



STATE OF WEST VIRGINIA
OFFICE OF THE ATTORNEY GENERAL
CHARLESTON 25305

DARRELL V. McGRAW, JR.
ATTORNEY GENERAL

(304) 558-2021
FAX (304) 558-0140

February 2, 2011

The Honorable Jennifer Bailey
Kanawha County Circuit Judge
111 Court Street, Judicial Annex
Charleston, West Virginia 25301


Re: *West Virginia Board of Accountancy v. David Allen Aleshire*
Civil Action No. 10-C-749

Dear Judge Bailey:

Enclosed please find a copy of the Motion for Default Judgment and a proposed Order. If the proposed order meets with your approval, please sign and have it filed with the circuit clerk.

Thank you for your attention to this matter.

Very truly yours,


Mary M. Downey
Assistant Attorney General

Enclosures

cc: David Allen Aleshire, Respondent

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

WEST VIRGINIA BOARD
OF ACCOUNTANCY,

Petitioner,

v.

Civil Action No. 10-C-749

DAVID ALLEN ALESHIRE,

Respondent.

MOTION FOR DEFAULT JUDGMENT

Comes now the Petitioner, West Virginia Board of Accountancy, pursuant to Rule 55 of the West Virginia Rules of Civil Procedure, and move for a default judgment against Respondent, David Allen Aleshire. In support of such motion, the Petitioner states as follows:

1. This action is an injunction against the Respondent for holding himself out to be a Certified Public Accountant.
2. The Petitioner has sent several notices to the Respondent prior to filing this action, however the Respondent failed to acknowledge any of the Petitioner's notices.
3. This Court entered an order granting Petitioner additional time to perfect service.
4. Service was perfected upon the Respondent on December 17, 2010. (Exhibit 1).
5. Respondent had 20 days after service to file an answer.
6. Respondent has failed to file an answer.


WHEREFORE, based upon the foregoing, the Petitioner, respectfully requests that this Motion be granted and that this Honorable Court enter a default judgment against Respondent David Allen Aleshire.

Respectfully submitted,

WEST VIRGINIA BOARD
OF ACCOUNTANCY,

By counsel

DARRELL V. McGRAW, JR.
ATTORNEY GENERAL


MARY M. DOWNEY (WV Bar #1056)
ASSISTANT ATTORNEY GENERAL
Post Office Box 1789
Charleston, West Virginia 25326-1789
(304) 558-2021

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA ex rel.
WEST VIRGINIA BOARD OF ACCOUNTANCY,

Petitioner,

v.

Civil Action No. 10-C-749

DAVID ALLEN ALESHIRE,

Respondent.

RETURN OF SERVICE

I, Derek Walker, a credible person over the age of twenty-one, being duly sworn, on my oath say I served the attached Summons and Complaint upon David Allen Aleshire by personally hand delivering an exact and true copy to: him at his residence

2602 Rummelbrow Drive, Charleston, WV 25302

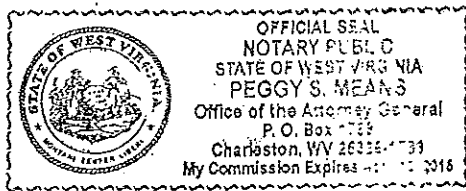
on this the 17th day of December, 2010.

Derek Walker

Signature

Taken, subscribed, and sworn to before me this 17th day of December, 2010. Given

under my hand and seal. My Commission Expires: April 13, 2015



Peggy S Means
NOTARY PUBLIC

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

WEST VIRGINIA BOARD
OF ACCOUNTANCY,

Petitioner,

v.
DAVID ALLEN ALESHIRE,


Civil Action No. 10-C-749

Respondent.

CERTIFICATE OF SERVICE

I, Mary M. Downey, Assistant Attorney General, do hereby certify that true and exact copies of the foregoing **Motion for Default Judgment and Proposed Order** were served upon the following by United States mail, first class postage prepaid, this 2nd day of February, 2011, addressed as follows:

David Allen Aleshire
2602 Rummelbrown Drive
Charleston, WV 25302


MARY M. DOWNEY (W.VA. Bar No. 1056)
ASSISTANT ATTORNEY GENERAL
Office of Attorney General
Post Office Box 1789
Charleston, West Virginia 25326-1789
(304) 558-2021

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

WEST VIRGINIA BOARD
OF ACCOUNTANCY,

Petitioner,

v.

DAVID ALLEN ALESHIRE,

Respondent.

FILED
2011 FEB -7 PM 3:01
CATEY S. CATSON, CLERK
KANAWHA CO. CIRCUIT COURT

Civil Action No. 10-C-749

ORDER

On a previous day came Petitioner West Virginia Board of Accountancy pursuant to Rule 55 of the West Virginia Rules of Civil Procedure, and moved for a Default Judgment in the above-referenced case. For all the reasons stated this Court FINDS that Petitioner is entitled to a Default Judgment.

WHEREFORE, this Court ORDERS that Petitioner's Motion for Default Judgment is hereby GRANTED. The Court further ORDERS that the circuit clerk forward a true copy of this Order to the following:

Mary Downey, Esquire
Assistant Attorney General
State Capitol, Room E-26
Charleston, West Virginia 25305
(304) 558-2021
Counsel for West Virginia Board of Accountancy

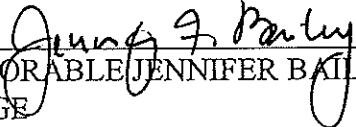
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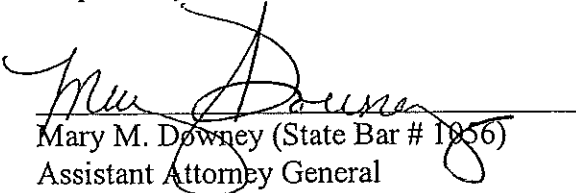
ATTORNEY GENERAL'S
OFFICE

David Allen Aleshire
2602 Rummelbrown Drive
Charleston, WV 25302
Respondent

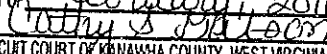
ENTERED this 7th day of February, 2011.


HONORABLE JENNIFER BAILEY
JUDGE

Prepared by:



Mary M. Downey (State Bar # 1056)
Assistant Attorney General
State Capitol, Room E-26
Charleston, West Virginia 25305
(304) 558-2021
Counsel for West Virginia Board of Accountancy

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF THE CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 8
DAY OF February, 2011
 CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA 07