

SCANNED

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

AREOTEK ENERGY,

Plaintiff,

v.

Civil Action No. 16-C-77-2

Thomas A. Beddell, Chief Judge

ELECTRICAL SYSTEMS,

Defendant.

PLAINTIFF'S PRE-TRIAL MEMORANDUM

The Circuit Court of Harrison County, West Virginia has set the above styled action for a pre-trial/scheduling conference on the 2nd day of June, at 11:30 o'clock a.m. The following is submitted on behalf of the Plaintiff.

1. Jurisdiction is admitted.
2. Venue is admitted.
3. Matter remaining to be ruled on by the Court or motions presently offered:

a. Aerotek, Inc.'s motion to dismiss Electrical Systems, Inc.'s counterclaim.

4. Brief statement of Plaintiff's contentions: The parties entered into a written services agreement. Aerotek, Inc. performed its contractual obligations. Electrical Systems, Inc. failed to pay Aerotek, Inc. money owed pursuant to the contract terms. Electrical Systems, Inc. owes a balance of \$114,250.12.

FILED MAY 31 2016
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5. Matters which are stipulated by Plaintiff:

Aerotek, Inc. stipulates to the terms contained in the parties' written agreement.

6. Matters to be tried by the jury/judge:

Application of the terms of the parties' contract; Aerotek, Inc.'s performance under the contract and Electrical Systems, Inc.'s breach of contract.

7. Plaintiff's witnesses: Aerotek, Inc. has not yet identified its witnesses.

8. Plaintiff's exhibits: Aerotek Inc. has not yet made a final determination of exhibits but expects to produce the parties' agreement, invoices sent to Electrical Systems, Inc. and e-mail communications exchanged by the parties.

9. Itemized list of special damages:

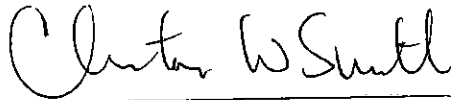
10. It is requested that trial shall be by the Court.

It is anticipated that this case will be ready for trial by January 13, 2017.

It is anticipated that 1 day will be needed.

AEROTEK, INC.

By Counsel

A handwritten signature in cursive script, reading "Clinton W. Smith". The signature is written in dark ink and is positioned above a horizontal line.

Clinton W. Smith

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Counsel for the Plaintiff

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CERTIFICATE OF SERVICE

I, Clinton W. Smith, counsel for the Plaintiff,
certify that a copy of the foregoing PLAINTIFF'S PRE-TRIAL
MEMORANDUM was served upon the attorney for the Defendant:

Sam H. Harrold, III, Esquire
400 West Main Street
Clarksburg, WV 26302

by placing the same in an envelope, properly addressed,
with postage fully paid, and depositing the same in the
United States Mail, this 26th day of May, 2016.



Clinton W. Smith

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