



**IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA**

**IN RE: CARBON MONOXIDE EXPOSURE LITIGATION CIVIL ACTION NO. 14-C-8000**

**THIS DOCUMENT APPLIES TO ALL CASES**

**ORDER DENYING MOTION FOR SUMMARY JUDGMENT  
OF DEFENDANTS, HOLIDAY HOSPITALITY FRANCHISING, LLC,  
INTERCONTINENTAL HOTELS GROUP RESOURCES, INC.,  
AND SIX CONTINENTS HOTELS, INC.**

On March 10, 2015, came Defendants Holiday Hospitality Franchising, LLC (“Franchising”), InterContinental Hotels Group Resources, Inc. (“Resources”), and Six Continents Hotels, Inc. (“Six Continents”) (collectively, “IHG Defendants”) by counsel, and also came all Plaintiffs by counsel for hearing on the IHG Defendants’ Motion for Summary Judgment (Transaction ID 56637107).

The IHG Defendants argue they are entitled to summary judgment because they owed no duty to Plaintiffs, hotel guests staying at the South Charleston Holiday Inn Express, and cannot be held liable for the acts or omissions of hotel franchisee Defendant Pikes, Inc. (“Pikes”). In short, the IHG Defendants argue they did not maintain day-to-day control over the operation of the South Charleston Holiday Inn Express and, therefore, cannot be subject to liability.

Having reviewed and considered the submissions of the parties, the arguments of counsel, and the record in this matter, and having conferred with one another to ensure uniformity of their decision as contemplated by West Virginia Trial Court Rule 26.07(a), the Court **FINDS** there are significant issues of fact related to Plaintiffs’ theories of liability including, but not limited to, *respondeat superior*, agency, and joint venture. The Court further **FINDS** there are significant questions of fact as to Plaintiffs’ allegations of independent negligence by the IHG Defendants. Accordingly, the Court **DENIES** the IHG Defendants’ Motion for Summary Judgment.

The IHG Defendants’ objections and exceptions to this Order are noted and preserved.

It is so **ORDERED**.

**ENTERED:** March 26, 2015

/s/ John A. Hutchison  
Lead Presiding Judge  
Carbon Monoxide Exposure Litigation