

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

2019 OCT 21 AM 9:13

**STATE OF WEST VIRGINIA, ex rel.
PATRICK MORRISEY,
ATTORNEY GENERAL, et al.,**

CATHY S. GALT, CLERK
KANAWHA COUNTY CIRCUIT COURT

Plaintiffs,

v.

**Civil Action No.: 17-C-41
James H. Young, Presiding Judge**

CRH, plc, et al.

Defendants.

AMENDED SCHEDULING ORDER

This matter came before the Court for a status conference on October 8, 2019. The Court is of the opinion that due to the circumstances surrounding discovery that the current Scheduling Order needs to be amended to protect the interests of all parties.

Accordingly, it is hereby ORDERED that the deadlines set forth in the Scheduling Order entered July 31, 2018, are hereby vacated and that the following schedule is established:

Close of Fact Discovery	December 20, 2019
Completion of Expert Depositions	December 20, 2019
Dispositive Motions	January 6, 2020
Responses to Dispositive Motions	January 20, 2020
Replies to Responses to Dispositive Motions	January 30, 2020
Hearing on Dispositive Motions	February 6, 2020
Final Witness Lists Exchanged	March 9, 2020
Motions <i>in Limine</i>	March 20, 2020
Mediation Deadline	April 3, 2020

The Court finds that this is an appropriate case or mediation or alternative dispute resolution. Therefore, pursuant to Rule 25 of the West Virginia Trial Court Rules, this case is referred to mediation or other form of resolution agreed to by the parties. By order of this Court, mediation or other form of dispute resolution shall be conducted by the Honorable Christopher Wilkes as Resolution Judge.

Pre-Trial Conference Memoranda

March 30, 2020

The pretrial memoranda are to contain, at a minimum, the following:

1. Statement of the Case
2. Issues of Fact
3. Issues of Law
4. Proposed Stipulations
5. Schedule of Exhibits
6. List of Witnesses
7. Pending Motions
8. Motions *in Limine*
9. All Proposed Instructions of Law (Electronic as well as hard copy shall be provided to the Court)
10. Proposed Voir Dire

Schedule of Exhibits

The parties shall exchange a list of all proposed exhibits (including demonstrative) and shall make exhibits available for viewing by counsel at least 5 days prior to the pre-trial conference. By the time of the pre-trial conference counsel shall have stipulated as to which exhibits shall be admitted without objection and provide a list to the Court and Clerk. The parties shall mark all exhibits by use of standard exhibit stickers and provide a list to the Court and counsel.

Video Deposition to be used at Trial

If a video deposition is to be used, all parties must be prepared to argue objections at the pre-trial conference. Thereafter, the proponent of the video deposition shall have the video edited to reflect the Court's rulings.

Jury Instructions

The parties are to exchange proposed jury instructions ten business days prior to the pre-trial conference. The Court desires that all counsel read all parties proposed jury instructions prior to the conference and be prepared to discuss them at the conference. The Court will not be inclined to receive instructions after the pre-trial conference.

Pre-Trial Conference

April 6, 2020

Trial

April 27, 2020

Sanctions: In accordance with WVRCP 16(f), the Court may impose the full spectrum of sanctions authorized by the WVRCP if a party or party's counsel fails to obey this order or other orders of this Court including exclusion of evidence and granting default for failure to comply.

Unless Authorized by Court Order, the above dates are final. No additional evidence developed as a result of deviations from the above schedule will be admissible at trial unless justice requires.

It is further ORDERED that the Court will conduct a status conference on November 7, 2019, at 10 a.m.

The Clerk shall serve a certified copy of this Order to all parties of record.

IT IS SO ORDERED.

Enter: 10/18/19


James H. Young, Jr., Circuit Judge

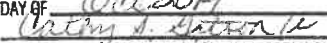
Prepared and agreed to by:



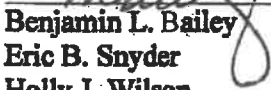
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STATE OF WEST VIRGINIA
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I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 21
DAY OF Oct 2019
 CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

Read and agreed to by:

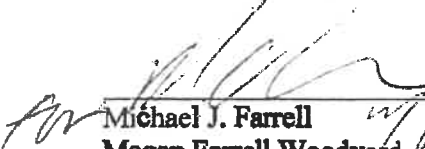

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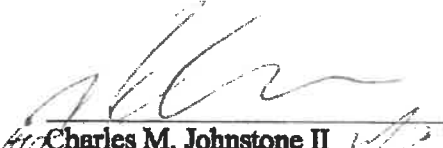
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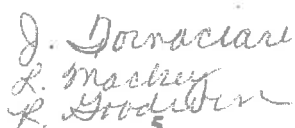
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and American Asphalt of West Virginia, LLC.

Date: 10/21/19
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Deputy Circuit Clerk

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