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March 28, 2016

Cathy S. Gatson
Kanawha County Circuit Court
Judicial Annex
111 Court Street
Charleston, WV 25301

RE: *Soaring Eagle Lodge Association, Inc., et al. v. Branch & Associates, Inc., et al.*
Kanawha County Circuit Court
Civil Action No. 15-C-2202

Dear Ms. Gatson:

Enclosed for filing in the above styled civil action, please find an original *Defendant Branch & Associates, Inc.'s Answer to Plaintiffs' Amended Complaint*. Counsel of record have been served with a complete copy of the same.

Should you have any questions, please feel free to contact me.

Very truly yours,

Edgar Allen Poe, Jr.

EAP/smj
Enclosure

cc: John MacCorkle, Esq.
J. Michael Benninger, Esq.

CIVIL CASE INFORMATION STATEMENT
CIVIL CASES
(Other than Domestic Relations)

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

PLAINTIFF: SOARING EAGLE LODGE MASTER ASSOCIATION, INC., a West Virginia non-profit corporation; and SOARING EAGLE LODGE ASSOCIATION, INC., a West Virginia non-profit corporation	CASE NUMBER: 15-C-2202
DEFENDANTS: SOARING EAGLE DEVELOPMENT COMPANY, LLC, a West Virginia limited liability company; GBBN ARCHITECTS, INC., an Ohio corporation; and BRANCH & ASSOCIATES, INC., a Virginia corporation	

II. TYPE OF CASE

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><input checked="" type="checkbox"/> General Civil</p> <p><input type="checkbox"/> Mass Litigation
(As defined in T.C.R. Rule XIX (c))</p> <ul style="list-style-type: none"><input type="checkbox"/> Asbestos<input type="checkbox"/> Carpal Tunnel Syndrome<input type="checkbox"/> Diet Drugs<input type="checkbox"/> Environmental<input type="checkbox"/> Industrial Hearing Loss<input type="checkbox"/> Silicone Implants<input type="checkbox"/> Other: _____ | <p><input type="checkbox"/> Adoption</p> <p><input type="checkbox"/> Administrative Agency Appeal</p> <p><input type="checkbox"/> Civil Appeal from Magistrate Court</p> <p><input type="checkbox"/> Miscellaneous Civil Petition</p> <p><input type="checkbox"/> Mental Hygiene</p> <p><input type="checkbox"/> Guardianship</p> <p><input type="checkbox"/> Medical Malpractice</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

III. JURY DEMAND: Yes No

CASE WILL BE READY FOR TRIAL BY (Month / Year): March 2017

IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS DUE TO A DISABILITY? Yes No

IF YES, PLEASE SPECIFY:

- Wheelchair accessible hearing room and other facilities
- 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 – Unknown at this time

Attorney Name: Edgar Allen Poe, Jr.

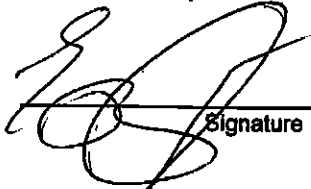
Representing:

Firm: Pullin, Fowler, Flanagan, Brown & Poe, PLLC Plaintiff Defendant: Branch & Associates, Inc.

Address: 901 Quarrier Street, Charleston, WV 25301 Cross-Complainant Cross-Defendant

Telephone: (304) 344-0100

Dated: March 28, 2016



Signature

Proceeding Without an Attorney
SCA-C100.01 / 2 of 2

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

**SOARING EAGLE LODGE MASTER
ASSOCIATION, INC., a West Virginia non-
profit corporation; and SOARING EAGLE
LODGE ASSOCIATION, INC., a West
Virginia non-profit corporation,**

Plaintiffs,

v.

**CIVIL ACTION NO.: 15-C-2202
HONORABLE LOUIS H. BLOOM**

**SOARING EAGLE DEVELOPMENT
COMPANY, LLC, a West Virginia limited
liability company; GBBN ARCHITECTS,
INC., an Ohio corporation; and BRANCH
& ASSOCIATES, INC., a Virginia
corporation,**

Defendants.

**DEFENDANT BRANCH & ASSOCIATES, INC.'S
ANSWER TO PLAINTIFFS' AMENDED COMPLAINT**

NOW COME the Defendant, Branch & Associates, Inc., by counsel, Edgar Allen Poe, Jr., and the law firm of Pullin, Fowler, Flanagan, Brown & Poe, PLLC and hereby responds or otherwise answers the Plaintiffs' Amended Complaint by stating and alleging as follows:

PRELIMINARY STATEMENT

Because of the nature of the allegations in the Amended Complaint and the fact that no discovery has been conducted to date in this matter, in order to preserve important legal rights and protections, the Defendant sets forth below certain affirmative defenses which, based upon the information set forth in the Amended Complaint, it believes do or may apply to some or all of the claims raised therein. As permitted by Rule 8(e)(2) of the West Virginia Rules of Civil Procedure, defenses to the claims made in the Amended Complaint are being asserted alternatively and, in some

instances, hypothetically. As a result, this Defendant reserves the right to withdraw or modify some or all of the affirmative defenses set forth below, in whole or in part, depending upon the nature of the discovery in this matter.

FIRST DEFENSE

The Amended Complaint fails to state a claim upon which relief can be granted and should, therefore, be dismissed as to this Defendant pursuant to Rule 12(b)(6) of the West Virginia Rules of Civil Procedure.

SECOND DEFENSE

In response to the specific allegations contained in the Amended Complaint, this Defendant responds as follows:

1. Answering paragraph 1 of the Plaintiffs' Amended Complaint, this Defendant states that it is without sufficient information or knowledge to form a belief as to the truth of the allegations contained therein and therefore denies the same and demands strict proof thereof.
2. Answering paragraph 2 of the Plaintiffs' Amended Complaint, this Defendant states that it is without sufficient information or knowledge to form a belief as to the truth of the allegations contained therein and therefore denies the same and demands strict proof thereof.
3. Answering paragraph 3 of the Plaintiffs' Amended Complaint, this Defendant states that it is without sufficient information or knowledge to form a belief as to the truth of the allegations contained therein and therefore denies the same and demands strict proof thereof.
4. Answering paragraph 4 of the Plaintiffs' Amended Complaint, this Defendant states that it is without sufficient information or knowledge to form a belief as to the truth of the allegations contained therein and therefore denies the same and demands strict proof thereof.

5. Answering paragraph 5 of the Plaintiffs' Amended Complaint, this Defendant states that it is without sufficient information or knowledge to form a belief as to the truth of the allegations contained therein and therefore denies the same and demands strict proof thereof.
6. Answering paragraph 6 of the Plaintiffs' Amended Complaint, this Defendant states that it is without sufficient information or knowledge to form a belief as to the truth of the allegations contained therein and therefore denies the same and demands strict proof thereof.
7. Answering paragraph 7 of the Plaintiffs' Amended Complaint, this Defendant states that it is without sufficient information or knowledge to form a belief as to the truth of the allegations contained therein and therefore denies the same and demands strict proof thereof.
8. Answering paragraph 8 of the Plaintiffs' Amended Complaint, this Defendant states that it is without sufficient information or knowledge to form a belief as to the truth of the allegations contained therein and therefore denies the same and demands strict proof thereof.
9. Answering paragraph 9 of the Plaintiffs' Amended Complaint, this Defendant states that it is without sufficient information or knowledge to form a belief as to the truth of the allegations contained therein and therefore denies the same and demands strict proof thereof.
10. Answering paragraph 10 of the Plaintiffs' Amended Complaint, this Defendant states that it is without sufficient information or knowledge to form a belief as to the truth of the allegations contained therein and therefore denies the same and demands strict proof thereof.
11. Answering paragraph 11 of the Plaintiffs' Amended Complaint, this Defendant states that it is without sufficient information or knowledge to form a belief as to the truth of the allegations contained therein and therefore denies the same and demands strict proof thereof.
12. Answering paragraph 12 of the Plaintiffs' Amended Complaint, this Defendant states that it

is without sufficient information or knowledge to form a belief as to the truth of the allegations contained therein and therefore denies the same and demands strict proof thereof.

13. Answering paragraph 13 of the Plaintiffs' Amended Complaint, this Defendant states that it is without sufficient information or knowledge to form a belief as to the truth of the allegations contained therein and therefore denies the same and demands strict proof thereof.
14. Answering paragraph 14 of the Plaintiffs' Amended Complaint, this Defendant states that it is without sufficient information or knowledge to form a belief as to the truth of the allegations contained therein and therefore denies the same and demands strict proof thereof.
15. Answering paragraph 15 of the Plaintiffs' Amended Complaint, this Defendant states that it is without sufficient information or knowledge to form a belief as to the truth of the allegations contained therein and therefore denies the same and demands strict proof thereof.
16. Answering paragraph 16 of the Plaintiffs' Amended Complaint, this Defendant states that it is without sufficient information or knowledge to form a belief as to the truth of the allegations contained therein and therefore denies the same and demands strict proof thereof.
17. Answering paragraph 17 of the Plaintiffs' Amended Complaint, this Defendant states that it is without sufficient information or knowledge to form a belief as to the truth of the allegations contained therein and therefore denies the same and demands strict proof thereof.
18. Answering paragraph 18 of the Plaintiffs' Amended Complaint, this Defendant states that it is without sufficient information or knowledge to form a belief as to the truth of the allegations contained therein and therefore denies the same and demands strict proof thereof.
19. Answering paragraph 19 of the Plaintiffs' Amended Complaint, this Defendant states that it is without sufficient information or knowledge to form a belief as to the truth of the

allegations contained therein and therefore denies the same and demands strict proof thereof.

20. Answering paragraph 20 of the Plaintiffs' Amended Complaint, this Defendant states that it is without sufficient information or knowledge to form a belief as to the truth of the allegations contained therein and therefore denies the same and demands strict proof thereof.

21. Answering the WHEREFORE clause of Plaintiffs' Amended Complaint, this Defendant denies the allegations contained therein.

22. This Defendant denies each and every allegation not specifically admitted herein.

THIRD DEFENSE

The Defendant denies that it is liable to the Plaintiffs in any amount, or that the Plaintiffs are otherwise entitled to the recovery and/or relief sought from the Defendant in Plaintiffs' Amended Complaint.

FOURTH DEFENSE

The Defendant asserts that the injuries and damages, if any, of which the Plaintiffs complain were not caused by any act or omission of the Defendant, but may have been caused by intervening acts and/or omissions of other persons or entities over which the Defendant had no control.

FIFTH DEFENSE

To the extent any of the following affirmative defenses are applicable based upon the evidence adduced in these matter, this Defendant invokes the following defenses: accord and satisfaction, arbitration and award, contributory negligence, comparative negligence, assumption of the risk, intervening cause, waiver, estoppels, failure of consideration, fraud, illegality, injury by fellow servant, laches, license, payment, release, res judicata, collateral estoppel, statute of frauds, expiration of the statute of limitations, sophisticated user, State of the Art, any applicable statute of

repose, lack of personal or subject matter jurisdiction, and any other matter constituting an avoidance or affirmative defense.

SIXTH DEFENSE

This Defendant hereby raises and preserves each and every defense set forth in Rules 8, 9, and 12 of the West Virginia Rules of Civil Procedure, and further reserves the right to raise such additional defenses as may appear appropriate following further discovery and factual development in this case.

SEVENTH DEFENSE

The Defendant reserves the right to file additional affirmative defenses, cross-claims, third-party complaints and/or counterclaim, if a sufficient factual basis therefore is developed through continuing investigation and discovery.

JURY REQUEST

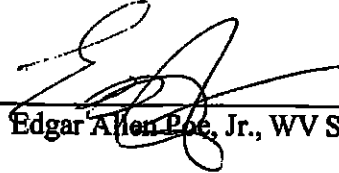
That a jury is requested on all issues so triable.

RELIEF PRAYED FOR

WHEREFORE, having fully answered or otherwise responded to the Complaint of the Plaintiff, this Defendant prays that the Plaintiff's Complaint be dismissed and held for naught; that Plaintiff recovers nothing from this Defendant; that this Defendant recover its costs, expenses of suit and a reasonable attorney's fee made necessary in defending said Plaintiff's Complaint; and, for such other relief, whether legal or equitable in character, as to which this Defendant appears entitled.

BRANCH & ASSOCIATES, INC.,

By Counsel,



Edgar Allen Poe, Jr., WV State Bar No. 2924

PULLIN, FOWLER, FLANAGAN, BROWN & POE, PLLC

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Charleston, WV 25301

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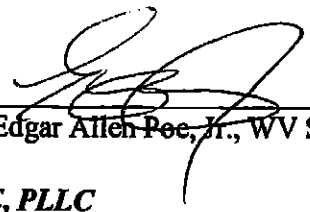
Defendants.

CERTIFICATE OF SERVICE

The undersigned, counsel of record for Defendants, does hereby certify on this 28th day of March, 2016, that a true copy of the foregoing "*Defendant Branch & Associates, Inc.'s Answer to Plaintiffs' Amended Complaint*" was served upon opposing counsel by depositing same to them in the U.S. Mail, postage prepaid, sealed in an envelope, and addressed as follows:

J. Michael Benninger
Benninger Law
P.O. Box 623
Morgantown, WV 26507
Counsel for Plaintiffs

John L. MacCorkle
MacCorkle Lavender PLLC
300 Summers Street, Suite 800
Charleston, WV 25301
Counsel for Soaring Eagle Development Company, LLC



Edgar Allen Poe, Jr., WV State Bar No. 2924

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