

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

WEST VIRGINIA RADIO CORPORATION,

Plaintiff,

vs.

Civil Action No. 13-C-468
(Thomas C. Evans, III, Presiding Judge)

WEST VIRGINIA UNIVERSITY BOARD OF
GOVERNORS, WEST VIRGINIA UNIVERSITY
FOUNDATION, INC., WEST VIRGINIA MEDIA
HOLDINGS, LLC, ANDREW A. PAYNE, III,
ALBERT BRAY CARY, JR., RALPH BALLARD,
RICHARD BALLARD, OLIVER LUCK, JAMES P.
CLEMENTS, and IMG COLLEGE, LLC,

Defendants.

CONSOLIDATED WITH:

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

GREER INDUSTRIES, INC.

Plaintiff,

vs.

Civil Action No. 15-C-74
(Thomas C. Evans, III, Presiding Judge)

WEST VIRGINIA UNIVERSITY
FOUNDATION, INC.,

Defendant.

ORDER

(Re: "West Virginia University Foundation, Inc.'s Partial Motion to Dismiss Plaintiff's Complaint")

By Order entered by the Chief Justice of the W. Va. Supreme Court of Appeals on April 6, 2015, CA No. 15-C-74 of the Circuit Court of Monongalia County, West Virginia was referred to the Business Court Division. This order further consolidated CA No. 15-C-74 with CA 13-C-468, a civil action previously referred to the Business Court Division and assigned to the undersigned Presiding Judge.

By Order of Honorable Christopher Wilkes, Chair of the Business Court Division, entered April 13, 2015, the undersigned Judge was appointed the Presiding Judge in CA 15-C-74.

In the newer case, CA 15-C-74, the Defendant, West Virginia University Foundation, Inc. ("WVUF") has filed the referenced partial motion to dismiss the Plaintiff's Complaint. WVUF, by counsel, noticed this motion for hearing before Judge Clawges on April 20, 2015, in Judge Clawges' courtroom in the Monongalia County courthouse. Since the Plaintiff (so far as can be determined) has not responded to this motion, and because of scheduling problems, it has become apparent that a continuance of the April 20 hearing must occur. Accordingly, it is **ORDERED** that April 20, 2015 hearing is cancelled, and the motion is set down for hearing before the undersigned judge on **APRIL 30, 2015, AT 3:00 P.M.**, or as soon thereafter as counsel may be heard.

It is further **ORDERED** that this hearing will be held in the **Courtroom of the Jackson County, W. Va. Courthouse, at Ripley, W. Va.**, and that the hearing will begin as soon as hearings on two discovery motions previously filed and scheduled by IMG College in Civil Action No. 13-C-468, have concluded.

It is further **ORDERED** that Plaintiff Greer Industries, Inc. in CA 15-C-74, shall serve a response, and memorandum of authorities, relating to the said WVUF motion on or before April 21, 2015, at 4 p.m.; WVUF shall and does have the right to file a reply, with memorandum of authorities, on or before April 24, 2015, at 4 p.m. All responses and memoranda shall be forwarded to the undersigned judge (in Word or .txt format) via email attachment to the following address: thomas.evans@courtswwv.gov. All responses and memoranda shall be filed in the clerk's office within a reasonable time thereafter.

The clerk shall forward copies of this order to counsel of record for the parties in each of these consolidated cases. All of which is **ORDERED**, accordingly.

ENTER: April 15, 2015


Thomas C. Evans, III, Circuit Judge