

FILED

2021 MAR 21 AM 9:58  
IN THE CIRCUIT COURT OF MARSHALL COUNTY, WEST VIRGINIA  
BUSINESS COURT DIVISION

JOSEPH M. FLICK

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

**ORDER REGARDING PROCEDURE  
FOR THIRD-PARTY 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 22, 2021. To ensure continuity and timely review of Discovery Disputes involving third parties, the Court ORDERS the following procedures shall apply:

1. The interested parties shall meet and confer in a good faith effort to resolve the dispute.

2. If the dispute is not resolved:

a. A written response in opposition to the motion shall be filed no later than seven (7) business days after submission of the motion; and

b. Any written reply in further support of the motion shall be filed no later than four (4) business days after submission of the written opposition to the motion.

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.

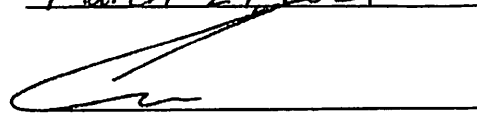
The Discovery Commissioner will notify the parties if he would like oral argument on any motion. In such case, the moving party shall arrange for a court reporter and for any telephonic hearing to be recorded and later transcribed.

It shall be the responsibility of the party seeking information from the third party to inform them of this procedure.

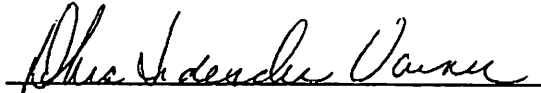
A copy of this Order has this day been electronically served on all counsel of record, and forwarded by U.S. Mail to Discovery Commissioner Russell M. Clawges, Jr.

It is so **ORDERED**.

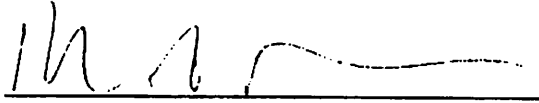
ENTER:

March 24, 2021  
  
Honorable Christopher C. Wilkes

PREPARED AND SUBMITTED BY:



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