



HOLTZAPFEL
LAW OFFICES, PLLC

RICHARD E. HOLTZAPFEL

DEBRA BALL, PARALEGAL

1200 STATE ROUTE 34, HURRICANE, WV 25526
(PHONE) 304.757.7888 / (FAX) 304.757.7858
www.holtzapfellow.com

February 19, 2018

Carole Jones, Clerk
Wood County Circuit Court
Wood County Judicial Office
#2 Government Square, Room 133
Parkersburg, WV 26102

Re: *Chase Gibson and Orian Pifer v. The Cabell County Board of Education
and The West Virginia Secondary Schools Activities Commission*

Dear Ms. Jones:

Enclosed are the original and six copies of the Civil Case Information Statement, Summons and Complaint to institute suit in the above-captioned matter, together with our firm's check in the amount of \$230.00 for the filing fee.

Please return the stamped copies of the Summons and Complaint to me in the enclosed, self-addressed envelope. I will handle serving the defendants with the Summons and Complaint.

Thank you for your assistance in this matter.

Very truly yours,

Richard E. Holtzapfel

REH:dlb

Enclosures

cc: Chase Gibson
Orian Pifer

**CIVIL CASE INFORMATION STATEMENT
CIVIL CASES**

In the Circuit Court, Wood County, West Virginia

I. CASE STYLE:

CHASE GIBSON and
ORIAN PIFER,

Case No.
Judge

Plaintiffs,

v.

THE CABELL COUNTY BOARD OF EDUCATION and
THE WEST VIRGINIA SECONDARY SCHOOLS
ACTIVITIES COMMISSION,

Defendants.

	<u>Days to Answer</u>	<u>Type of Service</u>
The Cabell County Board of Education c/o Mary Neely, President 2850 5 th Avenue Huntington, WV 25702	30	Secretary of State
The West Virginia Secondary Schools Activities Commission c/o Bernie Dolan, Executive Director 2875 Staunton Turnpike Parkersburg, WV 26104	30	Secretary of State

Original and 6 copies of Complaint furnished herewith.

PLAINTIFFS: Chase Gibson and Orian Pifer DEFENDANTS: The Cabell County Board of Education and The West Virginia Secondary Schools Activities Commission	CASE NUMBER:
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II. TYPE OF CASE

TORTS	OTHER	CIVIL
☐ Asbestos	☐ Adoption	☐ Appeal from Magistrate Court
☐ Professional Malpractice	☐ Contract	☐ Petition for Modification of Magistrate Sentence
☒ Personal Injury	☐ Real Property	☐ Miscellaneous Civil
☐ Product Liability	☐ Mental Health	☐ Other Complaint
☐ Other Tort	☐ Appeal of Administrative Agency	

III. JURY DEMAND: ☒ Yes ☐ No

CASE WILL BE READY FOR TRIAL BY (Month/Year): 02/2019

IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS DUE TO A DISABILITY OR AGE? ☐ Yes ☒ No

IF YES, PLEASE SPECIFY:

- ☐ Wheelchair accessible hearing room and other facilities
☐ Interpreter or other auxiliary aid for the hearing impaired
☐ Reader or other auxiliary aid for the visually impaired
☐ Spokesperson or other auxiliary aid for the speech impaired
☐ Other: _____

Attorney Name: Richard E. Holtzapfel, Esq. Representing: ☒ Plaintiffs ☐ Defendants

Firm: **HOLTZAPFEL LAW OFFICES, PLLC**

Address: 1200 State Route 34
Hurricane, WV 25526

Telephone: (304) 757-7888

Dated: 2.19.18


Signature

IN THE CIRCUIT COURT OF WOOD COUNTY, WEST VIRGINIA

CHASE GIBSON and
ORIAN PIFER,

CIVIL ACTION NO.

Plaintiffs,

v.

SUMMONS

THE CABELL COUNTY BOARD OF EDUCATION and
THE WEST VIRGINIA SECONDARY SCHOOLS
ACTIVITIES COMMISSION,

Defendants.

TO: THE CABELL COUNTY BOARD OF EDUCATION
c/o Mary Neely, President
2850 5th Avenue
Huntington, WV 25702

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon Richard E. Holtzapfel, Esquire, plaintiff's attorney, whose address is HOLTZAPFEL LAW OFFICES, PLLC, 1200 State Route 34, Hurricane, West Virginia, 25526, an answer, including any related counterclaim you may have, to the Amended Complaint filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer to the Amended Complaint within 30 days after service of this Summons upon you, exclusive of the date of service. **If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint** and you will be thereafter barred from asserting in another action any claim you have which must be asserted by counterclaim in the above-styled action.

Dated: _____

Clerk of Court

IN THE CIRCUIT COURT OF WOOD COUNTY, WEST VIRGINIA

CHASE GIBSON and
ORIAN PIFER,

CIVIL ACTION NO.

Plaintiffs,

v.

SUMMONS

THE CABELL COUNTY BOARD OF EDUCATION and
THE WEST VIRGINIA SECONDARY SCHOOLS
ACTIVITIES COMMISSION,

Defendants.

TO: THE WEST VIRGINIA SECONDARY SCHOOLS
ACTIVITIES COMMISSION
c/o Bernie Dolan, Executive Director
2875 Staunton Turnpike
Parkersburg, WV 26104

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon Richard E. Holtzapfel, Esquire, plaintiff's attorney, whose address is HOLTZAPFEL LAW OFFICES, PLLC, 1200 State Route 34, Hurricane, West Virginia, 25526, an answer, including any related counterclaim you may have, to the Amended Complaint filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer to the Amended Complaint within 30 days after service of this Summons upon you, exclusive of the date of service. **If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint** and you will be thereafter barred from asserting in another action any claim you have which must be asserted by counterclaim in the above-styled action.

Dated: _____

Clerk of Court

IN THE CIRCUIT COURT OF WOOD COUNTY, WEST VIRGINIA

**CHASE GIBSON and
ORIAN PIFER,**

PLAINTIFFS,

v.

CIVIL ACTION NO.: _____
JUDGE: _____

**THE CABELL COUNTY BOARD OF EDUCATION and
THE WEST VIRGINIA SECONDARY SCHOOLS
ACTIVITIES COMMISSION,**

DEFENDANTS.

COMPLAINT

Come now Plaintiffs Chase Gibson and Orian Pifer, by counsel, and for their Complaint in this civil action allege and aver as follows:

1. Plaintiff Chase Gibson is a resident of Hurricane, Putnam County, West Virginia and was at all times relevant to the incidents made subject of this Complaint;
2. Plaintiff Orian Pifer is a resident of Hurricane, Putnam County, West Virginia and was at all times relevant to the incidents made subject of this Complaint;
3. Defendant The Cabell County Board of Education is situate in Cabell County, West Virginia. Defendant is responsible for hiring, training and supervising the employees and agents under its charge, which includes the coaches of the Huntington High School wrestling team;
4. Defendant The West Virginia Secondary School Activities Commission (WVSSAC) is an organization empowered to exercise the control, supervision and

regulation of interscholastic athletic events of secondary schools. The WVSSAC is charged with promulgating reasonable rules and regulations providing for the control, supervision and regulation of interscholastic athletic events. W. Va. Code § 18-2-25. This includes the selection, training, certifying, oversight and hiring of officials for interscholastic athletic events, including wrestling, as well as the training, certifying and oversight of coaches at its member schools. The office of the WVSSAC is situated in Parkersburg, Wood County, West Virginia;

5. The claims made subject of this civil action occurred in Wood County, West Virginia, specifically during the February 18, 2017, WVSSAC Regional Tournament held in Parkersburg, West Virginia. Venue is appropriate in this Court;

6. Plaintiffs were students attending Hurricane High School in Hurricane, Putnam County, West Virginia, during the 2016-2017 school year and were members of the Hurricane High School wrestling team;

7. Both Huntington High School and Hurricane High School have voluntarily chosen to join the WVSSAC. Accordingly, the athletic programs including the wrestling teams at both schools fall under the authority of the WVSSAC;

8. Prior to the start of the 2016/2017 wrestling season, the Assistant Executive Director of the WVSSAC, Wayne Ryan, sent a *Bulletin* to all of its "Wrestling Coaches and Wrestling Officials" concerning the subject of "Skin Infections Awareness". Exhibit A.

Mr. Ryan begins the *Bulletin* stating that:

"It is the responsibility of coaches and officials to ensure that no wrestler participates while suffering from a skin

infection/communicable disease. The health and well being of all participants must be a primary concern.”

Exhibit A (emphasis supplied).

According to the *Bulletin*, “The WVSSAC has provided all wrestling coaches and officials with a copy of Dr. B.J. Anderson’s *The Mat Doc Skin Infection Pocket Reference*” because it “helps wrestling personnel evaluate skin infections.” Exhibit A.

Further, the *Bulletin* unequivocally states that a communicable skin disease form

“is required for any wrestler desiring to return to competition after having a communicable skin disease or is suspected of having a communicable skin disease or any other condition that makes participation appear inadvisable.”

Exhibit A (emphasis supplied).

Additionally, the skin disease form “must be completed in its entirety and signed by a physician before an official or coach allows an athlete to participate with a skin condition.” Exhibit A.

The *Bulletin* ends by admonishing the WVSSAC coaches and officials that “If there is any doubt or question regarding a skin condition, the athlete must be removed from practice/competition until cleared by a physician.” In bold letters, the *Bulletin* concludes “**When in doubt, sit them out!**” Exhibit A (Emphasis in original);

9. The communicable disease skin form referred to in Mr. Ryan’s September 2016 *Bulletin*, Exhibit A, is a form titled “Medical Release for Wrestler to Participate With Skin Lesion.” Exhibit B. This form is approved by the National Federation of State High School Associations Sports Medicine Advisory Committee, and has been adopted, approved and used by the WVSSAC, including during the 2016/2017 wrestling season.

This skin disease form contains guidelines for the “Minimum Treatment” that an athlete with skin lesions should have before returning to wrestling. For bacterial

diseases such as impetigo, the wrestler being prescribed an oral antibiotic for three days (72 hours) is considered a "minimum" to achieve the status of non-contagious and being allowed to wrestle again. For herpetic lesions (such as HSV-1), the wrestler "should be treated and not allowed to compete for a minimum of 10 days", and "all lesions must be scabbed over with no oozing or discharge". Exhibit B;

10. On February 18, 2017, the WVSSAC conducted one of its Regional Wrestling Tournaments in Parkersburg, Wood County, West Virginia. The wrestling officials, names currently unknown, who officiated this tournament and conducted skin checks were hired, paid, certified and trained by the WVSSAC. These unknown wrestling officials are the employees and agents of the Defendant WVSSAC;

11. Less than 48 hours before the February 18, 2017, WVSSAC Regional Tournament at Parkersburg, the Head Wrestling Coach for Huntington High School, Rob Archer, claimed that he had "Doctor Christopher McKeand" come to the Huntington High wrestling practice on February 16, 2017, and conduct skin checks on the wrestlers because one Huntington High wrestler allegedly had been diagnosed with impetigo the previous weekend. According to Coach Archer, Dr. McKeand put the entire team on the medication Keflex and a cream "to prevent anyone from not being allowed to compete at the regionals" which was scheduled to start in less than 48 hours;

12. At the February 18, 2017, WVSSAC Regional Tournament, Coach Archer claims that one of his wrestler's skin condition (identified herein only as "T.B.") was questioned during skin checks at weigh-ins by an unnamed WVSSAC official. In response, Coach Archer claimed that he had a completed skin form showing that the wrestler "had seen a doctor and that he had been treating the impetigo for 2 days."

However, in response to a FOIA request, the Defendant Cabell County Board of Education was unable to produce the skin form because it had allegedly been destroyed by Coach Archer. No documentary proof was provided that such form ever even existed. It is unlikely that any doctor would have signed off on the form as the wrestler, by Coach Archer's own admission, had only been on antibiotics "2 days" which is obviously one day less than the three day minimum required by the form. Further, the appearances of impetigo and HSV-1 would not likely be confused by a competent physician, although any confusion could have easily been dispelled by the ordering of lab tests and cultures by the physician.

Disregarding both his history and appearance, the Huntington High wrestler T.B. was allowed by both his coaches and the officials to wrestle in the Regional tournament against Plaintiff Orian Pifer. During the match, T.B. was oozing from multiple lesions on his body that were soaking through his singlet so much that the match was paused multiple times to wipe the ooze off of both wrestlers. However, neither the Huntington High coaches nor any of the WVSSAC officials ever stopped the match because of the oozing lesions.

Another Huntington High wrestler (identified herein only as "C.S.") who wrestled Plaintiff Chase Gibson also had multiple oozing lesions that were partially concealed during the match by his singlet. Though C.S.'s lesions were prominent and obvious, they were apparently not disclosed or reported by the Huntington High coaches to the WVSSAC officials and it is unclear whether a skin lesion form was completed on C.S. Further, the WVSSAC officials failed to discover, report or take any action on account of C.S.'s lesions that should have been obvious during skin checks. After the match

was over, in an apparent attack of conscience, C.S. pulled down his singlet and revealed to Plaintiff Gibson the oozing lesions on his chest and told him "You need to shower now", an implicit admission that C.S. knew the lesions were not harmless.

As a matter of fact, both of the subject Huntington High wrestlers had the Herpes Simplex Virus (HSV-1), not impetigo as represented by their coach. As a result of their matches with these Huntington High wrestlers, Plaintiffs contracted HSV-1. In fact, a substantial HSV-1 outbreak occurred as a result of the Regional Tournament so much that the State Tournament for every affected weight class was threatened to be cancelled, until ultimately it was decided that the entire State Tournament would be pushed back several weeks to allow the affected wrestlers to heal;

13. Despite all of the controversy that ensued because of the HSV-1 outbreak at the Regional Tournament, Huntington High's Coach Archer allegedly decided to destroy the skin check release forms, the very documentation that could prove that his wrestlers had been cleared to wrestle by a physician as claimed;

14. The HSV-1 virus that the Plaintiffs were infected with during the WVSSAC Regional Tournament will never go away as HSV-1 cannot be cured. Now that Plaintiffs have HSV-1, the disease will flare up and need to be controlled with medication and cream. Plaintiffs have already suffered multiple flare-ups in the form of oozing lesions on their bodies, including publicly visible places like their face, head and neck. Because HSV-1 is contagious, Plaintiffs will need to advise every person with whom they would like to have any intimate physical contact that they have herpes. In fact, any skin to skin contact such as even a handshake, can spread the herpes;

15. Plaintiffs allege that the Defendant West Virginia Secondary Schools Activities Commission was negligent in the following ways:

- a. Failing to detect the obvious skin infections of the subject Huntington High Wrestlers during the skin checks prior to the start of the WVSSAC Regional Tournament on February 18, 2017;
- b. Failing to prevent the subject Huntington High wrestlers who were suffering from obvious skin infections from wrestling in the WVSSAC Regional Tournament on February 18, 2017;
- c. Failing to prevent the subject Huntington High wrestlers from wrestling in the WVSSAC Regional Tournament on February 18, 2017, because they did not have skin forms which addressed their obvious skin lesions. Alternatively, if skin forms actually were produced that said, as represented by Coach Archer, that the wrestlers had only been treated for two days, not the minimum three days as required by the express wording of the form, then the WVSSAC failed to prevent those wrestlers from wrestling;
- d. Failing to stop the matches involving the subject Huntington High wrestlers in the WVSSAC Regional Tournament on February 18, 2017, once their lesions became more prominent, obvious and revealed during the matches;
- e. Failing to adhere to WVSSAC's own policies concerning skin lesions; and
- f. Failing to train wrestling officials how to properly detect and deal with skin infections and lesions;

16. Plaintiffs allege that the Defendant Cabell County Board of Education was negligent in the following ways:

- a. Failing to detect the obvious skin infections of the subject Huntington High Wrestlers during the coaches' skin checks prior to the start of the WVSSAC Regional Tournament on February 18, 2017;
- b. Failing to prevent the subject Huntington High wrestlers who were suffering from obvious skin infections from wrestling in the WVSSAC Regional Tournament on February 18, 2017;
- c. Failing to prevent the subject Huntington High wrestlers from wrestling in the WVSSAC Regional Tournament on February 18, 2017, because they did not have skin forms which addressed their obvious skin lesions. Alternatively, if skin forms actually were produced that said, as represented by Coach Archer, that the wrestlers had only been treated for two days, not the minimum three days as required by the express wording of the form, then the Defendant's coaches failed to prevent those wrestlers from wrestling;
- d. Failing to stop the matches involving the subject Huntington High wrestlers in the WVSSAC Regional Tournament on February 18, 2017, once their lesions became more prominent, obvious and revealed during the matches;
- e. Failing to adhere to WVSSAC policies concerning skin lesions; and

- f. Failing to train its coaches how to properly detect and deal with skin infections and lesions;

17. By these acts of negligence, the Defendants needlessly exposed the Plaintiffs to an unreasonable risk of infection of a permanent incurable disease, which Plaintiffs did, in fact, contract. But for the Defendants' negligent conduct, Plaintiffs contracting of herpes was 100% preventable;

18. As a direct and proximate result of the negligence of the Defendants as alleged herein, Plaintiffs have suffered the following damages:

- a. Permanent and incurable infection of Herpes (HSV-1);
- b. Emotional distress, past and future, attached with the social stigma of being infected with Herpes (HSV-1);
- c. Pain and suffering, past and future;
- d. Annoyance, inconvenience and aggravation, past and future;
- e. Medical treatment and expenses, past and future; and
- f. Any other damages awardable under West Virginia law, including attorney's fees and expense and pre- and post-judgment interest;

19. In addition to the damages outlined above, Plaintiffs also request that the Defendant WVSSAC be ordered to develop a comprehensive training program for all of its member coaches and referees that specifically complies with and implements its existing written policies concerning skin infections in the sport of wrestling;

20. In addition to the damages outlined above, Plaintiffs also request that the subject coaches employed by the Defendant Cabell County Board of Education be required to attend remedial training on the proper treatment and handling of wrestlers

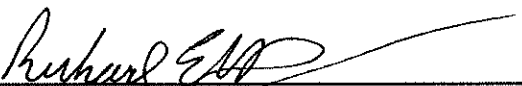
with skin lesions and successfully complete testing to demonstrate that they have knowledge of the proper standards and protocol;

21. As applicable, Plaintiffs seek damages in an amount that is under and up to the limits of the State's insurance policy;

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment against the Defendants for the causes of action contained herein and award Plaintiffs damages in an amount that will fully and fairly compensate them for the damages suffered as alleged herein.

Plaintiffs demand a trial by jury.

**CHASE GIBSON and
ORIAN PIFER,
By Counsel,**



Richard E. Holtzapfel, Esq. WVSB #7723
Holtzapfel Law Offices, PLLC
1200 State Route 34
Hurricane WV 25526
304.757.7888
304.757.7858 (fax)
rich@holtzapfellow.com

WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION



2875 Staunton Turnpike, Parkersburg, WV 26104-7219

TELEPHONE: 304-485-5494
FAX NUMBER: 304-428-5431

E-MAIL: wvssac@wvssac.org
WEB SITE: www.wvssac.org



BULLETIN

TO: Wrestling Coaches and Wrestling Officials
FROM: Wayne Ryan, Assistant Executive Director
DATE: September 2016
SUBJECT: Skin Infections Awareness

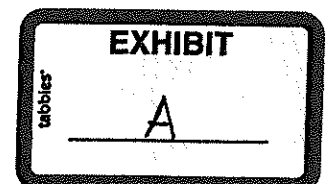
It is the responsibility of wrestling coaches and officials to ensure that no wrestler participates while suffering from a skin infection/communicable disease. The health and well being of all participants must be a primary concern.

The WVSSAC has provided all wrestling coaches and officials with a copy of Dr. B.J. Anderson *The Mat Doc Skin Infection Pocket Reference*. This reference guide helps wrestling personnel evaluate skin infections. Please contact the WVSSAC office if you need a replacement copy.

The **Communicable Skin Disease Form** is required for any wrestler desiring to return to competition after having a communicable skin disease or is suspected of having a communicable skin disease or any other condition that makes participation appear inadvisable. This form must be completed in its entirety and signed by a physician before an official or coach allows an athlete to participate with a skin condition. This procedure refers to practice and all competition.

If there is any doubt or question regarding a skin condition, the athlete must be removed from practice/competition until cleared by a physician.

When in doubt, sit them out!



National Federation of State High School Associations
Sports Medicine Advisory Committee

MEDICAL RELEASE FOR WRESTLER TO PARTICIPATE WITH SKIN LESION

Name: _____

Date of Exam: ____ / ____ / ____

Diagnosis _____

Mark Location AND Number of Lesion(s)

Location AND Number of Lesion(s): _____

Medication(s) Used to Treat Lesion(s): _____

Date Treatment Started: ____ / ____ / ____ Time: _____

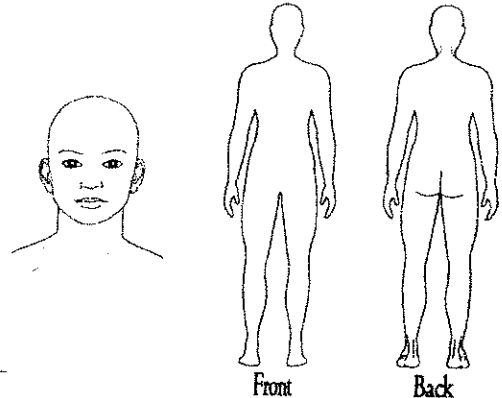
Form Expiration Date for this Lesion (Note on Diagram(s)): ____ / ____ / ____

Earliest Date the Wrestler May Return to Participation: ____ / ____ / ____

Provider Signature _____ Office Phone #: _____

Provider Name (Must Be Legible) _____

Office Address _____



Below are some treatment guidelines that suggest MINIMUM TREATMENT before return to wrestling:

Bacterial Diseases (impetigo, boils): To be considered "non-contagious," all lesions must be scabbed over with no oozing or discharge and no new lesions should have occurred in the preceding 48 hours. Oral antibiotic for three days is considered a minimum to achieve that status. If new lesions continue to develop or drain after 72 hours, MRSA (Methicillin Resistant Staphylococcus Aureus) should be considered.

Herpetic Lesions (Simplex, fever blisters/cold sores, Zoster, Gladiatorum): To be considered "non-contagious," all lesions must be scabbed over with no oozing or discharge and no new lesions should have occurred in the preceding 48 hours. For primary (first episode of Herpes Gladiatorum), wrestlers should be treated and not allowed to compete for a minimum of 10 days. If general body signs and symptoms like fever and swollen lymph nodes are present, that minimum period of treatment should be extended to 14 days. Recurrent outbreaks require a minimum of 120 hours of oral anti-viral treatment, again so long as no new lesions have developed and all lesions are scabbed over.

Timea Lesions (ringworm on scalp or skin): Oral or topical treatment for 72 hours on skin and oral treatment for 14 days on scalp.

Scabies, Head Lice: 24 hours after appropriate topical management.

Conjunctivitis (Pink Eye): 24 hours of topical or oral medication and no discharge.

Molluscum Contagiosum: Upon treatment with curettage and hyfrecator, may cover with bioocclusive and wrestle immediately.

Note to Appropriate Health-Care Professionals: Non-contagious lesions do not require treatment prior to return to participation (e.g. eczema, psoriasis, etc.). Please familiarize yourself with NFHS Wrestling Rules 4-2-3, 4-2-4 and 4-2-5 which states:

"ART. 3 . . . If a participant is suspected by the referee or coach of having a communicable skin disease or any other condition that makes participation appear inadvisable, the coach shall provide current written documentation as defined by the NFHS or the state associations, from an appropriate health-care professional stating that the suspected disease or condition is not communicable and that the athlete's participation would not be harmful to any opponent. This document shall be furnished at the weigh-in for the dual meet or tournament. The only exception would be if a designated, on-site meet appropriate health-care professional is present and is able to examine the wrestler either immediately prior to or immediately after the weigh-in. Covering a communicable condition shall not be considered acceptable and does not make the wrestler eligible to participate."

"ART. 4 . . . If a designated on-site meet appropriate health-care professional is present, he/she may override the diagnosis of the appropriate health-care professional signing the medical release form for a wrestler to participate or not participate with a particular skin condition."

"ART. 5 . . . A contestant may have documentation from an appropriate health-care professional only indicating a specific condition such as a birthmark or other non-communicable skin conditions such as psoriasis and eczema, and that documentation is valid for the duration of the season. It is valid with the understanding that a chronic condition could become secondarily infected and may require re-evaluation."

Once a lesion is considered non-contagious, it may be covered to allow participation.

DISCLAIMER: The National Federation of State High School Associations (NFHS) shall not be liable or responsible, in any way, for any diagnosis or other evaluation made herein, or exam performed in connection therewith by the above named provider, or for any subsequent action taken, in whole or part, in reliance upon the accuracy or veracity of the information provided herein.

Revised/Approved by NFHS SM

EXHIBIT

tabbies

B

VERIFICATION

STATE OF WEST VIRGINIA,

COUNTY OF PUTNAM to-wit:

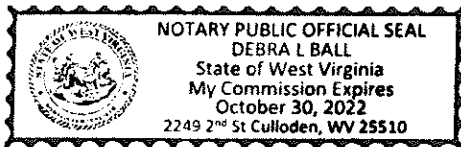
Chase Gibson, a credible person, being first duly sworn, upon his oath does hereby depose and say that he is the Plaintiff in the foregoing Complaint; that he has read the foregoing Complaint and that the facts contained therein are true, except insofar as they are therein stated to be upon information and belief, and, insofar as they are therein stated to be upon information and belief, he believes them to be true.

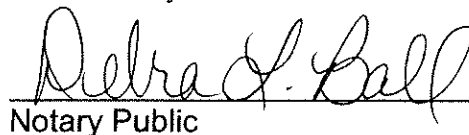


Chase Gibson

Taken, subscribed and sworn to before me this 19th day of February, 2018,
by Chase Gibson.

My commission expires October 30, 2022





Notary Public

VERIFICATION

STATE OF WEST VIRGINIA,

COUNTY OF PUTNAM to-wit:

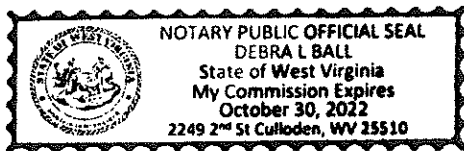
Orian Pifer, a credible person, being first duly sworn, upon his oath does hereby depose and say that he is the Plaintiff in the foregoing Complaint; that he has read the foregoing Complaint and that the facts contained therein are true, except insofar as they are therein stated to be upon information and belief, and, insofar as they are therein stated to be upon information and belief, he believes them to be true.



Orian Pifer

Taken, subscribed and sworn to before me this 19th day of February, 2018,
by Orian Pifer.

My commission expires October 30, 2022.





Notary Public