

CIVIL CASE INFORMATION STATEMENT
(Civil Cases Other than Domestic Relations)

2019 APR -5 PM 2:30

I. CASE STYLE:

Case No. 19-C-74

Plaintiff(s)

Judge: Tod J. KaufmanBLACKJEWEL L.L.C.CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

vs.

Days to
Answer

Type of Service

Defendant(s)

NATIONS EQUIPMENT FINANCE, LLC,
NameMATTHEW LIGHTFOOT, and
Street AddressRANDY HICKS
City, State, Zip Code

II. TYPE OF CASE:

- ☒ General Civil
☐ Mass Litigation [As defined in T.C.R. 26.04(a)]
 ☐ Asbestos
 ☐ FELA Asbestos
 ☐ Other: _____
☐ Habeas Corpus/Other Extraordinary Writ
☐ Other: _____

- ☐ Adoption
☐ Administrative Agency Appeal
☐ Civil Appeal from Magistrate Court
☐ Miscellaneous Civil Petition
☐ Mental Hygiene
☐ Guardianship
☐ Medical Malpractice

III. JURY DEMAND: ☒ Yes ☐ No CASE WILL BE READY FOR TRIAL BY (Month/Year): 02 / 2020IV. DO YOU OR ANY
OF YOUR CLIENTS
OR WITNESSES
IN THIS CASE
REQUIRE SPECIAL
ACCOMMODATIONS?☐ Yes ☒ No

IF YES, PLEASE SPECIFY:

- ☐ Wheelchair accessible hearing room and other facilities
☐ Reader or other auxiliary aid for the visually impaired
☐ Interpreter or other auxiliary aid for the deaf and hard of hearing
☐ Spokesperson or other auxiliary aid for the speech impaired
☐ Foreign language interpreter-specify language: _____
☐ Other: _____

Attorney Name: William R. Slicer, Esquire (WVBN 5177)Firm: Shuman, McCuskey & Slicer, PLLCAddress: 1411 Virginia Street, East, Suite 200, Charleston, WV 25301Telephone: (304) 345-1400

Representing:

- ☐ Plaintiff ☒ Defendant
☐ Cross-Defendant ☐ Cross-Complainant
☐ 3rd-Party Plaintiff ☐ 3rd-Party Defendant

☐ Proceeding Without an Attorney

Original and _____ copies of complaint enclosed/attached.

Dated: 4 / 2 / 19

Signature: _____

FILED
IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

**BLACKJEWEL L.L.C., a Delaware
limited liability company,**

Plaintiff,

v.

**NATIONS EQUIPMENT FINANCE, LLC,
a Delaware limited liability company,
MATTHEW LIGHTFOOT, an individual,
and RANDY HICKS, an individual,**

Defendants.

**Civil Action No. 19-C-74
Hon. Tod J. Kaufman, Judge**

2019 APR -5 PM 2:30
CATHY S. CATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT

NOW COME the Defendants, Nations Equipment Finance, LLC, Matthew Lightfoot, and Randy Hicks, by counsel, William R. Slicer of Shuman, McCuskey & Slicer, PLLC, and hereby answer Plaintiff's Complaint as follows:

1. In response to Paragraph 1 of Plaintiff's Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations asserted therein.

2. In response to Paragraph 2 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

3. In response to Paragraph 3 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

4. In response to Paragraph 4 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

5. In response to Paragraph 5 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

6. In response to Paragraph 6 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

7. In response to Paragraph 7 of Plaintiff's Complaint, Defendants incorporate the responses to Paragraphs 1 through 6 of the Plaintiff's Complaint as if fully set forth herein.

8. In response to Paragraph 8 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

9. In response to Paragraph 9 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

10. In response to Paragraph 10 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

11. In response to Paragraph 11 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

12. In response to Paragraph 12 of Plaintiff's Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations asserted therein.

13. In response to Paragraph 13 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

14. In response to Paragraph 14 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

15. In response to Paragraph 15 of Plaintiff's Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations asserted therein.

16. In response to Paragraph 16 of Plaintiff's Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations asserted therein.

17. In response to Paragraph 17 of Plaintiff's Complaint, Defendants admit Plaintiff sent a letter on December 20, 2018, but the content speaks for itself. Defendants deny any mischaracterization of the letter.

18. In response to Paragraph 18 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

19. In response to Paragraph 19 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

20. In response to Paragraph 20 of Plaintiff's Complaint, Defendants admit emails were sent on those two dates, but Defendants deny any mischaracterization.

21. In response to Paragraph 21 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

22. In response to Paragraph 22 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

23. In response to Paragraph 23 of Plaintiff's Complaint, Defendants incorporate the responses to Paragraphs 1 through 22 of the Plaintiff's Complaint as if fully set forth herein.

24. In response to Paragraph 24 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

25. In response to Paragraph 25 of Plaintiff's Complaint, Defendants admit that the unused funds were to be sent to Plaintiffs and Defendant issued the refund.

26. In response to Paragraph 26 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

27. In response to Paragraph 27 of Plaintiff's Complaint, Defendants incorporate the responses to Paragraphs 1 through 26 of the Plaintiff's Complaint as if fully set forth herein.

28. In response to Paragraph 28 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

29. In response to Paragraph 29 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

30. In response to Paragraph 30 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

31. In response to Paragraph 31 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

32. In response to Paragraph 32 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

33. In response to Paragraph 33 of Plaintiff's Complaint, Defendants incorporate the responses to Paragraphs 1 through 32 of the Plaintiff's Complaint as if fully set forth herein.

34. In response to Paragraph 34 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

35. In response to Paragraph 35 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

36. In response to Paragraph 36 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

37. In response to Paragraph 37 of Plaintiff's Complaint, Defendants incorporate the responses to Paragraphs 1 through 36 of the Plaintiff's Complaint as if fully set forth herein.

38. In response to Paragraph 38 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

39. In response to Paragraph 39 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

40. In response to Paragraph 40 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

41. In response to Paragraph 41 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

42. In response to Paragraph 42 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

43. In response to Paragraph 43 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

44. In response to Paragraph 44 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

45. In response to Paragraph 45 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

46. In response to Paragraph 46 of Plaintiff's Complaint, Defendants incorporate the responses to Paragraphs 1 through 45 of the Plaintiff's Complaint as if fully set forth herein.

47. In response to Paragraph 47 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

48. In response to Paragraph 48 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

49. In response to Paragraph 49 of Plaintiff's Complaint, Defendants deny the allegations asserted therein.

50. Defendants deny any and all allegations not specifically admitted herein.

51. Defendants assert defenses under Rule 12(b) of the West Virginia Rules of Civil Procedure as follows:

- a. Lack of jurisdiction over the subject matter and Defendants;

- b. Improper venue;
- c. Insufficiency of process and service of process; and,
- d. Failure to state a claim upon which relief can be granted.

AFFIRMATIVE DEFENSES

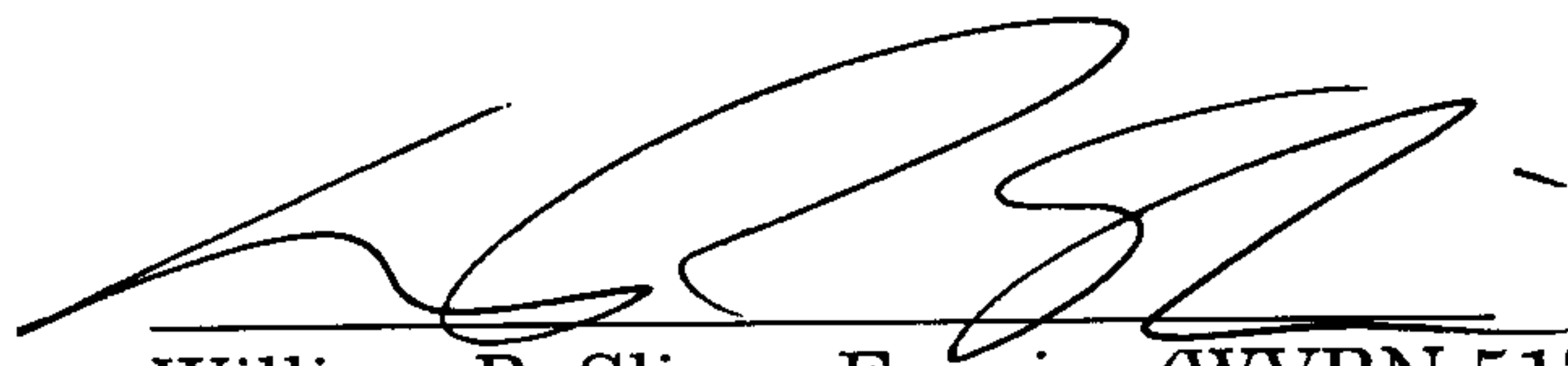
Defendants assert defenses of contributory negligence, comparative fault, fraudulent conduct on the part of Plaintiff or a third party, payment, Uniform Commercial Code protections, assumption of risk, estoppel, illegality, waiver, and any and all other matters constituting an affirmative defense which may become apparent through the course of discovery.

In response to the WHEREFORE clause contained in Plaintiff's Complaint, Defendants deny that Plaintiff is entitled to any relief requested.

WHEREFORE, Defendants respectfully request this Court to dismiss Plaintiff's Complaint against them with prejudice, and to award Defendants their costs, fees, and expenses incurred as a result of this action.

DEFENDANTS DEMAND A TRIAL BY JURY.

**NATIONS EQUIPMENT
FINANCE, LLC, MATTHEW
LIGHFOOT, and RANDY HICKS
By Counsel**



William R. Slicer, Esquire (WVBN 5177)
Shuman, McCuskey & Slicer, PLLC
1411 Virginia Street, East, Suite 200
Post Office Box 3953
Charleston, WV 25339-3953

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

BLACKJEWEL L.L.C., a Delaware
limited liability company,

Plaintiff,

v.

Civil Action No. 19-C-74
Hon. Tod J. Kaufman, Judge

NATIONS EQUIPMENT FINANCE, LLC,
a Delaware limited liability company,
MATTHEW LIGHTFOOT, an individual,
and RANDY HICKS, an individual,

Defendants.

CERTIFICATE OF SERVICE

The undersigned, counsel for defendants, hereby certifies that on this 2nd
day of April 2018 the foregoing *Defendants' Answer to Plaintiff's Complaint*
was served upon counsel of record by depositing a true and exact copy thereof in
the U. S. mail, postage prepaid, in an envelope properly addressed and stamped as
follows:

Eric T. Frye, Esq.
Blackjewel L.L.C.
1051 Main Street
Milton, WV 25541
Counsel for Plaintiff



William R. Slicer, WV Bar No. 5177