

IN THE CIRCUIT COURT OF MONONGALIA COUNTY, WEST VIRGINIA
DIVISION II

THOMAS W. SMITH,
ELIZABETH ANNE SMITH,
RACHEL DICKHUT,
NANCY SMITH MCGREGOR,
MARY SMITH NELSON, and
ELIZABETH SMITH ARTHUR.

Plaintiffs,

v.

CASE NO.: 11-C-457
Judge Debra Scudiere

CHESTNUT RIDGE STORAGE LLC,

Defendant,

ORDER REGARDING VARIOUS MOTIONS

This matter came before the Court on October 28, 2019, on the motions described below and on the memoranda, responses, and replies of the parties in support of and in opposition to these motions. Defendant and counterclaim Plaintiff Chestnut Ridge Storage LLC appeared by its counsel Karen E. Kahle. Plaintiffs and counterclaim Defendants Thomas W. Smith, et al. appeared by their counsel Wade W. Massie.

For the reasons stated by the Court at the hearing, it is ORDERED that Chestnut Ridge Storage LLC's Motion for Summary Judgment on Liability is Denied.

It is further ORDERED that Chestnut Ridge Storage LLC's Motion for Declaratory Judgment is Denied. The Court finds that Chestnut Ridge Storage LLC is the sole judge as to when/whether strata are depleted and gas can be stored.

It is further ORDERED that the Smiths' Renewed Motion for Summary Judgment on the Counterclaim is Denied.

It is further ORDERED that the Smiths' Motion to Dismiss the Counterclaim is Denied.

It is further ORDERED that the Smiths' Motion to Strike Expert Disclosures is Denied.

Regarding the Smiths' Motion to Remove the Confidential Designation for Certain Documents, the Court instructed counsel for the parties to go through the documents together, one by one, to resolve the challenge to each one. Counsel were further instructed to inform the Court as to what progress they make.

This case is set for a trial by jury beginning November 17, 2020.

The parties preserve objections to all adverse rulings for the reasons stated in their memoranda and in argument at the hearing.

The Court directs the Clerk of the Circuit Court of Monongalia County to distribute certified copies of this order to the parties and/or counsel of record.

Enter November 8, 2019

Debra Scudiere
Debra Scudiere, Judge
17th Judicial Circuit, Division II.

Nov 8, 2019
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