

**BUSINESS COURT DIVISION – WEST VIRGINIA SUPREME COURT OF APPEALS  
IN THE CIRCUIT COURT OF POCAHONTAS COUNTY, WEST VIRGINIA**

**BLACK BEAR CROSSING TOWN HOUSE  
ASSOCIATION, LLC**

**Plaintiff,**

**VS.**

**Civil Action No. 14-C-32**

**Presiding: Judge Tabit**

**Resolution: Judge Wilkes and Judge Young**

**BLACK BEAR CROSSING LLC,  
GKS DEVELOPMENT, LLC  
THOMAS C. SELLS, III, BRIAN KREIDER,  
MATTHEW GLOD, JAMISON DESIGN, LLC  
TYGARTS VALLEY CONSTRUCTION, INC.,  
SLOPESIDE CONSTRUCTION, INC.,  
TINK'S COTTAGE CARE AT SNOWSHOE, LLC,  
AND TREVE PAINTER,**

**Defendants,**

**AND**

**BLACK BEAR CROSSING, LLC,  
GKS DEVELOPMENT, LLC  
THOMAS C. SELLS, III;  
BRIAN KRIEDER, MATTHEW GLOD AND  
TYGARTS VALLEY CONSTRUCTION, INC.,**

**Third-Party Plaintiffs,**

**VS.**

**FIRST TRACTS REAL ESTATE, LLC,  
DAVID M. SIMMONS AND PETER A. MONICO,  
INDIVIDUALLY AND AS MEMBERS OF  
FIRST TRACTS REAL ESTATE, LLC,  
CAS STRUCTURAL ENGINEERING, INC  
CHAPMAN TECHNICAL GROUP, LTD  
LEON G. MALLOW SURVEY, INC  
DOUGLAS J. GRIMES D/B/A MILL RUN FARM,  
JD & JT GENERAL CONTRACTORS, LLC,  
TCC CONTRACTING SERVICES, LLC**

**Third-Party Defendants**

**ORDER SEALING CONFIDENTIAL SETTLEMENT AGREEMENT**

On a previous day, this Court received an original confidential settlement agreement in the above captioned case. Without review, the Court hereby ORDERS that the agreement and any exhibits thereto are to be kept in a sealed envelope in the Court file, only to be opened by further order of this Court.

*7/21/16*  
*Cmc/CD3*

The Clerk of the Circuit Court of Pocahontas County, West Virginia, is directed to forward an attested copy of this Order to the Resolution Judges, the Honorable James H. Young, Jr., at the Wayne County Courthouse, P.O. Box 68, Wayne, West Virginia 25570; and the Honorable Christopher C. Wilkes, 380 West South Street, Suite 4100, Martinsburg, WV 25401; the Business Court Division Central Office at the Berkeley County Judicial Center, 380 W. South Street, Suite 2100, Martinsburg, West Virginia, 25401; and all counsel of record.

ENTER this 18<sup>th</sup> day of July, 2016.

Joanna X Tabit  
JOANNA TABIT, JUDGE  
BUSINESS COURT DIVISION