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

COMMUNITY CARE OF
WEST VIRGINIA, INC.,

Plaintiff,

vs.

Civil Action No. 17-C-318
Presiding Judge: Farrell
Resolution Judge: Carl

FRONTIER COMMUNICATIONS OF
AMERICA, INC.,
its parents, subsidiaries, and affiliates,
FRONTIER WEST VIRGINIA, INC.,
CITIZENS TELECOM SERVICES COMPANY, LLC,
CITIZENS TELECOMMUNICATIONS OF
WEST VIRGINIA,
TAMCO CAPITAL CORPORATION,
its parents, subsidiaries, and affiliates,
ANTHONY ROME, and
MICHAEL SHAFFER,

Defendants.

RENEWED BRIEFING ORDER

This matter came before the Court this 19 day of July 2019 upon Defendant TAMCO Capital Corporation's Motion for Summary Judgment. On December 17, 2018, Defendant TAMCO Capital Corporation (hereinafter "Defendant" or "TAMCO") filed the instant Motion for Summary Judgment of the Defendant TAMCO Capital Corporation, seeking summary judgment in its favor against Plaintiff's claims against it because it argues it is only named as a defendant in this matter because Plaintiff alleges it is an affiliate company of Defendant Frontier Communications of America, Inc. (hereinafter "Frontier") and should be treated as an alter ego of Frontier; however, TAMCO argues the evidence demonstrates it is a separate company and there exists no control of Frontier by TAMCO or control of TAMCO by Frontier. See Def's

Mem., p. 2, 7. Thereafter, on February 27, 2019, Plaintiff Community Care of West Virginia, Inc. (hereinafter “Plaintiff”) filed Community Care of West Virginia, Inc.’s Submission of a Rule 56(f) Affidavit in Response to TAMCO’s Motion for Summary Judgment, seeking more time, until the end of discovery on July 15, 2019, to gather facts in discovery to oppose the instant Motion for Summary Judgment. *See* Pl’s Resp., p. 1. Also on February 27, 2019, Plaintiff filed an Affidavit of Arie M. Spitz pursuant to Rule 56(f) of the West Virginia Rules of Civil Procedure. Pursuant to Rule 56(f), this Court then, on March 14, 2019, entered its Order Holding Defendant’s Motion for Summary Judgment in Abeyance. On June 12, 2019, a Third Amended Notice of Hearing was placed in the case file for the instant civil action, noticing all counsel of record that a hearing on the Motion for Summary Judgment will be held on July 16, 2019.

In light of the foregoing procedural history related to the instant Motion for Summary Judgment, it is ORDERED pursuant to Rule 22 of the West Virginia Trial Court Rules as follows:

That movant will provide a proposed order (if not already done) and serve a copy upon all non-moving parties. Non-moving parties shall file written responses and proposed orders within 10 days of entry of this order and serve copies of the same on the moving party. The moving party shall thereafter have 10 days to file a rebuttal memorandum, if desired. Thereafter, the Court shall hear oral argument on the motion at the aforementioned hearing scheduled July 16, 2019.

All original proposed orders and copies of motions and/or memoranda shall be sent directly to the Judge via Eleni.Miller@courtswv.gov with a courtesy copy to both

Business.Court@courtswv.gov and Tessa.Bowers@courtswv.gov. Copies of the proposed orders and the original motions and memoranda shall be filed with the Clerk of the Circuit Court.

The Clerk shall enter the foregoing and forward attested copies hereof to all counsel, to any *pro se* parties of record, and to the Business Court Central Office at Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401.

June 19, 2019
date of entry



JUDGE PAUL T. FARRELL
JUDGE OF THE WEST VIRGINIA
BUSINESS COURT DIVISION

STATE OF WEST VIRGINIA
COUNTY OF HARRISON, TO-WIT

I, Albert F. Marano, Clerk of the Fifteenth Judicial Circuit and the 18th Family
Court Circuit of Harrison County, West Virginia, hereby certify the foregoing
to be a true copy of the ORDER entered in the above styled action on the
19th day of June, 20 19.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the
Seal of the Court this 26th day of June, 20 19.

Albert F. Marano
Fifteenth Judicial Circuit & 18th
Family Court Circuit Clerk
Harrison County, West Virginia