

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

ALAN ENTERPRIZES, LLC,

Plaintiff,

v.

Civil Action No. 14-C-503-2
Honorable Joanna L. Tabit

MAC'S CONVENIENCE STORES LLC,
d/b/a Circle K, JOYCE SAMMON,
and LOUIS DIAB,

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION FOR ENTRY OF JUDGMENT UNDER
RULE 54(b) AND MOTION FOR STAY OF FURTHER PROCEEDINGS**

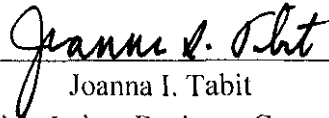
This cause came on to be heard on the Plaintiff's Motion for Entry of Judgment under Rule 54(b) and Motion for Stay of Further Proceedings. The Court, having heard the arguments of counsel and being fully advised, and perceiving no objection to either Motion by counsel for the Defendants, is of the opinion to grant both motions.

The Court makes an express determination that there is no just reason for delay in the entry of judgment with respect to the Court's summary judgment ruling set forth in its Order entered January 3rd, 2017, and in making its express determination, the Court has considered that an immediate appeal will expedite or avert further litigation, as Mac's counterclaim also involves the calculation of cost in connection with gasoline sales; the nature of this Court's ruling regarding the calculation of cost is such that the Supreme Court will not have to decide this issue again even if there are subsequent appeals; and, if the Supreme Court reverses this Court's ruling, a consolidated trial of the Plaintiff's claims and Mac's counterclaims could be had, thereby promoting judicial economy.

The Court does, therefore, ORDER and ADJUDGE that the Court's ruling and dismissal of Plaintiff's Complaint set forth in its Order entered January ____, 2017, is a final judgment as to the Plaintiff's claims therein determined, and the Circuit Court is directed to enter this judgment in the civil docket as provided by Rules 58 and 79(a) of the West Virginia Rules of Civil Procedure.

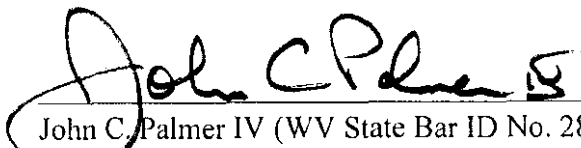
The Court, believing that good cause has been shown for suspending the current Scheduling Order, and staying further proceedings in this matter, does, therefore, ORDER that the Scheduling Order entered by the Court on May 20, 2016, be, and is hereby suspended, and that further proceedings in this matter are hereby stayed pending the further Order of this Court.

ENTER this 3rd day of January, 2017.



Joanna I. Tabit
Presiding Judge, Business Court Division

PRESENTED BY:



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