

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

LEWIS CLARK TIERNEY, III; et al.,

Plaintiffs,

v.

ANN TIERNEY SMITH, et al.,

Defendants.

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

**AGREED ORDER GRANTING PLAINTIFFS' MOTION
FOR SUBSTITUTION OF PARTIES**

Before the Court is the motion of Plaintiffs, Lewis Clark Tierney, III, et al. ("Plaintiffs") to substitute Katherine K. Combs, as Personal Representative of the Estate of Carolyn K. Tierney Griesemer, for Plaintiff, Carolyn Kenna Tierney Griesemer. A *Suggestion of Death of Plaintiff Carolyn Kenna Tierney Griesemer* was filed on August 31, 2021.

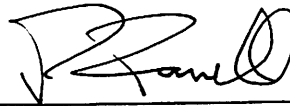
As indicated by the parties' joint submission of this Agreed Order, no party objects to *Plaintiffs' Motion for Substitution of Parties*, filed on November 11, 2021 ("Motion"), and the Court takes the matter under submission without hearing. Pursuant to Rule 25(a)(1) of the West Virginia Rules of Civil Procedure, "[i]f a party dies and the claim is thereby not extinguished, the court may order substitution of the proper parties." W. Va. R. Civ. Pro. 25(a)(1) in part. Furthermore, "[t]he motion for substitution may be made by any party or by the successors or representatives of the deceased party." *Id.* —

Having considered the arguments of the parties, all applicable authorities, and the record as a whole, and there being no objection thereto, the Court hereby **GRANTS** Plaintiff's Motion

and **ORDERS** that Katherine K. Combs, in her capacity as Personal Representative of the Estate of Carolyn K. Tierney, be substituted for Plaintiff Carolyn Kenna Tierney Griesemer.

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.

Entered this 9 day of Dec, 2021.



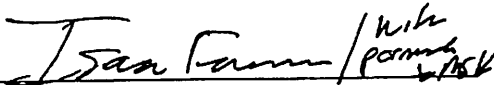
JUDGE PAUL T. FARRELL
Judge of the West Virginia Business Court Division

Agreed to by:

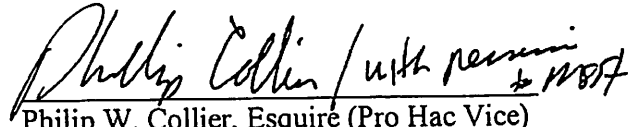


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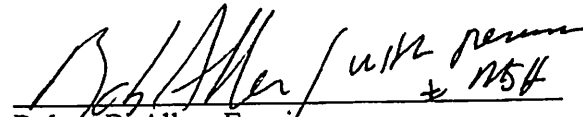


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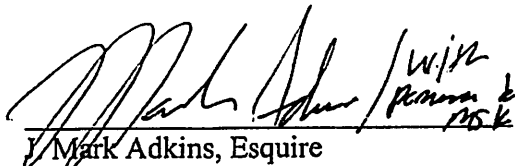
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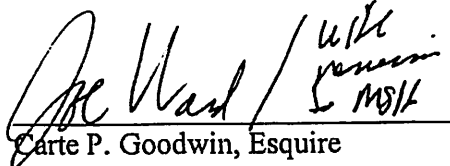
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Date: 12/13/21
Certified copies sent to:
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Udd
Deputy Circuit Clerk

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P. Collier
I. Forman
R. Allen
J. Mark Adkins
J. Ward

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA
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LEWIS CLARK TIERNEY, III; et al.,

CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

Plaintiffs,

v.

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

ANN TIERNEY SMITH, et al.,

Defendants.

CERTIFICATE OF SERVICE

I, M. Shane Harvey, Counsel for Plaintiffs, hereby certify that on this the 7th day of December, 2021, a true and accurate copy of the attached "AGREED ORDER GRANTING PLAINTIFFS' MOTION FOR SUBSTITUTION OF PARTIES" has been served on all counsel of record, via email and/or U.S. Mail, postage prepaid in envelopes addressed as follows:

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