

IN THE CIRCUIT COURT OF MARSHALL COUNTY, WEST VIRGINIA

ERNIE LEE ANDERSON, et al., )  
and )  
DENNIS F. MOORE, and )  
JOLENE MOORE, )  
Plaintiffs, )  
v. )  
COLUMBIAN CHEMICALS )  
COMPANY, a foreign )  
Corporation, et al., )  
Defendants )  
\_\_\_\_\_)  
RAIN CII CARBON LLC, )  
Defendant/Third- )  
Party Plaintiff )  
v. )  
LIBERTY MUTUAL FIRE )  
INSUARANCE COMPANY, et al., )  
Third-Party Defendant Insurers )

CIVIL ACTION NO. 09-C-220K

**DEFENDANT RAIN CII CARBON LLC'S MOTION FOR ADMISSION PRO HAC VICE OF JACOB A. AIREY**

COMES NOW Defendant, Rain CII Carbon LLC (hereinafter "Rain CII"), by its attorney Landers P. Bonenberger of McDermott & Bonenberger, P.L.L.C., who moves this Court pursuant to Rule 8.0 of the Rules for Admission to the Practice of Law to admit *Pro Hac Vice* Jacob A. Airey of Sher Garner Cahill Richter Klein & Hilbert, L.L.C., as Counsel for the Defendant, Rain CII. The applicant provides herewith a verified Statement of Application for *Pro Hac Vice* Admission. Said information has also been provided to the West Virginia State Bar, as required by Rule 8.0(b) of the West Virginia Rules for Admission to the Practice of Law. A fee of \$350.00 has also been paid to the West Virginia State Bar.

The undersigned shall serve as the responsible, local attorney as required by Rule 8.0 (c) of the West Virginia Rules for Admission to the Practice of Law.

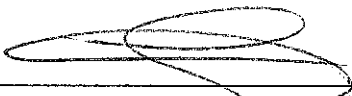
Dated: August 7, 2012.

Respectfully submitted,

**RAIN CII CARBON LLC**  
**By Counsel**

McDERMOTT & BONENBERGER, P.L.L.C.

**BY:**

  
\_\_\_\_\_  
LANDERS P. BONENBERGER # 397  
53 Washington Avenue  
Wheeling, West Virginia 26003  
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Facsimile: (304) 242-2907

IN THE CIRCUIT COURT OF MARSHALL COUNTY, WEST VIRGINIA

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Party Plaintiff )  
v. )  
LIBERTY MUTUAL FIRE )  
INSURANCE COMPANY, et al., )  
Third-Party Defendant Insurers )  
and )  
BAYER MATERIALSCIENCE, LLC, et al., )  
Third-Party Commercial )  
Defendants )

CIVIL ACTION NO. 09-C-220K

**STATEMENT OF APPLICATION FOR PRO HAC VICE ADMISSION**  
**OF JACOB A. AIREY**

1. I, Jacob A. Airey, first being duly sworn upon my oath, state that I am an attorney with the Law Firm of Sher Garner Cahill Richter Klein & Hilbert, L.L.C., 909 Poydras Street, Suite 2800, New Orleans, Louisiana 70112. My telephone number is (504) 299-2100. I am seeking application for *Pro Hac Vice* Admission in the case of, *Ernie Lee Anderson, et al v. Columbian Chemicals, Company, et al*, pending in the Circuit Court of Marshall County, West Virginia, Civil Action No. 09-C-220 K, as additional counsel for the Defendant, Rain CII Carbon LLC (hereinafter "Rain CII").

2. I am a member of the Louisiana Bar, having been admitted in 2002. Since 2003 I have also been licensed to practice before the following Courts: U.S. Court of Appeals 5th

Circuit; U.S. District Court Western District of Louisiana; U.S. District Court Eastern District of Louisiana; U.S. District Court Middle District of Louisiana.

The name, address and telephone number of the Disciplinary Agent for the State Courts of Louisiana is as follows:

**Office of the Disciplinary Counsel  
4000 South Sherwood Forest Blvd., Suite 607  
Baton Rouge, LA 70816  
(225) 293-3900**

3. Landers P. Bonenberger of Mcdermott & Bonenberger, P.L.L.C., shall serve as the responsible local attorney in this matter. Mr. Bonenberger is a member of the West Virginia State Bar, and can be reached at Mcdermott & Bonenberger, P.L.L.C., 53 Washington Avenue Wheeling, West Virginia 26003. His telephone number is (304) 242-3220.

4. I am a member in good standing of the Louisiana bar to which I am admitted. I am not, and have never been, suspended or disbarred from any of the aforementioned Courts, and to the best of my knowledge, no member of my firm is, or has been, suspended or disbarred by any of the Courts. No disciplinary or grievance proceedings have been filed or are pending against me.


5. I have not made an Application to Appear as Counsel *Pro Hac Vice* in West Virginia the preceding two years. To my knowledge, no other member of my firm has been involved in matters, other than the above-captioned matters, before West Virginia tribunals in the preceding two years. James Garner, Peter L. Hilbert, Jr., Darnell Bludworth, Thomas J. Madigan, members of my firm, have applied to be admitted *pro hac vice* in the Circuit Court of Marshall County, West Virginia, in conjunction with the above-captioned matter.

6. I agree to comply with all laws, rules and regulations of West Virginia state and local governments, where applicable, including taxing authorities, and any standards for *pro bono*, civil, and criminal indigent defense legal services.

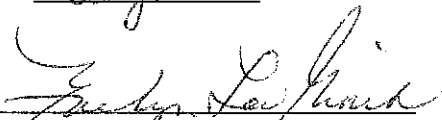
7. I have remitted the fee of \$350.00 to the West Virginia State Bar.

I declare under penalty of perjury that the foregoing statements made by me are true.

Executed on this 1st day of August, 2012

  
\_\_\_\_\_  
Jacob A. Airey

I hereby certify that the foregoing was sworn to and subscribed before me this 1st day of August 2012.

  
\_\_\_\_\_  
Notary Public

My commission expires:

10/19/2014

IN THE CIRCUIT COURT OF MARSHALL COUNTY, WEST VIRGINIA

ERNIE LEE ANDERSON, et al., )  
and )

DENNIS F. MOORE and )  
JOLENE MOORE, )

Plaintiffs, )

v. )

CIVIL ACTION NO. 09-C-220K

COLUMBIAN CHEMICALS )  
COMPANY, a foreign )  
Corporation, et al., )

Defendants and )  
Cross-Plaintiff and )  
Cross-Defendants )

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RAIN CII CARBON LLC, )

Defendant/Third- )  
Party Plaintiff )

v. )

LIBERTY MUTUAL FIRE )  
INSURANCE COMPANY, et al., )

Third-Party Defendant Insurers )  
and )

BAYER MATERIALSCIENCE, LLC, et al., )

Third-Party Commercial )  
Defendants )

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**CERTIFICATE OF SERVICE**

I, Landers P. Bonenberger, counsel for Rain CII Carbon, LLC, hereby certify that I have this 7th day of August, 2012, served the foregoing Defendant Rain CII Carbon LLC's Motion for Admission Pro Hac Vice of Jacob A. Airey by forwarding a true and exact copy of the same,

via electronic mail, to the following:

<b>PLAINTIFFS</b>	
<p>Robert P. Fitzsimmons Brent E. Wear Clayton J. Fitzsimmons <b>Fitzsimmons Law Offices</b> 1609 Warwood Ave. Wheeling, WV 26003 Tel: 304.277.1700 Fax: 304.277.1705 Email: brent@fitzsimmonsfirm.com; clayton@fitzsimmonsfirm.com; lawyers@fitzsimmonsfirm.com</p>	<p>Herman D. Lantz <b>Lantz Law Offices</b> 518 7<sup>th</sup> St. Moundsville, WV 26041 Tel: 304.810.4020 Fax: 304.810.4021 Email: herman@lantzlawoffice.com</p>
<b>BAYER CORPORATION AND BAYER MATERIALSCIENCE LLC</b>	
<p>Arnd N. von Waldow Wayne Ringeisen Lucas Liben <b>Reed Smith LLP</b> Reed Smith Centre 225 Fifth Avenue, Suite 200 Pittsburgh, PA 15222 Tel: 412-288-3131 Fax: 412-288-3063 Email: avonwaldow@reedsmith.com; wringeisen@reedsmith.com; lliben@reedsmith.com</p>	
<b>BP PRODUCTS NORTH AMERICA, INC.</b>	
<p>Joseph R. Schaper <b>Maron Pierce, LLC</b> The Landmarks Building, Suite 250 100 West Station Square Drive Pittsburgh, PA 15219 Direct: 412-281-5560 Fax: 412-773-8381 Tel: 412-281-5522 Email: jschaper@maronpierce.com</p>	<p>William D. Wilmoth Michelle Lee Dougherty <b>Steptoe &amp; Johnson, PLLC</b> 1223 Main Street, Suite 3000 P.O. Box 751 Wheeling, WV 26003-0751 Tel: 304-233-0000 Direct: 304-231-0456 Fax: 304-233-0014 Email: William.Wilmoth@Steptoe-Johnson.com; michelle.dougherty@steptoe-johnson.com</p>

<p>J. Gregory Goodykoontz Michelle Lee Dougherty <b>Step toe &amp; Johnson, PLLC</b> Chase Tower, 6<sup>th</sup> Floor P.O. Box 2190 Clarksburg, WV 26302-2190 Direct: 304-933-8123 Email: greg.goodykoontz@steptoe-johnson.com</p>	<p>Catherine Pyune McEldowney Robert B. Anderson <b>Maron Marvel Bradley &amp; Anderson, P.A.</b> 1201 North Market Street, Suite 900 Wilmington, DE 19801 Tel: 302-425-5177 (Bob direct) Fax: 302-425-0180 Email: rba@maronmarvel.com; cpm@maronmarvel.com; CEK@maronmarvel.com and SKS@maronmarvel.com</p>
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**COLUMBIAN CHEMICALS COMPANY**

<p>Jay T. McCamic <b>McCamic, Sacco &amp; McCoid, PLLC</b> 56-58 Fourteenth Street P.O. Box 151 Wheeling, WV 26003 Tel: 304-232-6750 Fax: 304-232-3548 Email: jtmccamie@mspmlaw.com</p>	<p>J. Kevin Buster Carmen R. Toledo Randy Butterfield <b>King &amp; Spalding LLP</b> 1180 Peachtree St. N.E. Atlanta, GA 30309-3521 Tel: 404-572-4804; 404-572-3438 Fax: 404-572.-5136 Email: kbuster@kslaw.com; ctoledo@kslaw.com; rbutterfield@kslaw.com</p>
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**CONOCOPHILLIPS COMPANY**

<p>Stephen B. Farmer G. Kenneth Robertson Teresa K. Thompson Farmer, Cline &amp; Campbell, PLLC 746 Myrtle Road P.O. Box 3842 (25338) Charleston, WV 25314 Tel: 304-346-5990 Fax: 304-346-5980 Email: sbfarmer@fcclaw.net; GKRobertson@fcclaw.net tkthompson@fcclaw.net</p>	
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**CONSOL ENERGY AND MCELROY COAL COMPANY**



<p>Samuel H. Simon  Matthew J. Lautman  <b>Houston Harbaugh, PC</b>  Three Gateway Center  401 Liberty Avenue, 22<sup>nd</sup> Floor  Pittsburgh, PA 15222  Tel: 412-281-5060  Fax: 412-281-4499  Email: ssimon@hh-law.com;  lautmanmj@hh-law.com</p>	
<p><b>HONEYWELL INTERNATIONAL, INC.</b></p>	
<p>Clifford F. Kinney, Jr.  Niall A. Paul  Keith D. Fisher  <b>Spilman Thomas &amp; Battle, PLLC</b>  300 Kanawha Boulevard, East ( 25301)  P.O. Box 273  Charleston, WV 25321-0273  Tel: 304-340-3800  Fax: 304-340-3801  Email: ckinney@spilmanlaw.com;  npaul@spilmanlaw.com;  kfisher@spilmanlaw.com;  swalker@spilmanlaw.com;  dshaffer@spilmanlaw.com</p>	
<p><b>OLIN CORPORATION</b></p>	
<p>Jerry K. Ronecker  <b>Husch Blackwell LLP</b>  190 Carondelet Plaza, Suite 600  St. Louis, MO 63105  Tel: 314-480-1500  Fax: 314-480-1505  Email:  jerry.ronecker@huschblackwell.com</p>	<p>Jeffrey A. Holmstrand  <b>Flaherty Sensabaugh Bonasso PLLC</b>  1225 Market Street  P.O. Box 6545  Wheeling, West Virginia 26003  Tel: 304-230-6600  Fax: 304-230-6610  Email: jholmstrand@fsblaw.com;  kschultz@fsblaw.com</p>
<p><b>ORMET CORPORATION AND ORMET PRIMARY ALUMINUM CORPORATION</b></p>	

<p>William A. Kolibash  <b>Phillips, Gardill, Kaiser &amp; Altmeyer, LLC</b>  61 Fourteenth Street  Wheeling, WV, 26003  Tel: 304-232-6810  Fax: 304-232-4918  Email: williamkolibash@pgka.com</p>	<p>Jay Potter  Allen, Kopet &amp; Associates, PLLC  P.O. Box 3029  Charleston, WV 25331  Tel : 304-342-4567 ; ext. 3312  Fax : 342-4575  Email : jpotter@allen-kopet.com</p>
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<p>Melvin F. O'Brien  <b>Dickie, McCarney &amp; Chilcote, LC</b>  1233 Main Street, Suite 2002  Wheeling, West Virginia 26003  Direct: 304-233-1022  Tel: 800-285-6382  Fax: 888-811-7144  Email: mobrien@dmclaw.com</p>	<p>Michael J. Sweeney  <b>Dickie, McCamey &amp; Chicote, PC</b>  Two PPG Place, Suite 400  Pittsburgh, PA 15222  Direct: 412.281.7272  Tel: 800-243-5412  Fax: 412-392-5367  Email: msweeney@dmclaw.com</p>
<p><b>WHEELING POWER COMPANY, OHIO POWER COMPANY, AND AMERICAN ELECTRIC POWER SERVICE COMPANY, AND FIRSTENERGY GENERATION CORPORATION</b></p>	
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**HUDSON SPECIALTY INSURANCE COMPANY**

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& Raspanti, LLP**  
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**INDIAN HARBOR INSURANCE COMPANY**

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Email: [tdrennan@tresslerllp.com](mailto:tdrennan@tresslerllp.com)

**JAMES RIVER INSURANCE COMPANY**

<p>Matthew J. Perry  <b>Lamp, O=Dell, Bartram, Levy,          Trautwein &amp; Perry, PLLC</b>          720 Fourth Avenue (25701)          P.O. Box 2488          Huntington, West Virginia 25725-2488          Tel: 304-523-5400          Fax: 304-523-5409          Email : <a href="mailto:mjp@lampodell.com">mjp@lampodell.com</a>;  <a href="mailto:jaw@lampodell.com">jaw@lampodell.com</a>;  <a href="mailto:mls@lampodell.com">mls@lampodell.com</a>;</p>	
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**LIBERTY MUTUAL FIRE INSURANCE CO.**

<p>David K. Hendrickson          Raj A. Shah  <b>Hendrickson &amp; Long, PLLC</b>          214 Capitol Street (zip 25301)          P.O. Box 11070          Charleston, WV 25339          Tel: 304-346-5500          Fax: 304-346-5515          Email: <a href="mailto:daveh@handl.com">daveh@handl.com</a>;  <a href="mailto:rshah@handl.com">rshah@handl.com</a>;  <a href="mailto:nhollyfield@handl.com">nhollyfield@handl.com</a>;</p>	<p>Laura A. Foggan          Michael Gridley          Dale E. Hausman  <b>Wiley Rein LLP</b>          1776 K St. N.W.          Washington, DC 20006          Tel: 202-719-7000          Fax: 202-719-7049          Email: <a href="mailto:lfoggan@wileyrein.com">lfoggan@wileyrein.com</a>;  <a href="mailto:mgridley@wileyrein.com">mgridley@wileyrein.com</a>;  <a href="mailto:dhausman@wileyrein.com">dhausman@wileyrein.com</a></p>
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**NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA, ILLINOIS NATIONAL INSURANCE COMPANY, NEW HAMPSHIRE INSURANCE COMPANY, COMMERCE AND INDUSTRY INSURANCE COMPANY, AIU INSURANCE COMPANY AND AMERICAN INTERNATIONAL SPECIALTY LINES INSURANCE COMPANY**

<p>Macel E. Rhodes  <b>Zimmer Kunz PLLC</b>          1280 Suncrest Towne Centre          Morgantown, WV 26505          Tel: 304-292-8531          Fax: 304-292-7529          Email: <a href="mailto:rhodes@zklaw.com">rhodes@zklaw.com</a></p>	<p>Richard W. Bryan          Michele L. Dearing          Noel E. Warren  <b>Jackson &amp; Campbell, P.C.</b>          One Lafayette Centre, South Tower          1120 20<sup>th</sup> Street, N.W.          Washington, DC 20036          Tel: 202-457-1600          Fax: 202-457-1678          Email: <a href="mailto:Rbryan@JacksCamp.com">Rbryan@JacksCamp.com</a>;  <a href="mailto:mdearing@jackscamp.com">mdearing@jackscamp.com</a>;  <a href="mailto:nwarren@jackscamp.com">nwarren@jackscamp.com</a></p>
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**TRAVELERS CASUALTY AND SURETY COMPANY AND GULF UNDERWRITERS INSURANCE COMPANY**

<p>Elisabeth H. Rose  <b>Rose Padden &amp; Petty, LC</b>          612 WesBanco Building          P.O. Box 1307          Fairmont, West Virginia 26555-1307          Tel: 304-363-4260          Fax: 304-363-4284          Email: <a href="mailto:erose@rosepaddenpetty.com">erose@rosepaddenpetty.com</a></p>	<p>Lee Ogburn          Stuart MG. Seraina  <b>Kramon &amp; Graham</b>          One South Street          Suite 2600          Baltimore, MD 21202          Tel: 410-752-6030          Fax: 410-539-1269          Email: <a href="mailto:logburn@kg-law.com">logburn@kg-law.com</a>; <a href="mailto:SSeraina@kg-law.com">SSeraina@kg-law.com</a></p>
<b>WESTCHESTER SURPLUS LINES INSURANCE COMPANY</b>	
<p>Charles S. Piccirillo          Benjamin M. Mishoe  <b>Shaffer &amp; Shaffer</b>          330 State Street          Madison, West Virginia 25130          Tel: 304-369-0511          Fax: 304-369-5431          Email: <a href="mailto:cpiccirillo@shafferlaw.net">cpiccirillo@shafferlaw.net</a>;  <a href="mailto:bmishoe@shafferlaw.net">bmishoe@shafferlaw.net</a></p>	<p>Joseph A. Ziemianski  <b>Cozen O=Connor</b>          1221 McKinney Street, Suite 2900          Houston, Texas 77010          Tel: 832-214-3920          Fax: 832-214-3905          Email: <a href="mailto:jziemianski@cozen.com">jziemianski@cozen.com</a></p>
<p>Aaron Tilley  <b>Cozen O=Connor</b>          1717 Main Street, Suite 3400          Dallas, TX 75201          Tel: 214-462-3064          Fax: 214-462-3299          Email: <a href="mailto:atilley@cozen.com">atilley@cozen.com</a></p>	
<b>XL SPECIALTY INSURANCE CO.</b>	
<p>James P. Connors          Daniel W. Levin  <b>Jones Hirsch Connors &amp; Bull P.C.</b>          One Battery Park Plaza, 28<sup>th</sup> Floor          New York, New York 10004          Tel: 212-537-1000          Fax: 212-527-1680          Email: <a href="mailto:jconnors@jhcb.com">jconnors@jhcb.com</a>;  <a href="mailto:dlevin@jhcb.com">dlevin@jhcb.com</a>; <a href="mailto:jaltman@jhcb.com">jaltman@jhcb.com</a></p>	<p>Frank E. Simmerman, Jr.          Chad L. Taylor  <b>Simmerman Law Office, PLLC</b>          254 East Main Street          Clarksburg, West Virginia 26301          Tel: 866-401-5494          Fax: 304-623-4906          Email: <a href="mailto:jes@simmermanlaw.com">jes@simmermanlaw.com</a>;  <a href="mailto:clt@simmermanlaw.com">clt@simmermanlaw.com</a></p>

Dated: 8/7/12

RAIN CII CARBON, LLC  
 BY COUNSEL

McDERMOTT & BONENBERGER, P.L.L.C.



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Wheeling, West Virginia 26003  
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-and-

JAMES M. GARNER, #19589 T.A.  
PETER L. HILBERT, JR., #6875  
DARNELL BLUDWORTH, #18801  
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Telephone: (504) 299-2100  
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SHER GARNER CAHILL RICHTER  
KLEIN & HILBERT, L.L.C.



IN THE CIRCUIT COURT OF MARSHALL COUNTY, WEST VIRGINIA

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Third-Party Defendant Insurers )

FILED  
2012 AUG 27 AM 8:35  
DAVID R. EALY

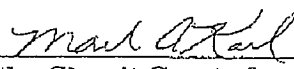
ORDER GRANTING MOTION FOR PRO HAC VICE  
ADMISSION OF JACOB A. AIREY

Upon consideration of the Motion for *Pro Hac Vice* Admission of Jacob A. Airey by the Defendant, Rain CII Carbon LLC, (hereinafter "Rain CII"), by and through its counsel, Landers P. Bonenberger of McDermott & Bonenberger, P.L.L.C., and there being no objection thereto, it is accordingly **ADJUDGED** and **ORDERED** that Jacob A. Airey, of the law firm of Sher Garner Cahill Richter Klein & Hilbert, L.L.C., is hereby designated as additional counsel in this matter for the Defendant Rain CII, and the Motion for *Pro Hac Vice* Admission shall be **GRANTED**.

Accordingly, the Court hereby directs the Clerk to note said additional counsel in this case for Defendant, Rain CII.

The Clerk shall enter the foregoing as of the day and date first herein above written and provide attested copies to all counsel of record.

ENTERED: AUGUST 24, 2012

  
\_\_\_\_\_  
Judge of the Circuit Court of  
Marshall County, West Virginia

Prepared and presented by:

McDERMOTT & BONENBERGER, P.L.L.C.

BY: 

\_\_\_\_\_  
LANDERS P. BONENBERGER # 397  
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Counsel for Defendant Rain CII Carbon LLC