

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on January 19, 2023, the following order was made and entered:

National Union Fire Insurance of Pittsburgh,
PA, et al.,
Defendants Below, Petitioners

vs.) No. 21-1016

Westlake Chemical Corporation, et al.,
Plaintiffs Below, Respondents

ORDER

On September 2, 2022, the petitioners National Union Fire Insurance of Pittsburgh, PA, et al., by counsel Jeffrey M. Wakefield, Flaherty Sensabaugh Bonasso, PLLC, and Debra Tedeschi Varner and James A Varner, Sr., Varner & Van Volkenburg, PLLC., and the respondents Westlake Chemical Corporation, et al., by counsel Jeffrey V. Kessler, Berry, Kessler, Crutchfield, Taylor & Gordon, and John M. Sylvester, Paul C. Fuener, David R. Osipovich, Thomas C. Ryan, and Travis L. Brannon, K&L Gates LLP, filed a joint motion for leave to remand this matter to the Circuit Court of Marshall County, Business Court Division, for consideration of a motion pending before that court filed under Rule 59 of the Rules of Civil Procedure.

Upon consideration and review on January 12, 2023, the Court is of the opinion to, and does, grant the motion. Justice Hutchison would refuse to grant the motion. It is ORDERED that this matter be remanded to the Circuit Court of Marshall County, Business Court Division, for the limited purpose of consideration of the pending Rule 59 motion.

The Business Court Executive Director is directed to transmit a copy of the order entered on the Rule 59 motion to the Clerk of this Court upon the order's entry. This matter is held in abeyance until further order.

The Clerk of Court is directed to send a copy of this order to counsel of record, the Clerk of the Circuit Court of Marshall County, and Carol Miller, the Business Court Executive Director.

A True Copy

Attest: /s/ Edythe Nash Gaiser
Clerk of Court

