Court's Ruling that Western Pocahontas's Conduct Was Reasonable as a Matter of Law Is Clearly Erroneous.....	6
	1. The Trial Court Inexplicably Confused the Rule of Reasonable Use with the Theory of Negligence.....	7
	2. Contrary to this Court's Holding in <i>In re Flood Litigation</i> , The Trial Court Clearly Ruled that Compliance with Regulations Creates a Presumption of Reasonableness	9
	3. The Trial Court Imposed an Additional Burden of Proving a Reasonable Alternative Method of Timber Removal that Is Not Supported by this Court's holdings	11
V.	CONCLUSION	13

TABLE OF AUTHORITIES

In re Flood Litigation, 216 W.Va. 534, 607 S.E.2d 863 (2004)2, 6, 8, 9,10,11,12

Morris Associates, Inc., et al. v. Priddy, 181 W. Va. 588, 383 S.E.2d 770 (1989)6, 8, 12,

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

No. 33711

IN RE: FLOOD LITIGATION

Upper Guyandotte River Watershed Subwatershed 2a

Raleigh County Civil Action No. 02-C-797

Honorable John A. Hutchison, Mass Litigation Panel

BRIEF OF APPELLANTS

I. Introduction

The Appellants, plaintiffs below, by Stuart Calwell, The Calwell Practice, PLLC; W. Randolph McGraw, II, McGraw Law Office; and James F. Humphreys, James F. Humphreys & Associates, their attorneys (hereinafter, “The Calwell Group, McGraw Group, and Humphreys Group”), respectfully adopt the statement of facts, assignments of error, and arguments advanced in the Brief of Appellants filed by the Segal Law Firm on December 6, 2007, in *In re Flood Litigation*, docket no. 33710 (hereafter, the “Segal Group’s Appeal Brief”), for vacating and reversing the trial court’s March 15, 2007 Order Granting in Part and Denying in Part Defendant’s Motion for Judgment as a Matter of Law or a New Appeal (“the Order”).¹ The Calwell Group, McGraw Group, and Humphreys Group would be hard-pressed to match the thoroughness, clarity, and reasoning in the Segal Group’s brief. The Calwell Group, McGraw Group, and Humphreys Group write separately for two reasons. First, we seek to correct a misimpression that may have been created by Western Pocahontas’s Supplemental Motion for Judgment as a Matter of Law or, in the Alternative, a New Trial (“Supplemental Motion”), filed on November 15, 2006, concerning the significance of

¹ The Segal Group’s Appeal was docketed as No. 33710 and this Appeal was docketed as No. 33711. Both docket entries are appeals seeking reversal of the same trial court order.

certain “newly discovered evidence” submitted as the basis for that Supplemental Motion. This misimpression found its way into the trial court’s March 15, 2007 Order Granting in Part and Denying in Part Defendant’s Motion for Judgment as a Matter of Law or a New Appeal as dicta, and may have played an important role in the trial court’s reasoning in excluding the testimony of the plaintiffs’ experts witnesses ten months after the conclusion of the trial.

Second, we seek to emphasize that in ruling that Western Pocahontas’s conduct cannot be deemed unreasonable as a matter of law, the trial court’s Order is clearly erroneous in each of the following ways: (1) it conflates the theory of negligence with the rule of reasonable use; (2) it explicitly endorses a presumption of reasonableness from regulatory compliance, a presumption that was expressly rejected *In re Flood Litigation*, 216 W.Va. 534, 607 S.E.2d 863 (2004); and (3) it expressly imposes a burden on landowners seeking to recover against neighboring landowners—the burden of proving that “alternative methods” or “additional protections” exist that would have prevented the harm, in this case flooding, to one set of landowners without in any way limiting the ability of the other set of landowners to engage in their desired activity, in this case timbering—that is clearly not supported by this Court’s previous holdings.

II. Statement of Facts

The Calwell Group, McGraw Group, and Humphreys Group adopt the Statement of Facts section set forth in the Segal Group’s Appeal Brief.

III. Assignments of Error

The Calwell Group, McGraw Group, and Humphreys Group adopt the Assignments of Error section set forth in the Segal Group’s Appeal Brief.

IV. Points of Authority and Discussion of Law

The Calwell Group, McGraw Group, and Humphreys Group adopt the Points and Authorities Relied Upon and Discussion of Law section set forth in the Segal Group's Appeal Brief. The Calwell Group, McGraw Group, and Humphreys Group submit the following additional discussion for the Court's consideration.

A. The Trial Court's Dicta Concerning the Significance of a Highly Technical Paper Submitted as "Newly Found Evidence" Is Contradicted by the Deposition Testimony of the Primary Author

Judge Hutchison notes, but purportedly does not consider, Western Pocahontas's Supplemental Motion for Judgment as a Matter of Law or, in the Alternative, a New Trial ("Supplemental Motion"), which was filed on November 15, 2006. *See* Order at 5-6. That Supplemental Motion relied on "newly discovered evidence" in the form of an October 2006 report that was described in the Supplemental Motion as having been "prepared under contract to the West Virginia Division of Forestry by Steven C. McCutcheon, Ph.D., a renowned, independent expert, along with a committee of others with unique expertise." *See* Supplemental Motion at 1. In footnote 1 of the supplemental motion, Western Pocahontas stated that "the primary author of the report is Steven C. McCutcheon, Ph.D., D.WRE, P.E., a researcher at the University of Georgia Warnell School of Forest Resources. McCutcheon is a renowned expert in ecological engineering, hydrology, hydrodynamics and related subjects." Western Pocahontas did not disclose in the Supplemental Motion that the same "renowned, independent expert," Dr. Steven McCutcheon, was deposed in this very matter on February 18, 2006, less than a month before the beginning of trial, concerning this very work that he was doing under

contract with the West Virginia Division of Forestry and its potential relevance to the issues about to be tried in Phase I. *See* 2/18/06 Deposition of Steven C. McCutcheon.

The failure to disclose the fact that the primary author of the “newly discovered evidence” was deposed in the weeks leading up to trial may have had some bearing on Judge Hutchison’s decision. Judge Hutchison, while not considering the Supplemental Motion itself, clearly accepted some of the technical claims in the Supplemental Motion and may have read and considered Dr. McCutcheon’s report itself, which Judge Hutchison describes, in dicta, as “newly found evidence [that] directly rebuts the scientific basis of Plaintiffs’ experts and their use of certain water flow models in preparing their expert opinions.” *See* Order at 5–6. Judge Hutchison’s characterization of the report and other technical statements in his Order that may or may not have been influenced by the Supplemental Motion—such as Judge Hutchison’s unsupported statement (at p. 24 of his Order) that “[T]here is no evidence that these predictive models can be adapted and used in a forensic application to determine if a historic use of a given piece of real estate has caused inappropriate increases in peak flow during storm events”—illustrate the dangers of trying to decipher technical works without the assistance of expert testimony.

During his deposition, which took place only a few weeks before trial, Dr. McCutcheon was asked point blank by counsel for Western Pocahontas whether models using the “curve number system” (what Judge Hutchison refers to as the “certain water flow models” used by Plaintiffs’ experts) were reliable for forensic use, such as in this litigation. The question and Dr. McCutcheon’s initial response follow:

Q. All right. Well, let me go beyond forecasting for a minute. In this particular situation, none of the experts are attempting to

forecast what may happen in the future; they're attempting to analyze what did happen on July 8 of 2001.

Is the curve number system as it presently exists any more reliable in analyzing an event which has already occurred as opposed to forecasting future events?

A. That -- you complicated your question by mentioning that you have experts who are going to apply or looking to apply this method. In the hands of an expert, I would expect them to be able to make reasonable interpretations whether they use the curve number method or watershed calculation or other forms of hydrologic analysis.

So I would not undercut the potential for good expert calculations on both sides of this particular lawsuit by saying that the curve number method is simply, you know, simply not adequate and we ought to wipe it off the table and not be talking about it anymore. . . .

McCutcheon Dep. at 169–170. Dr. McCutcheon then went into a lengthy elaboration on the subject. He finally concluded by stating:

So the best that I can leave you and your colleagues in the law with here today is that this is an empirical method, we know it works on some watersheds, but whether it will work on a specific watershed, you will need to — you'll need to try that out and see if it works and if it doesn't, then you'll have to move on to another method, and because this is forest hydrology, a little bit further out on the edge of science, you may well need to develop new techniques that we don't presently have in our toolbox right now.

Id. at 175.

Whatever conclusions Dr. McCutcheon and his group may have reached months after the trial—and bear in mind that Dr. McCutcheon's report is not gospel but only a report of the work of one set of experts, who were critiquing the work of a different set of experts—in the weeks leading up to the trial Dr. McCutcheon himself directly *endorsed* the curve number method as one of the tools available to “experts” wishing to make “reasonable interpretations” in “this particular lawsuit.” Judge Hutchison is simply wrong to claim that Dr.

McCutcheon's report "directly rebuts" the methods used by Plaintiffs' experts without having heard any actual expert testimony on the matter. Judges and lawyers simply aren't qualified to interpret the meaning of a highly technical report. We do know, however, that Dr. McCutcheon's deposition testimony directly rebuts Judge Hutchison's statement that "[T]here is no evidence that these predictive models can be adapted and used in a forensic application to determine if a historic use of a given piece of real estate has caused inappropriate increases in peak flow during storm events." Dr. McCutcheon himself actually testified, in this very case, that the models can be used in a forensic application, provided that it is done "in the hands of an expert." *See* McCutcheon Dep. at 170.

B. The Trial Court's Ruling that Western Pocahontas's Conduct Was Reasonable as a Matter of Law Is Clearly Erroneous

The trial court's reasoning concerning its holding that Western Pocahontas's timbering activities were reasonable as a matter of law begins (Order at 31), appropriately enough, with a discussion of *Morris Associates, Inc., et al. v. Priddy*, 181 W. Va. 588, 383 S.E.2d 770 (1989). The trial court acknowledges (Order at 32) that this Court embraced the application of the "Rule of Reasonable Use" announced in *Priddy* to the instant litigation. The trial court also acknowledges (Order at 34) that this Court held that compliance with regulations does not create a presumption that the landowner acted reasonably or without negligence. *See In re Flood Litigation*, 216 W. Va. 534, 607 S.E.2d 863, syl. pt. 9 (2004). The discussion then takes several twists and turns—including a presentation of the trial court's own calculations and re-analysis of the data and evidence introduced in the case (Order at 34–35)—before finally returning to the main path with this sudden declaration (Order at 35): "Plaintiffs produced no evidence that the

Defendants failed to adhere to the best management practices, industry standards, and/or state regulation with regard to their operations in the Slab Fork Creek Subwatershed.”

The trial court’s own calculations and analysis of the data are then combined with the perceived lack of evidence of regulatory violations to create a presumption, which, confusingly, is introduced as one that applies, “In an action seeking to establish negligence.” *See* Order at 35–36. According to the trial court, this presumption, once invoked, requires that the plaintiffs come forward with evidence that “reasonable and additional precautions . . . would have provided an increased and material protection to adjoining landowners or downstream landowners in the event of a major rain event under these circumstances.” *See* Order at 36.

The same logic—compliance with best management practices and other state regulations creating a presumption that can only be overcome by evidence of alternative forestry techniques that could have been applied to reduce the harm—is also expressed this way:

Plaintiffs produced no evidence that the Defendants failed to adhere to the best management practices, industry standards, and/or state regulation with regard to their operations in the Slab Fork Creek Subwatershed. . . . The Plaintiff further did not present any evidence that there were reasonable alternatives to the methods used by the defendants which would have reduced or negated any further potential harm.

This Court must conclude, based upon the available evidence in this case, that the lawful and regulated extraction of timber from lands in the Slab Fork Creek Subwatershed by Western Pocahontas was not unreasonable.

The Calwell Group, McGraw Group, and Humphreys Group respectfully submit that the following three errors of the trial court’s reasoning are clear.

- 1. The Trial Court Inexplicably Confused the Rule of Reasonable Use with the Theory of Negligence**

The trial court only gave the jury instructions on the Rule of Reasonable Use; the only theory of liability put to the jury was that theory.² The question the trial court is ostensibly addressing is the question of whether there was sufficient evidence to support the jury's verdict that Western Pocahontas's conduct was "reasonable" not whether it was negligent. *See* Order at 31. Nonetheless, the trial court inexplicably and without qualification announced (Order at 35) that the plaintiffs had failed to meet the burden for plaintiffs "in an action seeking to establish negligence." It is not clear what difference this mistake may have made in the trial court's thinking, but the mistake should be corrected now because it may matter down the road.³ It illustrates the conceptual confusion of the trial court's decision.

The Rule of Reasonable Use announced in *Priddy* and approved for application to this flood litigation in *In re Flood Litigation*, 216 W.Va. 534, 550, 607 S.E.2d 863, 879 (2004), is an *independent* cause of action, the proof of the elements of which is a *sufficient* basis for recovery in an action for damages, with or without concurrent (or subsequent) proof of the elements of a negligence cause of action. This Court could not have been more clear. In the conclusion of *In re Flood Litigation*, the Court answered "yes" to this question: "Whether adjacent and non-adjacent plaintiffs have a cognizable cause of action based on allegations of unreasonable use of land under the balancing test set forth in [*Priddy*]." 216 W.Va. at 550, 607 S.E.2d at 879. The Court also answered

² The decision as to what would be tried in Phase I was made by the trial court as part of its management plan. It does not reflect any abandonment by the plaintiffs, real or perceived, of theories of negligence or nuisance. *See* the Order at 29.

³ The trial court has hinted at requiring the plaintiffs to prove "nuisance or negligence" in Phase II, notwithstanding the fact that they have already obtained a liability-creating verdict under the Rule of Reasonable Use.

“yes” to this question: “Whether the plaintiffs have a cognizable cause of action upon the allegation that the defendants were negligent in the use of their land and therefore answerable under the classic theory of negligence.” *Id.* Those are clearly two distinguishable theories, proof of all of the elements of either of the two entitles the plaintiffs to recovery.

2. Contrary to this Court’s Holding in *In re Flood Litigation*, The Trial Court Clearly Ruled that Compliance with Regulations Creates a Presumption of Reasonableness

In syllabus point 9 of *In re Flood Litigation*, this Court specifically held that compliance with regulations does not give rise to a presumption of reasonableness or due care. Syllabus point 9 reads in full:

Compliance of a landowner in the extraction and removal of natural resources on his or her property with the appropriate state and federal regulations may be evidence in any cause of action against the landowner for negligence or unreasonable use of the landowner's land if the injury complained of was the sort the regulations were intended to prevent. Such compliance, however, does not give rise to a presumption that the landowner acted reasonably or without negligence or liability to others in his or her extraction and removal activities.

In plain contravention of that holding, the trial court set forth (Order at 35–36) the following framework for analysis:

In an action seeking to establish negligence, this Court believes that, a) *when a defense is raised by the Defendants tending to show that its operations met regulatory standards, best management practices and industry standards*, b) the Defendants operations involved only a small part of their actual holdings in the subwatershed, and c) the Defendants had developed, maintained and amended a forest management plan resulting in a net increase in the amount of available timber on the real estate owned by the Defendants over a 10-year period, *it then becomes incumbent upon the Plaintiffs to show* what reasonable and additional precautions, if any, would have provided an increased and material protection

to adjoining landowners or downstream landowners in the event of a major rain event under these circumstances.

A “presumption” is something that creates a special burden; it implies that a fact will be assumed unless the other side can overcome it with some particular showing. This paragraph announces a presumption and the special burden for overcoming it in classic form: “when a defense is raised by the Defendants tending to show . . . it then becomes incumbent upon the Plaintiffs to show.” There is no way to interpret the reasoning in that paragraph as creating anything other than a presumption and a special burden. The presumption was formed by equal parts (a) compliance with regulations, (b) the trial court’s own calculations and interpretations (surely what constitutes “only a small part” of a watershed is not for the Court to determine) and (c) the trial court’s privileging of a handful of facts that may or may not be important—and which were put to the jury along with many other relevant facts.

That framework, by finding that compliance with regulations gives rise to a special burden, is in direct contravention of one of the holdings of *In re Flood Litigation*. The special burden that the trial court imposed on the plaintiffs under the trial court’s analytical framework is the burden of proving that “alternative methods” or “additional protections” exist that would have prevented the harm (i.e., flooding) to the plaintiff-landowners without in any way limiting the ability of the defendant-landowners to engage in economically advantageous activity on their property (i.e., timbering). This special burden effectively and completely obliterates the rule of reasonable use and the careful balancing test articulated by this Court in *In re Flood Litigation*. See *In re Flood Litigation*, 216 W.Va. 534, 607 S.E.2d 863, syl pt. 1 (2004) (setting forth general rule of reasonable use and factors to be balanced); *id.*, syl pt. 2 (requiring that jury consider all

relevant circumstances in determining whether landowner's use of his land was reasonable).

3. The Trial Court Imposed an Additional Burden of Proving a Reasonable Alternative Method of Timber Removal that Is Not Supported by this Court's holdings

The special evidentiary burden imposed by the trial court is variously described as that of showing "that there were reasonable alternatives to the methods used by the defendants which would have reduced or negated any further potential harm" (Order at 35) and that "reasonable and additional precautions . . . would have provided an increased and material protection to adjoining landowners or downstream landowners in the event of a major rain event under these circumstances" (Order at 36). The essential point is clear enough: The trial court has imposed a burden on the plaintiffs of showing that there must have been *some other manner or technique* of cutting the trees down and removing the logs that would have reduced the risk of flooding. The possibilities of proving unreasonableness by proving that timbering *at a given location* (in light of such circumstances as proximity to populated areas, steepness of terrain, likelihood of causing flooding, etc.) is unreasonable or by proving that timbering *so much of the land in that particular area* is unreasonable have been removed from the table. This extra burden of proving an "alternative method" of timbering or "additional precautions" runs contrary to the holding of *In re Flood Litigation*. In syllabus point 1, this Court held:

Generally, under the rule of reasonable use, the landowner, in dealing with surface water, is entitled to take only such steps as are reasonable, in light of all the circumstances of relative advantage to the actor and disadvantage to the adjoining landowners, as well as social utility. Ordinarily, the determination of such reasonableness is regarded as involving factual issues to be determined by the trier of fact.

Under the rule of reasonable use, the social utility of the activity is to be considered as a factor in weighing the reasonableness of the landowner's conduct. However, the rule clearly does *not* provide that if the activity is socially useful, then the landowner is privileged in doing it, or that the plaintiff, in order to prevail in that instance, must show that the activity can be done in a less harmful *manner*.

The framework adopted by the trial court for determining reasonable use clearly violates the holding of *In re Flood Litigation*. It essentially provides that landowners have a privilege to conduct timbering operations wherever, whenever, and to whatever extent they wish—no matter how much foreseeable harm their timbering activities may cause in any particular location—so long as they comply with applicable regulations and use the least harmful techniques for cutting and removing trees. That is simply not the holding of *In re Flood Litigation* and it is not the rule of *Morris Associates, Inc. v. Priddy*.

This Court held that the rule of strict liability for abnormally dangerous activities is not applicable to mining and timbering, and in doing so, observed that, “[W]e are convinced that any increased risk of flooding which results from Defendant’s extractive activities can be greatly reduced by the exercise of due care.” See *In re Flood Litigation*, 216 W.Va. 534, 545, 607 S.E.2d 863, 874 (2004). That language does not mean that landowners are privileged to ignore the suitability of a given location (in light of such things as local terrain, topography, and proximity to population clusters), the cumulative effect of extensive activities in a given location or watershed, or the foreseeability of harm in light of those factors in conducting mining and timbering activities. Plaintiffs’ experts, Dr. John Morgan and Dr. Bruce Bell, both testified at length concerning the ways

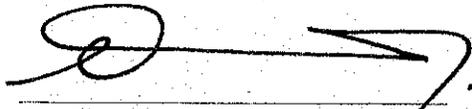
in which location (proximity to downstream residents, size of the watershed, etc.) and the extent of the land disturbances at a given location or in a given watershed impact the likelihood of increased flooding, and therefore the foreseeability of the harm and the reasonableness of the conduct. In negligence terms, considering the location of proposed timbering activities and the extent of timbering activities in that location is part of exercising due care. In rule of reasonable use terms, those same considerations factor into the reasonableness of a landowner's conduct. The trial court clearly erred in imposing upon the plaintiffs the burden of showing that a less harmful method or technique for conducting timbering exists.

CONCLUSION

For the foregoing reasons and the reasons set forth in the Segal Group's Appeal Brief, the Appellants respectfully request that this Honorable Court reverse and vacate the Order Granting in Part and Denying in Part Defendant's Motion for Judgment as a Matter of Law or a New Appeal, re-instate the jury verdict, and direct that the matter proceed to Phase II of the trial.

PLAINTIFFS

By Counsel



Stuart Calwell (WVSBN: 595)
Alex McLaughlin (WVSBN: 9696)
David A. Ford (WVSBN: 9207)
THE CALWELL PRACTICE, PLLC
Law and Arts Center West
500 Randolph Street
Charleston, WV 25302
(304) 343-4323

W. Randolph McGraw, II

W. Randolph McGraw, II (WVSBN: 5086)

McGRAW LAW OFFICES

P. O. Box 279

Prosperity, WV 25909

(304) 252-1014

James F. Humphreys

James F. Humphreys (WVSBN: 4522)

J. David Cecil (WVSBN: 683)

JAMES F. HUMPHREYS & ASSOCIATES, LC

United Center, Suite 800

500 Virginia Street, East

Charleston, WV 25301

(304) 347-5050

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

No. 33710

IN RE: FLOOD LITIGATION

Raleigh County Civil Action No: 02-C-797

Honorable John A. Hutchison, Mass Litigation Panel
(Upper Guyandotte River Watershed)

CERTIFICATE OF SERVICE

I, Stuart Calwell, counsel for Appellants, do hereby certify that by First Class United States Mail service of the foregoing Brief of Appellants has been made on this the 18th day of December, 2007 as follows:

Richard J. Bolen, Esquire, Bar No. 392
Cindy D. McCarty, Esquire, Bar No. 9456
Jonathan E. Porter, Esquire, Bar No. 9957
Huddleston Bolen, LLP
Post Office Box 2185
Huntington, West Virginia 25722-2185
(304) 691-8420
Counsel for Western Pocahontas Properties, LLP and Western Pocahontas Corporation

David E. Goddard, Esquire, Bar No. 8090
John Greg Goodykoontz, Esquire, Bar No. 1437
Steptoe & Johnson, PLLC
Post Office Box 2190
Clarksburg, West Virginia 26302-2190
(304) 624-8139
Co-Counsel for Western Pocahontas Properties, LLP and Western Pocahontas Corporation

James F. Humphreys, Esquire, Bar No. 4522
J. David Cecil, Esquire, Bar No. 683
James Humphreys & Associates
500 Virginia Street, East, Suite 800
Charleston, West Virginia 25301-2164
(304) 347-5050

Warren R. McGraw, II, Esquire, Bar No. 5086
Post Office Box 279
Prosperity, West Virginia 25909
(304) 252-1014
Counsel for Plaintiffs

Deborah L. McHenry, Esquire, Bar No. 4120
THE SEGAL LAW FIRM
A Legal Corporation
810 Kanawha Boulevard, East
Charleston, West Virginia 25333-3394
(304) 344-91 00/(304) 344-9105 Facsimile
Counsel for Petitioners



W. Stuart Calwell, Esquire (WV Bar No. 595)
Alex D. McLaughlin, Esquire (WV Bar No. 9696)
David A. Ford (WV Bar No. 9207)
The Calwell Practice, PLLC
Law and Arts Center West
500 Randolph Street
Charleston, WV 25302