

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

THE VELOTTA COMPANY, an
Ohio corporation,

Plaintiff,

v.

CIVIL ACTION NO.: 13-C-122
Presiding Judge: Wilkes
Resolution Judge: Rowe

STANTEC CONSULTING SERVICES, INC.,
a New York corporation,

Defendant/Third-Party Plaintiff.

v.

CTL ENGINEERING OF WEST VIRGINIA, INC.,
a West Virginia Corporation,

Third-Party Defendant.

ORDER GRANTING DEFENDANT STANTEC CONSULTING SERVICES, INC.'S,
MOTION TO INCORPORATE DISCOVERY

This matter comes before the Court this 24 day of August, 2015, pursuant to the Defendant Stantec Consulting Services, Inc.'s Motion to Incorporate Discovery. The briefing schedule entered on July 23, 2015, provided all parties an opportunity for reply and rebuttal. The Court has reviewed the Motion along with Plaintiff's Reply and now finds the matter ripe for adjudication.

Defendant Stantec Consulting Services, Inc. has requested an Order allowing for all discovery completed in a related but separate Pennsylvanian case between Plaintiff and Defendant to be incorporated into the instant proceeding. Plaintiff, The Velotta Company, responded that it does not object to consolidation of discovery that was taken with the

opportunity for Plaintiff's West Virginia counsel to participate. Defendant Stantec Consulting Services, Inc. did not object to this exception.

Accordingly, in the interest of judicial economy and to avoid inconvenience, unnecessary cost, and duplicative discovery, this Court ORDERS that all discovery completed and exchanged in the Westmoreland County, Pennsylvania case, *Stantec Consulting Services, Inc. v. The Velotta Company*, Court of Comm. Pls. Case No.: 13CI05950, is hereby incorporated into the above captioned case, without duplication, with the exception of discovery conducted without notice to Plaintiff's West Virginia counsel. Counsel remains obligated to cooperate with scheduling and venue of the instant case and shall provide notice as to all written discovery served and consulted as to the scheduling of depositions.

THEREFORE, upon the record and pertinent legal authorities, the Court rules that the Motion is GRANTED. The Clerk of the Circuit Court of Upshur County, West Virginia, is directed to forward an attested copy of this Order to Resolution Judge, the Honorable James J. Rowe, Greenbrier County Courthouse, P.O. Box 751, 200 North Court Street, Lewisburg, WV 24901; the Business Court Division Central Office at the Berkeley County Judicial Center, 380 W. South Street, Suite 2100, Martinsburg, West Virginia, 25401; and all counsel of record.

cc 8/24/15
Jd Rowe
Bus. Ct. Division

ENTER this 24 day of August, 2015.

CHRISTOPHER C. WILKES, JUDGE
BUSINESS COURT DIVISION

BRIAN GAUDET
CLERK

2015 AUG 24 A 9:23

UPSHUR COUNTY, W.V.
FILED

ATTEST: A true copy from the records located in the office of the Clerk of the Circuit Court of Upshur County, West Virginia.

Given under my hand

8/24/15
BRIAN P. GAUDET, CLERK

By

Melissa Stumeling
Deputy Clerk