

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

FILED
2017 MAR 15 PM 1:17
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
Presiding Judge: Christopher C. Wilkes
Resolution Judge: James H. Young, Jr.**

**THE VARIABLE ANNUITY LIFE
INSURANCE COMPANY,**

Defendant.

**SUPPLEMENTAL AMENDMENT TO JOINT STIPULATION AND ORDER TO STAY
ACTION AND SUBMIT TO BINDING ARBITRATION**

WHEREAS, Plaintiffs The West Virginia Investment Management Board and The Consolidated Public Retirement Board ("Plaintiffs"), and Defendant The Variable Annuity Life Insurance Company ("VALIC" or "Defendant") (collectively, "the parties") entered into a prior Joint Stipulation and Order To Stay Action and Submit to Binding Arbitration on September 20, 2016 ("Joint Stipulation"), and the Court so ordered the Joint Stipulation on the same date;

WHEREAS, pursuant to the Joint Stipulation, the three-judge panel conducted the arbitration hearing on March 7-9, 2017;

WHEREAS, the parties have agreed to amend the Joint Stipulation to extend the time to submit written arguments;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the parties, as follows:

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1. The parties may submit written arguments in memoranda not to exceed (thirty) 30 pages in length within twenty-one (21) calendar days following the conclusion of the arbitration hearing, through and including March 30, 2017.

2. The arbitration panel shall issue a reasoned decision applying West Virginia law within thirty (30) calendar days after the submission by the parties of written arguments, through and including April 29, 2017.

3. Except as amended by Paragraphs 1 and 2 above, the Joint Stipulation remains in full force and effect.

IT IS SO ORDERED.

ENTERED this 15 day of March, 2017.

CHRISTOPHER C. WILKES, JUDGE
BUSINESS COURT DIVISION

SO STIPULATED:

THE VARIABLE ANNUITY
LIFE INSURANCE COMPANY

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and

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 20
DAY OF March, 2017.
Cathy S. Gatson, CLERK

3/20/17
Date: 3/20/17
Certified copies sent to:
— counsel of record GS
— parties JH
— other (please indicate) RD
By: [Signature] ES
— certified/1st class mail
— fax
— hand delivery
— interdepartmental
Other directives accomplished: TH
Deputy Circuit Clerk

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THE WEST VIRGINIA INVESTMENT
MANAGEMENT BOARD and THE WEST
VIRGINIA CONSOLIDATED PUBLIC
RETIREMENT BOARD

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