

In the Circuit Court of Kanawha County, West Virginia

Harold D. Ward,
Plaintiff,

v.

ERP Environmental Fund, Inc.,
Defendant

Case No. CC-20-2020-C-282
Judge Christopher C. Wilkes

ORDER STAYING INFORMATION DEMAND AND BRIEFING ORDER

On this 27th day of August, 2024, came the Court pursuant to the Motion of Special Receiver to Enforce Receivership Order Against Fayette County, West Virginia Code Enforcement Agency and Its Information Demand Dated July 19, 2024. The Special Receiver avers that Defendant ERP Environmental Fund, Inc. was served with said Information Demand, which resembles a subpoena and seeks numerous responses, documents, records, and record searches concerning ERP Environmental Fund, Inc. and real property that ERP Environmental Fund, Inc. is alleged to own or have owned in Fayette County. See Mot., p. 2. The Special Receiver argues this Information Demand violates the Receivership Order in this action. *Id.* at 4. The return date of the Information Demand is August 30, 2024. *Id.* at 2.

Upon said Motion, and considering the return date, the Information Demand is hereby STAYED until further Order of the Court while the Court considers the briefing and arguments of the parties and the Fayette County Code Enforcement Agency.

Further, 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 and the Fayette County Code Enforcement Authority. Non-

moving parties, as well as nonparty Fayette County Code Enforcement Authority, 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 Carol.Miller@courtsv.gov with a courtesy copy to both Business.Court@courtsv.gov and Tessa.Bowers@courtsv.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, to the Business Court Central Office electronically, and to the Fayette County Code Enforcement Agency at Michael O. Callaghan, Esq., Chief Assistant Fayette County Prosecuting Attorney, Environmental & Public Health Protection Unit, c/o Neely and Callaghan, 1337 Virginia Street East, Suite 200, Charleston, West Virginia, 25301-3011 (email mcallaghan@neelycallaghan.com).

Enter: August 27, 2024

/s/ Christopher C. Wilkes
Circuit Court Judge
13th 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.courtsv.gov/e-file/ for more details.