

2020 JUL 11
IN THE CIRCUIT COURT OF MARSHALL COUNTY, WEST VIRGINIA
BUSINESS COURT DIVISION

AXIALL CORPORATION and
WESTLAKE CHEMICAL CORPORATION,

Plaintiffs,

vs.

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA.; ALLIANZ
GLOBAL RISKS US INSURANCE COMPANY;
ACE AMERICAN INSURANCE COMPANY;
ZURICH AMERICAN INSURANCE COMPANY;
GREAT LAKES INSURANCE SE; XL
INSURANCE AMERICA, INC.; GENERAL
SECURITY INDEMNITY COMPANY OF
ARIZONA; ASPEN INSURANCE UK LIMITED;
NAVIGATORS MANAGEMENT
COMPANY, INC.; IRONSHORE SPECIALTY
INSURANCE COMPANY; VALIDUS
SPECIALTY UNDERWRITING SERVICES,
INC.; and HDI-GERLING AMERICA
INSURANCE COMPANY,

Defendants.

Civil Action No. 19-C-59

Judge Christopher C. Wilkes

**AGREED-TO ORDER ALLOWING LOCAL COUNSEL TO APPEAR BY
TELEPHONE OR OTHER ELECTRONIC MEANS AT DEPOSITIONS**

On a previous day, the parties to this action, by and through counsel, pursuant to West Virginia Trial Court Rule 24.01, submitted this agreed-to order seeking to permit the attendance of local counsel at depositions by telephone or other electronic means.

Rule 8(b) of the West Virginia Rules for Admission to Practice Law requires that local counsel "who maintain an actual physical office equipped to conduct the practice of law in the State of West Virginia" must "attend the taking of depositions. . . . unless the presiding judge permits local counsel to appear by telephone or other electronic means."

This case will likely involve numerous depositions across the United States and, potentially, internationally, which may make it difficult for local counsel to attend every deposition in-person. Additionally, the current international crisis involving the COVID-19 pandemic and

the related uncertainties may further limit travel or require depositions to be conducted via telephone or other electronic means.

Accordingly, pursuant to Rule 8(b) of the West Virginia Rules for Admission to Practice Law, it is **ORDERED** that local counsel for all parties to this action are permitted to appear at depositions by telephone or other electronic means as necessary. The Clerk shall enter the foregoing and forward attested copies hereof to all counsel.

ENTER: June 11, 2020

The Honorable Christopher C. Wilkes

Prepared and agreed-to by:

Dated: June 10, 2020


Jeffrey V. Fessler, Esq. (WV State Bar # 2026)
Bery, Kessler, Crutchfield, Taylor & Gordon
517 Highland
Moundsville, WV 26041
Telephone: (304) 845-2580
Facsimile: (304) 845-9055

-and-

John M. Sylvester, Esq. (admitted pro hac vice)
Paul C. Fuener, Esq. (admitted pro hac vice)
David R. Osipovich, Esq. (admitted pro hac vice)
Sarah M. Cypinski, Esq. (admitted pro hac vice)
Thomas C. Ryan, Esq. (WV State Bar # 9823)
Travis L. Braumton, Esq. (WV State Bar # 12504)
K&L Gates LLP
K&L Gates Center
210 Sixth Avenue
Pittsburgh, PA 15222
Telephone: (412) 355-6500
Facsimile: (412) 355-6501

Attorneys for Plaintiffs Axtall Corporation and
Westlake Chemical Corporation

Dated: June 10, 2020


James A. Varner, Sr., Esq. (WV State Bar # 3853)
Debra Tedeschi Varner, Esq. (WV State Bar # 6501)
Varner & Van Volkenburg PLLC
360 Washington Avenue
Charleston, WV 26301
Telephone: (304) 918-2840
Facsimile: (304) 566-1161

-and-

Myles A. Parker, Esq. (admitted pro hac vice)
Alexandra F. Markov, Esq. (admitted pro hac vice)
Justin M. Sumrall, Esq. (admitted pro hac vice)
Erin D. Guyton, Esq. (admitted pro hac vice)
Carroll Warren & Parker PLLC
188 East Capitol Street, Suite 1200
Jackson, MS 39201
Telephone: (601) 592-1010
Facsimile: (601) 592-6060

Attorneys for Defendants National Union Fire
Insurance Company of Pittsburgh, Pa.; Allianz
Global Risks US Insurance Company; ACE
American Insurance Company; Zurich American
Insurance Company; Great Lakes Insurance SE;
XL Insurance America, Inc.; General Security
Indemnity Company of Arizona; Aspen Insurance
UK Limited; Navigators Management Company,
Inc.; Ironshore Specialty Insurance Company;
Validus Specialty Underwriting Services, Inc.; and
HDI-Georing American Insurance Company