

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

2016 SEP -8 PM 3:14

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

CATHY S. GATECH, CLERK
KANAWHA COUNTY CIRCUIT COURT

Plaintiffs,

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

vs.

**THE VARIABLE ANNUITY LIFE INSURANCE
COMPANY,**

Defendant

RULE 22 SCHEDULING ORDER

This matter came before the Court pursuant to Plaintiffs' Pretrial Memorandum which cursorily raised the question of whether §33-14-26 governs the contracts at issue. Therefore, it is ORDERED pursuant to Rule 22 of the West Virginia Trial Court Rules as follows:

Parties are directed to file briefs regarding the influence, if any, of West Virginia Code §33-14-26 upon the instant case. Briefs shall be filed by Thursday, September 15, 2016. Proposed orders are permitted but not required. 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 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 directs the Circuit Clerk to enter the foregoing and forward an attested copy to all counsel of record.

ENTER this 8 day of September, 2016.

CHRISTOPHER C. WILKES, JUDGE
BUSINESS COURT DIVISION

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Division Judges

Christopher C. Wilkes, Chair
James H. Young, Jr.
Thomas C. Evans, III
Paul T. Farrell
Russell M. Clawges, Jr.
H. Charles Carl III
Joanna I. Tabit

**BUSINESS COURT DIVISION
WEST VIRGINIA SUPREME COURT OF APPEALS**

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MARTINSBURG, WEST VIRGINIA 25401
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Carol A. Miller,
Executive Director
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FILED

2016 SEP -8 PM 3:15

CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

FAX COVER SHEET

To: Cathy Gatson, Clerk Fax 304-357-0473

From: Carol A. Miller, Executive Director
WV Business Court Division

Date: September 8, 2016

Re: *The WV Investment Management Board, et al. vs. The Variable Annuity
Life Insurance*
Civil Action No. 09-C-2104
Kanawha County, West Virginia

No. of Pages including cover sheet: 2

Please forward attested copies of the attached order to all counsel and pro se parties,
then file.

Thanks.