

FILED

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

2023 DEC 11 PM 4:36

EZRA SCHOOLCRAFT,

CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

Plaintiff,

v.

Civil Action No. 22-C-910

Presiding Judge: Joseph K. Reeder

Resolution Judge: Paul T. Farrell

JEFFREY ISNER and
PBC ENERGY, LLC,

Defendants.

ORDER GRANTING DEFENDANT'S MOTION TO MODIFY SCHEDULING ORDER

This matter came before the Court this 11 day of December 2023, upon Defendant Jeffrey Isner's Motion to Modify Scheduling Order. The Court has considered Plaintiff Ezra Schoolcraft's Opposition to Defendant's Motion to Modify Scheduling Order and Defendant's Reply in Support of Motion to Modify Scheduling. The parties indicated a hearing on the motion would not be necessary. The Court dispenses with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process. So, upon the full consideration of the issues, the record, and the pertinent legal authorities, the Court rules as follows.

The Court, after considering the deadlines the in the current Scheduling Order entered by the undersigned on May 15, 2023, the trial schedule of counsel for Defendant, the fact that no other continuances have been requested or ordered, and the outstanding discovery still to be completed, including work to be done by experts over the holidays, finds that the relief requested shall be GRANTED, and a brief continuance of approximately sixty days will be granted.

Order Granting Defendant's Motion to Modify Scheduling Order

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SCANNED

105-106

The Court hereby MODIFIES the May 15, 2023 Scheduling Order. The Trial set for January 16, 2024 is CONTINUED. The Pretrial Conference set for December 28, 2023 is CONTINUED. The deadline for the exchange of the final witness list is also hereby continued.

All other deadlines contained in the May 15, 2023 Scheduling Order remain in full force and effect, including the requirement that pre-trial conference memoranda, motions *in limine*, and proposed jury instructions and voir dire be submitted no later than ten days before the pre-trial conference.

Accordingly, it is **ORDERED** that the pretrial conference shall be rescheduled to February 28, 2024 at 9:00 a.m. and the Jury Trial shall be rescheduled to March 18, 2024 at 9:00 a.m. Further, the deadline for the final witness list to be exchanged shall be February 21, 2024.

WHEREFORE, it is hereby **ORDERED** and **ADJUDGED** that the May 15, 2023 Scheduling Order shall be modified. It is further hereby **ORDERED** and **ADJUDGED** that the Defendant's Motion to Modify Scheduling Order is hereby **GRANTED**.

The Clerk is directed to enter this Order as of the date first hereinabove appearing, and send attested copies to all counsel of record, as well as to the Business Court Central Office at Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401.

ENTERED this 11 day of December 2023.

Date: 12/11/23
Certified copies sent to:
___ counsel of record
___ parties
___ other
(please indicate) Business Ct
By: [Signature]
___ certified/1st class mail
___ fax
___ hand delivery
___ interdepartmental
Other directives accomplished:
[Signature]
Deputy Circuit Clerk

JUDGE JOSEPH K. REEDER
JUDGE OF THE WEST VIRGINIA
BUSINESS COURT DIVISION