

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

10-26-19  
Sullivan  
Strommen  
WVBCert  
Judge Hon  
Charles Carl

RILEY NATURAL GAS COMPANY,

Plaintiff,

v.

Civil Action No. 15-C-405-3  
Presiding Judge: Hon. Paul T. Farrell  
Resolution Judge: Hon. H. Charles Carl, III

NORTHSTAR ENERGY CORPORATION,

Defendant.

**JUDGMENT ORDER**

The Court previously granted Plaintiff's *Motion for Summary Judgment* in an Order dated May 10, 2019 and determined that Plaintiff was entitled to declaratory and monetary relief. Pursuant to that Order, the Court required that the parties submit briefs regarding damages. Accordingly, this matter comes before the Court pursuant to that Order requiring that the parties submit briefs regarding damages. The parties have agreed that no substantive briefing is necessary, in light of their agreement that the amount of damages owed by Defendant to Plaintiff is Five Million Five Hundred Thirty-Eight Thousand Three Hundred Fifty-One Dollars and Thirty-Seven Cents (\$5,538,351.37) (representing actual damages resulting from breach of the terms of the parties' contract, pre-judgment interest, and costs), plus post-judgment interest accruing after May 10, 2019.

In light of the parties' agreement, it appears to the Court that Plaintiff's damages claim is for a sum certain. Further, it appears that the parties have come to an agreement that the amount of damages owed to Plaintiff, totaling Five Million Five Hundred Thirty-Eight Thousand Three Hundred Fifty-One Dollars and Thirty-Seven Cents (\$5,538,351.37), represents actual damages arising from breach of the terms of the parties' contract, plus pre-judgment interest and costs. It

further appears that, effective May 10, 2019, Plaintiff also is entitled to an award of post-judgment interest at the statutory rate until the judgment is paid in full.

Based on the foregoing, the Court hereby finds that the amount owed by Defendant to Plaintiff, due upon entry of this Order, equals Five Million Five Hundred Thirty-Eight Thousand Three Hundred Fifty-One Dollars and Thirty-Seven Cents (\$5,538,351.37). Moreover, the Court further finds that, effective May 10, 2019, Plaintiff is entitled to an award of post-judgment interest at the statutory rate until paid in full.

Accordingly it is hereby ORDERED and ADJUDGED that Plaintiff shall receive damages from Defendant in the amount of Five Million Five Hundred Thirty-Eight Thousand Three Hundred Fifty-One Dollars and Thirty-Seven Cents (\$5,538,351.37), plus post-judgment interest accruing after May 10, 2019.

The Clerk is directed to provide a copy of this Judgment Order to counsel of record, to the West Virginia Business Court Division, Berkeley County Judicial Center, 380 W. South Street, Suite 2100, Martinsburg, WV 25401, and to the Resolution Judge, Hon. H. Charles Carl, III.

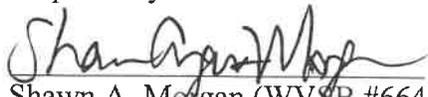
IT IS SO ORDERED.

Entered this 21 day of June, 2019:



Honorable Paul T. Farrell, Circuit Judge

Prepared by:

  
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**Counsel for Plaintiff**

Approved by:

  
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**Counsel for Defendant**

by sam  
with  
authorization

STATE OF WEST VIRGINIA  
COUNTY OF HARRISON, TO-WIT

I, Albert F. Marano, Clerk of the Fifteenth Judicial Circuit and the 18<sup>th</sup> Family  
Court Circuit of Harrison County, West Virginia, hereby certify the foregoing  
to be a true copy of the ORDER entered in the above styled action on the  
21<sup>st</sup> day of June, 2019.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the  
Seal of the Court this 20<sup>th</sup> day of June, 2019.

Albert F. Marano  
Fifteenth Judicial Circuit & 18<sup>th</sup>  
Family Court Circuit Clerk  
Harrison County, West Virginia