

**FILED**

2013 MAY 23 PM 1:02

CATHY S. GATSON, CLERK  
KANAWHA CO. CIRCUIT COURT

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

**KEITH W. ATKINSON,**  
Plaintiff,

v.

Civil Action No. 12-C-2133

**GENERAL GLASS COMPANY, INC.,**  
a West Virginia business corporation, and  
**CYNTHIA D. SMITH,**  
Defendants.

**PROPOSED SCHEDULING ORDER**

COMES NOW, the Plaintiff, Keith W. Atkinson, by counsel and Defendants General Glass Company, Inc., and Cynthia D. Smith, by Counsel, and proposes the following Proposed Scheduling Order as follows:

**PLAINTIFF**

1. Brief contentions of the parties:

Defendants have obligation to sell Rodney Smith's stock to the company.

Defendants required to make monthly retirement payments to Plaintiff.

Defendants should pay off the outstanding loan to Plaintiff made to General Glass Company,

Inc.

**DEFENDANTS**

1. Brief Contentions of the parties:

Defendants have no duty to buy Plaintiff's company stock.

Defendants have no duty to pay so-called retirement fee which was in fact payment for promoting the company.

The loan was made and payments are being made timely under the Contract.

2. Same as #1 above.

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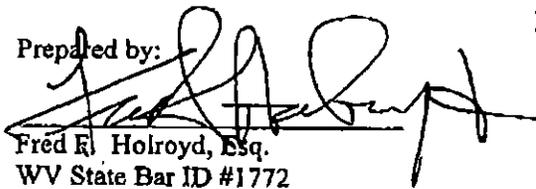
- 3. Disclosure of fact witnesses: June 3, 2013.
- 4. Disclosure of trial experts: July 1, 2013.
- 5. Discovery schedule: Discovery cutoff August 1, 2013.
- 6. Motion schedule: Dispositive motion cutoff August 15, 2013.
- 7. Mediation referral: August 15, 2013.
- 8. Pretrial Conference date: August 26, 2013, at 2:00 p.m. at the Greenbrier County Courthouse in Lewisburg, West Virginia, unless otherwise ordered.
- 9. Trial date: September 17, 2013.
- 10. Such other matters as may aid in the disposition of the action.

The Clerk is directed to forward a copy of this Order to counsel of record.

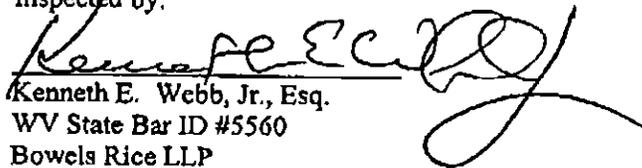
ENTERED this 20<sup>th</sup> day of May, 2013

  
 \_\_\_\_\_  
 THE HONORABLE JAMES J. ROWE  
 ELEVENTH JUDICIAL CIRCUIT JUDGE  
 BUSINESS COURT DIVISION

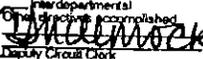
Prepared by:

  
 Fred R. Holroyd, Esq.  
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 Holroyd & Yost  
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Inspected by:

  
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 WV State Bar ID #5560  
 Bowels Rice LLP  
 PO Box 1386  
 Charleston WV 25325-1386

5/23/2013

Date: 5/23/2013  
 Certified copies sent to:  
 counsel of record  
 parties  
 other \_\_\_\_\_  
 (Please indicate)  
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 interdepartmental  
 Other (describe): accomplished  
  
 Deputy Circuit Clerk

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Kenneth E. Webb, Jr.  
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April 24, 2013

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[kwcbb@bowlesrice.com](mailto:kwcbb@bowlesrice.com)

Fred F. Holroyd, Esquire  
Holroyd & Yost  
209 West Washington Street  
Charleston, WV 25302

Re: Keith W. Atkinson v.  
General Glass Company, Inc.  
Civil Action No. 12-C-2133

Dear Mr. Holroyd:

Please find enclosed the proposed *Scheduling Order* which I have executed and return to you. Please forward to Judge Rowe for entry.

Respectfully yours,

Kenneth E. Webb, Jr.

/cls  
Enclosure



Fax

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Charleston, West Virginia 25301

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Charleston, West Virginia 25325-1386

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*orig. received?*

To: The Hon. James J. Rowe, Judge  
(304) 647-6696

Date: May 3, 2013

Fred F. Holroyd, Esquire  
(304) 343-7505

Fax #: A6417.00003

Pages: 4 (including this page)

From: Kenneth E. Webb, Jr., Esquire

Subject: Keith W. Atkinson v.  
General Glass Company, Inc.  
Civil Action No. 12-MISC-374

**COMMENTS:** Per your request, please find attached a copy of a letter dated April 24, 2013, addressed to Fred Holroyd wherein I forwarded to him the proposed Scheduling Order which I executed. This will confirm that the Scheduling Conference scheduled for Monday, May 6, 2013, at 11:15 a.m., is cancelled.

This facsimile message contains privileged and confidential information and is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. If you have any difficulties in receiving this transmission, please call the facsimile operator at (304) 347-1778. Thank you.

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