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Lawsuits aimed at WVHI members are dismissed

Two lawsuits in separate parts of West Virginia have been dismissed because of a 2011 law sponsored by the West Virginia Housing Institute Inc. and a 2014 court ruling upholding that law, court records showed Monday. Each case was defended by a law firm that is a member of WVHI. Those being sued were also WVHI members.

The lawsuits were filed on behalf of Katie Boggs in Nicholas County Circuit Court and Brenda L. Campbell in Hampshire County Circuit Court.

The dismissal orders were entered against the defendants in March and June respectively under the 2011 law that says a complaint against an industry member first must be filed with the West Virginia Manufactured Housing Construction and Safety Standards Board. The board is the state agency that regulates the manufactured housing industry.

On Jan. 29, 2014, in a case out of Pleasants County, the state Supreme Court unanimously upheld the constitutionality of the 2011 law after arguments were made to the court by WVHI general counsel John R. Teare Jr. of the Charleston law firm of Spilman Thomas & Battle.

In the most recent petitions, a retail sales center in Summersville and its manufacturer were sued; in the second case, the manufacturer was sued.

Jason Stemple, partner in the Huntington law firm of Duffield, Lovejoy, Stemple & Boggs, represented the manufacturer in the first case; and Johnnie Brown, partner in the Charleston law firm Pullin, Fowler, Flanagan, Brown & Poe, PLLC, represented the retail center in the first lawsuit and the manufacturer in the second.

“These are significant wins for the industry and underscore the importance of this law for industry members,” Brown said.