

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

FILED

2023 APR 14 AM 9:02

CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

**MOUNTAIN STATE PIPELINE &
EXCAVATING LLC,**

Plaintiff/Counterclaim Defendant/Crossclaimant,

v.

**SMITH/PACKETT MED-COM, LLC,
SP WV, LLC, WV IL-AL INVESTORS, LLC, and
JARRETT CONSTRUCTION SERVICES, INC.,**

Defendants/Counterclaimants/Crossclaimant

And

CARTER BANK & TRUST,

Defendant;

JARRETT CONSTRUCTION SERVICES, INC.,

Third-Party Plaintiff;

v.

ECS MID-ATLANTIC, LLC

Third-Party Defendant/Crossclaim Defendant.

Action No. 20-C-350

Presiding: Judge Maryclaire Akers

Resolution: Judge Paul Farrell

ORDER APPOINTING DISCOVERY COMMISSIONER

The Court, at a hearing on March 20, 2023, determined that several discovery motions were pending in the above styled action, and that referral of these discovery motions to a discovery commissioner would aid this Court in achieving an expeditious resolution of the discovery issues. For that reason, this Court hereby **ORDERS** that all discovery motions pending in this action be referred to a Discovery Commissioner; that the Discovery Commissioner shall review and hear argument from the parties on all discovery motions filed in this case unless otherwise ordered by this Court, and shall make recommendations regarding the resolution of

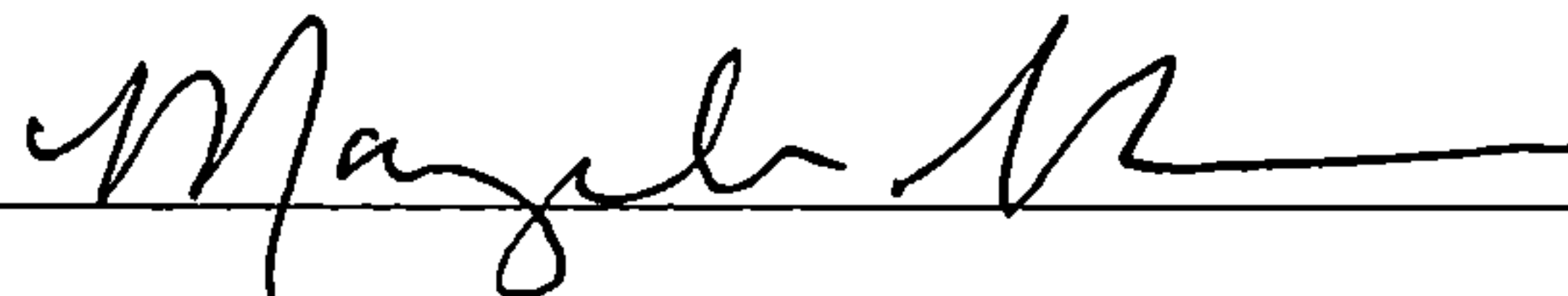
1103

discovery motions to this Court; that the Discovery Commissioner shall recommend to this Court the manner of allocating responsibility for his fees amongst the parties.

It is further **ORDERED** that **DAVID K. HENDRICKSON** shall be appointed Discovery Commissioner in this matter and will, in his recommendations to the Court, make a finding as to which party substantially prevails on motions or other discovery issues.

The Clerk of the Court shall distribute copies of this Order to all parties and counsel of record and to David K. Hendrickson.

ENTERED this 14th day of April, 2023.



THE HONORABLE MARYCLAIRE AKERS

4/14/2023

Date: _____
Certified copies sent to:
☒ counsel of record
☐ parties
☐ other _____
(please indicate)
By: _____
☐ certified/1st class mail
☐ fax
☐ hand delivery
☐ interdepartmental
Other directives accomplished: _____
Deputy Circuit Clerk

R. Sweeney
C. Roncaglione Jr.
J. Glanigan
D. Burns
K. Blackburn
P. Lockhart