

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

FILED
FEB - 8 2008
U.S. DISTRICT COURT
MARTINSBURG, WV 25401

DALE W. ADAMS and)
CYNTHIA LONG ADAMS,)
and HALEY ADAMS, by and through her)
parent and natural guardian and best friend,)
Cynthia Long Adams)

Plaintiffs,)

v.)

RUSH TRUCKING CORPORATION,)
a corporation, and)
DENNIS LEE GILKISON,)

Defendants.)

Civil Action No. 3:06-CV-00065

**ORDER APPOINTING GUARDIAN AD LITEM
AND SCHEDULING HEARING**

This day came before the court the Motion to Settle Claims of Haley Adams and for the court to appoint a Guardian ad Litem for the minor Haley Adams and to set a closed hearing wherein the court may receive the answer and report of said Guardian, allow the filing of an appropriate verified Motion for approval of the resolution and the Guardian ad Litem's answer under seal. In support of this motion, the parties state as follows:

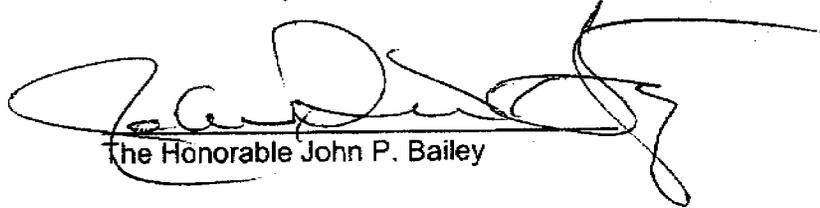
1. On November 14, 2007, a resolution of all issues related to this matter was reached.
2. The plaintiffs have set aside a proposed amount from the overall settlement to compensate Haley Adams for her loss of consortium claim.

3. Pursuant to West Virginia Code 44-10-14, final resolution of the claims of a minor must be approved and ratified by the court.
4. Pursuant to West^S Virginia Code 44-10-14(d), the court must appoint a Guardian ad Litem to review the resolution of this matter and state whether the resolution is in the best interest of Haley Adams.
5. The specific terms of resolution of this matter are, by agreement of the parties, confidential.
6. A proper Motion for approval of the resolution of this matter and a hearing discussing the same may include information and items agreed by the parties to remain confidential.
7. The parties' interest in sealing the information necessary to a proper Motion and answer of Guardian ad Litem outweighs the presumption of public access to court filings and the hearing of this matter. *Nixon v. Warner Communications, Inc.*, 435 U.S. 589 (1978); see also *In re Knight Publishing Co.*, 743 F.3d 231 (4th Cir. 1984).

Accordingly, the parties hereby move the court to appoint a guardian ad Litem for the minor Haley Adams, to which motion the court hereby appoints Lauren Clingan, Esquire, a competent attorney practicing at the bar of this court as the Guardian ad Litem; to set a closed hearing wherein the court may receive the answer and report of said Guardian, such hearing to occur on the 19th day of February 2008 at 11:00 a.m.; to order the filing under seal of an appropriate verified motion for approval of the resolution and

the Guardian ad Litem; and to grant such further relief as the Court may deem appropriate.

The Clerk is directed to forward copies of this Order to Macel E. Rhodes, Esquire at Zimmer Kunz, PLLC, 206 Spruce Street, Morgantown, WV 26505; David Goldenberg, Esquire at 200 Star Avenue, Suite 222, Parkersburg, WV 26102; Leila Kilgore, Esquire at 1400 Princess Anne Street, Fredericksburg, VA 22401-3639; and Lauren Clingan, Esquire at P. O. Box 3612, Shepherdstown, WV 25443.



The Honorable John P. Bailey

Enter 2-7-2008