

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA
BUSINESS COURT DIVISION

2019 APR 10 PM 12:55

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

vs.)

Civil Action No. 15-C-2202
Presiding Judge: Tabit
Resolution Judge: Matish

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

BRANCH & ASSOCIATES, INC.,
a Virginia Corporation
Third Party Plaintiffs

vs.)

APPLIED MECHANICAL SYSTEMS, INC.,
a West Virginia Corporation;
EASTCOAST SIDING, INC.,
a Maryland Corporation;
RICHARDSON AND MARCH CARPENTRY, LLC,
A West Virginia Limited Liability Company;
TRI-STATE ROOFING & SHEET METAL COMPANY OF WEST VIRGINIA,
a West Virginia Corporation; and
Third Party Defendants

and

SOARING EAGLE DEVELOPMENT COMPANY, LLC,
a West Virginia Limited Liability Company;
Third Party Plaintiff

vs.)

**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;
RICHARDSON CARPENTRY, LLC,
a West Virginia Limited Company; and
EASTCOAST SIDING, INC.,
a Maryland Corporation,
THE TRAVELERS INDEMNITY COMPANY OF
AMERICA, a Connecticut corporation; and TRAVELERS
PROPERTY AND CASUALTY COMPANY OF AMERICA,
*Third Party Defendants,***

vs.)

**O.C. CLUSS LUMBER COMPANY,
a Pennsylvania Corporation,
*Third Party Defendant,***

and

**BRANCH & ASSOCIATES, INC.,
a Virginia Corporation
*Third Party Plaintiff,***

vs.)

**O.C. CLUSS LUMBER COMPANY,
a Pennsylvania Corporation; GAF
MATERIALS CORPORATION, a New
Jersey corporation; QUALITY STONE
VENEER, INC.; MODERN LIGHTING
PROTECTION, INC.; JAMES HARDIE
BUILDING PRODUCTS, INC.; and FIBERON,
LLC, a North Carolina Limited Liability Company,
*Third Party Defendant,***

and

RICHARDSON AND MARCH CARPENTRY, LLC,
A West Virginia Limited Liability Company;
Third Party Plaintiff,

vs.)

JAMES HARDIE BUILDING PRODUCTS, INC.
Third Party Defendant.

and

O.C. CLUSS LUMBER COMPANY,
a Pennsylvania Corporation,
Fourth Party Plaintiff,

vs.)

GAF MATERIALS CORPORATION,
a New Jersey Corporation; and
FIBERON, LLC,
a North Carolina Limited Liability Company,
Fourth Party Defendants,

and

FIBERON, LLC,
a North Carolina Limited Liability Company,
Fourth Party Plaintiff,

vs.)

JAMES HARDIE BUILDING PRODUCTS, INC.
Fourth Party Defendant.

RULE 22 SCHEDULING ORDER

This matter came before the Court pursuant to The Third-Party Plaintiff, Soaring Eagle Development Company, LLC's Motion to Compel Discovery Responses and GAF Materials Corporation's Motion to Dismiss James Hardie Building Products, Inc.'s Cross-Claim.

Therefore, it is ORDERED pursuant to Rule 22 of the West Virginia Trial Court Rules as follows:

The movants will provide a proposed order (if not already done) and serve a copy upon all non-moving parties. Non-movant(s) shall file written response and proposed orders by **April 24, 2018**. The movants may then file rebuttal memorandum by **May 4, 2018**. Thereafter the Court will rule upon the motions and the record or schedule a hearing if the Court deems necessary.

Any original proposed orders and copies of motions and/or memoranda shall be sent directly to the Judge via Letha.Goode@courtswv.gov with a courtesy copy to both Business.Court@courtswv.gov and Claire.Watson@courtswv.gov. Copies of the proposed orders and the original motions and memoranda shall be filed with the Clerk of the Circuit Court. The Court directs the Circuit Clerk to enter the foregoing and forward an attested copy to all counsel of record and any self-represented parties.

ENTER this 10th day of April, 2018.

Joanna A. Tabit
JOANNA TABIT, JUDGE
BUSINESS COURT DIVISION

Date: 4/10/18
Certified copies sent to:
 counsel of record
 parties
 other (please indicate)
By:
 certified/1st class mail
 fax
 hand delivery
 interdepartmental
Other directives accomplished:
[Signature]
Deputy Circuit Clerk

Bus Ct
JB
JM- MB
SG- JH
EP- MH
RH- EH
MM MM
NS NS
MM NS
RS RS
RT-
IF-
MV-
WA-
JS
SG-

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
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 10 DAY OF April, 2018
Cathy S. Gatson CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA