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CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

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

EZRA SCHOOLCRAFT,

Plaintiff,

v.

Civil Action Number: 22-C-910
Presiding: Judge Joseph K. Reeder
Resolution: Judge Paul T. Farrell

JEFFREY ISNER,
PBC ENERGY, LLC,

Defendants.

ORDER GRANTING MOTION TO BIFURCATE PUNITIVE DAMAGES

On February 14, 2024, Defendant Jeffrey Isner filed a Motion to Bifurcate Punitive Damages pursuant to W. Va. Code § 55-7-29(b). By email to the Court on February 27, 2024, and at the Pretrial Conference on February 28, 2024, Plaintiff Ezra Schoolcraft averred he had no objection to the motion to bifurcate for Defendant's proposed order granting the same. For the reasons stated in Isner's motion, and consistent with § 55-7-29(b), the Court hereby GRANTS the motion and ORDERS that the issue of punitive damages shall be bifurcated from the issues of liability and compensatory damages as follows:

In the first stage of the trial, the jury shall determine liability for compensatory damages and the amount of compensatory damages, if any.

If the jury finds during the first stage of the trial that Defendant Isner is liable for compensatory damages, then the Court shall determine whether sufficient evidence exists to proceed with a consideration of punitive damages.

If the Court finds that sufficient evidence exists to proceed with a consideration of punitive

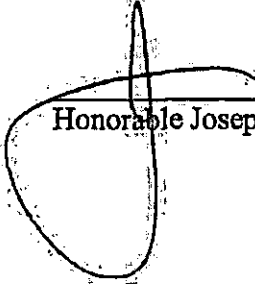
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damages, then the same jury shall determine if Defendant Isner is liable for punitive damages in the second stage of the trial and may award such damages.

If the jury returns an award for punitive damages that exceeds the amounts allowed under W. Va. Code § 55-7-29(c), the Court will reduce the award to comply with the limitations set forth therein.

The Circuit Clerk is directed to forward a certified copy of this Order to all counsel of record.

Entered this 7th day of March, 2024.


Honorable Joseph K. Reeder, Judge

Prepared by (with change by the Court):

/s/ David R. Pogue

Steven R. Ruby (WVSB No. 10752)
David R. Pogue (WVSB No. 10806)
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Date: 3/7/24
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Court process completed:
[Signature]
Deputy Circuit Clerk