

**IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA
BUSINESS COURT**

**GLADE SPRINGS VILLAGE PROPERTY
OWNERS ASSOCIATION, INC.,
a West Virginia non-profit corporation,**

Plaintiff,

v.

**Civil Action No. 19-C-357
Presiding Judge: Jennifer P. Dent
Resolution Judge: Michael D. Lorensen**

**EMCO GLADE SPRINGS HOSPITALITY, LLC,
a West Virginia limited liability company;
ELMER COPPOOLSE, an individual;
JAMES TERRY MILLER, an individual;
R. ELAINE BUTLER, an individual; and
GSR, LLC, a West Virginia limited liability company.**

Defendants.

ORDER DENYING MOTION TO DISMISS OR JOIN PARTIES

This matter came before the Court upon the proposed *Order Substituting Counsel* (the “Order”). The Court, in consideration of the proposed order, finds it must be denied without prejudice at this time for failure to comport with Trial Court Rule 4.04. The Court notes there does not appear to have been submitted a corresponding proposed Motion for Substitution of Counsel. Counsel are advised that the Order must be properly submitted under Rule 4.04.

Rule 4.04 of the West Virginia Trial Court Rules governs the substitution of counsel by stipulation. Rule 4.04 provides, in pertinent part: A stipulation for substitution of counsel shall:

- (a) bear the written approval of the client;
- (b) bear the signed statement by the substituting attorney consenting to the substitution and stating that the substituting attorney is advised of the trial date and will be prepared for trial on such date;

- (c) be accompanied by a proposed written order, which may be presented ex parte; and
- (d) be served upon opposing counsel.


Tr. Ct. R. 4.04.

In this case, the Court's review of the proposed Order reveals the parties are not in compliance with the rule. The Court notes that specifically, there was no signed statement by the substituting attorney and there was no information provided indicating written approval of the clients. At this time, the Order is denied without prejudice, until such time as the Order may be properly submitted under the rule.

Therefore, it is hereby ADJUDGED, ORDERED and DECREED that the proposed *Order Substituting Counsel* is hereby DENIED WITHOUT PREJUDICE.

The Clerk of this Court shall enter the foregoing and forward attested copies hereof to all counsel, to any pro se parties of record, and to the Business Court Central Office at Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia 25401.

ENTERED this 5th day of February 2020.


Honorable Jennifer P. Dent
Judge of the West Virginia Business
Court Division

The foregoing is a true copy of an order
entered in this office on the 11 day
of Feb., 2020.
PAUL H. FLANAGAN, Circuit Clerk of Raleigh Co., WV
By ADW Deputy