

FILED

2021 MAR 23 AM 9:16

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

JOSEPH M. RUCK

AXIAL 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

ORDER REGARDING PROCEDURE FOR DISCOVERY DISPUTES

As an initial matter, the Court notes that all discovery disputes have been referred to the Discovery Commissioner pursuant to the *Order Referring All Discovery Disputes to Discovery Commissioner* entered on March 24, 2021. To ensure continuity and timely review of Discovery Disputes, the Court **ORDERS** the following procedures shall apply:

1. The parties shall meet and confer in a good faith effort to resolve the dispute.
2. If the dispute is not resolved and a discovery motion is filed by a party:

a. A written response in opposition to the motion shall be filed **no later than fifteen (15) business days** after submission of the motion; and

b. Any written reply in further support of the motion shall be filed **no later than seven (7) business days** after submission of the written opposition to the motion.

c. Each party shall submit a proposed order within findings of fact and conclusions of law to the Discovery Commissioner. The moving party shall submit its Order with the filing of the motion. The responding party shall submit its Order with the filing of its response. All proposed orders shall be submitted in Word form.

All papers shall be submitted to Discovery Commissioner Russell M. Clawges, Jr. and served by email upon all counsel. Upon completion of the briefing schedule set out above, the moving party shall provide hard copies of all submissions by overnight mail or courier to: Russell M. Clawges, Jr. To the extent that electronic exhibits to the motion and/or briefing papers are voluminous, the moving party will seek direction from the Discovery Commissioner regarding the need for such voluminous exhibits to be provided in hard copy.

The Discovery Commissioner will notify the parties if he would like oral argument on any motion. In such case, the moving party shall arrange for a court reporter and for any hearing (telephonic or otherwise) to be recorded and later transcribed.

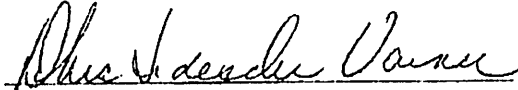
A copy of this Order has this day been electronically served on all counsel of record, and forwarded by U.S. Mail to Discovery Commissioner Russell M. Clawges, Jr.

It is so **ORDERED**.

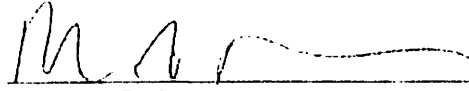
ENTER:

Honorable Christopher C. Wilkes

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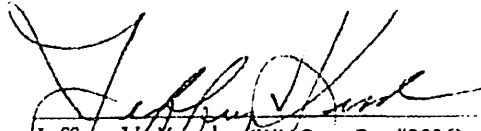


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ORDER REGARDING PROCEDURE FOR DISCOVERY DISPUTES

Axiell Corp., et al. v. National Union, et al.

Circuit Court of Marshall County - Business Court Division -- Civil Action No. 19-C-59