

FILED

2016 JAN 27 AM 10:56

J. CATHY S. DANIELS, CLERK
KANAWHA COUNTY CIRCUIT COURT

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

**THE WV INVESTMENT MANAGEMENT
BOARD, a public body corporate and
THE WV CONSOLIDATED PUBLIC RETIREMENT
BOARD, a public agency,**

Plaintiffs,

vs.

CIVIL ACTION NO: 09-C-2104
JUDGE CHRISTOPHER C. WILKES

**THE VARIABLE ANNUITY LIFE INSURANCE
COMPANY,**
Defendant

AMENDED 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@courtswv.gov with a courtesy copy to both Business.Court@courtswv.gov and Claire.Watson@courtswv.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.

ENTER this 27 day of January 2016.

CHRISTOPHER C. WILKES, JUDGE
BUSINESS COURT DIVISION

1/27/16
Date: 1/27/16
Certified copies sent to:
☒ counsel of record
☐ parties
☐ other (please indicate)
By: [Signature] RD
certified or class mail 6:5
fax AM
hand delivery
interdepartmental
Other directives accomplished:
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 27
DAY OF January 2016
[Signature] CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA