

**BUSINESS COURT DIVISION – WEST VIRGINIA SUPREME COURT OF APPEALS  
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.**

**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,**

**and**

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

**Third-Party Plaintiffs,**

**v.**

**TRI-STATE ROOFING & SHEET METAL  
COMPANY OF WEST VIRGINIA, a/k/a  
TRI-STATE ROOFING & SHEET METAL  
CO., a West Virginia corporation;  
APPLIED MECHANICAL SYSTEMS,  
INC., an Ohio corporation; RICHARDSON  
AND MARCH CARPENTRY, LLC, A West  
Virginia limited liability company; and  
EASTCOAST SIDING, INC., a Maryland  
corporation, and O.C. CLUSS LUMBER  
COMPANY, a Pennsylvania corporation,**

**Third-Party Defendants,**

**And**

**FILED**  
**AC**  
**2017 DEC 11 PM 4:44**  
**CATHY S. GATSON, CLERK**  
**KANAWHA COUNTY CIRCUIT COURT**

**CIVIL ACTION NO.: 15-C-2202**

**Presiding Judge: Tabit**

**Resolution Judge: Matish**

**O.C. CLUSS LUMBER COMPANY, a  
Pennsylvania corporation,**

**Fourth-Party Plaintiff,**

v.

**GAF MATERIALS CORPORATION, a  
New Jersey corporation, and FIBERON,  
LLC, a North Carolina Limited Liability  
Company,**

**Fourth-Party Defendants.**

### **ORDER**

On November 30, 2017, the Court conducted a telephonic status conference to address Defendant/Third-Party Plaintiff, Branch & Associates, Inc.'s *Motion for Protective Order* as well as several other pending matters. Based on the argument and representations of counsel, the Court ruled as follows:

**WHEREFORE**, after hearing argument from counsel for Branch & Associates, GAF Materials Corporation, and all interested parties, Branch & Associates' *Motion for Protective Order* is **DENIED**. By agreement of the parties, the 30(b)(7) deposition previously set for December 1, 2017 is cancelled. Branch & Associates is directed to provide available dates on which its 30(b)(7) designee(s) will be available for a deposition.

**WHEREFORE**, there being no objection from the parties, Branch & Associates' *Motion for Leave to File Third-Party Complaint against Modern Lightning Protection, Inc.* is **GRANTED**. Upon entry of this Order, Branch & Associates is directed to file and serve its third-party complaint against Modern Lightning Protection, Inc.

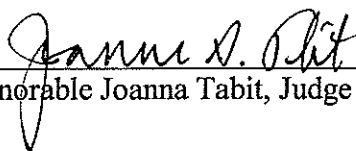
**WHEREFORE**, after hearing from counsel for all interested parties, Soaring Eagle Development Company, LLC's Motion for Leave to File Amended Third-Party Complaint is **HELD IN ABEYANCE**. Branch & Associates, Inc. being the only party who expressed any

opposition to the said motion, is directed to file its opposition in accordance with this Court's previously issued Rule 22 Scheduling Order.

**WHEREFORE**, there being no objection from any of the parties, Branch & Associates' *Motion to Amend Scheduling Order* is **GRANTED**. Counsel for Branch & Associates is directed to obtain new dates for the trial in this matter and to confer among counsel to submit an agreed revised scheduling order.

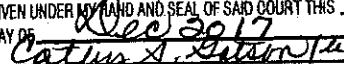
The Clerk is **DIRECTED** to send a certified copy of this *Order* to all parties and counsel of record.

ENTERED this 11<sup>th</sup> day of December, 2017.

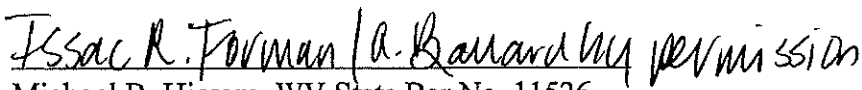
  
Honorable Joanna Tabit, Judge

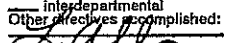
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STATE OF WEST VIRGINIA  
COUNTY OF KANAWHA  
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY  
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING  
IS A TRUE COPY FROM THE RECORDS OF SAID COURT  
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 12  
DAY OF Dec 2017  
 CLERK  
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

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Date: 12/12/17  
Certified copies sent to:  
 counsel of record  
 parties  
 other (please indicate)  
By:   
 certified/1st class mail  
 fax  
 hand delivery  
 interdepartmental  
Other methods accomplished:  
Deputy Circuit Clerk

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