

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

JUSTICE HOLDINGS, LLC,

Plaintiff/Counterclaim Defendant,

vs.

**Civil Action No.: 21-C-129
Presiding: Judge Reeder
Resolution: Judge Lorensen**

**GLADE SPRINGS VILLAGE PROPERTY
OWNERS ASSOCIATION, INC.,**

Defendant/Counterclaim Plaintiff.

and

**GLADE SPRINGS VILLAGE
PROPERTY OWNERS ASSOCIATION, INC.,**

Plaintiff,

vs.

**COOPER LAND DEVELOPMENT, INC.,
An Arkansas corporation, and
JUSTICE HOLDINGS, LLC,
A West Virginia limited liability company,**

Defendant.

**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S EMERGENCY
MOTION FOR STATUS CONFERENCE**

This matter came before the Court this 13th day of June 2023 upon Plaintiff Glade Springs Village Property Owners Association, Inc.'s Emergency Motion for Status Conference Regarding Response Deadline to Cooper Land's Motion for Summary Judgment on Merits of Plaintiff's Complaint and Justice Holdings's Motion for Summary Judgment on Counts I, II, IV, V, VI, VII, and IX and Motion to Dismiss Counts III, X, and XI and Rule 56(f) Motion.

On June 12, 2023, the aforementioned motion was filed. The Court granted the request for an emergency status conference and set the status conference for June 13, 2023 at 5:00 p.m. via Microsoft Teams. For this reason, the instant motion is granted in part. Defendant Justice Holdings filed its Response June 12, 2023. On June 13, 2023, the emergency status conference was held. Based on the positions of the parties averred at the status conference, the motion, and the response, the Court finds good cause has not been shown to alter the briefing schedule set forth in this Court's April 17, 2023 Order. For this reason, the instant motion is denied in part.

Plaintiff avers its response to certain of the motions for summary judgment should be stayed indefinitely, until the conclusion of a related appeal (identified below), because UCIOA is implicated in the motions. The parties proffered, but did not agree, on its interpretation of which Counts do or do not implicate UCIOA. The Court declines to extend or alter the briefing schedule, and directs the Plaintiff to file its response arguments to the filed dispositive motions by the prescribed deadline of June 15, 2023. The Court notes some of the oral argument counsel was proffering at the status veered into its position on the merits and would be better suited to be contained in its written pleadings for this Court's consideration of the issues. If the nonmovant believes certain sections of the motions for summary judgment implicate UCIOA and are therefore not ripe for decision by this Court, it may make that argument in its response.

Further, conference was had regarding the anticipated West Virginia Supreme Court of Appeals ruling and opinion in the related matter *Justice Holdings LLC v. Glade Springs Village Property Owners Association, Inc.*, No. 22-0002, Civil Action No. 19-C-481, Circuit Court of Raleigh County, West Virginia, related to its consideration of whether UCIOA applies to Glade Springs Village. Therefore, it was ordered at the conference that Plaintiff's counsel in this case will have 10 days after a ruling in this aforementioned appeal is issued by the Supreme Court to

file an amended response to the motions that are the subject to Plaintiff's emergency motion.

Seven days after that, Defendants shall file a Reply.

Likewise, the Court now sets forth a briefing schedule on the dispositive motion deadline as to matters that implicate potential application of UCIOA, as discussed and continued generally by this Court's Order entered April 17, 2023. Dispositive motions that do implicate potential application of UCIOA to GSV shall be filed ten (10) days after the issuance of the West Virginia Supreme Court of Appeals opinion in *Justice Holdings LLC v. Glade Springs Village Property Owners Association, Inc.*, No. 22-0002, Civil Action No. 19-C-481, Circuit Court of Raleigh County, West Virginia. Thereafter, nonmovants will have 10 days to file a Response. Finally, movants will have 10 days after that to file any Reply. Thereafter, the Court will rule upon the motions on the pleadings or schedule a hearing if the Court deems it necessary.

WHEREFORE, it is hereby **ORDERED** and **ADJUDGED** Defendant Glade Springs Village Property Owners Association, Inc.'s Emergency Motion for Status Conference Regarding Response Deadline to Cooper Land's Motion for Summary Judgment on Merits of Plaintiff's Complaint and Justice Holdings's Motion for Summary Judgment on Counts I, II, IV, V, VI, VII, and IX and Motion to Dismiss Counts III, X, and XI and Rule 56(f) Motion is hereby **GRANTED IN PART and DENIED IN PART**.

The Court notes the objections of the parties to any adverse ruling herein. The Clerk shall enter the foregoing and forward attested copies hereof to all counsel, and to the Business Court Central Office at Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401.

4/27/23
date of entry



JUDGE JOSEPH K. REEDER