



IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

IN RE: FLOAT-SINK LITIGATION CIVIL ACTION NO. 11-C-5000000

THIS DOCUMENT APPLIES TO:

Earl Holt v. Arkema, Inc., et al.

Civil Action No. 11-C-5280001

**ORDER REGARDING PREISER SCIENTIFIC, INC.'S MOTION TO SUSPEND
THE SECOND CASE MANAGEMENT ORDER AND TRIAL PLAN**

The Court has reviewed "Preiser Scientific, Inc.'s Motion to Suspend the Second Case Management Order and Trial Plan and Request for Expedited Treatment" (TID 49779543) filed on February 25, 2013. Having conferred with one another to insure uniformity of their decisions, as contemplated by West Virginia Trial Court Rule 26.07(a), the Court **ORDERS** the February 28, 2013, deadline for Defendant's Expert Witness Disclosures, and all March 2013 and April 2013 deadlines set forth in the Court's "Second Case Management Order and Trial Plan" (TID 49623284) stayed until further order of the Court. All other deadlines in the Second Case Management Order and Trial Plan shall remain in full force and effect.

Defendant Preiser Scientific, Inc. (Preiser) is **ORDERED** to file and serve its motion for summary judgment against Plaintiff Earl Holt by no later than **March 12, 2013**. Preiser shall serve the motion on Plaintiff Earl Holt via certified mail, return receipt requested, at the following address:

General Delivery
Lashmeet, West Virginia 24733

Plaintiff Earl Holt is **ORDERED** to respond to Preiser's motion for summary judgment by no later than **April 10, 2013**. Plaintiff Earl Holt shall send a copy of his response to the Circuit Court of Raleigh County, West Virginia, addressed as follows:

IN RE: FLOAT-SINK LITIGATION
Circuit Court of Raleigh County, West Virginia
Raleigh County Judicial Center
222 Main Street
Beckley, WV 25801

and to counsel for Preiser addressed as follows:

Webster J. Arceneaux, III
Lewis Glasser Casey & Rollins PLLC
P.O. Box 1746
Charleston, WV 25326

The Clerk of the Circuit Court of Raleigh County is **ORDERED** to e-file and serve all counsel of record with the response of Plaintiff Earl Holt upon receipt of the same.

A hearing on Defendant Preiser Scientific, Inc.'s motion for summary judgment shall take place at **9:00 a.m. on May 3, 2013, in the Ceremonial Courtroom of the Old Raleigh County Courthouse located at 215 Main Street, Beckley, West Virginia**. Plaintiff Earl Holt is **ORDERED** to appear at the hearing on May 3, 2013, to defend his interests, and is hereby notified that if he fails to appear, adverse action may be taken against him, including dismissal of his civil action with prejudice.

The Clerk of the Circuit Court of Raleigh County is **ORDERED** to serve a copy this Order and the Court's "Second Case Management Order and Trial Plan" (TID 49623284) on Plaintiff Earl Holt via certified mail, return receipt requested, addressed as follows:

General Delivery
Lashmeet, West Virginia 24733

The parties' objections and exceptions to the Court's ruling are noted.

It is so **ORDERED**.

ENTER: February 27, 2013

/s/ John A. Hutchison
Lead Presiding Judge
Float-Sink Litigation