

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

FILED

2018 MAY 21 AM 10:00

CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

STATE OF WEST VIRGINIA, ex rel.
PATRICK MORRISEY, ATTORNEY
GENERAL, and PAUL A. MATTOX, JR. IN
HIS OFFICIAL CAPACITY AS SECRETARY
OF TRANSPORTATION AND COMMISSIONER
OF HIGHWAYS, WEST VIRGINIA DEPARTMENT
OF TRANSPORTATION,

Plaintiff,

vs.

CIVIL ACTION NO. 17-C-41
PRESIDING JUDGE: JAMES H. YOUNG, JR.
RESOLUTION JUDGE: CHRISTOPHER WILKES

CRH, PLC; OLDCASTLE, INC.;
OLDCASTLE MATERIALS, INC.;
WEST VIRGINIA PAVING, INC.;
SOUTHERN WEST VIRGINIA PAVING, INC.;
SOUTHERN WEST VIRGINIA ASPHALT, INC.;
KELLY PAVING, INC.; CAMDEN MATERIALS, LLC;
AMERICAN ASPHALT & AGGREGATE, INC.;
AMERICAN ASPHALT OF WEST VIRGINIA, LLC;
BLACKTOP INDUSTRIES AND EQUIPMENT COMPANY,

Defendants.

AND

CITY OF CHARLESTON,
And all others situated similarly, et al.

Plaintiffs,

vs.

CIVIL ACTION NO. 16-C-1552
(Consolidated with 16-C-661-B-Raleigh;
16-C-337-DS-Mercer; 16-C-425-Wood;
16-C-1598-Kanawha; 16-C-666-Cabell)

WEST VIRGINIA PAVING, INC., et al.

Defendants.

ORDER

On May 15, 2018, the Court conducted a telephonic status conference to discuss scheduling in the above-styled matter. There appeared Douglas Davis, Assistant Attorney General; Benjamin Bailey, Isaac Foreman, Michael Hissam and Zak Ritchie, attorneys for the Plaintiffs; Michael Farrell, attorney for Kelly Paving, Inc.; Charles Johnstone, II and David Dobson, attorneys for American Asphalt and Aggregate, Inc., American Asphalt of West Virginia, LLC and Blacktop Industries and Equipment Company; Booth Goodwin, attorney for Oldcastle, Inc, Oldcastle Materials, Inc., West Virginia Paving, Inc., Southern West Virginia Paving, Inc., Southern West Virginia Asphalt, Inc. and Camden Materials, LLC.

Thereupon, the parties agreed to the following briefing schedule in regards to any Motions to Dismiss for Jurisdiction:

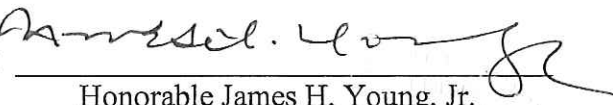
1. Any Motions to Dismiss for Jurisdiction shall be filed and briefed by **May 25, 2018**;
2. Responses to the briefs shall be filed by **June 1, 2018**;
3. Any Rebuttals to the Responses shall be filed by **June 8, 2018**.

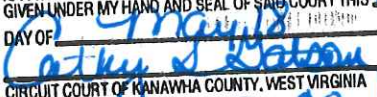

It is further **ORDERED** that the pretrial in this matter shall be held on **June 28, 2018, at 9:00 a.m., in Wayne County.**

All, accordingly, which is **ORDERED** and **DECREED**.

Enter this 18 day of May, 2018.

ORDER
ENTER:


Honorable James H. Young, Jr.

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 21
DAY OF May, 2018.
 CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA


State of WV, ex rel. Patrick Morrissey, Attorney General, et al vs. Oldcastle, Inc., et al. and City of Charleston, et al. vs. West Virginia Paving, Inc., et al., Business Court Case, Civil Action No. 17-C-41, Kanawha County

Beverly Selby, Kanawha Co. Administrator
Phone: 304-357-0369

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Resolution Judge:

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