

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

UNIVERSITY HEALTHCARE FOUNDATION, INC.
f/k/a CITY HOSPITAL FOUNDATION, INC.,

Petitioner,

v.

CASE NO. 15-AA-6
Judge Wilkes

LARRY A. HESS, Assessor
of Berkeley County, West Virginia, and
MARK W. MATKOVICH, State Tax
Commissioner,

Respondents.

ORDER STAYING CASE PENDING
OUTCOME OF APPEAL IN CASE NO. 14-AA-4

BERKELEY COUNTY CIRCUIT CLERK
2015 JUL 30 AM 11:16
VIRGINIA M. SINE, CLERK

On July 24, 2015 this matter came on for a telephonic scheduling conference. The Petitioner, University Healthcare Foundation, Inc. f/k/a City Hospital Foundation, Inc., appeared by counsel J. Tyler Mayhew. Respondent Larry A. Hess, Assessor of Berkeley County, West Virginia, appeared by counsel Norwood Bentley, III. Respondent Mark W. Matkovich, State Tax Commissioner, appeared by counsel L. Wayne Williams.

WHEREUPON the Court and the parties noted that the Respondents in Berkeley County Business Court Civil Action No. 14-AA-4, styled *University Healthcare Foundation, Inc. v. Larry A. Hess et al.*, have timely appealed this Court's Final Order in that case to the Supreme Court of Appeals of West Virginia.¹ The parties agreed that this matter should be stayed pending the outcome of said appeal, subject to the right of all parties to fully litigate this matter once the Supreme Court of Appeals issues its mandate.

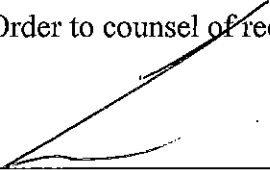
¹ The Respondents' appeals are docketed with the Supreme Court of Appeals of West Virginia as Appeal Nos. 15-0597 and 15-0599, respectively.

Accordingly, there being no objection by the parties, and the Court FINDING it proper to do so, the Court hereby ORDERS that this matter shall be, and hereby is, STAYED pending resolution of the Respondents' appeal of this Court's Final Order in Berkeley County Business Court Civil Action No. 14-AA-4, styled *University Healthcare Foundation, Inc. v. Larry A. Hess et al.* The Court FURTHER ORDERS that, upon receipt of the mandate of the Supreme Court of Appeals of West Virginia in the above-referenced appeal, the parties shall contact this Court and request a scheduling conference.

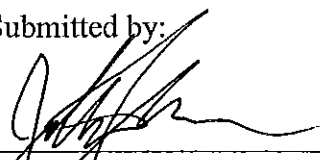
IT IS SO ORDERED.

The Clerk shall mail attested copies of this Order to counsel of record.

ENTERED: July 29, 2015


CHRISTOPHER C. WILKES, JUDGE

Submitted by:


Michael E. Caryl (WVSB #662)
J. Tyler Mayhew (WVSB #11469)
Counsel for Petitioner

Approved by:

NORWOOD BENTLEY, III BY STM W/ PERMISSION
Norwood Bentley, III (WVSB #4234)
Counsel for Respondent Larry A. Hess

L. WAYNE WILLIAMS, BY STM W/ PERMISSION
L. Wayne Williams (WVSB #4370)
Counsel for Respondent Mark W. Matkovich