

**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.

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

Defendants.

FILED IN OFFICE

JUN 08 2020

**MILLIE FARNSWORTH
CIRCUIT COURT CLERK
PLEASANTS COUNTY**

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

DAY ORDER FROM JUNE 5, 2020 STATUS HEARING

CAME the parties, in a Status Hearing held via Skype for Business, on June 5, 2020, commencing at 11:00 a.m.

Charles R. Bailey, Esq., Geoffrey Bracken, Esq., and Vi Tran, Esq. appeared for the Plaintiffs and Third-Party Defendants. Brian R. Swiger, Esq. and Vivian H. Basdekis, Esq. appeared for the Defendants.

1. Conference was had regarding the trial dates in this matter. Counsel represented that the parties would parties would confer regarding multiple two-week options for trial amenable to all counsel and parties' schedules, and, upon determination of those date options, conference would be had with the Pleasants County Circuit Clerk and Judge Sweeney to determine courtroom availability, and with the undersigned to coordinate with his circuit court docket availability.

2. Regarding pending motions, the undersigned first informed the parties that he had entered an order regarding Third-Party Defendants' Motion to Dismiss Randy Broda From the Lawsuit the previous day, June 4, 2020. Indeed, a review of the court file reveals the Circuit Clerk has entered said Order in the case file for the instant civil action on June 4, 2020.

3. The undersigned next took up the pending Motion for Leave to File Exhibits Under Seal, as well as the multiple competing proposed order the undersigned has received regarding the issue. Ms. Vi Tran proffered which confidential documents, which are provider agreements, are still at issue, naming five (5) documents.

4. The undersigned clarified his ruling from the prior pretrial hearing in this matter regarding this issue and ruled that the documents were discoverable under Rule 26 of the West Virginia Rules of Civil Procedure, but were subject to the confidentiality agreement and the agreed protective order in place, due to their confidential nature. Mr. Bailey averred that he would draft an Order reflecting the same, and would circulate it to Mr. Swiger. Upon agreement, the proposed Order will be submitted to the undersigned.

5. The undersigned next took up the pending two motions for sanctions, both which were filed May 7, 2020 in the instant civil action. The Court addressed the fact that it was not provided with exhibits to one of the motions for sanctions that were under seal. Counsel will provide those exhibits to the Judge's chambers. The Court also set a briefing schedule for both motions for sanctions. Responses are due in ten (10) working days from June 5, 2020, and Replies are due ten (10) days after that.

6. Finally, conference was had regarding Plaintiffs' and Third-Party Defendants' Motion for Admission *Pro Hac Vice* of Rhonda Weiner, filed May 28, 2020. The Court stated it will review said motion and rule upon it directly.

7. The Status Hearing was then adjourned.

The Clerk shall enter the foregoing and forward attested copies hereof to all counsel, and to the Business Court Central Office at Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401.

ENTERED this 5 day of June 2020.



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