

In the Circuit Court of Raleigh County, West Virginia

**Glade Springs Village Property
Owners Association, Inc.,**
Plaintiff,

v.

Case No. CC-41-2021-C-129
Judge Joseph Reeder

**Cooper Land Development Inc,
Justice Holdings LLC,**
Defendants

ORDER

COMES NOW the Court, pursuant to Plaintiff Glade Springs Village Property Owners Association, Inc.'s (hereinafter "GSVPOA") *Motion for 54(b) Certification*. On July 20, 2023, this Court entered an order granting Defendant Cooper Land Development, Inc.'s (hereinafter "CLD") *Motion for Summary Judgment on Statute of Limitations*. Therein, this Court dismissed all claims asserted in GSVPOA's Complaint against CLD with prejudice. GSVPOA's claims against Defendant Justice Holdings, LLC remain pending before this Court.

GSVPOA moves this Court to certify its Order granting CLD's *Motion for Summary Judgment on Statute of Limitations* to include an express determination that it is final and appealable under Rule 54(b) of the West Virginia Rules of Civil Procedure.

On August 8, 2023, Defendant Justice Holdings filed its *Response in Opposition to Plaintiff's Motion for 54(b) Certification*, arguing that, because there are multiple dispositive cross-motions for summary judgment pending, and that granting final order status to the Order now would create disjointed, fragmented appeals, that a unitary appeal of issues common to the two co-defendants would best serve judicial economy.

Rule 54(b) of the West Virginia Rules of Civil Procedure provides:

“When more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross-claim, or third-party claim, or when multiple parties are involved, the court may direct the entry of a final judgment as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment. In the absence of such determination and direction, any order or other form of decision, however designated, which adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties shall not terminate the action as to any of the claims or parties, and the order or other form of decision is subject to revision at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties.”

The Court **FINDS** that the Order granting CLD’s *Motion for Summary Judgment of Statute of Limitations* has direct implications for the outcome of GSVPOA’s Motions directed at Defendant Justice Holdings. The Court further **FINDS** that waiting until all dispositive motions have been resolved would promote judicial economy, would not result in substantial delay, and would not unduly prejudice the interest of GSVPOA in pursuing its appeal on the issues.

For these reasons, the Court hereby **DENIES** GSVPOA’s *Motion* until all pending dispositive motions have been resolved.

Entered this 13th day of October, 2023.

/s/ Joseph K. Reeder
Circuit Court Judge
10th 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.