/s/ Patrick N. Wilson
Circuit Court Judge
Ref. Code: 2695L0AAX

E-FILED | 10/9/2026 9:21 AM
CC-24-2026-C-45
Marion County Circuit Clerk
Mary Allen

In the Circuit Court of Marion County, West Virginia

TOWN OF WORTHINGTON,
Plaintiff,

v.

Case No. CC-24-2026-C-45
Judge Patrick Wilson

TRUDY CAIN,
JANET LINDSEY,
MELVIN LINDSEY,
Defendants

ORDER FOLLOWING STATUS HEARING ON PETITION FOR WRIT OF MANDAMUS

On a 28th day of September, 2026, came the Petitioner, Town of Worthington (the "Town"), by and through its undersigned counsel, for a status hearing on its *Petition for Writ of Mandamus*. Also appearing *pro se* and in person were the Respondents, Trudy Cain, Janet Lindsey and Melvin Lindsey. The parties appeared pursuant to a timely *Notice of Status Conference* served upon the parties.

At the hearing, the Court heard the representations of counsel for the Town, and also from the *pro se* Respondents. Specifically, Counsel for the Town represented to the Court that the previous mayor, Deborah Heflin, had resigned her position. Counsel further represented that the Respondent, Melvin Lindsey, who is the town recorder, had agreed to act as Town Mayor. Counsel represented to the Court that the Respondents, Melvin Lindsey and Janet Lindsey no longer wished to resign their positions, but, upon information and belief, Respondent Trudy Cain still wished to resign. Finally, Counsel represented to the Court that, in the time since the previous status hearing, two individuals had agreed to accept appointment to the Town council, suggesting to the Court that because of the new additions and change in position by the Lindseys, the Town could hold meetings with a quorum, regardless as to whether Ms. Cain chose to

remain on the council. As a result, Counsel agreed with the Court that a dismissal order could be prepared by the Town and submitted to the Court after consultation with the Town council.

Following the representations of the Court, the Respondents Melvin Lindsey and Janet Lindsey confirmed and agreed with the representations of Counsel for the Town. Respondent Trudy Cain further agreed and indicated that she still wished to resign.

Following the representations of the Parties, the Court noted that it was appropriate for a dismissal order to be entered with ten (10) days of the date of the hearing assuming no change in circumstance. The Court further noted that following the entry of any dismissal order, Respondent Trudy Cain could make whatever decision she found to be in her best interest with respect to remaining on the council or resigning.

In consideration of the representations made by counsel for the Town and the *pro se* Respondents, the Court hereby **ORDERS** the following:

1. As a result of the recent developments and representations by all Parties, the issues presented in the writ of mandamus appear to be moot.

2. Therefore, the Town is **ORDERED** to prepare and submit a dismissal order to the Court within ten (10) days of the date of this hearing and following consultation with Counsel;

3. The Court clarifies that following the dismissal of this action by the Town, Respondent Trudy Cain may submit her resignation to the Town council pursuant to all applicable ordinances and state code should she so decide;

4. Finally, the Court further notes that absent notice by the Court or parties herein, no further hearings in this matter shall be necessary.

It is so **ORDERED**.

/s/ Patrick N. Wilson
Circuit Court Judge
20th Judicial Circuit

PREPARED AND SUBMITTED BY:

/s/ Stanley A. Heflin III

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Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit www.courtswv.gov/e-file/ for more details.