

In the Circuit Court of Jefferson County, West Virginia

Sidewinder Enterprises LLC,
Plaintiff,

v.

Case No. CC-19-2025-C-93
Judge Bridget Cohee

**Jefferson County Planning
Commission, President Mike Shepp,
Jefferson County Prosecuting
Attorney, Civil Division, Nathan
Cochran, Esq.,
Jefferson County Office of Planning
and Zoning, Luke Seigfried, County
Planner,
Defendants**

FINAL ORDER

Upon the entry of the Order herein entered on December 12, 2025, denying the relief sought by Sidewinder Enterprises, and affirmed the Jefferson County Planning Commission (JCPC) denial of the concept plan for the construction and operation of a water bottling and processing facility, Counsel for Sidewinder informally requested clarification as to whether the Order was a final and appealable Order.

The parties previously agreed that the "Complaint and Verified Petition for Writ of Prohibition, Mandamus and Certiorari" was more properly addressed as a Writ of Certiorari to the circuit court, and the Writ of Prohibition and Mandamus were stayed pending the resolution of the Writ of Certiorari.

The Court conducted an independent review of the record, and at the conclusion of the hearing on the Writ of Certiorari verbally ruled in favor of the JCPC, affirming the denial of the concept plan. At that time, the parties further agreed that the actions seeking Writ of Prohibition and Mandamus were moot given the court finding that the JCPC acted within its authority and did not err in its findings of facts and conclusions of

law denying the concept plan.

WHEREFORE, all claims brought in this action by Sidewinder Enterprises asking this court to vacate the Planning Commission's denial of the concept plan have been fully resolved by the December 12, 2025 Order, which is a final and appealable Order.

FURTHERMORE, this case is dismissed from the Court's active docket.

The Clerk shall transmit an attested copy of this Order to all counsel of record and place this matter among causes ended.

/s/ Bridget Cohee
Circuit Court Judge
28th 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.courtswv.gov/e-file/ for more details.