

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

FILED
2015 OCT -9 PM 3:58
CATHY L. BROWN, CLERK
KANAWHA COUNTY CIRCUIT COURT

OMEGA FACILITY SERVICES, SOLUTIONS & SURETY, LLC,
JEFFREY R. BROWN,
SUSAN L. BROWN,

PLAINTIFFS,

v.

CIVIL ACTION NO. 14-C-1745 (Kanawha)
Hon. Thomas C. Evans, III Circuit Judge

JACOBS & COMPANY, INC., a West Virginia Corporation
JACOBS FINANCIAL GROUP, INC., a West Virginia Corporation
FS INVESTMENTS, INC., a West Virginia Corporation
FIRST SURETY CORPORATION, INC., a West Virginia Corporation
TRIANGLE SURETY AGENCY, INC., a West Virginia Corporation
JOHN M. JACOBS, a West Virginia Resident
ROBERT J. KENNEY, a West Virginia Resident

DEFENDANTS.

ORDER

On the 12th day of August, 2015 came the Plaintiffs, by Counsel Brandon S. Steele, Esq., Paul O. Clay, Jr., Esq., and Stephen Meyer, Esq., and the Defendants, by Counsel Herschel H. Rose, III., Esq., for the purposes of a hearing upon the Plaintiffs Motion for Summary Judgment.

The Court, after hearing arguments from Counsel for the Plaintiffs and the Defendants, hereby DENIES the Plaintiffs Motion for Summary Judgment, being that it appears to the Court, after consideration of the briefs and arguments of counsel, a material issue of fact exists whereby a reasonable jury may find in favor of the non-moving party.

Further, the Court, after hearing arguments and reviewing the pleadings of the parties, finds as a matter of law that the Defendant, John M. Jacobs, owed a fiduciary duty to the Plaintiffs as evidenced by the signed Power of Attorney, and as such the jury shall be instructed at a trial in this matter that the Defendant, John M. Jacobs, owed the commensurate fiduciary duties to the Plaintiffs as the Plaintiffs' Attorney-in-Fact.


The Clerk of the Circuit Court of Kanawha County is further ORDERED to send attest copies of this Order to Counsel of Record and the Business Court Main Office

ENTERED this 1st day of October, 2015, without objection as to form.

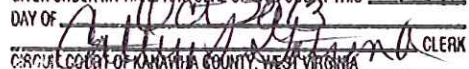


Hon. Thomas C. Evans, III.
West Virginia Business Court Division

Prepared by
and submitted pursuant
to Rule 24.01:



Brandon S. Steele, Esq.
WVSB #12423
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STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 13
DAY OF October 2015
 CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

Date: 10/13/15
Certified copies sent to:
☒ counsel of record
☐ parties
☐ other
(please indicate)
By: BS
☐ certified/1st class mail
☐ fax
☐ hand delivery
☐ interdepartmental
Other directives accomplished:

Deputy Circuit Clerk

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

FILED
2015 OCT -9 PM 4:05

OMEGA FACILITY SERVICES, SOLUTIONS & SURETY, LLC,
JEFFREY R. BROWN,
SUSAN L. BROWN,

CATHY S. GARDNER, CLERK
KANAWHA COUNTY CIRCUIT COURT

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DEFENDANTS.

RULE 24.01 NOTICE

Take notice, that the following ORDER, was tendered to the Circuit Court by the undersigned counsel on this 18th day of September, 2015. Pursuant to Rule 24.01 of the West Virginia Trial Court rules, you are hereby notified that the following order will be signed by the Circuit Judge in Five (5) days. Should you have any objections, corrections, or deletions which you wish to bring before the Circuit Court concerning the following Order, you must deliver your objections in writing to the Circuit Court within Five (5) business days. After the expiration of Five (5) days, this Order will be signed by the Circuit Judge and entered of record in this matter.



Brandon S. Steele, Esq.
WVSB #12423