

**IN THE CIRCUIT COURT OF PRESTON COUNTY, WEST VIRGINIA  
BUSINESS COURT DIVISION**

**TRITON CONSTRUCTION, INC.,  
a West Virginia corporation,**

Plaintiff,

vs.

**Civil Action No. 21-C-7  
Presiding Judge: H. Charles Carl, III  
Resolution Judges: Michael D. Lorensen  
and Jennifer P. Dent**

**GANNETT FLEMING, INC.,  
a Delaware corporation, and**

**MONONGAHELA CONSERVATION DISTRICT,  
a West Virginia Conservation District,**

Defendants.

**BRIEFING ORDER**

IT APPEARING that Defendant, Monongahela Conservation District, by counsel, has filed a Motion to Dismiss, it is ORDERED pursuant to Rule 22 of the West Virginia Trial Court Rules as follows:

Movant will provide a proposed order (if not already done) and serve a copy upon all non-moving parties. It appears from a review of the case file that the non-moving party has filed its written response. The moving party shall have 10 days to file a rebuttal memorandum, if desired.

IT ALSO APPEARING that Plaintiff, Triton Construction, Inc., by counsel, has filed a Motion for Leave to File Second Amended Complaint, it is ORDERED pursuant to Rule 22 of the West Virginia Trial Court Rules as follows:

Movant will provide a proposed order (if not already done) and serve a copy upon all non-moving parties. Non-moving parties shall file written responses and proposed orders by

December 20, 2021 and serve copies of the same on the moving party. The moving party shall thereafter have until December 30, 2021 to file a rebuttal memorandum, if desired.

For both motions, all original proposed orders and copies of motions and/or memoranda shall be sent directly to the Judge via Diane.Ruckman@courtsww.gov with a courtesy copy to the following: Jamie.Ketterman@courtsww.gov, Business.Court@courtsww.gov, and Tessa.Bowers@courtsww.gov. Copies of the proposed orders and the original motions and memoranda shall be filed with the Clerk of the Circuit Court.

The Court will hold a hearing on the two aforementioned motions on Friday, January 7, 2021 at 10:00 a.m. via Microsoft Teams. A Microsoft Teams meeting invitation will be sent to counsel of record for the hearing.

The Clerk shall enter the foregoing and forward attested copies hereof to all counsel, and to the Business Court Central Office at Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401.

ENTERED this 10<sup>th</sup> day of December 2021.



JUDGE H. CHARLES CARL, III  
West Virginia Business Court Division

Entered: December 10, 2021

Lisa Leishman, Clerk  
By: Sandy Murray, Deputy

4 copies  
SD  
12-10-21  
Business Ct  
NTD  
JALC  
HB

A TRUE COPY:

ATTEST: S/LISA LEISHMAN  
CLERK OF THE CIRCUIT COURT

By: S. Murray Deputy