

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

SHELL EQUIPMENT COMPANY, INC., *et al.*,

Plaintiffs,

v.

Civil Action No. 14-C-143-2  
Hon. Russell M. Clawges, Jr.

MCNEER, HIGHLAND, MCMUNN AND VARNER, L.C.

Defendant

**ORDER GRANTING THE NORTH RIVER INSURANCE COMPANY'S  
MOTION TO INTERVENE**

On July 20, 2015, came Plaintiffs, by counsel, Theresa Post; Defendant McNeer, Highland McMunn and Varner, L. C., by counsel, Robert P. Fitzsimmons and Michael J. Farrell, and The North River Insurance Company ("North River"), by counsel, Glen Murphy (collectively, "the Parties") on North River's Motion to Intervene. This Court considered North River's Motion, Plaintiff's Response, as well as arguments by the Parties. Defendant took no position on the motion.

The Court **FINDS** that North River's Motion to Intervene as a party should be **GRANTED**, and North River is permitted to intervene in this matter for all issues relating to insurance coverage of defendant. This **ORDER** is conditioned upon North River's intervention not interfering or changing the existing **SCHEDULING ORDER**. North River's participation in discovery is limited to its counsel being provided with or access to all discovery materials from every other party in this action (at reasonable reproduction costs), including, but not limited to, all written discovery requests and responses thereto; North River shall not be permitted to submit any independent discovery requests in this matter, and the Parties shall not submit any

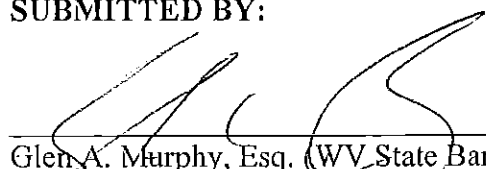
discovery requests to North River in this matter. Additionally, North River is permitted to attend any and all depositions conducted in this matter, but counsel for North River cannot inquire of any witnesses. Furthermore, the granting of the motion is conditioned on North River not being mentioned at the trial and not participating in the presentation of evidence, cross examination or statements and argument to the jury. North River may submit special interrogatories to the jury which will be considered by the Court subject to any objections by other parties and the Court will reserve its right to grant or deny such requests.

The Clerk is directed to send a certified copy of this Order to all counsel of record.

ENTERED this 17th day of <sup>August</sup> ~~July~~, 2015.

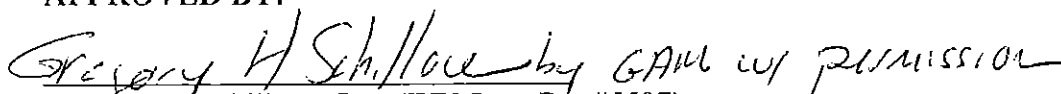
  
The Honorable Russell M. Clawges, Jr.

**SUBMITTED BY:**

  
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