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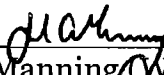
**IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA**

MARILLA J. MCNEELY, et al.,	:	Civil Action Nos. 09-C-43, 09-C-44,
Plaintiffs,	:	09-C-45, 09-C-46, 09-C-47, 09-C-48,
v.	:	09-C-49, 09-C-50, 09-C-51, 09-C-52,
BROOK TROUT COAL, LLC, et al.,	:	and 09-C-53
Defendants.	:	(Honorable Jay M. Hoke)
	:	<b>MOTION FOR ADMISSION <i>PRO</i></b>
	:	<b><i>HAC VICE</i> OF PETER J.</b>
	:	<b>GEORGITON, ESQ.</b>

Pursuant to Rule 8.o of the West Virginia Rules for Admission to the Practice of Law, Jacob A. Manning, Esq. of the law firm of Dinsmore & Shohl LLP, a member in good standing of the West Virginia State Bar, respectfully moves this Court for an Order granting Peter J. Georgiton, Esq., an Ohio attorney who is not licensed and admitted to practice law in the State of West Virginia, the privilege to appear before this Court as an attorney on behalf of Defendants The Chubb Corporation, Federal Insurance Company, and Chubb Custom Insurance Company in the above-captioned action. Mr. Manning will be the responsible local attorney in this matter pursuant to Rule 8.o.

This Motion is supported by the attached Application for Admission *Pro Hac Vice* and Affidavit of Peter J. Georgiton, Esq., which is attached hereto as Exhibit A. A Proposed Order is attached hereto as Exhibit B.

Respectfully submitted,

  
\_\_\_\_\_  
Jacob A. Manning (W.V. Bar. No. 9694)  
DINSMORE & SHOHL LLP  
Bennett Square  
2100 Market Street  
Wheeling, West Virginia 26003  
Tel: (304) 230-1604  
Fax: (304) 230-1610  
jacob.manning@dinsmore.com

*Attorney for Defendants The Chubb  
Company, Federal Insurance Company,  
& Chubb Custom Insurance Company*

OF COUNSEL:

Peter J. Georgiton (Ohio Reg. No. 0075109)  
DINSMORE & SHOHL LLP  
255 East Fifth Street, Suite 1900  
Cincinnati, Ohio 45202  
Tel: (513) 977-8349  
Fax: (513) 977-8141  
peter.georgiton@dinsmore.com

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing Motion for Admission *Pro Hac Vice* of Peter J. Georgiton, Esq. was served upon the following individuals via Regular U.S. Mail, postage prepaid, this 21<sup>st</sup> day of January, 2014:

Marvin W. Masters, Esq.  
Kelly Elswick-Hall, Esq.  
The Masters Law Firm  
181 Summers Street  
Charleston, WV 25301

*Attorneys for Plaintiff*

Kurt E. Entsminger, Esq.  
Joshua C. Dotson, Esq.  
Flaherty Sensabaugh Bonasso, PLLC  
P.O. Box 3843  
Charleston, WV 25338

*Attorneys for Brook Trout Coal, LLC,  
Magnum Coal Company, Magnum Coal Sales, LLC,  
and Catenary Coal Company, LLC*

James J. A. Mulhall, Esq.  
Janis P. White, Esq.  
J. Greg Goodykoontz, Esq.  
Steptoe & Johnson, PLLC  
400 White Oaks Blvd.  
Bridgeport, WV 26330

*Attorneys for Defendant Explo Systems, Inc.*

James A. Varner, Sr., Esq.  
James N. Riley, Esq.  
*McNeer, Highland, McMunn & Varner, L.C.*  
400 West Main Street, Fourth Floor  
P.O. Drawer 2040  
Clarksburg, West Virginia 26302-2040


*Attorneys for Defendant Axis Surplus Insurance Company*

Robert B. Allen, Esq.  
Kay, Casto & Chaney, PLLC  
1500 Chase Tower  
707 Virginia Street, East  
Charleston, WV 25301

*Attorney for Defendant David Smith*

David E. Schumacher  
Bailey & Wyant, PLLC  
500 Virginia Street, Suite 600  
Charleston, WV 25301

*Attorney for Lexington Insurance Co.*

  
\_\_\_\_\_  
Jacob A. Manning, Esq.

**EXHIBIT A**

**IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA**

MARILLA J. MCNEELY, et al.,	:	Civil Action Nos. 09-C-43, 09-C-44,
	:	09-C-45, 09-C-46, 09-C-47, 09-C-48,
Plaintiffs,	:	09-C-49, 09-C-50, 09-C-51, 09-C-52,
	:	and 09-C-53
v.	:	
	:	(Honorable Jay M. Hoke)
BROOK TROUT COAL, LLC, et al.,	:	
	:	
Defendants.	:	<b>MOTION FOR ADMISSION <i>PRO</i></b>
	:	<b><i>HAC VICE</i> OF PETER J.</b>
	:	<b>GEORGITON, ESQ.</b>
	:	

**APPLICATION FOR ADMISSION *PRO HAC VICE* OF PETER J.  
GEORGITON, ESQ.**

Pursuant to Rule 8.0 of the West Virginia Rules for Admission to the Practice of Law, I apply for my admission *pro hac vice* to appear in all proceedings in this case. In support of this motion, I state as follows:

STATE OF OHIO            )  
  ) ss:  
COUNTY OF HAMILTON )

I, Peter J. Georgiton, Esq., having been duly cautioned and sworn, do hereby testify as to the following facts of which I have personal knowledge:

1. I am an attorney and Partner with the law firm of Dinsmore & Shohl LLP, which is located at 255 East Fifth Street, Suite 1900, Cincinnati, Ohio 45202. My telephone number at Dinsmore is (513) 977-8349, the fax number is (513) 977-8141, and my e-mail address is peter.georgiton@dinsmore.com.

2. I am a member in good standing of the bar of the State of Ohio. My registration number with the Supreme Court of Ohio is 0075109. The address for the Supreme Court of Ohio's Office of Attorney Services is: 65 South Front Street, 5th Floor

Columbus, Ohio, 43215-3431. I am also admitted to practice before the United States Court of Appeals for the Sixth Circuit and the United States District Court for the Southern District of Ohio. I have not been disciplined by any court or bar in the last twenty-four months.

3. I represent Defendants The Chubb Corporation, Federal Insurance Company, and Chubb Custom Insurance Company in connection with the dispute encompassed by the above-captioned civil action, styled *Persinger v. Brook Trout Coal Coal, LLC, et al.*, Civil Action No. 08-C-223, which is currently pending before the Circuit Court of Boone County, West Virginia.

4. The responsible local attorney in this matter will be Jacob A. Manning, Esq., a Partner and attorney with the law firm of Dinsmore & Shohl LLP, Bennett Square, 2100 Market Street, Wheeling, West Virginia 26003. His telephone number is (304) 230-1604, his fax number is (304) 230-1610, and his e-mail address is jacob.manning@dinsmore.com.


5. In the last twenty four months, I have **not** appeared in any matters before West Virginia tribunals or bodies.

6. In the last twenty-four months, members of my firm have appeared in the following matters before West Virginia tribunals or bodies: **See attached Exhibit 1.**

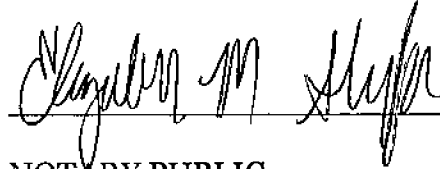
7. I agree to comply with all laws, rules, and regulations of the West Virginia state and local governments, including taxing authorities and standards for pro bono civil and criminal indigent defense legal services.

8. A copy of this application and a check for the fee in the amount of \$350.00 has been sent to the West Virginia State Bar.

FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
Peter J. Georgiton, Esq.

Sworn and subscribed before me, a Notary Public, this 17<sup>th</sup> day of January, 2014.

  
\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

ELIZABETH MONROE SHAFFER  
ATTORNEY AT LAW  
Notary Public, State of Ohio  
My Commission Has No Expiration  
Section 147.03 R.C.

**Dinsmore & Shohl Attorneys Admitted Pro Hac Vice**  
**In**  
**West Virginia**

ATTORNEY NAME	STYLE OF CASE	COURT/CIVIL ACTION NO.
Ash, Linda	<u>Ohio Valley Environmental Coalition, Inc., et al. v. United States Army Corps of Engineers, et al.</u>	United States District Court for the Southern District of West Virginia Civil Action No. 3:11-0149
Combs, Eric K.	<u>Barker v. Rite Aid of West Virginia, Inc.</u>	Circuit Court of Ohio County Civil Action No. 11-C-310
Combs, Eric K.	<u>Hensel Phelps Construction Co. v. Burton Contractors, Inc.</u>	United States District Court for the Southern District of West Virginia Case No. 3:11-cv-01020
Crites, Michael	<u>In Re: The OSHA Investigation at AL Solutions, Inc. Plant</u>	Circuit Court of Hancock County Miscellaneous Action No. 11-P-21 G
Crites, Michael	<u>In Re: Investigation By West Virginia Department of Health and Human Services</u>	Miscellaneous Action 11-MISC-416 Circuit Court of Kanawha County
Crites, Michael	<u>In the Matter of the Search of Wheeling Jesuit University, 316 Washington Avenue, Wheeling, WV 26003</u>	United States District Court for the Northern District of West Virginia Civil Action No. 5:12-MJ-3
Jevicky, John	<u>Stern v. McElroy Coal Company</u>	United States District Court for the Northern District of West Virginia Civil Action No. 5:13-cv-167
Lindsay, Colin	<u>Leslie Kruis v. Tanko Building Products, Inc. and Allmine Paving, LLC</u>	United States District Court for the Northern District of West Virginia Civil Action No. 3:13-cv-00025
Mattes, William M.	<u>In re: The Construction Dispute Involving University High School</u>	Circuit Court of Monongalia County Miscellaneous Action No. 10-P-96



Mattes, William M.	<u>In re: The OSHA Investigation at AL Solutions, Inc. Plant</u>	Circuit Court of Hancock County Miscellaneous Action No. 10-P-65-G
Mattes, William M.	<u>United States of America v. AL Solutions, Inc.</u>	United States District Court for the Northern District of West Virginia 5:13-cv-169
McCaughey, Haley Trogdlen	<u>B &amp; B Equipment Repair LLC v. Glen Alum Operations LLC</u>	United States District Court for the Southern District of West Virginia Civil Action No. 2:12-2014
McCaughey, Haley Trogdlen	<u>Everett Cook d/b/a West Virginia Coal Recovery, LLC v. Investec, et al</u>	United States District Court for the Southern District of West Virginia Civil Action No. 5:12-cv-01113
Merrick, Michael	<u>Leslie Kruis v. Tamko Building Products, Inc. and Allmine Paving, LLC</u>	United States District Court for the Northern District of West Virginia Civil Action No. 3:13-cv-00025
Millar, Drew B.	<u>Evans v. Rhino Eastern, LLC, et al.</u>	Circuit Court of Raleigh County Civil Action No. 12-C-908-B
Millar, Drew B.	<u>Foster v. Rhino Eastern, LLC, et al.</u>	Circuit Court of Raleigh County Civil Action No. 12-C-731-K
Morgan, Grammn N.	<u>Everett Cook, d/b/a West Virginia Coal Recovery, LLC v. Investec, et al</u>	United States District Court for the Southern District of West Virginia Civil Action No. 5:12-cv-01113
Morgan, Grammn N.	<u>B &amp; B Equipment Repair LLC v. Glen Alum Operations LLC</u>	United States District Court for the Southern District of West Virginia Civil Action No. 2:12-2014
Morgan, Grammn N.	<u>Aracoma Contracting, LLC v. Glen Alum Operations LLC, et al.</u>	Circuit Court of Mingo County Civil Action No. 12-C-212

Pullen, Mary Jo	<u>Jennifer Barker, et al v. Rite Aid of West Virginia, Inc., et al.</u>	Circuit Court of Ohio County Civil Action No. 11-C-310
Pullen, Mary Jo	<u>Marilyn Greaver, et al. v. Rite Aid of West Virginia, Inc., et al.</u>	Circuit Court of Ohio County, West Virginia Civil Action No. 11-C-363
Pullen, Mary Jo	<u>Jackie Chaffin, et al V. Rite Aid of West Virginia, et al</u>	Circuit Court of Hancock County, West Virginia Civil Action No. 13-C-88
Steimle, Christen M.	<u>Hensel Phelps Construction Co. v. David &amp; Burton Contractors, Inc. and St. Paul Guardian Insurance Co., v. Freeland &amp; Kaufman, Inc., et al</u>	United States District Court for the Southern District of West Virginia Civil Action No. 3:11-CV-1020
Strong, Adrienne C.	<u>Aracoma Contracting, LLC v. Glen Alum Operations LLC, et al.</u>	Circuit Court of Mingo County Civil Action No. 12-C-212
Strong, Adrienne C.	<u>Everett Cook d/b/a West Virginia Coal Recovery, LLC v. Investec, et al</u>	United States District Court for the Southern District of West Virginia Civil Action No. 5:12-cv-01113
West, Lin W.	<u>Ruth Ann Carroll for the Estate of Harold Paul Carroll v. AMEX Assurance Company</u>	United States District Court for the Northern District of West Virginia Civil Action No. 5:07-cv-127
Woodside, Frank	<u>Ohio Valley Environmental Coalition, Inc., et al. v. United States Army Corps of Engineers, et al.</u>	United States District Court for the Southern District of West Virginia Civil Action No. 3:11-0149
Woodside, Frank	<u>Ohio Valley Environmental Coalition, Inc., et al. v. United States Army Corps of Engineers, et al.</u>	United States District Court for the Northern District of West Virginia Miscellaneous Action No. 1:11-mc-00035-FPS

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Plaintiffs,	:	09-C-49, 09-C-50, 09-C-51, 09-C-52,
	:	and 09-C-53
v.	:	
	:	(Honorable Jay M. Hoke)
BROOK TROUT COAL, LLC, et al.,	:	
	:	<b>ORDER AUTHORIZING</b>
Defendants.	:	<b>ADMISSION <i>PRO HAC VICE</i> OF</b>
	:	<b>PETER J. GEORGITON, ESQ.</b>

Pending is the Motion for Admission *Pro Hac Vice* of Peter J. Georgiton, Esq., an attorney in good standing in the State of Ohio. Mr. Georgiton seeks admission *pro hac vice* as counsel for Defendants The Chubb Corporation, Federal Insurance Company, and Chubb Custom Insurance Company (the "Chubb Defendants").

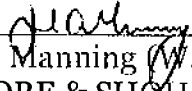
The Court finds that the Application for Admission *Pro Hac Vice* satisfies the requirements for West Virginia Rule for Admission to the Practice of Law 8 and therefore **ORDERS** that Mr. Georgiton be admitted *pro hac vice* to participate as the counsel for the Chubb Defendants in this action.

The clerk is DIRECTED to send a copy of this Order to all counsel of record.

ENTERED this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Honorable Jay M. Hoke

Prepared by:

  
\_\_\_\_\_  
Jacob A. Manning (W.V. Bar. No. 9694)  
DINSMORE & SHOHL LLP  
Bennett Square  
2100 Market Street  
Wheeling, West Virginia 26003  
Tel: (304) 230-1604  
Fax: (304) 230-1610  
jacob.manning@dinsmore.com

*Attorney for Defendants The Chubb Company,  
Federal Insurance Company,  
& Chubb Custom Insurance Company*  
2632644v1