

In the Circuit Court of Marion County, West Virginia

American Bituminous Power)
Partners, LP,)
Plaintiff,)
)
vs.))
)
Employers' Innovative Network, LLC)
c/o Cogency Global Inc.,)
Vensure HR, Inc. c/o Cogency Global)
Inc.,)
Innovative Insurance Solutions, LLC,)
Vensure Employer Services, Inc.,)
Employers' Innovative Network)
Acquisition, LLC ET AL,)
Defendants)
)

Case No. CC-24-2020-C-136

**Order Denying Expedited Motion to Stay Pending Supreme Court Action on
Defendants' Petition for Writ of Prohibition**

On October 28, 2021, came the Defendants, Employers' Innovative Network, LLC, Employers' Innovative Network Acquisition, LLC, Vensure TopCo, Inc., Vensure Employer Services, Inc., Innovative Insurance Solutions, LLC, and Vensure HR, Inc. (collectively, "Defendants"), by counsel, and filed their "Expedited Motion To Stay Pending Supreme Court Action on Defendants' Petition for Writ of Prohibition" ("Motion"). Plaintiff American Bituminous Power Partners, L.P., filed a "Reply in Opposition to Motion to Stay" on November 1, 2021, and Defendants filed their "Reply in Support of Expedited Motion To Stay Pending Supreme Court Action on Defendants' Petition for Writ of Prohibition" on November 2, 2021. The Court held a telephonic hearing on November 3, 2021.

For the reasons stated on the record during the telephonic hearing on November 3, 2021, the Court hereby **DENIES** Defendants' Motion.

The Circuit Clerk is directed to send certified copies of this Order to all counsel of

record as set forth below.

Prepared by:

/s/ Russell D. Jessee

Russell D. Jessee (WVSB #10020)
James E. McDaniel (WVSB #13020)
STEPTOE & JOHNSON PLLC
P.O. Box 1588
Charleston, WV 25326-1588
Telephone: (304) 353-8000
Facsimile: (304) 353-8180
Counsel to Defendants

Reviewed by:

/s/ Roberta F. Green

Roberta F. Green, Esquire (WVSB #2431)
John F. McCuskey, Esquire (WVSB #6598)
SHUMAN, MCCUSKEY & SLICER, PLLC
1411 Virginia Street, East, Suite 200
P.O. Box 3953
(304) 345-1400
(304) 343-1826
Charleston, WV 25301-3953
Counsel to Plaintiff

/s/ James H Young Jr.

Circuit Court Judge
16th Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit www.courtswv.gov/e-file/ for more details.