

STATE OF WEST VIRGINIA

FILED  
2020 MAR -2 PM 12:18

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on February 26, 2020, the following order was made and entered:

State of West Virginia ex rel.  
National Union Fire Insurance Company  
of Pittsburgh, PA, et al.,  
Petitioners

vs.) No. 19-0978

Honorable David W. Hummel, Jr., Judge of the  
Circuit Court of Marshall County;  
Axiall Corporation, and  
Westlake Chemical Corporation,  
Respondents

### ORDER

On February 25, 2020, the petitioners, National Union Fire Insurance Company of Pittsburgh, PA, et al., by counsel, Debra Tedeschi Varner and James A. Varner, Sr., Varner & Van Volkenburg PLLC; and Myles A. Parker and Alexandra F. Markov, Carroll Warren & Parker PLLC; and the respondents, Axiall Corporation and Westlake Chemical Corporation, by counsel, Jeffrey V. Kessler, Berry, Kessler, Crutchfield, Taylor & Gordon; and Travis L. Brannon, Thomas C. Ryan, John M. Sylvester, Paul C. Fuener, and David R. Osipovich, K&L Gates LLP, filed an agreed motion to partially lift stay for limited discovery purposes.

Upon consideration, the Court is of the opinion to and does hereby grant the motion. It is therefore ordered that the stay of proceedings in the Circuit Court of Marshall County, Marshall County Civil Action No. 19-C-59 shall be, and hereby is, partially lifted to allow limited discovery proceedings to move forward in the trial court only with respect to Westlake's Declaratory Judgment and Breach of Contract Claims, Counts I and II of Westlake's Complaint.

A True Copy

Attest: /s/ Edythe Nash Gaiser  
Clerk of Court

