

IN THE CIRCUIT COURT OF PRESTON COUNTY, WEST VIRGINIA

DOMENICK MARRARA, JR., individually and
as co-Trustee of the SANDRA JEAN MARRARA TRUST,
SANDRA JEAN MARRARA,
as co-Trustee of the SANDRA JEAN MARRARA TRUST, and
SANDRA JEAN MARRARA TRUST.

PLAINTIFFS,

v.

CIVIL ACTION NO. 13-C-198

ROCCO S. MARRARA, JR., individually and
as Trustee of the MARY JANE MARRARA IRREVOCABLE TRUST, and
as Trustee of the ROCCO S. MARRARA, SR. CREDIT SHELTER TRUST
MARY JANE MARRARA IRREVOCABLE TRUST,
ROCCO S. MARRARA, SR. CREDIT SHELTER TRUST,
FIREBIRD CO., D & R DISTRIBUTORS, INC., and
PURE LAND, CO.,

DEFENDANTS.

ORDER GRANTING DEFENDANTS' MOTION TO CONTINUE

On May 16, 2014, Defendants' motion to continue the hearing of Plaintiffs' Motion to Appoint a Custodian *Pendente Lite* came on for consideration by the Court. Plaintiff Domenick Marrara, Jr. appeared in person and all Plaintiffs appeared by their counsel, William C. Brewer and J. Tyler Slavey. Defendant Rocco S. Marrara, Jr. appeared in person and all Defendants appeared by their counsel, William J. Leon.

Having considered Defendants' motion, Plaintiffs' memorandum in opposition thereto, and the arguments of counsel, the Court finds that Vickie Helsley, in her capacity as trustee of the Robert S. Marrara Revocable Living Trust, a stockholder of Defendant Firebird Company, is an interested party entitled to notice of Plaintiffs' Motion to Appoint a Custodian as provided in West Virginia Code §31D-14-1432(a). The Court further finds the reasons for Helsley's unavailability are sufficient to require the continuance of the May 16, 2014 hearing now scheduled on Plaintiffs' Motion to Appoint a Custodian.

In light of the foregoing, Defendants' motion to continue the May 16, 2014 hearing on Plaintiffs' Motion to Appoint a Custodian is hereby GRANTED. By agreement of the parties, it is further hereby ORDERED that the hearing on Plaintiffs' Motion to Appoint Custodian is rescheduled to June 13, 2014 commencing at 9:00 AM and further that in the event the Court is unable to hear Plaintiffs' motion on June 13, 2014, Plaintiffs' motion will be heard on June 19, 2014 commencing at 9:00 a.m.

The Court advised the parties that per West Virginia Code §31D-14-1432(a), the Court shall provide Vicki Helsley with notice of the foregoing hearing dates concerning Plaintiffs' Motion to Appoint a Custodian.

The Court directs counsel for the parties to confer and attempt to stipulate to any facts or other matters raised by Plaintiffs' Motion.

The Clerk is directed to provide a copy of this order to counsel for the parties.

Entered: June 2, 2014




Russell M. Clauses, Jr.
Business Division Judge

ENTERED: JUNE 5, 2014

Betsy Castle, Clerk

By: Liza Lashman, Deputy.

Prepared By:



William J. Leon (Bar ID # 2182)

William J. Leon, LC

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Counsel for Defendants