

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

FILED
2017 FEB 22 PM 3:57
CATHY S. GATSON, 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,

vs.

Civil Action No. 09-C-2104

**Arbiters: Judge Wilkes
Judge Tabit
Judge Farrell**

**THE VARIABLE ANNUITY LIFE INSURANCE
COMPANY,**

Defendant.


ORDER STRIKING EXHIBITS FROM PREARBITRATION MEMORANDUM

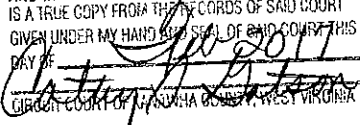
On September 20, 2016, the parties in this case entered into a Joint Stipulation wherein the parties agreed to a binding arbitration before a three-judge panel consisting of the Honorable Christopher C. Wilkes, the Honorable Joanna I. Tabit, and the Honorable Paul T. Farrell. The Stipulation allowed for each party to submit a pre-arbitration memorandum not to exceed twenty-five (25) pages one week prior to the Arbitration. The Plaintiffs and Defendant have each filed such memoranda.

On February 22, 2017, the Court received a letter objecting to the exhibits attached to Plaintiffs' pre-arbitration memorandum. The arbitration panel has reviewed the Plaintiffs' Memorandum and finds that it does exceeds the twenty-five (25) page limitation by virtue of its exhibits. Therefore, after full consideration by the three-judge panel, the Court hereby STRIKES the memorandum's exhibits from the record prepared for Arbitration. At the time of Arbitration, proffers will be accepted in accordance with the September 20, 2017 Stipulation.

The Clerk shall forward attested copies of this ORDER to counsel of record; Judge Christopher C. Wilkes, 380 W. South Street, Suite 4100 Martinsburg, WV 25401; Judge Paul T. Farrell, 750 Fifth Avenue, Huntington, WV 25701; Judge Joanna Tabit, P.O. Box 2351, 111 Court Street, Charleston, WV 25301; and the Business Court Division Central Office at the Berkeley County Judicial Center, 380 W. South Street, Suite 2100, Martinsburg, WV 25401.

ENTER this 22 day of February, 2017.


CHRISTOPHER C. WILKES, JUDGE
BUSINESS COURT DIVISION

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 COUNTY THIS 23
DAY OF February 2017

CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA CLERK

Date: 2/23/17
Certified copies sent to:
☒ counsel of record AM
☒ parties GS
☒ other (please indicate) RD
By: RD
☒ certified/1st class mail
☒ fax
☒ hand delivery TIT
☒ interdepartmental
Other directives accomplished: Judge Wilkes
Farrell
Bus Ct.
Judge Tabit
Deputy Circuit Clerk