

FILED

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

2016 APR 22 PM 1:13  
CATHY S. HANCOCK, CLERK  
KANAWHA COUNTY CIRCUIT COURT

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

**Plaintiffs,**

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

**vs.**

**THE VARIABLE ANNUITY LIFE INSURANCE  
COMPANY,**

**Defendant**

**SCHEDULING ORDER**

The Court held a scheduling conference this 21<sup>st</sup> day of April, 2016, and set trial and pretrial in the above captioned matter. Pretrial will be held in the Kent Carper Building before the Presiding Judge, the Honorable Christopher C. Wilkes, on September 19, 2016, at 9:00 a.m. Jury selection and trial shall begin on September 20, 2016, at 9:00 a.m. in the Ceremonial Courtroom of the Kanawha County Courthouse.

All parties are ORDERED to exchange and deliver their respective PRE-TRIAL CONFERENCE MEMORANDA to the Judge's Chambers NO LATER THAN TEN (10) BUSINESS DAYS BEFORE the conference. FAILURE TO COMPLY MAY RESULT IN CONTINUANCE OF TRIAL OR MONETARY SANCTIONS BEING IMPOSED. Said memoranda are to contain at a minimum, the following:

320

- |                          |   |
|--------------------------|---|
| 1. Statement of the Case | 7. Pending Motions                        |
| 2. Issues of Fact        | 8. Motions in Limine                      |
| 3. Issues of Law         | 9. All Proposed Instructions of Law       |
| 4. Proposed Stipulations | (Electronic as well as hard copy shall be |
| 5. Schedule of Exhibits  | provided to the Court.)                   |
| 6. List of Witnesses     | 10. Proposed Voir Dire                    |

Parties are to confer and provide a joint instruction charge to the Court.

The parties shall exchange a list of all proposed exhibits (including demonstrative) and shall make the exhibits available for viewing by counsel at least 5 work days prior to the pre-trial conference. By the time of the pre-trial conference counsel shall have stipulated as to which exhibits shall be admitted without objection and provide a list to the Court and Clerk. The parties shall mark all exhibits by use of standard exhibit stickers and provide a list to the Court and counsel.

If a video deposition is to be used, all parties must be prepared to argue objections at the pre-trial conference. Thereafter, the proponent of the video deposition shall have the video edited to reflect the court's rulings. In addition, the proponent of the video deposition must have a videographer at trial.

The Court desires that all counsel read all parties proposed jury instructions prior to the conference and be prepared to discuss them at the conference. The Court will not be inclined to receive instructions after the pre-trial conference.

Motions *in limine* must be filed at least 10 days before pre-trial and will be ruled upon at the pre-trial conference.

Discovery deadlines and all other dates set by the previous scheduling order and the West Virginia Rules of Civil Procedure shall remain in place.

The Clerk of the Circuit Court of Kanawha County, West Virginia, is directed to forward an attested copy of this Order to Resolution Judge, the Honorable James H. Young, Jr., at the

Wayne County Courthouse, P.O. Box 68, Wayne, West Virginia 25570; 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.

ENTER this 22 day of April 2016.

CHRISTOPHER C. WILKES, JUDGE  
BUSINESS COURT DIVISION

Date: 4/25/16  
Certified copies sent to:  
☒ counsel of record  
☐ parties  
☒ other Bus Ct.  
(please indicate)  
By: [Signature]  
☒ certified/1st class mail  
☐ fax  
☐ hand delivery  
☐ interdepartmental  
Other directives accomplished:  
[Signature]

G.S., Am, LH, TH, ES, RD  
Judge Young  
Judge Wilkes

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 25  
DAY OF April 2016  
Cathy S. Gatson CLERK  
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA