

FILED
JAN 11 10:50
CLERK OF COURT
KANAWHA COUNTY CIRCUIT COURT

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

**HAROLD D. WARD, Director, Division of
Mining and Reclamation, West Virginia
Department of Environmental Protection**

Plaintiff,

v.

**Civil Action No. 20-C-282
Presiding Judge: Christopher C. Wilkes**

ERP ENVIRONMENTAL FUND, INC.,

Defendant.

BRIEFING ORDER

IT APPEARING that nonparty The West Virginia Department of Transportation, Division of Highways, by counsel, has filed The West Virginia Department of Transportation, Division of Highways' Motion for Leave of the Court's Preliminary Injunction and Order Preliminarily Appointing a Special Receiver for Defendant's Property, Assets, and Operations and The Court's Order Affirming Preliminary Injunction Against Any and All Action Against Property of The Receivership Estate Including Issuance of Tax Deeds, it is ORDERED pursuant to Rule 22 of the West Virginia Trial Court Rules as follows:

That 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 within 15 days of entry of this order and serve copies of the same on the moving party. The moving party shall thereafter have 10 days to file a rebuttal memorandum, if desired. Thereafter, the Court will rule upon the motion on the pleadings and record or schedule a hearing if the Court deems it necessary.


All original proposed orders and copies of motions and/or memoranda shall be sent directly to the Judge via Carol.Miller@courtsww.gov, with a courtesy copy to 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 Clerk shall enter the foregoing and forward attested copies hereof to all counsel, to any *pro se* parties of record, to the Business Court Central Office at Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401, and to the following counsel for the nonparty movant:

Counsel for Nonparty West Virginia Department of Transportation, Division of Highways

Ashley D. Wright
James E. Garvin
West Virginia Division of Highways
Legal Division, Room A-517, Building 5
1900 Kanawha Boulevard East
Charleston, WV 25305-0430

April 11, 2022
date of entry


JUDGE CHRISTOPHER C. WILKES
JUDGE OF THE WEST VIRGINIA
BUSINESS COURT DIVISION

Date: 4/11/22
Certified copies sent to:
☒ counsel of record Buss. Ct.
☒ parties A. Wright
☒ other (please indicate) B. Bailey
By: S. Thomas
☒ certified/1st class mail
☐ fax
☐ hand delivery
☐ interdepartmental
Other directives accomplished: CCB
Deputy Circuit Clerk

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT.
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 11
DAY OF April 2022
Cathy S. Gatson CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA