

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

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

**Petitioner,**

**vs).**

**Civil Action No. 16-AA-4  
Presiding Judge: Wilkes**

**The Honorable DALE STEAGER, WV State Tax Commissioner;  
The Honorable JOHN M. CUTRIGHT, Assessor of Barbour County;  
and the COUNTY COMMISSION OF BARBOUR COUNTY, sitting  
as the Board of Assessment Appeals,**

**Respondents.**

**RULE 22 ORDER**

This matter came before the Court pursuant to the Motion of West Virginia State Tax Department and Assessor John M. Cutright to Dismiss for Failure to Timely Perfect Appeal. Finding that this matter should be addressed before the remaining issues are briefed, the Court ORDERS pursuant to Rule 22 of the West Virginia Trial Court Rules as follows:

The movant will provide a proposed order (if not already done) and serve a copy upon all non-moving parties. Plaintiff and any other parties wishing to file a response shall file a written reply and proposed orders by **August 29, 2017**. The movant may then file a rebuttal memorandum by **September 8, 2017**. Thereafter the Court will rule upon the motion and the record or schedule a hearing if the Court deems necessary.

Any original proposed orders and copies of motions and/or memoranda shall be sent directly to the Judge via [Carol.Miller@courtswv.gov](mailto:Carol.Miller@courtswv.gov) with a courtesy copy to both [Business.Court@courtswv.gov](mailto:Business.Court@courtswv.gov) and [Claire.Watson@courtswv.gov](mailto: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 14 day of August, 2017.

  
CHRISTOPHER C. WILKES, JUDGE  
BUSINESS COURT DIVISION

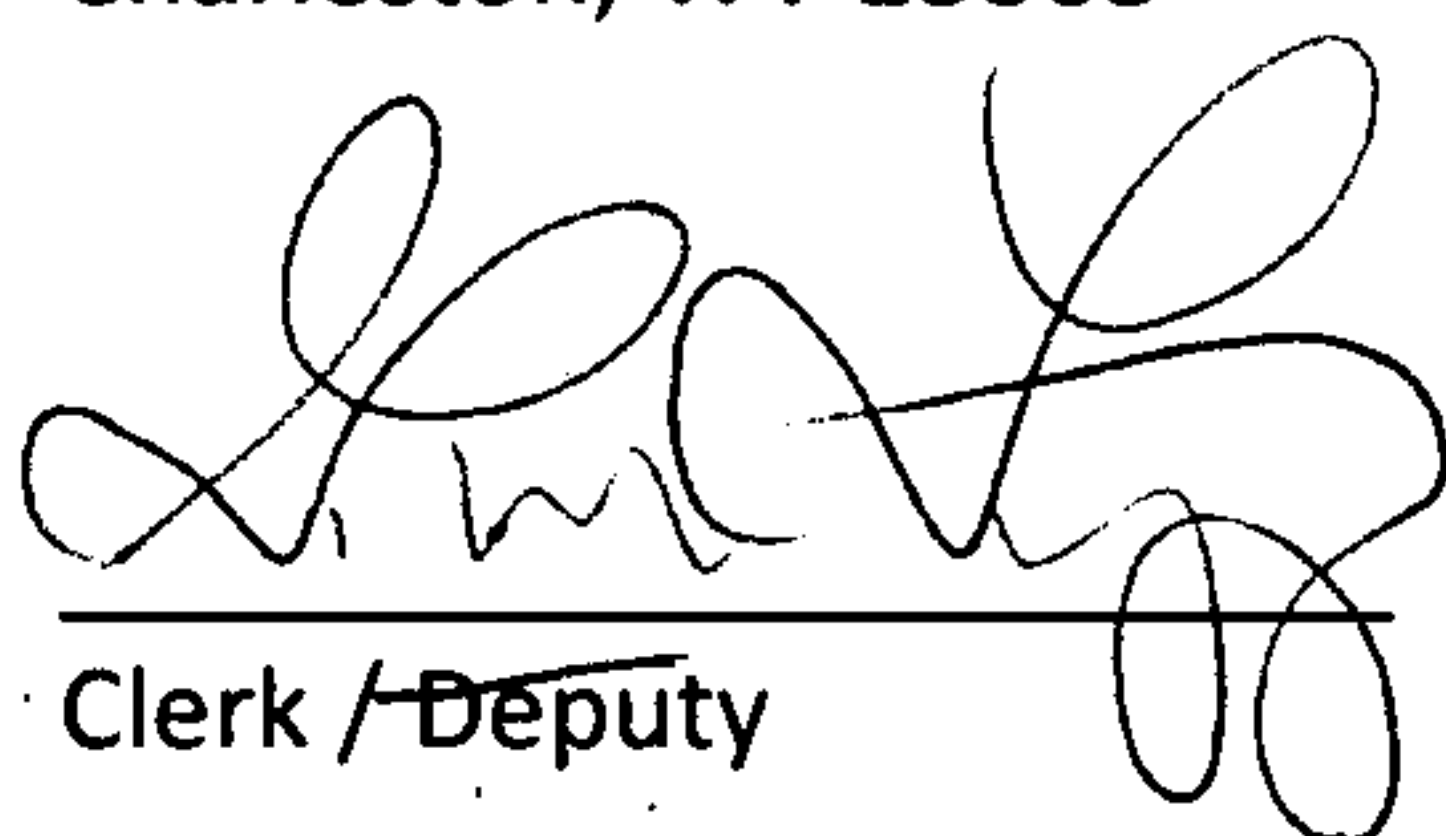
8/15/17 - copies mailed to:

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Clerk / Deputy