

**In the Circuit Court of Raleigh County, West Virginia**

**GLADE SPRINGS VILLAGE  
PROPERTY OWNERS,**  
Plaintiff,

v.

Case No. CC-41-2019-C-357  
Judge Joseph Reeder

**EMCO GLADE SPRINGS  
HOSPITALITY,  
ELMER COPPOOLSE,  
ELAINE B. BUTLER,  
GSR, LLC,  
JAMES TERRY MILLER ET AL,**  
Defendants

**BRIEFING ORDER AND ORDER LIFTING STAY**

By Order Granting Motion to Stay GSVPOA Motion to Compel entered March 2, 2022, this Court, upon the agreement of the parties, stayed the pending *Glade Springs Village Property Owner Association, Inc.'s Motion to Compel Financial Disclosure From Individual Defendants*, until the conclusion of the appeal in the related matter *Justice Holdings LLC v. GladeSprings Village Property Owners Association, Inc.*, Civil Action No. 19-C-481, CircuitCourt of Raleigh County, West Virginia (the "Justice Appeal").

Also, by Day Order From February 25, 2022 Scheduling Conference entered March 2, 2022, this Court likewise stayed Glade Springs Village Property Owners Association, Inc.'s Motion for and Memorandum of Law in Support of Partial Summary Judgment That The Individual Defendants Were Fiduciaries of GSVPOA's Members filed January 28, 2022 and Glade Springs Village Property Owners Association, Inc.'s Motion for and Memorandum of Law in Support of Partial Summary Judgment That Glade Springs Village Is a Planned Community Subject to the Whole of the UCIOA filed on January 27, 2022.

Finally, by Order Staying the POA's Motion for Partial Summary Judgment on GSR, LLC's Contract Liability For Use of the POA's Golf Courses Between August 24, 2019 and December 31, 2019 entered April 28, 2022, this Court stayed the POA's Motion for Partial Summary Judgment on GSR, LLC's Contract Liability For Use of the POA's Golf Courses Between August 24, 2019 and December 31, 2019 pending the Justice Appeal.

Now that a decision in the Justice Appeal has been rendered, the Court finds the aforementioned motions shall be briefed and the stays shall be lifted at this time.

Therefore, it is ORDERED pursuant to Rule 22 of the West Virginia Trial Court Rules as follows:

The following pending motions are ripe for briefing or additional briefing:

1. Glade Springs Village Property Owner Association, Inc.'s Motion to Compel Financial Disclosure From Individual Defendants;
2. Glade Springs Village Property Owners Association, Inc.'s Motion for and Memorandum of Law in Support of Partial Summary Judgment That The Individual Defendants Were Fiduciaries of GSVPOA's Members;
3. Glade Springs Village Property Owners Association, Inc.'s Motion for and Memorandum of Law in Support of Partial Summary Judgment That Glade Springs Village Is a Planned Community Subject to the Whole of the UCIOA; and
4. POA's Motion for Partial Summary Judgment on GSR, LLC's Contract Liability For Use of the POA's Golf Courses Between August 24, 2019 and December 31, 2019.

The 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 15 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 will rule upon the motion on the pleadings and record or schedule a hearing if the Court deems it necessary.

All original proposed orders and copies of motions and/or memoranda shall be sent directly to the Judge via [Tessa.Bowers@courtswv.gov](mailto:Tessa.Bowers@courtswv.gov) with a courtesy copy to [Business.Court@courtswv.gov](mailto:Business.Court@courtswv.gov) and [Carol.Miller@courtswv.gov](mailto:Carol.Miller@courtswv.gov). Copies of the proposed orders and the original motions and memoranda shall be filed with the Clerk of the Circuit Court.

The Court directs the Circuit Clerk to distribute attested copies of this order to all counsel of record, and to the Business Court Division Central Office at the Berkeley County Judicial Center, 380 W. South Street, Suite 2100, Martinsburg, West Virginia 25401.

Enter: January 2, 2024

**/s/ Joseph K. Reeder**  
Circuit Court Judge  
10th Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit [www.courtswv.gov/e-file/](http://www.courtswv.gov/e-file/) for more details.