

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

JAMES SCOTT PAULEY,

Plaintiff,

vs.

Civil Action No. 14-C-7

Presiding: Farrell

Resolution: Young

**APPALACHIAN STREAM RESTORATION, LLC,
a West Virginia limited liability company, and
CHRISTOPHER J. WHITE, and
ANTHONY J. WHITE,**

Defendants.

ORDER TO SHOW CAUSE

This matter comes before the Court pursuant to the Plaintiff's Motion to Enforce Settlement Agreement. The parties had previously represented to the Court that all matters in difference existing between the parties had been fully resolved and jointly requested that the undersigned dismiss the civil action with prejudice to the plaintiff. Upon consideration of the same, the proposed order was granted on March 13, 2016, and the Circuit Clerk of Lincoln County was instructed to remove the above-captioned case from the active docket.

The Court is now presented with Plaintiff's Motion to Enforce Settlement Agreement which states that Defendant, Appalachian Stream Restoration, LLC, has failed to pay a ripe promissory note in accordance with the terms of the settlement. The motion also request reimbursement of attorney fees and expenses incurred in filing the motion.

Therefore, this Court **ORDERS** the Plaintiff to submit a written response within fourteen (14) calendar days after the entry of this Order to show cause why this Court should not compel payment of the \$5,000 promissory note now due. Thereafter the Court will rule on the issue or

schedule a hearing on the matter if deemed necessary. The Clerk shall enter the foregoing and forward attested copies to all counsel of record.

ENTER this 27th day of September, 2017.



PAUL T. FARRELL, JUDGE
TWENTY-THIRD JUDICIAL CIRCUIT



A TRUE COPY
TESTE *Charles Brumfield*