

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

**FILED**

2024 MAR -7 PM 5:07

CATHY S. GATSON, CLERK  
KANAWHA COUNTY CIRCUIT COURT

**EZRA SCHOOLCRAFT,**

**Plaintiff,**

**v.**

**Civil Action No. 22-C-910**

**Presiding Judge: Joseph K. Reeder**

**Resolution Judge: Michael D. Lorensen**

**JEFFREY ISNER and  
PBC ENERGY, LLC,**

**Defendants.**

**DAY ORDER FROM FEBRUARY 28, 2024 PRETRIAL CONFERENCE**

CAME the parties, in a Pre-Trial Conference on February 28, 2024, commencing at 9:00 a.m. Michael B. Hissam, Esq. and Max Gottlieb, Esq. appeared for Plaintiff, Ezra Schoolcraft, and Steven R. Ruby, Esq. and David R. Pogue, Esq. appeared for Defendant, Jeffrey Isner.

1. Conference was held regarding the issues for the jury trial. No motions *in limine* were filed. Counsel for Plaintiff indicated there was no objection to Defendant's Motion to Bifurcate Punitive Damages, and the same was granted.
2. Conference was had regarding the issue of stipulation of exhibits. Counsel for Plaintiff indicated counsels have worked on stipulating to the majority of the exhibits as to admissibility and authenticity, and that they would proffer to the court a stipulated exhibits list.
3. Conference was had regarding jury instructions. Counsel for Defendant proffered that counsel for Plaintiff sent him proposed jury instructions at 4:30 p.m. yesterday. Counsel for Plaintiff indicated that he was working off of Defendant's proposed instructions, and that he agreed to the majority of them. Counsel for Plaintiff was directed to file the

**SCANNED**

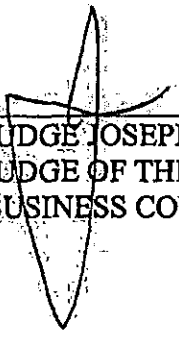
aforementioned proposed instructions. Plaintiff agreed to the following of Defendant's proposed jury instructions: Plaintiff agrees with Instructions No. 1-4, proposed edits to Instructions No. 5-7, agrees with Instruction Nos. 8-9, proposed a replacement edit of Instruction No. 10, submits that Instruction No. 11 should be struck, proposed an edit of Instruction No. 12, and agrees with Instructions Nos. 13-16.

4. Counsels proffered they would continue to work together on submitting agreed jury instructions. The undersigned directed counsels to work together and if they want to brief any outstanding issues related to contested jury instructions any brief shall be filed by Defendant by this Friday, March 1, 2024, and any Response shall be filed by Plaintiff by Thursday, March 7, 2024. Counsels agreed to these deadlines.
5. Conference was had regarding mediation with Resolution Judge Lorensen. Counsel for Plaintiff averred that J. Zak Ritchie, Esq. is going to reach out to Judge Lorensen's office to schedule a mediation. The parties noted they had previously mediated with Judge Farrell.
6. Conference was had regarding courtroom location and the number of jurors to be called.
7. Conference was had regarding the length of trial. While counsel for Plaintiff avers the trial will take no more than 4 trial days, counsel for Defendant expressed concern over running out of time. The undersigned averred he had availability on Monday, March 25, 2024, if the trial were to go into a sixth trial day.
8. Counsel for Defendant proffered to the Court his final witness list.
9. The hearing 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: February 28, 2024

3/7/24  
date of entry

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

Date: 3/7/24  
Certified copies sent to:  
☒ counsel of record D. Ruhl  
☐ parties M. Hiram  
☐ other (please indicate) D. Pogue  
By: ☒ certified/1st class mail  
☐ fax  
☐ hand delivery  
☐ interdepartmental  
Other functions accomplished:  
[Signature]  
Deputy Circuit Clerk