



West Virginia E-Filing Notice

CC-19-2016-C-257

Judge: David Sanders

To: Charles Printz
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NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT OF JEFFERSON, WEST VIRGINIA

Division 1

PNGI CHARLES TOWN GAMING, LLC v. YORK BUILDING PRODUCTS CO., INC.

CC-19-2016-C-257

The following answer was FILED on 12/27/2016 11:30:16 AM

Notice Date: 12/27/2016 11:30:16 AM

Laura Storm
CLERK OF THE CIRCUIT
Jefferson
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CHARLES TOWN, WV 25414

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EXHIBIT
3

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA

PNGI CHARLES TOWN GAMING, LLC,

Plaintiff,

v.

CIVIL ACTION NO. 16-C-257

YORK BUILDING PRODUCTS CO., INC. and
YORK BUILDING AGGREGATES, LLC,

Defendants.

REPLY TO COUNTERCLAIM OF YORK BUILDING PRODUCTS CO., INC. and
YORK BUILDING AGGREGATES, LLC

Plaintiff PNGI CHARLES TOWN GAMING, LLC (the "Plaintiff" or "PNGI"), by its counsel, states the following Reply to the Counterclaims alleged by Defendants YORK BUILDING PRODUCTS CO., INC. and YORK BUILDING AGGREGATES, LLC (collectively, the "Defendants" or "York") in their *Answer and Counterclaim* filed December 7, 2016:

PNGI denies all factual allegations and legal conclusions set forth by York in numbered paragraphs 1-25 of its Answer, to the extent those factual allegations and legal conclusions differ from the facts and legal conclusions as alleged in PNGI's Complaint or seek to otherwise explain or deny York's liability in this matter. PNGI further denies all factual allegations and legal conclusions set forth by York in the affirmative defenses section of its pleading, labeled First Affirmative Defense through Fifteenth Affirmative Defense, and denies that any of York's affirmative defenses have factual support or legal merit. As to the numbered paragraphs of York's Counterclaim, PNGI replies as follows:

1. Admitted.

2. Admitted.
3. PNGI incorporates and restates its answers to the above numbered paragraphs.
4. Admitted.
5. Admitted.
6. PNGI incorporates and restates its answers to the above numbered paragraphs.
7. Admitted in part. On March 25, 2016, PNGI purchased the following aggregates products from York: (1) 400 tons of MS2 Mason Sand; (2) 300 tons of C-144 Mason Sand; and (3) 600 tons of White Fine Sand. All other allegations are denied.
8. Admitted.
9. PNGI incorporates and restates its answers to the above numbered paragraphs.
10. Denied.
11. Denied.
12. Denied.
13. PNGI denies that York is entitled to judgment, denies that York is entitled to the relief requested, and denies that York is entitled to any relief whatsoever.
14. PNGI denies all allegations, legal conclusions, demands, and requests for relief contained in York's *Answer and Counterclaim* that are not specifically admitted by PNGI in this Reply.

15. PNGI asserts all affirmative defenses available to it under applicable law, as the same may be supported by the facts alleged or as developed in this case.

WHEREFORE, the Plaintiff respectfully requests that the Defendants' Counterclaim be dismissed; that the Plaintiff be awarded its costs and fees expended in defense thereof, and such further relief as the Court deems just.

AND, **THE PLAINTIFF DEMANDS A TRIAL BY JURY.**

DATED the 27th day of December 2016.

**PNGI CHARLES TOWN
GAMING, LLC**
Plaintiff, By Counsel

/s/ Charles F. Printz, Jr.
Charles F. Printz, Jr. (WVSB #2985)
J. Tyler Mayhew (WVSB #11469)
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CERTIFICATE OF SERVICE

I, Charles F. Printz, Jr., counsel for Plaintiff, do hereby certify that I have served a true and correct copy of the foregoing ***REPLY TO COUNTERCLAIM OF YORK BUILDING PRODUCTS CO., INC. AND YORK BUILDING AGGREGATES, LLC*** upon the below named counsel on the date indicated by depositing a true and correct copy of the foregoing in the United States Mail, first class postage prepaid to them at their addresses as follows:

Kenneth J. Barton, Jr., Esquire
Kelsey L. Swaim, Esquire
Steptoe & Johnson PLLC
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Martinsburg, West Virginia 25404
Counsel for Defendants

Rees Griffith, Esquire
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CFA Law Firm
135 North George Street
York, Pennsylvania 17401
Counsel for Defendants

Dated this 27th day of December 2016.

/s/ Charles F. Printz, Jr.
Charles F. Printz, Jr.