

**In the Circuit Court of Berkeley County, West Virginia
Division II**

LEE TRACE LLC,)
Plaintiff,)
)
vs.))
)
BERKELEY COUNTY)
COUNCIL, DOUGLAS COPENHAVER,)
PRESIDENT,)
BERKELEY COUNTY COUNCIL,)
NORWOOD BENTLEY, LEGAL)
DIRECTOR,)
BERKELEY COUNTY COUNCIL,)
PAMELA JEAN GAMES-NEELY, PA,)
Defendants)
)

Case No. CC-02-2014-AA-2

Order From Status Hearing

On Thursday, the 13th day of April, 2017, came the Petitioner, in person and by counsel and Respondent, by its counsel, pursuant to previous Order of the Court for the purpose of determining the status of this matter.

The Court initially noted that it had received Respondent's Motion to Dismiss for Lack of Subject Matter Jurisdiction and inquired of Petitioner whether it desired to have time to make a response. Petitioner indicated that it would like to make a written response, it having received the Motion only yesterday according to the certificate of service.

The Court finds that the matter was set for a *de novo* trial to commence on December 1, 2016, which trial was continued in order for the parties to pursue mediation. That medication yielded no positive results and, therefore, the Orders that the matter be reset for *de novo* trial on June 15, 2017, subject only to Petitioner's ability to produce its expert witness on that date.

Further, the Court Orders that Petitioner shall file its responsive pleading within 15 days of this hearing. Respondent shall file a reply within 10 days of receipt of the Petitioner's

response to the Motion.

Petitioner brought to the Court's attention that the Court's Order Denying Petitioner's Motion for Sanctions, earlier entered, includes the following language, "The Court notes that Petitioner failed to submit a timely proposed Order in this matter pursuant to the Court's Order of March 20, 2017", which Petitioner believes it did file timely. The Court, noting the problems with the new e-filing system in Berkeley County, on its own motion and without objection, Orders that the language concerning the late filing should be stricken from its April 11, 2017, Order.

Additionally, counsel for Respondent, Norwood Bentley, is directed to prepare the Order from today's hearing and, also, an amended Order denying the sanctions, striking only the language referenced immediately above, which language does not bear on the veracity of that Order's substance and does not change the meaning of the Order.

All of the above is ORDERED, ADJUDGED and DECREED.

/s/ Christopher Wilkes
Circuit Court Judge
23rd Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit www.courtswv.gov/e-file/ for more details.