

**BUSINESS COURT DIVISION – WEST VIRGINIA SUPREME COURT OF APPEALS  
IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA**

**FILED**  
15-C-2202  
AUG 20 11:41  
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,**

**Plaintiffs,**

**v.**

**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**

**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,**

**Third-Party Defendants,**

**And**

**BRANCH & ASSOCIATES, INC., a  
Virginia corporation,**

**Third-Party Plaintiffs,**

**v.**

**O.C. CLUSS LUMBER COMPANY, a  
Pennsylvania corporation, and GAF  
MATERIALS CORPORATION, a New  
Jersey corporation; QUALITY STONE  
VENEER, INC.; MODERN LIGHTNING  
PROTECTION, INC.; JAMES HARDIE  
BUILDING PRODUCTS, INC.; and  
FIBERON, LLC,**

**Third-Party Defendants,**

**and**

**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,**

**and**

**SOARING EAGLE DEVELOPMENT  
COMPANY, LLC, a West Virginia limited  
liability company,**

**Third-Party Plaintiff,**

**v.**

**THE TRAVELERS INDEMNITY  
COMPANY OF AMERICA, a Connecticut  
corporation and Travelers Property and  
Casualty Company of America,**

**Third-Party Defendant.**

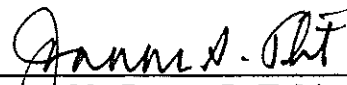
**ORDER**

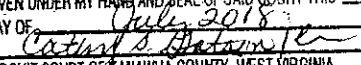
The Court does **ORDER** that the forthcoming *Motion to Enforce Settlement* submitted by Branch & Associates, Inc., be **FILED UNDER SEAL** pursuant to Rules 15.12 and 25.12 of the West Virginia Trial Court Rules. The Clerk is **DIRECTED** to provide a copy of this *Order* to all counsel of record at the following addresses:

J. Michael Benninger Benninger Law P.O. Box 623 Morgantown, WV 26507 <i>Counsel for Plaintiffs</i>	Robert H. Sweeney, Jr. Michael A. Frye Jenkins, Fenstermaker, PLLC P. O. Box 2688 Huntington, WV 25726 <i>Counsel for Third-Party Defendant, Tri State Roofing &amp; Sheet Metal Company of West Virginia</i>
John L. MacCorkle Carrie Dysart MacCorkle Lavender PLLC 300 Summers Street, Suite 800 Charleston, WV 25301 <i>Co-Counsel for Soaring Eagle Development Company, LLC</i>	Natalie C. Schaefer Kimberly Bandy, Kayla Reynolds Shuman, McCuskey & Slicer, PLLC 1411 Virginia Street, East, Suite 200 Charleston, WV 25301 <i>Counsel for Third-Party Defendant, Richardson and March Carpentry, LLC</i>
Shawn P. George George & Lorensen, PLLC 1526 Kanawha Boulevard, East Charleston, WV 25311 <i>Co-Counsel for Soaring Eagle Development Company, LLC</i>	Ronald Hatfield, Jr. Litchfield Cavo LLP 99 Cracker Barrel Drive, Suite 100 Barboursville, WV 25504 <i>Counsel for Third-Party Defendant, Applied Mechanical Systems, Inc.</i>
Stephen F. Gandee Robinson & McElwee P.O. Box 128 140 West Main Street, Suite 300 Clarksburg, WV 26302-0128 <i>Counsel for GBBN Architects, Inc.</i>	Michael P. Markins Elizabeth Moore Cipriani & Werner, PC Laidley Tower, Suite 900 500 Lee Street, E. Charleston, WV 25301 <i>Counsel for Third-Party Defendant, Eastcoast Siding, Inc.</i>

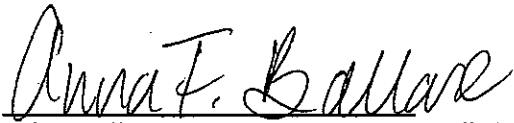
<p>Randall L. Trautwein  Jill Lansden  Lamp Bartram Levy Trautwein &amp; Perry, PLLC  P. O. Box 2488  Huntington, WV 25725  <b>Counsel for Third-Party Defendant/Fourth-Party Plaintiff, O.C. Cluss Lumber Company</b></p>	<p>Michael B. Hissam  Isaac R. Forman, Rebecca Pomeroy  Bailey &amp; Glasser, LLP  209 Capitol Street  Charleston, WV 25301  <b>Counsel for Fourth-Party Defendant, GAF Materials Corporation</b></p>
<p>Webster J. Arceneaux, III  Spencer Elliott  Lewis Glasser PLLC  300 Summers Street, Suite 700  Charleston, WV 25301  <b>Counsel for Third-Party Defendant/Fourth-Party Defendant, Fiberon, LLC</b></p>	<p>Nicholas R. Stuchell  Daniels Law Firm  300 Summers Street, Suite 1270  P. O. Box 1433  Charleston, WV 25325  <b>Counsel for Modern Lightning Protection, Inc.</b></p>
<p>John W. Hays  Jackson Kelly PLLC  175 East Main Street  Suite 500  Lexington, KY 40507  <b>Counsel for James Hardie Building Products, Inc.</b></p>	<p>Michael Victorson  Danielle Waltz, Sarah Phipps  Jackson Kelly PLLC  P. O. Box 553  Charleston, WV 25322  <b>Counsel for James Hardie Building Products, Inc.</b></p>
<p>John A. "Jack" Smith  Flaherty, Sensabaugh &amp; Bonasso, PLLC  P. O. Box 3843  Charleston, WV 25338-3843  <b>Counsel for Travelers Casualty &amp; Surety Company of America; Travelers Indemnity Company; and The Phoenix Insurance Company</b></p>	<p>Eric Hulett  Steptoe &amp; Johnson, PLLC  Edwin Miller Professional Center  1250 Edwin Miller Blvd., Suite 300  Martinsburg, WV 25404  <b>Counsel for Quality Stone Veneer, Inc.</b></p>

ENTERED this 20<sup>th</sup> day of July, 2018.

  
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Honorable Joanna L. Tabit

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 20  
DAY OF July, 2018.  
 CLERK  
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

**PREPARED BY**



Edgar Allen Poe, Jr., WV State Bar #2924

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