

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

**MICHAEL D. HARLOW  
Plaintiff,**

**V.**

**CIVIL ACTION NO. 17-C-149  
PRESIDING JUDGE: JAMES H. YOUNG, JR.  
RESOLUTION JUDGE: PAUL T. FARRELL**

**EASTERN ELECTRIC, LLC,  
Defendant.**

**ORDER SETTING DEADLINES FOR SUBMISSION OF PROPOSALS  
FOR PAYMENT PLAN**

On May 7, 2019 the Court conducted a hearing and took evidence and testimony with respect to whether, pursuant to W.Va. Code §31B-7-702(d), a party to the proceeding acted arbitrarily, vexatiously or not in good faith such that the Court could determine whether to exercise its discretionary authority to award a party its reasonable expenses. Previously, the parties had stipulated that the value of Plaintiff's 1/3 distributional interest in Eastern Electric, LLC was \$100,000.00.<sup>1</sup> However, the parties had not otherwise reached an agreement on terms of the purchase of that interest, including payment terms. The parties were to report to the Court at the May 7, 2019 hearing as to the status of those discussions. If agreement could not be reached, the Court, in determining the fair value of a dissociated member's interest, is also required to specify the terms of the purchase and to require the dissociated member to deliver an assignment of the interest to the company. *See* W.Va. Code §§31B-7-702(a)(2) and (3).

At the May 7, 2019 hearing, the Court was advised that Eastern Electric, LLC had submitted a proposal on Thursday May 2, 2019 and that Plaintiff was still considering said

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<sup>1</sup> Eastern Electric, LLC is now known as Eastern Group, LLC. The name was changed effective March 9, 2018.

proposal. Thereafter the Court directed that the Plaintiff, within ten (10) days, either accept or reject Defendant's Proposal. If the Plaintiff rejects Defendant's proposal, Plaintiff shall thereafter submit to the Court his proposal with regard to the terms of the Defendant's purchase of his interest within ten (10) days.

Therefore, the Court hereby **ORDERS** as follows:

1. Plaintiff shall either accept or reject Defendant's May 2, 2019 proposal by **Tuesday May 21, 2019.**
2. If Plaintiff rejected Defendant's Proposal, Plaintiff shall submit to the Court his proposal for the terms of the Defendant's purchase of his interest by **Wednesday June 5, 2019.**

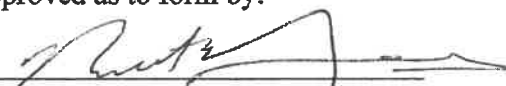
Entered this the 15 day of May, 2019.

  
HONORABLE JAMES H. YOUNG, JR.

Prepared by:

  
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