

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

**MOUNTAIN STATE  
PIEPLINE & EXCAVATING, LLC,  
a West Virginia Limited Liability Company,**

**Plaintiff/Counterclaim Defendant/Crossclaimant,**

**v.**

**Civil Case No.: 20-C-350  
Presiding: Judge Akers  
Resolution: Judge Farrell**

**SMITH/PACKETT MED-COM, LLC,  
a Virginia Limited Liability Company, and  
Sole Manager-Member of Defendant SP WV, LLC,**

**Defendant/Counterclaimant; and**

**SP WV, LLC  
a Virginia Manager-Managed Limited Liability Company and  
“Pass Through Entity” acting as the Sole Member of  
Defendant WV IL-AL Investors, LLC**

**Defendant/Counterclaimant; and**

**WV IL-AL INVESTORS, LLC,  
a Virginia Member-Managed Limited Liability Company,**

**Defendant/Counterclaimant; and**

**JARRETT CONSTRUCTION SERVICES, INC.  
a West Virginia Limited Liability Company,  
as Construction Manager at Risk,**

**Defendants/Counterclaimant; and**

**CARTER BANK & TRUST,**

**Defendant; and**

**JARRETT CONSTRUCTION SERVICES, INC.,**

**Third-Party Plaintiff,**

**v.**

**ECS MID-ATLANTIC, LLC,**

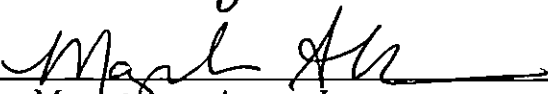
**Third-Party Defendant/Crossclaim Defendant.**

### RECOMMENDED ORDER TO STAY

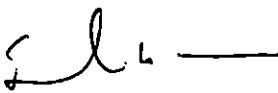
On January 29, 2025, came the parties, by their respective counsel, and participated in a good-faith mediation with the agreed-upon Mediator, who has also served as the Court-Appointed Discovery Commissioner. Upon my conversations with the Mediator, and his statements regarding the January 29, 2025, Mediation, considering said Mediator's experience with the parties and the issues of this litigation, the Mediator makes the following recommendations and the Court, having reviewed and considered the Mediator's statements and the current litigation, hereby ADOPTS and ORDERS the following:

1. The Court ORDERS all deadlines and scheduled hearings STAYED, pending further order by this Court.
2. The Court wants the Record to reflect that ALL PARTIES participated in good-faith on January 29, 2025, regardless of whether said Mediation directly or indirectly results in a resolution for some or all parties.
3. All objections to this Recommended Order of the Mediator are hereby preserved.

IT IS SO ORDERED, this 31<sup>st</sup> day of January, 2025.

  
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HON. MARYCLAIRE AKERS, JUDGE

Prepared by:

  
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