

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

FILED
JUL 23 PM 2:37
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,

DEFENDANT/THIRD-PARTY PLAINTIFF,
BRANCH & ASSOCIATES, INC.'S
MOTION TO ENFORCE SETTLEMENT

Defendants,

and

FILED UNDER SEAL

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.

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 SETTING HEARING- MOTIONS TO ENFORCE SETTLEMENT

The Court hereby gives the parties notice that it will hear oral argument on Plaintiffs' Motion to Enforce Settlement and Branch & Associates, Inc. Motion to Enforce Settlement in the Courtroom of the undersigned **on Thursday, August 9, 2018, at 1:00 pm.** All counsel and any *pro se* parties shall appear in person with the exception of Spencer Elliott, Esq., counsel for Fiberon, who has waived participation in the dispute.

Proposed orders, motions, and/or memoranda shall be sent directly to the Judge via Letha.Goode@courtsv.gov with a courtesy copy e-mailed to Business.Court@courtsv.gov and Lynne.Coppala@courtsv.gov. Copies of any original motions and memoranda shall be filed with the Clerk of the Circuit Court of Kanawha County. Copies of proposed orders shall not be filed with the Clerk.

The Clerk of the Circuit Court of Kanawha County, West Virginia, is directed to forward an attested copy of this Order to the Business Court Division Central Office at the Berkeley County Judicial Center, 380 W. South Street, Suite 2100, Martinsburg, West Virginia, 25401; the Resolution Judge, the Honorable James Matish at the Harrison County Courthouse, 301 West Main Street Clarksburg, WV 26301-2967; all counsel of record; and any *pro se* parties.

ENTER this 23rd day of July, 2018.

Joanna I. Tabit
 HONORABLE JOANNA I. TABIT
 BUSINESS COURT DIVISION

Date: 7/24/18
 Certified copies sent to:
 counsel of record
 parties
 other (please indicate)
 By: certified/1st class mail
 fax
 hand delivery
 interdepartmental
 other (describe how accomplished):
Letha Goode
 Deputy Circuit Clerk

Judge Matish
Bus Ct
 JS
 WA
 EIT
 EP
 RS
 NS
 RT
 MH
 RH
 SG
 JM
 JH
 MM
 NS
 SG
 MB
 MV

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 23
 DAY OF July 2018
Cathy S. Gatson CLERK
 CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA