

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

PAUL M. LEWIS, individually and
as Administrator of the Estate of
Ryan Christopher Lewis, deceased, and
DIANA C. LEWIS,

Plaintiffs,

vs.

CIVIL ACTION NO. DA 3210

ALLDREDGE ACADEMY, INC.,
a Delaware corporation,
AYNE INSTITUTE, LLC,
a West Virginia limited liability
company, L. JAY MITCHELL and
LANCE WELLS,

Defendants.

COMPLAINT

Now come the Plaintiffs, Paul M. Lewis, individually and as Administrator of the Estate of Ryan Christopher Lewis, deceased, and Diana C. Lewis, by counsel, James B. Lees, Jr., Hunt & Lees, L.C., and Stephen G. Jory, Jory & Smith, L.C., and for their Complaint, state as follows:

Parties

1. Plaintiffs, Paul M. Lewis and Diana C. Lewis, husband and wife, are residents of East Longmeadow, Massachusetts, and the parents of Ryan Christopher Lewis ("Ryan").

2. Plaintiff Paul M. Lewis was appointed as Administrator of the Estate of Ryan Christopher Lewis on November 19, 2002, by Order of the Justice of the Probate and Family Court of Hampden County, Massachusetts. A copy of said Order of Appointment is attached hereto as Exhibit A.

3. Defendant Alldredge Academy, Inc. ("Alldredge Academy"), was at all times referred to herein, a Delaware corporation which from March 15, 1999, until October 21, 2002, had been authorized to do business in the State of West Virginia. Alldredge Academy has its principal office located outside the State and has no place of business within the State of West Virginia.

4. Defendant Ayne Institute, LLC ("Ayne Institute"), was at all times referred to herein, a West Virginia limited liability company established on March 15, 1999.

5. Defendant L. Jay Mitchell was at all times referred to herein, a resident of Tucker County, West Virginia, and was the founder, President and Program Director of Alldredge Academy, as well as a member-manager of Ayne Institute.

6. Defendant Lance Wells was at all times referred to herein, a resident of Randolph County, West Virginia, and a co-founder and Vice-President of Alldredge Academy, as well as the organizer and a member-manager of Ayne Institute.

Jurisdiction and Venue

7. The Circuit Court has jurisdiction of this civil action pursuant to the West Virginia Constitution, Article VIII, §6. Venue is established in the Circuit Court of Kanawha County pursuant to West Virginia Code § 56-1-1(a)(2).

Factual Background

8. Ryan Christopher Lewis was born unto Plaintiffs Paul and Diana Lewis on January 30, 1987.

9. While in grade school, it was determined that Ryan, although very bright and articulate, had dyslexia, a learning disability. Over the years, Ryan became increasingly frustrated with his school work and had difficulties coping in class.

10. After consultations between Plaintiffs Paul and Diana Lewis and the East Longmeadow public school system, Ryan was placed locally at White Oak School, a school for students with learning disabilities.

11. At about the same time, Ryan was being treated for depression by an adolescent psychiatrist.

12. Throughout, Ryan remained very active, hiking, camping, mountain biking, rock climbing, kayaking and skiing. He was also a voracious reader, especially of the history of World War II. With the Boy Scouts, he was active as a fire explorer in association with his local fire department.

13. In an effort to help Ryan by providing more intensive therapy for his depression while continuing his schooling without interruption, Plaintiffs commenced a search in December of 2000 for an alternative school experience which would provide therapeutic care and treatment as well as an educational program enabling Ryan to return to school in the fall of 2001 with his class.

14. Based upon the recommendation of an educational consultant, Plaintiffs contacted Defendant Alldredge Academy. The educational consultant also forwarded copies of documentation concerning Ryan, his psychiatric evaluation, and his educational assessment to Alldredge Academy.

15. Plaintiffs received an application from Alldredge Academy and completed the same on January 24, 2001. The application was submitted to Alldredge Academy immediately thereafter.

16. Plaintiffs described Ryan's social emotional issues and his depression in the application which they submitted to Alldredge Academy.

17. In response to the question on the application which specifically inquired as to whether the student has "ever attempted or talked about suicide," Plaintiffs wrote that there were two attempts in 1999, one by "putting metal object in electrical socket" and the second, by a "rope around neck."

18. Along with the application, Plaintiffs provided Alldredge Academy with copies of a psychiatric evaluation of Ryan as well as an educational assessment.

19. The psychiatric evaluation prepared by Barry Sarvet, M.D., fully described Ryan's emotional history and also described one of his suicidal gestures. The report also notes that there has been a history of suicide in Ryan's family and states that because of that history, "ongoing monitoring of the depression symptom" is recommended.

20. Before enrolling Ryan at Alldredge Academy, Plaintiffs discussed the application and Dr. Sarvet's psychiatric report on Ryan with Glenn F. Bender, Admissions

Director of Alldredge Academy. Dr. Sarvet also spoke at length by telephone with Dr. Bender concerning Ryan's needs.

21. Before enrolling Ryan at Alldredge Academy, Plaintiffs also discussed the application and Dr. Sarvet's psychiatric report on Ryan with Sandy Schmiedeknecht, the Alldredge Academy nurse. The Headmaster of White Oak School also had a telephone conversation with Ms. Schmiedeknecht about Ryan.

22. Ryan was accepted on January 26, 2001, as a student at Alldredge Academy and, upon payment of a deposit of \$750.00 toward the total cost of \$18,900, he was enrolled with a group which was to start a 3-month Semester Back Program on February 7, 2001.

23. On February 7, 2001, Ryan's parents drove him to Keyser, Mineral County, West Virginia, as directed by Alldredge Academy, and where he was picked up by Alldredge Academy personnel ("instructors/field guides") along with two other students who also enrolled that same day for entry into the Semester Back Program. Ryan's parents never saw him alive again.

24. Ryan and the other students were driven directly to Canaan Valley, Tucker County, West Virginia, where they were each given clothing, a backpack, a knife and a tent. A total of 8 children and 3 instructors/field guides then set off into the wilderness for the beginning of the wilderness phase, a one month program of hiking and camping designed to "remove limitations."

25. During the first week of the wilderness phase, the students, including Ryan, were “on silence” which meant that they were not permitted to converse with the other students.

26. During the first week of the wilderness phase, the students, including Ryan, were fed mostly rice and lentils.

27. At the end of the first week, on the evening of February 12, 2001, the students were at a wilderness campsite when Ryan approached his instructor/field guide and showed him where he had used his knife to cut horizontal and vertical slashes from his mid-arm to his wrist.

28. Ryan told the instructor/field guide, Josh Saville, that he had cut himself and asked Saville to “take my knife before I hurt myself some more.” When asked why he did it, Ryan responded, “I just don't want to be here,” and “I just can't take it.”

29. Another instructor/field guide, Travis Palmer, then spoke with Ryan and exacted a promise from Ryan that he wouldn't hurt himself with the knife. Palmer then returned the knife to Ryan.

30. Ryan asked Palmer if he could call his mother and go home. Palmer told Ryan that he could not approve that, but that the men who would be coming the next morning could.

31. The next morning, February 13, 2001, Defendant Mitchell and John Weston White made a pre-arranged visit to the wilderness campsite to deliver supplies and to engage in a “therapy” session with the students.

32. Upon their arrival at the wilderness campsite, Defendant Mitchell and White were told by instructors/field guides Palmer and Saville that Ryan had cut himself and they were also told what Ryan had said.

33. Mitchell and White had a group counseling session with all the students and then had one-on-one sessions with two of the students other than Ryan. They intentionally did not speak individually with Ryan that day. Thereafter, Mitchell and White left, telling Ryan that they would be back and meet with him the next day.

34. Shortly after Mitchell and White left, the students were sent to their tents to gather firewood and build their fires.

35. Ryan walked a few feet from his tent, threw a rope over a tree limb, and hanged himself. Ryan died on February 13, 2001.

Count I

(Negligence)

36. Plaintiffs restate the allegations set forth in paragraphs 1 through 35 of this Complaint as if the same were repeated verbatim herein.

37. Defendants, or one or more of them, as custodians of Ryan Christopher Lewis, owed a duty of reasonable care so as to keep him safe and healthy.

38. Defendants, Alldredge Academy, Inc., and/or Ayne Institute, LLC, acting by and through their officers, agents and employees, and Defendants Mitchell and/or Wells, acting individually and in their capacity as officers, agents and/or employees of the

aforesaid Defendant corporation and limited liability company, negligently breached the aforesaid duty to Ryan. Said negligence included, but was not limited to the following:

- a. Defendants failed to properly monitor and/or supervise Ryan, a minor child, on or about February 13, 2001.
- b. Defendants failed to develop and/or implement a proper suicide prevention plan and/or policy for the minor children enrolled in the program of the Defendants, including Ryan.
- c. Defendants failed to provide qualified instructors, counselors, and/or supervisors for the minor children enrolled in the program of the Defendants, including Ryan.
- d. Defendants failed to provide qualified management and/or administration of the program for minor children, including Ryan.
- e. Such other acts or omissions that may become apparent in the discovery of this lawsuit.

39. As a direct and proximate result of the aforesaid negligence, Ryan Christopher Lewis died.

40. As a direct and proximate cause of the aforesaid negligence, Plaintiffs Paul and Diana Lewis suffered the loss of solace, society, companionship, comfort, guidance and kindly services of their son and emotional distress.

Count II

(Tort of Outrage)

41. Plaintiffs restate the allegations set forth in paragraphs 1 through 40 of this Complaint as if the same were repeated verbatim herein.

42. The Defendants, or one or more of them, held themselves out to the general public as a full-service therapy program for adolescents.

43. The Defendants, or one or more of them, held themselves out to the general public as providing the most innovative, comprehensive, therapeutically sophisticated and effective therapy program for adolescents.

44. The Defendants, or one or more of them, held themselves out to the general public as being skilled in the science of psychology and the counseling of adolescents.

45. The Defendants, or one or more of them, published said statements to the general public, at which time the Defendants knew or should have known such statements to be misleading and/or false.

46. The publication of such statements, or one or more of them, to the general public including Plaintiffs Paul and Diana Lewis, was so outrageous in character and so extreme in degree as to go beyond all possible bounds of decency.

47. As a direct and proximate result of the aforesaid outrageous conduct of the Defendants, Plaintiff Paul and Diana Lewis have suffered and will continue to suffer emotional distress.

Count III

(Fraud)

48. Plaintiffs restate the allegations set forth in paragraphs 1 through 47 of this Complaint as if the same were repeated verbatim herein.

49. The Defendants, or one or more of them, deliberately and intentionally published the aforesaid statements to the general public, including Plaintiffs Paul and Diana Lewis, knowing such statements to be false, and with the specific intent to obtain monies from the general public, including Plaintiffs Paul and Diana Lewis, by the use of said false statements.

50. Plaintiffs Paul and Diana Lewis, individually and by and through their agents, relied upon such statements in enrolling Ryan Lewis in the program of the Defendants and in signing a contract to pay Defendants \$18,900.00 to enroll their son in the Defendants' program for a period of three months.

51. As a direct and proximate result of the aforesaid fraudulent conduct of the Defendants, Ryan Christopher Lewis died.

52. As a further direct and proximate result of the aforesaid fraudulent conduct of the Defendants, Plaintiffs Paul and Diana Lewis suffered and will continue to suffer the loss of solace, society, companionship, comfort, guidance and kindly services of their son and emotional distress.


WHEREFORE, based upon each of the causes of action set forth herein, Plaintiffs demand judgment against the Defendants, both jointly and severally, for

compensatory damages in an amount to be determined by a jury, together with pre-judgment interest and costs. Plaintiffs further demand punitive damages in an amount to be determined by a jury.

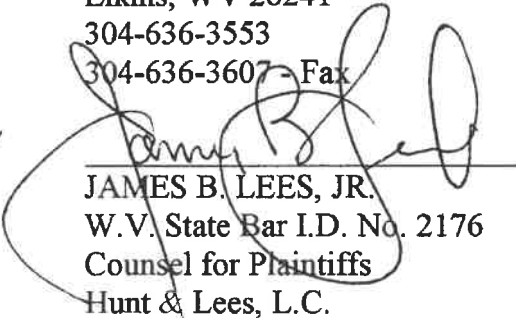
Plaintiffs demand a trial by jury.

PAUL M. LEWIS, individually and as
Administrator of the Estate of Ryan
Christopher Lewis, deceased, and
DIANA C. LEWIS,
Plaintiffs,

By Counsel



STEPHEN G. JORY
WV State Bar I.D. No. 1937
Counsel for Plaintiffs
Jory & Smith, L.C.
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Elkins, WV 26241
304-636-3553
304-636-3607 - Fax



JAMES B. LEES, JR.
W.V. State Bar I.D. No. 2176
Counsel for Plaintiffs
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2306 Kanawha Blvd., E.
Charleston, WV 25329-2506
304-344-9651
304-343-1916 - Fax

Commonwealth of Massachusetts
The Trial Court
Probate and Family Court Department

Hampden Division

Docket No. 02P-2427

Administration With/Without Sureties

Name of Decedent Ryan Christopher Lewis

Domicile at Death 246 Prospect St. E. Longmeadow MA (Street and No.) (City or Town) (County) (Zip) 01024

Date of Death 2/13/01

Name and address of Petitioner(s) Paul M. Lewis
246 Prospect St.
E. Longmeadow MA 01024 Status FATHER

Heirs at law or next of kin of deceased including surviving spouse:

Name	Residence	Relationship
<u>Paul M. Lewis</u>	<u>246 Prospect St. E. Longmeadow MA</u>	<u>FATHER</u>
<u>Diana C. Lewis</u>	<u>246 Prospect St. E. Longmeadow MA</u>	<u>MOTHER</u>

The petitioner(s) hereby certify LES that a copy of this document, along with a copy of the decedent's death certificate has been sent by certified mail to the Division of Medical Assistance, P.O. Box 88, Essex Station, Boston, Massachusetts 02112. 01615-9906 15205

Worshipful Petitioner(s) pray(s) that he/she/they or some other suitable person of _____ in the County of _____ be appointed administrator of said estate with/without surety on his/her/their bond(s) and certify LES under the penalties of perjury that the foregoing statements are true to the best of his/her/their knowledge and belief.

Date 11/13/02 Signature(s) Paul M. Lewis

The undersigned hereby assent to the foregoing petition.

Paul M. Lewis
Diana C. Lewis

DECREE

All persons interested having been notified in accordance with the law or having assented and no objections being made thereto, it is decreed that Paul M. Lewis of East Longmeadow in the County of Hampden be appointed administrator of said estate first giving bond with _____ sureties for the due performance of said trust.

Date November 19, 2002

JUSTICE OF THE PROBATE AND FAMILY COURT

CJ-P1 (4/99)

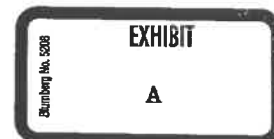
Paul M. Lewis
SACKS, J.

Issue Date: November 21, 2002

I, the undersigned, HEREBY CERTIFY, that I am the Register of Probate of the Hampden Division, of the Trial Court Department, Commonwealth of Massachusetts; that as such I have custody of the records of said Court; and I do FURTHER CERTIFY that the foregoing is a photographic copy of a decree of appointment of fiduciary; that said fiduciary has given bond as required by law; and that said appointment remains in full force, and that no appearance has been entered against said appointment.

WITNESS, my hand and seal of the Probate & Family Court Department of the Commonwealth of Massachusetts at Springfield.

Thomas P. Moriarty, Jr.
Thomas P. Moriarty, Jr.
Register of Probate



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

SCHEDULING ORDER - CIVIL ACTION

PAUL LEWIS

v.

Civil Action No. 02-C-3270
JUDGE CHARLES E. KING, JR.

ALDRIDGE ACADEMY

ORDER

FILED
03 AUG 20 PM 3:55
NDR
KATHY S. GATSON, CLERK
COURT CLERK
CIVIL DIVISION

The following shall apply to and govern the above captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to trial and prior to any scheduled activity which should logically proceed it.

The parties may not amend, modify or adjust any provision of this Order except by leave of the Court.

1. Trial Date: July 19, 2004 Time: 9:00 a.m.
2. Dispositive Motions to be filed by: June 1st 2004
3. Discovery Completed on or before: May 1st 2004
4. Plaintiffs to identify expert witnesses by: Feb 1, 2004
5. Defendants to disclose expert witnesses by: MARCH 1st, 2004
6. All parties to identify fact witnesses by: NOV 1, 2003
7. All IME's, physical or scientific tests or similar examinations, tests or studies shall be conducted by: N/A MARCH 1, 2004
8. Third party complaints to be filed and served on or before: Nov 1, 2003
9. Mediation to be completed on or before: JUNE 1, 2004

(MANDATORY. Must be completed at least two weeks prior to trial. The costs shall be split between the parties.)

Enter this 20th day of Aug, 2003.

Charles E. King
CHARLES E. KING, JR., Circuit Judge

James B. Green
COUNSEL FOR PLAINTIFF
James Lees
Stephen G. Jory

Robert S. Bettlin
COUNSEL FOR DEFENDANT

RECORDED

Date: 8/19/03
Certified copies sent to:
- counsel of record
- parties
- other: SJ-DH
(Please indicate)
By: [Signature]
certified/1st class mail
fax
hand delivery
Other: [Signature]
Deputy Circuit Clerk

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

2004 JUL 23 PM 3:21

PAUL M. LEWIS, individually and as
Administrator of the Estate of Ryan
Christopher Lewis, deceased, and DIANA
C. LEWIS,

JS
CANTON COUNTY CLERK
KANAWHA COUNTY

Plaintiffs,

v.

CIVIL ACTION NO. 02-C-3210

ALLDREDGE ACADEMY, INC., a
Delaware Corporation; AYNE
INSTITUTE, L.L.C., a West Virginia
limited liability company; L. JAY
MITCHELL; and LANCE WELLS,

Defendants.

ORDER

A trial was scheduled in this matter for 9:00 a.m. on the 19th day of July, 2004. The plaintiffs did not appear in person or by counsel. The defendants did not appear in person or by counsel. A scheduling order had been completed in this matter wherein the dates for trial and other dates were filled in by the plaintiff and the defendant. The order was then entered and all parties were provided with copies. Considering that the parties failed to appear at the trial of this matter, the Court is of the opinion that this matter should be dismissed.

WHEREFORE, the court hereby **ORDERS** that this action be dismissed and stricken from the docket of this Court.

The Court **ORDERS** that all parties be provided with a certified copy of this

JS

order.

Enter this 23rd day of July, 2004.

Charles E. King

CHARLES E. KING, JR., Circuit Judge
Thirteenth Judicial Circuit

②

7/23/04

Number of copies sent to: _____
Number of records: _____
Other: Lees, Hummel
(please indicate)

RECORDED

certified/1st class mail
 fax
 hand delivery
 interdepartmental
Other delivery methods accomplished:
As Subject
Deputy Circuit Clerk

FILED

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

2004 AUG 25 PM 3: 22

PAUL M. LEWIS, Individually and as Administrator of the Estate of Ryan Christopher Lewis, deceased, and DIANA LEWIS,

CATHY S. GATSON CLERK KANAWHA CTY. CIRCUIT COURT

Plaintiffs,

Vs.

Civil Action No. 02-C-3210

ALLDREGE ACADEMY, INC., a Delaware Corporation; AYNE INSTITUTE, L.L.C., A West Virginia Limited Liability Company; L. JAY MITCHELL; and LANCE WELLS,

Defendants.

ORDER

The Order previously entered by this Court on July 23, 2004 dismissing this matter is hereby rescinded by this Court and said action is hereby reinstated to the docket of this Court. It is further ORDERED that pursuant to the April 21, 2004 filing of the Notice of Pendency of Bankruptcy Proceedings by defendant Lance Wells, this matter is stayed pending further Order of Court.

The Clerk of this Court is directed to forward a copy of this Order to all counsel of record.

ENTER this 25TH day of Aug., 2004.

Honorable Charles King Judge, Circuit Court of Kanawha County

RECORDED

8/26/04
led copies sent to:
counsel of record
parties
other (please indicate)
certified/1st class mail
tax
hand delivery
interdepartmental
or other means accomplished

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IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA **FILED**

**PAUL M. LEWIS, Individually and as
Administrator of the Estate of Ryan
Christopher Lewis, deceased, and
DIANA LEWIS,**

2005 JUN -6 PM 1:02
CATHY S. GATSON, CLERK
KANAWHA CO. CIRCUIT COURT

Plaintiffs,

Vs.

**Civil Action No. 02-C-3210
Honorable Charles King**

**ALLDREGE ACADEMY, INC., a Delaware
Corporation; AYNE INSTITUTE, L.L.C., A
West Virginia Limited Liability Company; L.
JAY MITCHELL; and LANCE WELLS,**

Defendants.

ORDER REINSTATING CASE TO ACTIVE DOCKET

This date came the plaintiffs, by counsel, upon plaintiffs' Motion To Reinstate Case To Active Docket, and there being no objection thereto by the defendants, and it appearing proper to do so, it is hereby ORDERED that this matter be and is hereby reinstated to active docket.

The Clerk of this Court is directed to forward an attested copy of this Order to all counsel herein:

James B. Lees, Jr., Esquire
HUNT & LEES, L.C.
P. O. Box 2506
Charleston, WV 25329-2506

Stephen G. Jory, Esquire
JORY & SMITH
P. O. Box 1909
Elkins, WV 26241

Robert H. Behling, Esquire
DAPPER, BALDASARE, BENSON,
BEHLING & KANE
Four Gateway Center, 10th Floor
444 Liberty Avenue
Pittsburgh, PA 15222-1220

ENTER this the 6TH day of June, 2005.

Charles E. King
Honorable Charles King
Judge, Circuit Court of Kanawha County
UP

Date: 7/6/05
Certified copies sent to:
 court of record
 parties
 other
(please indicate)
By: *[Signature]*
 certified/1st class mail
 fax
 hand delivery
 interdepartmental
Other processing completed:
Disputy Circuit Clerk

RECORDED

JBL/SBG / RHB

FILED

SCHEDULING ORDER - CIVIL ACTION

Lewis

2005 AUG 23 PM 12:06

CATHY S. SATSON, CLERK
KANAWHA CO. CIRCUIT COURT

v.

Civil Action No. 02 f 3210

JUDGE CHARLES E. KING, JR.

ALLDREDGE ACADEMY INC

ORDER

The following shall apply to and govern the above captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to trial and prior to any scheduled activity which should logically proceed it.

The parties may not amend, modify or adjust any provision of this Order except by leave of the Court.

1. Trial Date: MAY 15 2006 Time: 9:00 a.m.
2. Dispositive Motions to be filed by: MARCH 15, 2006
3. Discovery Completed on or before: MARCH 1, 2006
4. Plaintiffs to identify expert witnesses by: DECEMBER 15 2005
5. Defendants to disclose expert witnesses by: JANUARY 15 2006
6. All parties to identify fact witnesses by: OCTOBER 1 2005
7. All IME's, physical or scientific tests or similar examinations, tests or studies shall be conducted by: NOVEMBER 1 2005
8. Third party complaints to be filed and served on or before: NOVEMBER 1 2005
9. Mediation to be completed on or before: APRIL 1, 2006

(MANDATORY. Must be completed at least 14 days prior to trial. The costs shall be split between the parties.)

Enter this 23rd day of August, 2005.

Charles E. King

CHARLES E. KING, JR., Circuit Judge

IN ORDER TO RECEIVE YOUR COPY PROMPTLY, PLEASE PRINT NAME AND ADDRESS LEGIBLY

COUNSEL FOR PLAINTIFF:

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COUNSEL FOR DEFENDANT:

Robert J. Behling
Dapper Baldasore Bouson Behling + KANE
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Pittsburgh, Pa 15222

(2)

9/23/05

Lees

R Behling

Behling

50

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

FILED

PAUL M. LEWIS, individually and as
Administrator of the Estate of Ryan
Christopher Lewis, deceased, and Diana
C. Lewis

2006 MAY 11 PM 3:41

CATHY S. GATSON, CLERK
KANAWHA CO. CIRCUIT COURT

Plaintiffs,
v.

Civil Action No.: 02-C-3210
Honorable Charles King

ALLDREDGE ACADEMY, INC., a
Delaware Corporation; AYNE INSTITUTE,
L.L.C., A West Virginia Limited Liability
Company; L. JAY MITCHELL; and LANCE
WELLS,

Defendants.

DISMISSAL ORDER

The Plaintiffs, by counsel, and Defendants, by counsel, represented to this court that all matters in dispute between these parties have been resolved and, accordingly, request this court to dismiss this action with prejudice from its docket. The parties have mutually agreed that each shall be responsible for their own costs, expenses and attorneys' fees.

WHEREUPON, it is hereby **ORDERED, ADJUDGED AND DECREED** that this civil action shall be and is hereby **DISMISSED WITH PREJUDICE** from the docket of this Court. It is further ordered that each party shall bear their own costs, expenses and attorneys' fees incurred in this action.

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

Entered this 11TH day of May 2006.

Charles E. King

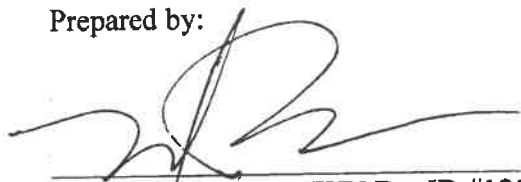
Judge Charles King

(4) 05/12/06
T Flaherty,
J Lees, S Jory,
D Hummel
Browning

RECORDED

59

Prepared by:



Thomas V. Flaherty (WV Bar ID #1213)
Mark A. Robinson (WV Bar ID #5954)
Flaherty, Sensabaugh & Bonasso, P.L.L.C.
Post Office Box 3843
Charleston, WV 25338-3843
(304) 345-0200

Inspected and approved by:



James B. Lees, Jr., Esq.
Hunt & Lees, L.C.
2306 Kanawha Boulevard, East
P.O. Box 2506
Charleston, WV 25329-2506

**CIVIL CASE INFORMATION STATEMENT
CIVIL CASES**

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

I. CASE STYLE:

Plaintiff(s)

PAUL M. LEWIS, individually
and as administrator of the
Estate of Ryan Christopher
Lewis, deceased, and
DIANA C. LEWIS

Case No. # 02-C-3210

Judge King

DEC 19 2011 16

vs.

Defendant(s)

ALLDREDGE ACADEMY, INC.,
a Delaware corporation

Days to
Answer

30

Type of Service

Sec. of State

AYNE INSTITUTE, LLC,
a West Virginia limited
liability company

30

Sec. of State

*Returned to
Atty*

L. JAY MITCHELL

20

Personal

LANCE WELLS

20

Personal

*By Ch 85.00
Clerks Fee
RA 347402*

Original and _____ copies of complaint furnished herewith.

*Checked
by ATTY
does not need
sent - child
deceased*

2

IN THE CIRCUIT COURT OF RANDOLPH COUNTY, WEST VIRGINIA

Plaintiff: PAUL M. LEWIS and DIANA C. LEWIS CIVIL ACTION NO. _____

Defendant: ALLDREDGE ACADEMY, INC., AYNE INSTITUTE, LLC,
L. JAY MITCHELL and LANCE WELLS

II. TYPE OF CASE:

TORTS		OTHER CIVIL	
<input type="checkbox"/> Asbestos	<input type="checkbox"/> Adoption	<input type="checkbox"/> Appeal from Mag. Ct.	
<input type="checkbox"/> Professional Malpractice	<input type="checkbox"/> Contract	<input type="checkbox"/> Petition for Modification of Magistrate Sentence	
<input type="checkbox"/> Personal Injury	<input type="checkbox"/> Real Property	<input type="checkbox"/> Miscellaneous	
<input type="checkbox"/> Product Liability	<input type="checkbox"/> Mental Health	<input type="checkbox"/> Other	
<input type="checkbox"/> Other Tort	<input type="checkbox"/> Appeal of Adm. Agency		

III. JURY DEMAND: Yes No

CASE WILL BE READY FOR TRIAL BY _____

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 or other facility
 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: STEPHEN G. JORY
W. Va. State Bar I.D. #1937
JORY & SMITH, L.C.
P. O. Box 1909
One Randolph Avenue
Elkins, WV 26241
304-636-3553
Fax: 304-636-3607

JAMES B. LEES
W. Va. State Bar ID No. 2176
Hunt & Lees, L.C.
P. O. Box 2506
Charleston, WV 25329-2506
304-344-9651
Fax: 304-343-1916

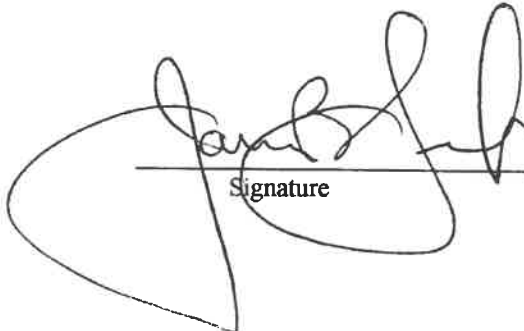
Representing:

Plaintiff Defendant

Cross-Complainant

Cross-Defendant

DATED: _____



Signature