

12-4-18
m Shaffer
A Spitz
D Scudiere
m Dellinger

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

COMMUNITY CARE OF WEST VIRGINIA, INC.,

Plaintiff,

v.

CIVIL ACTION NO. 17-C-318-2

Presiding: Judge Wilkes

Resolution: Judge Carl

**FRONTIER COMMUNICATIONS OF
AMERICA, INC., its parents, subsidiaries, and affiliates;
TAMCO CAPITAL CORPORATION,
its parents, subsidiaries, and affiliates;
ANTHONY ROME; and
MICHAEL SHAFFER;**

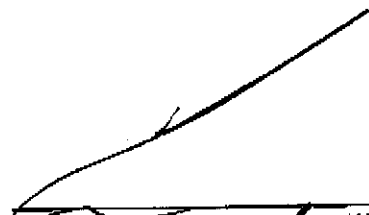
Defendants.

AGREED ORDER

Pending before the Court are Frontier's Motions for Leave to File a Second Amended Answer and Counterclaim and for Leave to File a Third-Party Complaint. The Parties agree that Frontier be granted leave for these matters. Therefore, the Court finds good cause to ORDER the following: (1) Frontier shall have 10 days from entry of this order to file its Second Amended Answer and Counterclaim and to file its Third-Party Complaint; (2) to the extent necessary, Plaintiff and TAMCO shall have 20 days after filing of the Second Amended Answer and Counterclaim and the Third-Party Complaint to serve any necessary responses.

The Clerk is directed to send copies of this order to all counsel of record and pro se parties.

Dated the 4th day of December, 2018.


Honorable Christopher C. Wilkes, Judge

Prepared by:



Dan Earl, Esq. (WVSB # 6025)
John H. Mahaney, Esq. (WVSB # 6993)
Arie M. Spitz, Esq. (WVSB # 10867)
DINSMORE & SHOHL LLP
P.O. Box 11887
Charleston, WV 25339-1887
Telephone: (304) 357-0900
Facsimile: (304) 357-0919
J.H.Mahaney@dinsmore.com
Dan.Earl@dinsmore.com
Arie.Spitz@dinsmore.com
Counsel for Community Care of West Virginia, Inc.

Agreed to by:



Debra Scudiere, Esq. (WVSB# 1750)
KAY CASTO & CHANEY PLLC
1085 Van Voorhis Road, Suite 100
Morgantown, WV 26505
Telephone: (304) 225-0970
Facsimile: (304) 225-0974
dscudiere@kaycasto.com
kgillen@kaycasto.com
Counsel for TAMCO Capital Corporation



Mark H. Dellinger, Esq. (WVSB# 7703)
George E. Chamberlain, IV, Esq. (WVSB# 12170)
JACKSON KELLY PLLC
P. O. Box 553
Charleston, WV 25322
Telephone: (304) 340-1000
Facsimile: (304) 340-1080
mark.dellinger@jacksonkelly.com
george.chamberlain@jacksonkelly.com
*Counsel for Frontier Communications of America, Inc.
and Anthony Rome*

JACKSONKELLY PLLC

500 LEE STREET EAST • SUITE 1000 • P.O. BOX 553 • CHARLESTON, WEST VIRGINIA 25322 • TELEPHONE: 304-340-1000 • TELECOPIER: 304-340-1130
www.jacksonkelly.com

E-mail Address: george.chamberlain@jacksonkelly.com
Writer's Fax No.: 304-340-1050
Direct Dial No.: 304-340-1108

December 3, 2018

Honorable Christopher C. Wilkes
Berkeley County Judicial Center
380 W. South Street
Martinsburg, West Virginia 25401

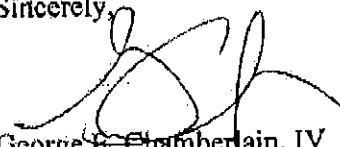
Re: *Community Care of West Virginia, Inc. v. Frontier Communication
of America, Inc., et al.*
Civil Action No. 17-C-318 (Judge Farrell)

Dear Judge Wilkes:

Please find enclosed for your review and consideration a proposed *Agreed Order* in regards to the above-referenced action. If this order meets with your approval, please cause the same to be entered.

As always, thank you for your consideration in this matter.

Sincerely,



George B. Chamberlain, IV

GEC/lam

Enclosure

cc: Circuit Court of Harrison County (w/enclosure)
Dan Earl, Esq. (w/enclosure)
Debra Scudiere, Esq. (w/enclosure)
Michael Shaffer (w/enclosure)
Business Court Division Central Office – via email
Business.court@courtsww.gov, carol.miller@courtsww.gov and
eleni.miller@courtsww.gov

Bridgeport, WV • Charleston, WV • Martinsburg, WV • Morgantown, WV • Wheeling, WV
Denver, CO • Evansville, IN • Lexington, KY • Akron, OH • Pittsburgh, PA • Washington, DC

4843-4851-9553.v1

17-C-318

380 West South Street
Martinsburg, WV 25401
304-264-1992
304-264-2163

**Business Court
Division**

Fax

To:	Albert F. Marano, Circuit Clerk	From:	Carol A. Miller, ED/BCD
Fax:	304-624-8710	Pages:	4
Phone:	304-624-8640	Date:	December 4, 2018
Re:	Business Court Order	cc:	n/a

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Comments:

Please file and send attested copies of the attached order to all counsel of record and pro se parties and also file the attached letter from Mr. Chamberlain.