

FILED

**IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA
BUSINESS COURT DIVISION: 19**

LEWIS CLARK TIERNEY, III; et al.,

CATHY S. CATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

Plaintiffs,

v.

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

ANN TIERNEY SMITH, et al.,

Defendants.

AGREED ORDER REGARDING BRIEFING SCHEDULE

In an Order entered on September 29, 2021, the Court directed that the following papers be filed and served in conjunction with the pending Motion to Approve Settlement filed by The Tierney Corporation and The Leatherwood Company on June 15, 2021:

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.

Order at 2.

For reasons appearing to the Court, and upon agreement of the Parties, the Court amends its September 29, 2021 Order to provide that:

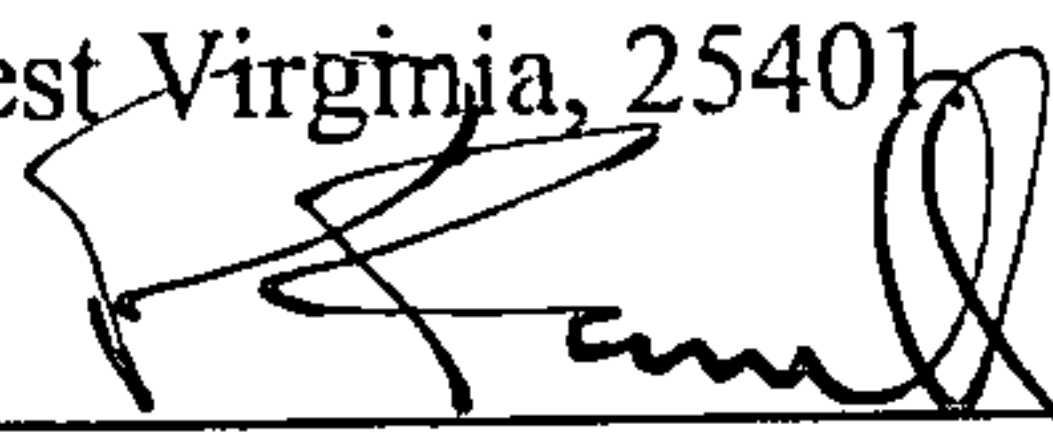
Plaintiffs shall file and serve a written response and proposed order by October 20, 2021. The moving parties shall file and serve a proposed order by November 1, 2021. If desired, Defendants may file rebuttal memoranda by November 1, 2021.

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

October 13, 2021

date of entry

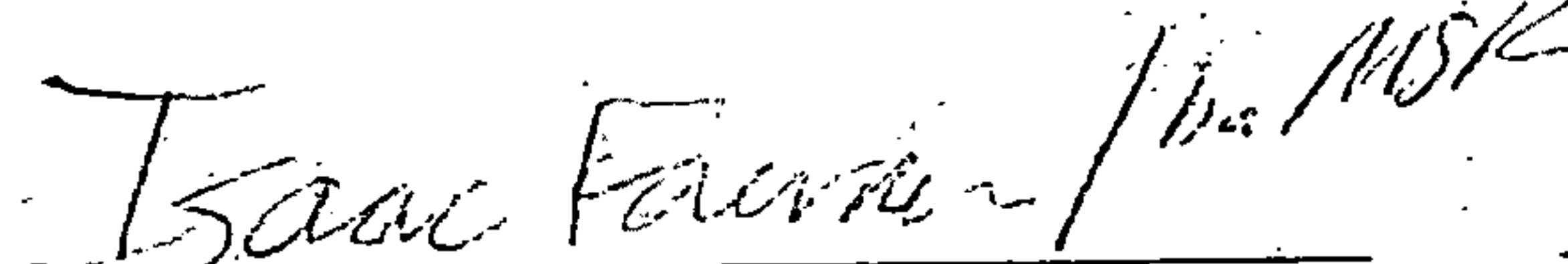

JUDGE PAUL T. FARRELL
JUDGE OF THE WEST VIRGINIA
BUSINESS COURT DIVISION

Agreed to by:



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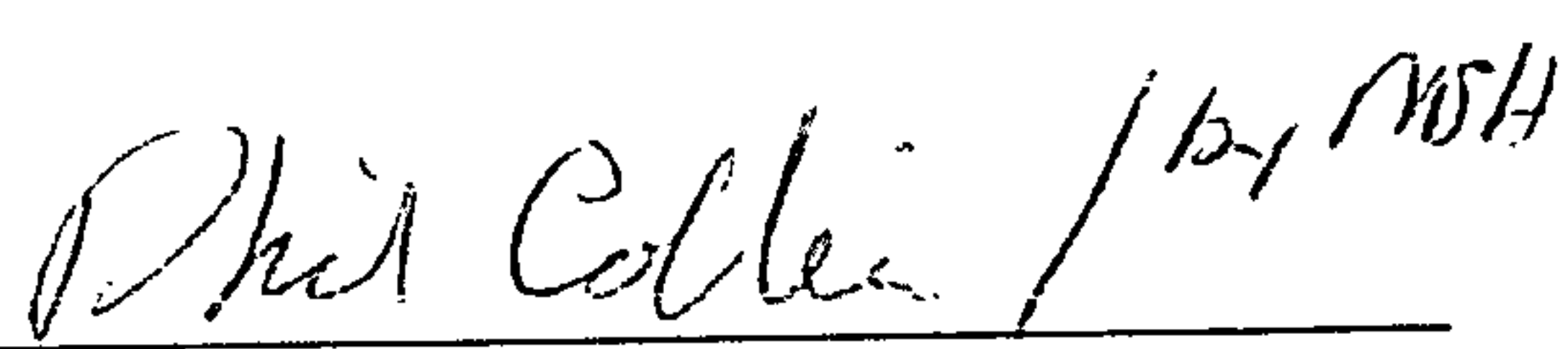
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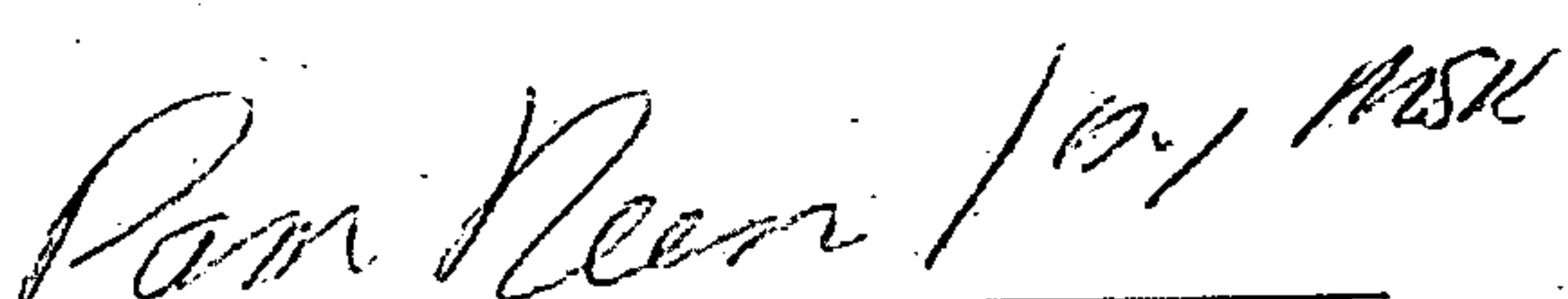
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Date: 10/19/2021
Certified copies sent to:
☒ counsel of record
☐ parties
☒ other (please indicate)
By: ☒ certified/1st class mail
☐ fax
☐ hand delivery
☐ interdepartmental
Other directives accomplished:
R. Allen
Deputy Circuit Clerk

*Bus Ct
M. Harvey
P. Collier
C. Goodwin
J. Adkins
R. Allen
J. Gorman*

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CERTIFICATE OF SERVICE

I, M. Shane Harvey, Counsel for Plaintiffs, hereby certify that on this the 11th day of October, 2021 a true and accurate copy of the attached **Agreed Order Regarding Briefing Schedule** has been served on all counsel of record, via U.S. Mail, postage prepaid in envelopes addressed as follows:

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