

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

2018 MAY 15 PM 3:06

CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

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.

ORDER REGARDING MOTION TO COMPEL

This matter came before the Court pursuant to The Third-Party Plaintiff, Soaring Eagle Development Company, LLC's Motion to Compel Discovery Responses. The motion states

On March 15, 2018 Travelers' counsel requested that SEDC reconsider pursuing its Bad Faith Third-Party Complaint against Travelers. Counsel for SEDC responded that: a) SEDC had no intention of abandoning its Bad Faith Third-Party Complaint; b) SEDC was entitled to the Discovery Responses which were overdue; and c) SEDC would reluctantly, pursue a Motion to Compel if Travelers would not provide the Discovery Responses...

On April 26, 2018, this Court granted The Travelers Indemnity Company of America and Travelers Property Casualty Company of America's Motion to Bifurcate and Stay, ordered "that discovery related to the statutory bad faith and breach of contract claims is stayed pending resolution of the declaratory judgment action." Accordingly, the Third-Party Plaintiff, Soaring Eagle Development Company, LLC's Motion to Compel Discovery Responses is MOOT.

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. The Circuit Clerk shall send a courtesy copy of this order to the Business Court at the Berkeley County Judicial Center, Suite 2100, 380 W. South Street, Martinsburg, WV 25401.

ENTER this 15th day of May, 2018.

Joanna Tabit
 JOANNA TABIT, JUDGE
 BUSINESS COURT DIVISION

Date: 5/16/18
 Certified copies sent to:
 counsel of record
 parties
 other (please indicate)
 By: certified/flat class mail
 fax
 hand delivery
 interdepartmental
 Other directive accomplished:
[Signature]
 Deputy Circuit Clerk

Judge Muttsch
 Bus CC

MH	MM
JB	WA
EP	JH
RH	JS
SG	SG
	RT
MF	NS
NS	MU
JM	EH

STATE OF WEST VIRGINIA
 COUNTY OF KANAWHA, W.V.
 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 16
 DAY OF May, 2018
Cathy S. Gatson CLERK
 CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA