

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

**FILED**

2020 JUN 26 AM 9:12

CLERK  
KANAWHA COUNTY CIRCUIT COURT

**STATE OF WEST VIRGINIA, ex rel.  
PATRICK MORRISEY, ATTORNEY  
GENERAL, and PAUL A. MATTOX, JR. IN  
HIS OFFICIAL CAPACITY AS SECRETARY  
OF TRANSPORTATION AND COMMISSIONER  
OF HIGHWAYS, WEST VIRGINIA DEPARTMENT  
OF TRANSPORTATION,**

**Plaintiff,**

**vs.**

**CIVIL ACTION NO. 17-C-41  
PRESIDING JUDGE: JAMES H. YOUNG, JR.  
RESOLUTION JUDGE: CHRISTOPHER WILKES**

**CRH, PLC; OLDCASTLE, INC.;  
OLDCASTLE MATERIALS, INC.;  
WEST VIRGINIA PAVING, INC;  
SOUTHERN WEST VIRGINIA PAVING, INC.;  
SOUTHERN WEST VIRGINIA ASPHALT, INC.;  
KELLY PAVING, INC.; CAMDEN MATERIALS, LLC;  
AMERICAN ASPHALT & AGGREGATE, INC.;  
AMERICAN ASPHALT OF WEST VIRGINIA, LLC;  
BLACKTOP INDUSTRIES AND EQUIPMENT COMPANY,**

**Defendants.**

**AND**

**CITY OF CHARLESTON,  
And all others situated similarly, et al.**

**Plaintiffs,**

**vs.**

**CIVIL ACTION NO. 16-C-1552  
(Consolidated with 16-C-661-B-Raleigh;  
16-C-337-DS-Mercer; 16-C-425-Wood;  
16-C-1598-Kanawha; 16-C-666-Cabell)**

**WEST VIRGINIA PAVING, INC., et al.**

**Defendants.**

882-883

### **ORDER RESETTING TIMEFRAMES AND TRIAL DATE**

On this day, the Court, being advised that due to COVID-19 Coronavirus Public Health Crisis, this matter cannot be heard on its trial date of August 3, 2020 in Kanawha County Circuit Court, and it being necessary to reschedule this matter to a later time and different location, the Court is of the opinion to do so.

Therefore, it is hereby **ORDERED** as follows:

1. A Schedule of Exhibits shall be filed by August 14, 2020;
2. All Motions in Limine concerning experts shall be filed by July 20, 2020;
3. All Responses to Motions in Limine concerning experts shall be filed by July 24, 2020;
4. Any Replies to Motions in Limine concerning experts shall be filed by July 31, 2020;
5. All video depositions to be used at trial shall be disclosed by August 14, 2020;
6. All other Motions in Limine shall be filed by August 3, 2020;
7. Any Motions in Limine concerning experts shall be heard on **August 3, 2020 at 10:00 a.m.**;
8. Responses in Opposition to all other Motions in Limine shall be filed by August 31, 2020;
9. The mediation deadline for this matter is now July 17, 2020;
10. All pre-trial memoranda and jury instructions shall be filed by August 31, 2020;
11. A pretrial hearing shall be held in this matter on **September 28, 2020, at 10:00 a.m.**;
12. This matter shall come before this Court for Trial on **October 19, 2020, at 9:00 a.m. at the Cabell County Courthouse.**

All, accordingly which is **ORDERED** and **DECREED**.

Entered this 24<sup>th</sup> day of June, 2020.

ORDER  
ENTER:

James H. Young, Jr.  
Honorable James H. Young, Jr.

STATE OF WEST VIRGINIA  
COUNTY OF KANAWHA, SS  
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 26  
DAY OF June 2020  
Cathy S. Gatson CLERK  
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

Date: 6/26/2020  
Certified copies sent to:  
☒ counsel of record  
☒ parties  
☒ other (please indicate)  
By: ☒ certified/1st class mail  
☐ fax  
☐ hand delivery  
☐ interdepartmental  
Other directives accomplished:  
R. Allen  
Deputy Circuit Clerk

Bus Co  
C. Johnstone II  
J. Wilson  
M. Garrell  
J. Gornaciari  
L. Mackey  
R. Goodwin  
J. Dunn  
A. Davis  
S. Travis  
M. Kussam  
B. Bailey