

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

CHARLES CRIHFIELD,

Plaintiff.

v.

CASE NO. 06-C-1644
The Honorable James C. Stucky,

STEVEN BROWN, and
THE HOME SHOW LLC,

Defendants.

ORDER

On February 5, 2008, came the parties, Plaintiff Charles Crihfield, by Counsel Mark A. Ferguson, Esq., and Defendants, Steven Brown and The Home Show, LLC, by Counsel Rick Holroyd, Esq., for hearing on Plaintiff's Renewed Motion for Summary Judgment.

After due consideration and hearing arguments from the parties, this Court hereby DENIES Plaintiff's Motion and ORDERS that:

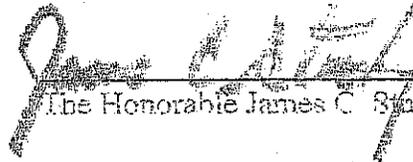
1. Counsel for Plaintiff and Defendants shall, within thirty (30) days of entry of this Order, mutually agree on an arbitrator to hear the dispute in question;
2. Should Counsel be unable to agree to an arbitrator, each shall choose an arbitrator and direct the two (2) chosen to appoint a third to serve as arbitrator for the dispute;
3. The parties shall bear their own costs with respect to this process;
4. Enforcement of this Order shall be stayed pending appeal by Plaintiff to the West Virginia Supreme Court of Appeals, except with regard to the parties' selection of a mutually agreeable arbitrator, as set forth in Section 1 hereof.
5. In the event no appeal petition is filed by Plaintiff with the West Virginia Supreme Court of Appeals within the applicable time period of four (4) months after the date of entry of this Order, then the final arbitration hearing shall be held, pursuant to the Court's prior Order dated November 27, 2006, which Order shall continue in effect



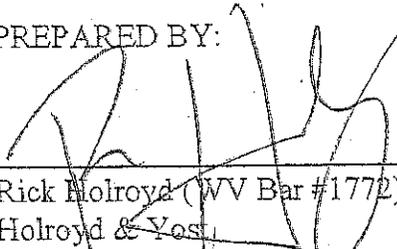
unchanged, except for the substitution of the arbitrator. Such final hearing shall be scheduled within a reasonable time following expiration of such appeal period, but in no event later than sixty (60) days thereafter.

6. In the event an appeal petition is filed by Plaintiff, then this stay of enforcement shall continue until final disposition by the West Virginia Supreme Court of Appeals.
7. The objections of both parties to this Order are hereby noted.

ENTERED: April 14, 2008


The Honorable James C. Stacky

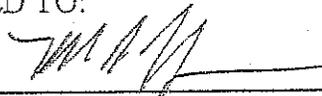
PREPARED BY:


Rick Holroyd (WV Bar #1772)
Holroyd & Yost
209 West Washington Street
Charleston, WV 25302

Counsel for Defendants

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS
DAY OF APRIL 2008
CATHY S. GATSON CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

AGREED TO:


Mark A. Ferguson (WV Bar #1182)
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Charleston, West Virginia 25301
(304) 342-9100

Counsel for Plaintiff