

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

2018 JUL 16 PM 2:26

VANDALIA CAPITAL II, LLC, et al.,

CATHY S. GAYSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

Plaintiffs,

v.

Civil Action No. 13-C-570
Presiding Judge: Paul T. Farrell

DAVID P. PRAY, Individually and
as Trustee of the DAVID P. PRAY
REVOCABLE TRUST; DAVID P.
PRAY REVOCABLE TRUST; and
JOHN/JANE DOE,

Defendants,

v.

THE WOODS DEVELOPMENT COMPANY, LLC,

Third-Party Defendant.

ORDER

On July 9, 2018 the parties appeared for a scheduled status conference in the above matter. Mark R. Staun and Hartley Law Group, PLLC appeared for the Vandalia plaintiffs. Stephen D. Annand, Kent J. George and Robinson & McElwee, PLLC appeared for the Pray defendants. Floyd Boone and Bowles Rice, LLP appeared for United Bank. Scott H. Kaminski and Kaminski Law, PLLC appeared for Woods Development Company, Inc. Also appearing was Stephen B. Farmer as Manager of Vandalia Capital, II, LLC and David P. Pray. After a review of the Vandalia Plaintiff's Motion, the Response of the Pray Defendants, the arguments of Counsel as are more fully set forth on the record of the proceedings, and the Affidavit of Stephen B. Farmer tendered by Vandalia's counsel at the hearing and accepted by the Court, the Court does hereby HOLD AND ORDER as follows:

162-164

1. Mr. Pray shall submit an affidavit to the Court by August 9, 2018 setting forth the factual basis for his opposition to the plaintiffs' Motion to Enforce the Settlement;
2. The Vandalia plaintiffs may submit a response by August 24, 2018 to the assertions contained in Mr. Pray's affidavit if they so desire;
3. Mr. Pray may also submit a confidential summary of his financial position, for *in camera* review and consideration by the Court only; and
4. The Court will set a hearing in September 2018 for further action in this matter.

The objections and exceptions of any party aggrieved by this Order are reserved unto them. The Clerk is directed to send certified copies of this Order to all counsel of record listed here in.

ENTER this 12 day of July 2018.

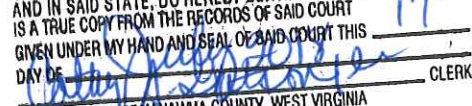


HON. PAUL T. FARRELL
Circuit Judge – Business Court Division

Agreed as to form by:



Mark R. Staun (WV Bar #5728)
HARTLEY LAW GROUP, PLLC
The Wagner Building
2001 Main Street, Suite 600
Wheeling, WV 26003
(304) 233-0777
Counsel for Vandalia Plaintiffs

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 17
DAY OF July 2018.
 CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

Floyd Boone/ by e-mail approval

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Counsel for the Pray Defendants

Date: 7/17/18
Certified copies sent to:
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☐ parties
☐ other (please indicate)
By: ☒ certified/1st class mail
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Other directives accomplished:
[Signature]
Deputy Circuit Clerk

M. Staun
F. Boone
S. Kaminski
K. George
BWS et