

**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.**

**ORDER DIRECTING MANDATORY MEDIATION BEFORE THE COURT**

Pursuant to the authority of the Court and in accordance with the West Virginia Trial Court Rules, the parties to this matter are hereby ORDERED to participate in a mandatory mediation session before the undersigned Judge, scheduled as follows:

Date: Tuesday, September 24, 2025

Time: 9:00 a.m.

Location: Chambers of Judge Maryclaire Akers

Address: Kanawha County Judicial Building

111 Court Street, Charleston, West Virginia 25301

**REQUIRED PARTICIPANTS – IN-PERSON ATTENDANCE**

All parties listed below are REQUIRED to attend the mediation in person:

1. Mountain State Pipeline & Excavating, LLC (MSPE) – Carl J. Roncaglione, Jr.  
and J. Victor Flanagan
2. Smith/Packett Med-Com, LLC, SP WV, LLC, and WV IL-AL Investors, LLC  
(Owner) – Robert A. Lockhart
3. Jarrett Construction Services, Inc. (JCSI) – Robert H. Sweeney, Jr.
4. Terradon Corporation – Katherine A. Jones
5. ECS Mid-Atlantic, LLC – Evan S. Aldridge

Each of the above parties must have the following individuals physically present for the entirety of the mediation:

Lead trial counsel;

A client representative with full settlement authority; and

Any insurer or corporate representative with decision-making authority to approve settlement.

This directive is mandatory and non-negotiable. Participation by phone, video, or proxy for any of the above three required individuals is not permitted.

### **REMOTE PARTICIPATION AND ATTENDANCE LIMITS**

Other individuals involved in the case may attend remotely at each party's discretion. However, due to courtroom space limitations, each party is limited to a maximum of four (4) persons physically present, including the three required participants listed above.

Parties may petition the Court in advance for leave to exceed the in-person attendance limit upon a showing of good cause. Such requests must be made no later than five (5) business days prior to the scheduled mediation.

### **MEDIATION STATEMENTS**

Each party is required to submit a confidential mediation statement, filed under seal, no later than Tuesday, September 10, 2025. These statements shall be delivered to the Special Commissioner and must include:

- A summary of the factual and legal issues;
- The party's settlement posture and objectives;
- Any prior settlement discussions; and
- Key documents or evidence pertinent to the mediation.

Failure to timely submit a mediation statement may result in exclusion from the mediation and the imposition of sanctions.

### **SPECIAL COMMISSIONER'S PARTICIPATION**

The Special Commissioner assigned to this case is REQUIRED to attend the mediation in person and shall assist in facilitating the proceedings as directed by the Court.

#### **MEDIATION CONFIDENTIALITY**

All statements, discussions, and disclosures made in the course of mediation shall remain confidential in accordance with Rule 25.04 of the West Virginia Trial Court Rules and shall not be admissible in this or any other proceeding.

#### **NON-COMPLIANCE**

Failure of any party or required participant to appear as directed may result in sanctions, including but not limited to the striking of pleadings, limitation of evidence, assessment of costs, or other remedies as justice may require. No continuances or exceptions will be granted absent extraordinary cause shown and approved by the Court in advance.

#### **RESERVATION OF RIGHTS**

Participation in mediation shall not be construed as a waiver of any party's rights, claims, or defenses.

#### **ARRIVAL TIME**

All required participants must arrive no later than 8:30 a.m. on September 24, 2025, to complete sign-in and be prepared to begin promptly at 9:00 a.m.

IT IS SO ORDERED, this 1<sup>st</sup> day of August, 2025.

  
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HON. MARYCLAIRE AKERS, JUDGE

#### **ALL PARTIES OF RECORD:**

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