

**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

**ORDER GRANTING DEFENDANTS' MOTION FOR PROTECTIVE ORDER**

Pending before the Court is Defendants' Motion for Protective Order. A hearing was held on December 6, 2023. Ramonda C. Marling appeared on behalf of Plaintiff Glade Springs Property Owners Association, Inc. ("GSVPOA"). Arie M. Spitz and Clayton T. Harkins appeared on behalf of Defendants EMCO Glade Springs Hospitality, LLC ("EMCO"), GSR, LLC ("GSR"), Elmer Coppoolse, Terry Miller, and Elaine Butler (collectively, "Defendants"). Shawn P. George also appeared on behalf of EMCO and GSR. Bryan N. Price also appeared on behalf of Mr. Coppoolse, Mr. Miller, and Ms. Butler.

The Court, having considered the pleadings, evidence, written submissions of the parties, and arguments of counsel, FINDS and ORDERS as follows:

1. Defendants' written motions asks the Court for a protective order prohibiting more than one representative of GSVPOA from attending the deposition of Mr. Coppoolse or any subsequent depositions in this case, and Defendants moved during the hearing for witnesses to be excluded from depositions pursuant to

Rule of Evidence 615 and Rule of Civil Procedure 30(c).

2. Defendants argue members of GSVPOA's board of directors, as non-parties, are not entitled to be present at Mr. Coppoolse's deposition and good cause exists to prevent them from attending.
3. GSVPOA argues Defendants fail to establish good cause to limit the number of GSVPOA board members that can attend discovery depositions in this matter and multiple GSVPOA board members, in addition to a representative, should be permitted to attend depositions in this matter.
4. Rule 26(b)(1) of the West Virginia Rules of Civil Procedure provides, in pertinent part, that "[p]arties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action." W. Va. R. Civ. P. 26(b)(1).
5. Upon motion by a party, and for good cause shown, the Court "may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense." W. Va. R. Civ. P. 26(c)(1)-(2).
6. Good cause for a protective order can be shown by "a particular and specific demonstration of fact" as to why the discovery at issue will cause annoyance, embarrassment, oppression, or undue burden or expense. *AT&T Communications v. Public Serv. Comm'n*, 423 S.E.2d 859, 862 (W. Va. 1992).
7. "Examination and cross-examination of witnesses may proceed as permitted at the trial under the provisions of the West Virginia Rules of Evidence." W. Va. R. Civ. P. 30(c).
8. "At a party's request, the court must order witnesses excluded so that they cannot hear other witnesses' testimony. Or the court may do so on its own. But

this rule does not authorize excluding: (a) a party who is a natural person; (b) an officer or employee of a party that is not a natural person, after being designated as the party's representative by its attorney; (c) a person whose presence a party shows to be essential to presenting the party's claim or defense; or (d) a person the court believes should be permitted to be present." W. Va. R. Evid. 615.

9. The Court considers the Honorable Robert A. Burnside, Jr.'s Order Refusing Defendant's Motion to Require Parties to Permit Members of Defendant Property Owners Association to Attend Depositions in Justice Holdings, LLC, v. Glade Springs Village Property Owners Association, Inc., 19-C-481-B (the "Order"). The Court incorporates the Order's findings and reasoning as if fully set forth herein.
10. Pursuant to Rules of Civil Procedure 26(c) and 30(c), Rule of Evidence 615, and the Order, the Court finds that only one representative of GSVPOA may attend depositions in this matter.

The Court notes the objections of the parties to any adverse ruling herein. The Clerk shall enter the foregoing and forward attested copies hereof to all counsel, and to the Business Court Central Office at Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia 25401.

Enter: January 3, 2024

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**/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.