

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

FILED
2021 OCT -1 AM 11:56
CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

LEWIS CLARK TIERNEY, III, et al.,

Plaintiffs,

vs.

**Civil Action No.: 18-C-90
Presiding: Judge Farrell
Resolution: Judge Lorensen**

ANN TIERNEY, SMITH, et al.,

Defendants.

**DAY ORDER FROM SEPTEMBER 14, 2021 CASE
MANAGEMENT/SCHEDULING CONFERENCE**

CAME the parties, in an initial case management conference/status conference held via Microsoft Teams, on September 14, 2021, commencing at 2:00 p.m.

M. Shane Harvey, Esq. and Vivian H. Basdekis, Esq. appeared for the Plaintiffs. Carte P. Goodwin, Esq. appeared for the Defendant Ann Tierney Smith. Isaac R. Forman, Esq. appeared for Defendants Duane Morris, LLC and Douglas Woloshin. Robert B. Allen, Esq. appeared for Defendants The Tierney Corporation and The Leatherwood Company. J. Mark Adkins, Esq. and Philip W. Collier appeared for Defendant Matthew S. Tierney.

Conference was had regarding scheduling and pending motions and issues in this case, upon its referral to the Business Court Division.

The Court, recognizing there exists a pending motion filed by Defendants, by counsel, namely Defendants The Tierney Corporation and The Leatherwood Company's Motion to

Approve Settlement filed June 15, 2021, hereby ORDERS pursuant to Rule 22 of the West Virginia Trial Court Rules as follows:

That movant will provide a proposed order (if not already done) and serve a copy upon all non-moving parties. Non-moving parties shall file written responses and proposed orders within fifteen (15) days of the entry of this Order, and serve copies of the same on the moving party. The moving party shall thereafter ten (10) days to file a rebuttal memorandum, if desired. Thereafter, the Court will rule upon the motion on the pleadings and record or schedule a hearing if the Court deems it necessary.

All original proposed orders and copies of motions and/or memoranda shall be sent directly to the Judge via Eleni.Miller@courtswv.gov with a courtesy copy to both Business.Court@courtswv.gov and Tessa.Bowers@courtswv.gov. Copies of the proposed orders and the original motions and memoranda shall be filed with the Clerk of the Circuit Court.

Additionally, the Court, recognizes that by Order Granting Motion to Seal entered June 16, 2021 by Judge Tabit, the aforementioned Defendants The Tierney Corporation and The Leatherwood Company's Motion to Approve Settlement was filed with the Clerk under seal. Therefore, the Court hereby requests that the movant also send a courtesy copy of said motion filed under seal to the Judge via Eleni.Miller@courtswv.gov, Business.Court@courtswv.gov and Tessa.Bowers@courtswv.gov.

The Court directs the Circuit Clerk to distribute attested copies of this order to all counsel of record, and to the Business Court Central Office at West Virginia Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401.

September 29, 2021
date of entry



JUDGE PAUL T. FARRELL
JUDGE OF THE WEST VIRGINIA
BUSINESS COURT DIVISION

Date: 10/4/21
Certified copies sent to:
☒ counsel of record
☒ parties
☒ other (please indicate)
By: ☒ certified/1st class mail
☐ fax
☐ hand delivery
☐ interdepartmental
Other directives accomplished:
Deputy Circuit Clerk

M. Shane Harvey
C. Goodwin
J. Mark Adkins
K. Collier
F. Forman

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 4th

DAY OF October 2021
Cathy S. Gatson
CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA