

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

**THE VELOTTA COMPANY,
an Ohio Corporation,**

Plaintiff,

v.

**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.

Civil Action No.: 13-C-122

Presiding Judge: Christopher C. Wilkes

Resolution Judge: James J. Rowe

SCHEDULING ORDER

This matter came before the Court pursuant to Defendant The Variable Annuity Life Insurance Company's Motion to Compel Glen B. Ganier, III, West Virginia State Auditor, to Respond to Subpoena Duces Tecum [sic]. Therefore, it is ORDERED, pursuant to Rule 45 and Rule 34(c) of the West Virginia Trial Court Rules, that Mr. Gainer respond and note his objection to the subpoena within fifteen (15) days of entry of this order and serve copies of the same upon the parties. The Court further ORDERS that the movant will provide a proposed order (if not already done) and serve a copy upon all parties. The moving party may file a rebuttal memorandum within ten (10) days after the response if so desired. Thereafter the Court will rule upon the motion on the pleadings and the record or schedule a hearing if the Court deems it necessary. Any 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 both Business.Court@courtsww.gov and

Claire.Watson@courtsww.gov. Copies of the proposed orders and the original motions and memoranda shall be filed with the Clerk of the Circuit Court. The Court will not consider the motion until the Defendant's proposed order is received. The Court directs the Circuit Clerk to enter the foregoing and forward an attested copy to all counsel of record and Glen B. Gainer, III, West Virginia State Auditor, 1900 Kanawha Boulevard East, Building 1, Room W-100, Charleston, WV 25305.

cc 1/14/16
J. Gabbhart
J. Catanzarite
A. Starts
P. Petty
G. Gainer III

ENTER this 14 day of January 2016.

CHRISTOPHER C. WILKES, JUDGE
BUSINESS COURT DIVISION

UPSHUR COUNTY, W.V.
FILED
2016 JAN 14 A 8:56
BRIAN GAUDET
CIRCUIT CLERK.