

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 GRANTING, IN PART, AND DENYING, IN PART, JARRETT
CONSTRUCTION SERVICES, INC. AND TRAVELER'S INSURANCE COMPANIES
MOTION FOR PROTECTIVE ORDER

586-587

On August 17, 2021, this matter came before the Court for a Status Hearing on Jarrett Construction Services, Inc.'s Motion for a Protective Order, or in the Alternative, for *In Camera* Inspection and Traveler's Insurance Company's request for a Protective Order. The Court has reviewed the Motion, Response, documents provided to the Court for *in camera* inspection, and the arguments of Counsel. The Court addressed items No. 13 and No. 18 of Jarrett Construction Services, Inc.'s Memorandum, and these items were reviewed by the Court, *in camera*. The Court Finds and Orders as follows:

1. As to No. 18: The financial summary and other documents provided, *in camera*, with the exception of personal financial information of John Jarrett, shall be provided.
2. As to No. 13: All documents are proprietary, confidential, and protected by attorney-client privilege or attorney work product and shall not be provided.

It is, therefore, **ADJUDGED** and **ORDERED**:

1. That Jarrett Construction Services, Inc.'s Motion for Protective Order is **GRANTED, in part, and DENIED, in part.**
2. The parties shall disclose the documents, as outlined above, within two weeks of the entry of this Order.

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.

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 directive accomplished:
Hand
Deputy Circuit Clerk

Bus Cl.
D. Fields
C. Rancogione Jr.
C. Kinney Jr.
C. Brumkey
R. Lockhart
J. Flanagan
R. Sweeney

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 24th
DAY OF August 2021
Cathy S. Gatson CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA Wed