

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

RILEY NATURAL GAS COMPANY,

Plaintiff,

v.

Civil Action No.: 16-C-365

Presiding Judge: Russell M. Clawges, Jr.

Resolution Judge: James H. Young

BERRY ENERGY, INC.,

Defendant,

And

ADKINS ENERGY, INC., et al.,

Plaintiffs,

v.

Consolidated with Marshall County

Civil Action No.: 16-C-92

Presiding Judge: Russell M. Clawges, Jr.

Resolution Judge: James H. Young

DOMINION TRANSMISSION, INC.;
DOMINION FIELD SERVICES, INC.;
DOMINION RESOURCES, INC.;
JOSEPH VANZANT; and RILEY NATURAL
GAS COMPANY;

Defendants.

ORDER FOLLOWING MAY 16, 2017 STATUS HEARING

On April 20, 2017, the Chief Justice of the West Virginia Supreme Court granted a Motion to Refer *Riley Natural Gas Company v. Berry Energy, Inc.* to the Business Court Division. Further, Chief Justice Loughry, II, consolidated *Riley*, with Marshall County Civil Action 16-C-92, *Adkins Energy, Inc. et al. v. Dominion Transmission, Inc., et al.*, already pending before this Division.

The cases contain multiple outstanding motions and issues concerning the management of

the claims. Therefore, in order to clarify the issues, the Court held a telephonic status hearing on Tuesday, May 16, 2017. Parties attended by counsel only.

During the hearing, the parties requested the opportunity to submit a jointly proposed litigation plan or scheduling order. Furthermore, Defendants raised issue with the *sua sponte* consolidation. Plaintiff Adkins Energy, Inc., responded that it was in favor of the consolidation based on its motion to dismiss for failure to join indispensable parties, but agreed that the Defendants should be permitted to submit argument on the issue. Accordingly, the Court hereby directs that the parties submit a jointly proposed litigation plan or scheduling order on or before May 30, 2017. If the parties are unable to concur on the issue of consolidation, the parties shall also submit briefs in favor or opposing consolidation on or before May 30, 2017.

The Harrison County Circuit Clerk is directed to forward an attested copy of this Order to the Resolution Judge, the Honorable James H. Young, Jr., at the Wayne County Courthouse, P.O. Box 68, Wayne, West Virginia 25570; the Marshall County Circuit Clerk, at 600 7th Street, Rm 127, Moundsville, WV 26041; 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. The Circuit Clerk of Marshall County shall file a copy of this Order in the case file of civil action number, 16-C-92, *Adkins Energy, Inc., et al. v. Dominion Transmissions, Inc. et al.*

ENTER this 16th day of May, 2017.



RUSSELL M. CLAWGES, JR., JUDGE
BUSINESS COURT DIVISION

STATE OF WEST VIRGINIA
COUNTY OF HARRISON, TO-WIT

I, Albert F. Marano, Clerk of the Fifteenth Judicial Circuit and the 18th
Family Court Circuit of Harrison County, West Virginia, hereby certify the
foregoing to be a true copy of the ORDER entered in the above styled action
on the 19 day of May, 2017.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix
the Seal of the Court this 22 day of May, 2017.

Albert F. Marano sr
Fifteenth Judicial Circuit & 18th Family Court
Circuit Clerk
Harrison County, West Virginia