

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

WINE AND BEVERAGE MERCHANTS  
OF WEST VIRGINIA, INC.;  
ATOMIC DISTRIBUTING COMPANY;  
BEVERAGE DISTRIBUTORS, INC;  
J.C. DISTRIBUTING COMPANY LLC;  
PHILLIP JAY SHIFFLETT;  
JO'S GLOBE DISTRIBUTING COMPANY; and  
MARTIN DISTRIBUTING COMPANY,

Plaintiffs,

v.

Civil Action No. 17-C-91  
Presiding: Judge Young  
Resolution: Judge Farrell

MOUNTAIN STATE BEVERAGE, INC.;  
MOUNTAIN EAGLE, INC.;  
NORTHERN EAGLE, INC.;  
WILLIAM J. RUCKER, JR.;  
SCOTT PARKES; and  
JOHNSON BROTHERS LIQUOR COMPANY,

Defendants.

**ORDER**

On November 7, 2017, the Court conducted a telephonic status conference in this matter. The plaintiffs were represented by their counsel, Eric Snyder and Steven Ruby. The defendants were represented by their counsel, Robert D'Anniballe and William Pietragallo. The Wine Group and Sutter Home Winery, who have filed motions to quash or modify discovery subpoenas, were also present through their counsel, Patrick Timony. For the reasons discussed during the status conference, it is **ORDERED** as follows:

1. The parties agree that a hearing is not necessary in order to resolve defendants' motion to stay discovery. Defendants are directed to file any reply in support of their motion to stay

discovery no later than **12:00 p.m. on November 13, 2017**. The Court anticipates resolving the motion to stay discovery shortly thereafter.

2. A hearing on defendants' motion to dismiss shall be held at **12:00 p.m. on Wednesday, November 29, 2017**, in **Ohio County Circuit Court**. Plaintiffs shall file any response to defendants' motion to dismiss no later than **November 20, 2017**. Defendants shall file any reply no later than **Sunday, November 26, 2017**.
3. At the November 29 hearing, the parties shall be prepared to discuss schedules for discovery and for trial, as well as any anticipated issues concerning electronically stored information, third-party discovery, and any other anticipated discovery issues which might benefit from early involvement by the Court.
4. To the extent that The Wine Group and Sutter Home Winery's objections to discovery have not been resolved, their outstanding discovery objections may also be heard on November 29.
5. Although the parties are still required to comply with all applicable filing requirements, the submissions contemplated by this order will be considered timely if submitted by email on the filing deadline to [Diana.Fields@wvcourts.gov](mailto:Diana.Fields@wvcourts.gov).

It is so **ORDERED**.

ENTER: this 7 day of November, 2017.

  
HONORABLE JAMES H. YOUNG, JR.

**A TRUE COPY**

**Attests**

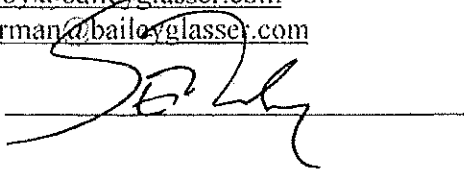
  
Clerk, Circuit Court, Hancock County

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**Deputy**

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By

Robert J. D'Anniballe, Jr. *by permission*  
SRR

***Wine and Beverage Merchants of WV, Inc., et al. vs. Mountain State Beverage, Inc., et al.,  
Business Court Case, Civil Action No. 17-C-91, Hancock County***

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***Resolution Judge:***

***Honorable Paul T. Farrell  
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