

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

PURDY RUN AGGREGATES, LLC, a Michigan  
limited liability company (the surviving company  
after the merger of Purdy Run Aggregates, LLC, a  
Florida limited liability company, and Purdy Run  
Aggregates II, LLC, a Michigan corporation),

Plaintiff,

vs.

Civil Action No.: 21-C-<sup>2</sup>173  
Presiding: Judge Hammer  
Resolution: Judge Reeder

TALL GRASS MANAGEMENT PARTNERS  
LLC, a Florida limited liability company, JOHN  
H.W. GEFAELL, an individual, WILLIAM M.  
WARD (a/k/a BILLY M. WARD), an individual,  
and AWARD DEVELOPMENT LLC, a Kentucky  
limited liability company,

Defendants.

**ORDER SETTING INITIAL CASE MANAGEMENT/SCHEDULING CONFERENCE**

Upon referral of the above-referenced matter to the Business Court Division, the  
undersigned was assigned to serve in the case as Presiding Judge.

Pursuant to Rule 29.08(c), and to ensure the case moves forward in a timely manner, the  
Court hereby ORDERS that a case management and scheduling conference be held on Thursday,  
February 16, 2022, at 2:30 p.m. via Microsoft Teams. The court will distribute participation  
information prior to the conference to all counsel of record. You may also contact the court at  
christina.bernhard@courtsww.gov for conference call information.

The Court notes upon its review of the court file upon being assigned Presiding Judge in  
this civil action, there exists an Order Granting Defense Counsel's Motion to Withdraw entered  
by Judge McCarthy on May 26, 2022. This Court has, consistent with black letter law, long

2-10-2022  
Bus. Ct. Div.  
Hon. D. Hammer  
Hon. J. Reeder  
E. Baisie  
Judge McCarthy  
J. Blalock  
J. Fisher  
W. Ward  
Award Develop.  
J. Gefaell  
Tall Grass Mgmt

required corporations and limited liability companies to be represented by legal counsel in circuit court. *See* W.Va. Code § 30-2-4; *Shenandoah Sales & Service, Inc. v. Assessor of Jefferson County*, 228 W.Va. 762, 724 S.E.2d 733 (2012). This rule includes other corporate forms of business, such as limited liability corporations (LLC's) and limited partnerships. *See Drumheller v. Fillinger*, 230 W. Va. 26, 27, 736 S.E.2d 26, 27 (2012) (noting corporate entities must be represented by counsel in a court of law); *see also Larson v. Snedeker Enterprises, LLC*, No. 15-0305, 2016 WL 1551053, at \*1 (W. Va. Apr. 15, 2016) (respondent LLC failed to file a response that complied with *Shenandoah Sales & Service, Inc. v. Assessor of Jefferson County*).

Here, Defendant Award Development, LLC (as well as individual Defendant William M. Ward) have had over eight months since Judge McCarthy's order to obtain new counsel. To date, there is nothing in the court file indicating a notice of appearance on behalf of any new counsel representing these defendants. Therefore, the Court CAUTIONS:

AWARD DEVELOPMENT LLC MUST APPEAR BY LEGAL COUNSEL AT THE UPCOMING INITIAL CASE MANAGEMENT CONFERENCE/SCHEDULING CONFERENCE. FAILURE TO APPEAR BY LEGAL COUNSEL MAY RESULT IN DEFAULT AND JUDGMENT AGAINST IT.

The Clerk of the Circuit Court of Harrison County, West Virginia is directed to forward an attested copy of this order to the Business Court Division Central Office at the Berkeley County Judicial Center, 380 W. South Street, Suite 2100, Martinsburg, West Virginia 25401; all counsel of record; **and any *pro se* parties.**

It is so ORDERED this 10<sup>th</sup> day of February 2023.

  
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DAVID M. HAMMER, JUDGE  
BUSINESS COURT DIVISION

STATE OF WEST VIRGINIA  
COUNTY OF HARRISON, TO-WIT

I, Albert F. Marano, Clerk of the Fifteenth Judicial Circuit and the 18<sup>th</sup>  
Family Court Circuit of Harrison County, West Virginia, hereby certify the  
foregoing to be a true copy of the ORDER entered in the above styled action  
on the 10 day of February, 2023.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix  
the Seal of the Court this 10 day of February, 2023.

Albert F. Marano &  
Fifteenth Judicial Circuit & 18<sup>th</sup> Family Court  
Circuit Clerk  
Harrison County, West Virginia