

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

DEBRA BISHOP, as Executor of the Estate of Dallas
Runyon, and DAVID E. RUNYON,

Plaintiffs,

vs.

Civil Action No.: 17-C-108
Presiding: Judge Akers
Resolution: Judge Wilkes

CITIZENS TELECOMMUNICATIONS
COMPANY OF WEST VIRGINIA,
FRONTIER WEST VIRGINIA, INC., and
APPALACHIAN POWER COMPANY,

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION TO EXCLUDE THE TESTIMONY
OF A CORPORATE REPRESENTATIVE FROM P&A ENGINEERS AND
CONSULTANTS, CHARLES "CHUCK" MEADOWS**

On this 2nd day of June 2023, came the Court upon Plaintiff's Motion to
Exclude the Testimony of a Corporate Representative From P&A Engineers and
Consultants, Charles "Chuck" Meadows.

The Court considers the fact that Plaintiffs themselves identified a P & A
representative as their own trial witness in their witness list submissions to the Court
January 3, 2022 and March 27, 2023, and considers the fact that Defendant Frontier
reserved the right to call anyone on Plaintiff's witness list. The Court further considers
the fact that both Plaintiff and Defendant were preparing to call Mr. Meadows live at the
trial in this matter set for April 2023. The Court considers the fact that Mr. Meadows had
scheduling issues with the June 2023 Trial date due to knee surgery and the parties'
apparent disagreement on making the witness available for video deposition. The Court

finds that this issue would now be moot, due to the continuance of the trial in this matter. There will be simply no risk of "trial by ambush". See *McDougal v. McCammon*, 193 W. Va. 229, 237, 455 S.E.2d 788, 796 (1995).

Accordingly, the Court finds Plaintiff's Motion must be DENIED.

It is hereby ADJUDGED AND ORDERED that Plaintiff's Motion to Exclude the Testimony of a Corporate Representative From P&A Engineers and Consultants, Charles "Chuck" Meadows is hereby DENIED. The Court notes the objections and exceptions of the parties to any adverse ruling herein. The Court directs the Circuit Clerk to distribute attested copies of this order to all counsel of record, and to the Business Court Central Office at West Virginia Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401.

Enter: June 2, 2023



MARYCLAIRE AKERS, JUDGE
BUSINESS COURT DIVISION