

Aug. 15, 2017 2:10PM

No. 2636 P. 2

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

**CONSOL Energy Inc. dba CNX Gas Company LLC,**

**Petitioner,**

**vs).**

**Civil Action No. 16-C-135**

**Presiding Judge: Wilkes**

**The Honorable DALE STEAGER, WV State Tax Commissioner;  
The Honorable DENNIS C. ALTIZER, Assessor of McDowell County;  
and the COUNTY COMMISSION OF MCDOWELL COUNTY, sitting  
as the Board of Assessment Appeals,**

**Respondents.**

**ORDER**

The above-captioned case was referred to the Business Court Division on July 31, 2017, by the Honorable Allen H. Loughry II, Chief Justice of the Supreme Court of Appeals of West Virginia. This matter is related but not consolidated with other similar cases throughout the state. Many of these cases are in the process of briefing and weighing a Motion to Dismiss for Failure to Timely Perfect Appeal.

Upon agreement of counsel, and in the interest of judicial economy, the Court hereby delays setting the Business Court's initial scheduling and case management conference, until the collateral issues set forth by the motions to dismiss can be resolved. The Court finds good cause to depart from the timeline set forth under Rule 29.08(c) of the West Virginia Trial Court Rules. The Court directs the Circuit Clerk to enter the foregoing and forward an attested copy to all counsel of record.

ENTER this 12 day of Aug, 2017.

  
CHRISTOPHER C. WILKES, JUDGE  
BUSINESS COURT DIVISION

RECEIVED & FILED  
CIRCUIT COURT  
MCDOWELL COUNTY, W.VA.

2017 AUG 15 PM 2:07

ENTER ON CIVIL ORDER  
BOOK NO. 1183 PAGE NO. 204  
8/15 20 17  
FRANCINE SPENCER CLERK

Aug. 7. 2017 4:23PM

No. 2622 P. 2/3

IN THE CIRCUIT COURT OF MCDOWELL COUNTY, WEST VIRGINIA  
BUSINESS COURT DIVISION

CONSOL ENERGY INC.,  
dba CNX GAS COMPANY LLC,  
Petitioner,

vs.

Civil Case No.: 16-C-135  
Presiding: Judge Wilkes

THE HONORABLE DALE W. STEAGER,  
West Virginia State Tax Commissioner,  
THE HONORABLE DENNIS C. ALTIZER,  
Assessor of McDowell County, and  
THE COUNTY COMMISSION OF MCDOWELL COUNTY,  
Sitting as a Board of Assessment Appeals,  
Respondents.

ORDER ASSIGNING PRESIDING JUDGE TO CASE

On July 31, 2017, Chief Justice Allen H. Loughry II entered an Administrative Order granting a Motion to Refer the above-styled case to the Business Court Division. Pursuant to West Virginia Trial Court Rule 29.07(a), "[a]n order from the Chief Justice granting a Motion to Refer is a transfer of Business Litigation to the Division.

As required by Trial Court Rule 29.07(a), the Division Chair, with the advice and consent of the Division, hereby assigns the Honorable Christopher C. Wilkes to serve as the presiding judge in the above-styled case.

The Clerk of the Circuit Court of McDowell County, West Virginia shall forward a certified copy of this order to all counsel of record, any pro se parties and the following:

(Presiding Judge)  
The Honorable Christopher C. Wilkes  
Berkeley County Judicial Center  
380 W. South Street, Suite 4100  
Martinsburg, WV 25401

Aug. 7. 2017 4:24PM

No. 2622 P. 3/3

Rory L. Perry II, Clerk  
West Virginia Supreme Court of Appeals  
State Capitol Rm E-317  
1900 Kanawha Blvd. East  
Charleston WV 25305

Carol A. Miller, Executive Director  
Business Court Division  
Berkeley County Judicial Center  
380 W. South Street, Ste. 2100  
Martinsburg, West Virginia 25401

Enter:

August 7, 2017

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CHRISTOPHER C. WILKES, CHAIR  
BUSINESS COURT DIVISION

...COUNTY, W.VA.

2017 AUG -7 PM 4:19

ENTER ON CIVIL ORDER  
BOOK NO. 1163 PAGE NO. 205  
811 20 12  
FRANCINE SPENCER CLERK

Aug. 7. 2017 4:23PM

No. 2622 P. 1/3

Division Judges

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

**BUSINESS COURT DIVISION**  
**WEST VIRGINIA SUPREME COURT OF APPEALS**  
BERKELEY COUNTY JUDICIAL CENTER  
980 W. SOUTH STREET, SUITE 2100  
MARTINSBURG, WEST VIRGINIA 25401  
Phone (304)264-1992 • Fax (304)267-3731

Carol A. Miller,  
Executive Director  
carol.miller@courtsww.gov

**FAX COVER SHEET**

To: Francine Spencer, Clerk 304-436-6994

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

Date: August 7, 2017

Re: Consol Energy Inc., dba CNX Gas Company LLC vs. The Honorable  
Dale W. Steager, et al.  
McDowell County Civil Action No. 16-C-135

No. of Pages including cover sheet: 3

The above-referenced case has been referred to the Business Court Division. This means that a Judge from the Business Court Division has been assigned to preside over it. You will still be the official record-keeper of the court file, so please continue to process all orders and pleadings as you would in any civil case, but you can close it for time standards.

Please send out attested copies of the attached order as directed and then file the order in the court file.

If you have any questions, please feel free to call me anytime.

RECEIVED & FILED  
CIRCUIT COURT  
MCDOWELL COUNTY W.VA.  
2017 AUG -7 PM 4:19