

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

MOUNTAIN STATE PIPELINE & EXCAVATING, LLC,  
Plaintiff/Counterclaim Defendant/Crossclaimant,

v.

Civil Case No.: 20-C-350  
Presiding: Judge Young  
Resolution: Judge Farrell

SMITH/PACKETT MED-COM, LLC,  
a Virginia Limited Liability Company, and  
Sole Manager-Member of Defendants SP WV, LLC,  
Defendant/Counterclaimant; and

SP WV, LLC,  
a Virginia Manager-Managed Limited Liability Company and  
"Pass Through Entity" acting as the Sole Member of  
Defendant WV IL-AL Investors, LLC  
Defendant/Counterclaimant; and

WV IL-AL INVESTORS, LLC,  
a Virginia Member-Managed Limited Liability Company,  
Defendant/Counterclaimant; and

JARRETT CONSTRUCTION SERVICES, INC.,  
a West Virginia Limited Liability Company,  
as Construction Manager at Risk,  
Defendants/Counterclaimant; and

CARTER BANK & TRUST,  
Defendant; and

JARRETT CONSTRUCTION SERVICES, INC.,  
Third-Party Plaintiff,

v.

ECS MID-ATLANTIC, LLC,  
Third-Party Defendant/Crossclaim Defendant.

## ORDER DENYING MSPE'S MOTION TO COMPEL

On July 29, 2021, this matter came before the Court for a hearing on Mountain State Pipeline & Excavating, LLC's Motion to Compel the production of documents pursuant to Plaintiff's July 6, 2021 letter of missing documents. The Court scheduled a status conference for August 17, 2021 to allow Defendant Jarrett Construction Services, Inc. to respond to the July 6, 2021 letter of missing documents.

The Court has reviewed the Motion, Response, and arguments of Counsel and Finds and Orders as follows:

1. Defendant Jarrett Construction Services, Inc. has responded to all missing documents, with the exception of a copy of evidence of bond payment (which will be provided within 14 days).
2. If, after review of the documents, Plaintiff believes the responses are incomplete, Plaintiff may refile the Motion to Compel.
3. Additionally, Defendant Jarrett Construction Services, Inc. shall provide the Year End financial records for 2015-2020 of Jarrett Construction Services, Inc. within 14 days of the entry of the Protective Order.
4. All documents provided pursuant to this Motion are subject to the Protective Order.

**WHEREFORE**, it is **ORDERED** and **ADJUDGED** that MSPE's Motion to Compel is hereby **DENIED**.

All accordingly which is **ORDERED** and **DECREED**.

Enter this 20 day of August, 2021.

ORDER  
ENTER:

James H. Young Jr.  
HONORABLE JAMES H. YOUNG, JR.

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 24<sup>th</sup>  
DAY OF August 2021  
Cathy S. Gatson CLERK  
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA Ueda

Date: 8/24/21  
Certified copies sent to:  
☒ counsel of record  
☐ parties  
☒ other  
(please indicate)  
By ☒ certified/1st class mail  
☐ fax  
☐ hand delivery  
☐ interdepartmental  
Other directives accomplished:  
Ueda  
Deputy Circuit Clerk

Bus Ct      R. Lockhart  
D. Fields      J. Flanagan  
C. Roncoski Jr      R. Sweeney  
C Kinney Jr  
C Brumley