

**In the Circuit Court of Marshall County, West Virginia**

**AXIALL CORPORATION,  
Westlake Chemical Corporation,**  
Plaintiffs,

v.

Case No. CC-25-2019-C-59  
Judge Christopher C. Wilkes

**NAT'L. UNION FIRE INS CO OF  
PITTSBURGH,  
ACE AMERICAN INSURANCE  
COMPANY,  
Great Lakes Insurance SE,  
Navigators Management Co, Inc,  
Allianz Global Risks US Ins Co ET  
AL,**  
Defendants

**DAY ORDER FROM FEBRUARY 7, 2024 STATUS CONFERENCE**

CAME the Court upon the January 25, 2024 Notice of Dismissal entered by the West Virginia Supreme Court of Appeals and by request of the parties, in a status conference.

On February 7, 2024 at 10:00 a.m. a status conference was held telephonically. Jeffrey V. Kessler, Esq. and John M. Sylvester, Esq., appeared for Plaintiffs Axiall Corporation and Westlake Chemical Corp., Myles Parker, Esq. and Debra T. Varner, Esq., appeared for Defendants, National Union Fire Insurance Company of Pittsburgh, Pa., Allianz Global Risks US Insurance Company, ACE American Insurance Company, Zurich American Insurance Company, Great Lakes Insurance SE, XL Insurance America, Inc., General Security Indemnity Company of Arizona, Aspen Insurance UK Limited, Navigators Management Company, Inc., Ironshore Specialty Insurance Company, Validus Specialty Underwriting Services, Inc., and HDI-Gerling America Insurance Company.

1. Conference was held regarding the status of the case in light of the January 25, 2024 decision issued by the West Virginia Supreme Court of Appeals. Conference was had regarding scheduling a trial date, pending motions, and any remaining discovery issues.
2. Counsel for Plaintiffs was given sixty days from the entry of this Order to supplement any updated damages figures given the passage of time, and after that supplementation, Defendants will have until July 19, 2024 to complete any discovery, including depositions, needed as a result of that supplement.
3. The Court will confer with court personnel in Marshall County regarding a two-week trial and a trial date in Fall 2024. The Court will then notify counsel. The Court notes the many witnesses in this case and the need for those witnesses to block off the trial date in their calendars.
4. Conference was had regarding resolution. The parties were urged to work with Resolution Judge Nines again in this matter.
5. Conference was had regarding pending motions. The remaining pending motions for summary judgment have been briefed. The Court will consider these motions again and issue orders. The Court indicated that no orders would be issued on the pending motions before February 25, 2024, which is 30 days after the Supreme Court's January 25, 2024 decision.
6. The conference was then adjourned.

The Court directs the Circuit Clerk to distribute attested copies of this order to all counsel of record, to the Discovery Commissioner Russell Clawges, and to the Business Court Central Office at West Virginia Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401.

ENTER: February 7, 2024

**/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/](http://www.courtswv.gov/e-file/) for more details.