

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

BB LAND, LLC, a West Virginia Company,  
and JB EXPLORATION 1, LLC, a  
West Virginia Company,

Plaintiffs,

vs.

Civil Action No.: 18-C-2  
Presiding: Judge Lorensen  
Resolution: Judge Carl

BLACKROCK ENTERPRISES, LLC,  
a West Virginia Company, and  
MICHAEL L. BENEDUM,

Defendants.

**FILED IN OFFICE**

MAR 13 2020

MILLIE FARNSWORTH  
CIRCUIT COURT CLERK  
PLEASANTS CO WV

**ORDER SETTING TRIAL AND PRETRIAL DATES AND PRETRIAL DEADLINES**

This matter came before the Court this 3<sup>rd</sup> day of March 2020. Whereas, on February 28, 2020, the Court held the second pretrial conference in this civil action. On that day, came Plaintiffs, by counsel, and Defendants, by counsel. At the pretrial conference, the parties discussed rescheduling the trial and final pretrial conference dates in this matter. For reasons appearing to the Court, the Court ORDERED:

1. The trial in this matter shall be held **June 9, 2020** at 9:00 a.m. at the Pleasants County Courthouse, 301 Court Lane, St. Mary's West Virginia. The trial is expected to take nine (9) trial days.

2. The final Pre-Trial Conference in this matter is set for **June 5, 2020** at 10:00 a.m. at the Pleasants County Courthouse, 301 Court Lane, St. Mary's West Virginia.
3. Further, on a previous day, the Court granted the parties' agreed Joint Motion to Continue Pretrial Deadlines.
4. At this time, with the setting of new trial and pretrial dates, the Court ORDERS the following pretrial deadlines:
5. The pretrial memorandum is to be filed no later than seven (7) days before the final pretrial conference. The memoranda must set forth 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  
(Disk as well as hard copy shall be provided to the Court.)
  10. Requested *voir dire*
6. Schedule of Exhibits: The parties shall file and exchange a list of all proposed exhibits (including demonstrative) and shall make the exhibits available for viewing by counsel no later than 14 days prior to the final pre-trial conference. Exhibits shall be individually identified and given a unique identifying number. General designations such as "Records from Doctor Jones" are not sufficient. The parties shall mark all exhibits by use of standard exhibit stickers and provide a list to the Court and to counsel. Failure to properly identify, mark or provide an exhibit is grounds for exclusion of the exhibit at trial.
7. Video depositions: If a video deposition is to be used, all parties must be prepared to argue objections at the final pre-trial conference. Thereafter, the proponent of the

video deposition shall have the video edited to reflect the court's rulings. In addition, the proponent of the video deposition must have a videographer at trial.

8. Jury Instructions: Counsel should be prepared to discuss jury instructions at the final pre-trial conference. Late instructions will be considered only if justified by good cause.
9. The dates set by the court are final and may be modified only upon written motion, a statement as to whether the modification is agreed to or not and by order of the court. Any party requesting a hearing must furnish the court with three dates for which all counsel and self-represented parties are available or set forth what efforts were exercised to obtain such dates. While agreements among counsel or self-represented parties regarding any matter pertaining to the case are encouraged, these agreements are not binding on the court unless confirmed by order. No additional evidence developed as a result of deviations from the above schedule will be admissible at trial unless justice requires. Any party seeking a continuance must do so in writing.
10. The Clerk is directed to enter this Order as of the date first hereinabove appearing, and send attested copies to all counsel of record, as well as to the Business Court Central Office at Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401.

ENTERED this 3<sup>rd</sup> day of March 2020.



JUDGE MICHAEL D. LORENSEN  
JUDGE OF THE WEST VIRGINIA  
BUSINESS COURT DIVISION

STATE OF WEST VIRGINIA  
**TWENTY-THIRD JUDICIAL CIRCUIT**  
BERKELEY, JEFFERSON AND MORGAN COUNTIES  
BERKELEY COUNTY COURTHOUSE  
380 W. SOUTH STREET, SUITE 4402  
MARTINSBURG, WV 25401

MICHAEL D. LORENSEN, JUDGE

TELEPHONE (304) 267-1340  
FACSIMILE (304) 267-1341

**FAX COVER SHEET**

To: Pleasants County Circuit Clerk  
(304) 684-3514

From: Janet Fink (Janet.Fink@courtswv.gov)

Date: March 13, 2020

Re: Civil Action No. 18-C-2 BCD  
BB Land, LLC, et al. v. Blackrock Enterprises, LLC, et al.

No. of Pages including cover sheet: 4

Attached is the signed Order Setting Trial and Pretrial Dates and Pretrial Deadlines for filing in the above-referenced action.

Please email me a date-stamped copy for our file. Thank you.

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