

## STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on January 18, 2022 the following order was made and entered:

National Union Fire Insurance of Pittsburgh,  
PA, et al,  
Defendants Below, Petitioners

vs.) No. 21-1016

Axial Corporation and Westlake  
Chemical Corporation,  
Plaintiffs Below, Respondents

FILED  
2022 JAN 21 PM 12:05  
JOSEPH M. RUOK

### SCHEDULING ORDER

On December 17, 2021, the petitioners National Union Fire Insurance of Pittsburgh, PA, et al, by counsel Jeffrey M. Wakefield, Flaherty Sensabaugh Bonasso, PLLC, and James A Varner, Sr., and Debra Tedeschi Varner, Varner & Van Volkenburg, PLLC, presented a timely and complete notice of appeal from final orders of the Circuit Court Marshall County (Civil Action No. 19-C-59) entered on November 19, 2021. The appeal has been placed on the docket as No. 21-1016 in accord with Rule 5(b) of the Rules of Appellate Procedure. All filings related to this appeal must refer to this Court's docket number and use the case caption set forth in this order. The Court acknowledges receipt of the \$200 filing fee.

The petitioner has indicated that transcripts are not necessary for the Court to consider the assignments of error.

The parties to this appeal are encouraged to agree on the contents of the appendix. Pursuant to R.A.P. 7(e), if no agreement is reached, the petitioner must prepare a list of the parts of the record that the petitioner intends to include in the appendix, along with a list of any issues intended to be presented that were not included in the notice of appeal and serve the list on the respondent on or before February 21, 2022.

The deadline for perfecting the appeal is March 21, 2022, with the filing of the brief and appendix. If the appeal is not perfected on or before March 21, 2022, the appeal will be dismissed. The petitioner may perfect the appeal at any time on or before the deadline for perfecting the appeal.

If the appeal is perfected, the respondent is directed to file a respondent's brief, or a summary response, on or before May 5, 2022, or within forty-five days of the date the appeal is perfected. Any reply brief deemed necessary shall be filed by the petitioner on May 25, 2022 or within twenty days of the respondent's brief.

**SUMMARY of DEADLINES: Appeal No. 21-1016**

**Rule 7(e) List:** February 21, 2022

**Appeal Perfected:** March 21, 2022

**Respondent's Brief:** May 5, 2022

**Reply Brief:** May 25, 2022

Once the deadline for filing a reply brief has passed, the appeal will be mature for consideration by the Court pursuant to R.A.P. 5(h). Counsel of record will be notified in writing of any decision in the case.

A True Copy

Attest: /s/ Edythe Nash Gaiser  
Clerk of Court

