

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA, WHEELING DIVISION**

HEATHER CORN, HOUSE OF HAGAR CATHOLIC WORKER HOUSE, Plaintiffs on behalf of themselves and those similarly situated,)	
)	
)	
)	
)	Civil Action No. 5:24-cv-00010
)	
v.)	Hon. Bailey
)	
CITY OF WHEELING, ROBERT HERRON, Defendants.)	
)	

NOTICE OF VOLUNTARY DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiffs, by and through undersigned counsel, hereby provide notice that the above-styled action be voluntarily dismissed, with prejudice. The dismissal is predicated on the Parties agreeing to the following terms, which counsel for the Defendants acknowledges and endorses with her signature below.

- 1.) Defendants, the City of Wheeling and Robert Herron, agree that they have established temporarily an exempted legal location within the City of Wheeling from the enforcement of Wheeling, West Virginia, Municipal Code § 533.18, pursuant to subsection (e) of the same. In the future the City of Wheeling will work with the area social service providers on other possible exempted locations.
- 2.) The location presently exempt from enforcement of Wheeling, West Virginia, Municipal Code § 533.18 is the lot located across from the Catholic Charities Neighborhood Center, located at 125 18th Street, Wheeling, West Virginia. This location may change based on the needs of the City, or to meet increased need from Wheeling’s unhoused population.

- 3.) At the location of the 18th Street site, the City of Wheeling will provide a dumpster and maintain waste disposal services and assist with portable toilets.
- 4.) Any demolition of campsites will be in compliance with the prior Order issued by this Court on September 16, 2020, attached and incorporated herein as Exhibit 1. For purposes of this proceeding the Notices issued by the City of Wheeling on January 3, 2024, for all camps wherein the Notices were posted have complied with the Order.

Respectfully submitted,
HEATHER MARIE CORN
HOUSE OF HAGAR
By Counsel,

/s/ Aubrey Sparks
Aubrey Sparks (WV Bar No 13469)
American Civil Liberties Union of West
Virginia Foundation
1614 Kanawha Blvd. E.
Charleston, West Virginia 25311
(p) (304) 202-3616
(f) (304) 404-2033

/s/ Nicholas Ward
Nicholas Ward (WV Bar No. 13703)
American Civil Liberties Union of West
Virginia Foundation
1614 Kanawha Blvd. E.
Charleston, West Virginia 25311
(p) (304) 202-3616
(f) (304) 404-2033

/s/ F. Alex Risovich
F. Alex Risovich (WV Bar No. 10866)
Risovich Law Offices, PLLC
3023 Pennsylvania Ave.
Weirton, West Virginia 26062
(p) (304) 723-2588

Agreed to by:

/s/ 

Rosemary Humway-Warmuth (WV Bar No. __6693__)

City Solicitor

1500 Chapline Street

Suite 304

Wheeling, WV 26003

(p) (304) 234-3605