

In the Circuit Court of Marshall County, West Virginia

COVESTRO, LLC,
Plaintiff,

v.

Case No. CC-25-2018-C-202
Judge Christopher C. Wilkes

AXIAL CORPORATION, ET AL,
ALLTRANSTEK LLC,
Superheat FGH Services, Inc.,
Defendants

**ORDER GRANTING COVESTRO'S MOTION FOR A STATUS CONFERENCE AND
DAY ORDER FROM SEPTEMBER 19, 2023 STATUS CONFERENCE**

CAME the Court upon Plaintiff Covestro LLC's Motion to Schedule Status Conference filed September 12, 2023. Finding good cause, the Court GRANTED said motion and set said status conference for September 19, 2023 at 11:30 a.m. via Zoom.

On September 19, 2023 at 11:30 a.m. a status conference was held via Zoom.

R. Booth Goodwin, II, Esq. and Jayme L. Butcher, Esq., appeared for Plaintiff Covestro LLC, Antoinette C. Oliver, Esq., William D. Wilmoth, Esq., Jeffrey V. Kessler, Esq., and Bradley M. Whalen, Esq., appeared for Defendant, Axial Corporation, and Michelle L. Gorman, Esq. appeared for Defendants AllTranstek, LLC and Rescar Companies.

1. Conference was held regarding administrative, logistical, and procedural matters for the upcoming pretrial conference and jury trial in this civil action. Specifically, conference was had regarding courtroom location, ongoing renovations at the Marshall County Courthouse, and courtroom technology.
2. Further, conference was had regarding pre-trial filings. With regard to motions *in limine*, the Court directed any responses to motions *in limine* to be filed five days after the filing of the motion *in limine*. Motions *in limine* will be argued at the pretrial conference.
3. Conference was had regarding stipulations and a joint instruction charge. Counsel will

submit their joint instructions, charge, factual stipulations, and stipulations to exhibits by October 12, 2023.

4. The parties agreed that the Pretrial Memorandum is due on October 2, 2023, as the December 22, 2022 Order directs the due date shall be ten days prior to the pretrial conference.
5. Conference was had regarding potential filings under seal. Counsel was directed to file a motion for leave to file under seal with the Circuit Clerk if needed.
6. Conference was had regarding the status of the Pennsylvania litigation affecting this civil action. Counsel averred the appeal is fully briefed and set for oral argument on October 4, 2023.
7. Conference was had regarding mediation. The undersigned ordered the parties to mediation.
8. The conference was then adjourned.

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: September 20, 2023

/s/ Christopher C. Wilkes
Circuit Court Judge
2nd Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit www.courtswv.gov/e-file/ for more details.