

In the Circuit Court of Marshall County, West Virginia

**ALLTRANSTEK, LLC,
RESCAR COMPANIES,**
Plaintiffs,

v.

AXIAL CORPORATION,
Defendant

Case No. CC-25-2025-C-28
Judge Christopher C. Wilkes

DAY ORDER FROM JULY 1, 2025 HEARING

CAME the parties, in a status conference and initial case management conference on July 1, 2025, commencing at 10:00 a.m. via Teams and teleconference.

Michelle L. Gorman, Esq., appeared for Plaintiffs AllTranstek, LLC and Rescar Companies, and William D. Wilmoth, Esq. and Bradley M. Whalen, Esq. appeared for Defendant, Axiall Corporation. Conference was had as to the status of this case upon the referral of the instant civil action to the Business Court Division and counsel's conference under Rule 26(f).

1. As an initial matter, the parties had conferred pursuant to Rule 26(f) and this Court's direction and requested a short telephonic status conference in lieu of a submitted report.
2. The undersigned advised that the pending motion to dismiss/stay is currently under advisement and has been reviewed, and an order and decision will be issued soon.
3. Recognizing that if the pending motion is granted, the action will be dismissed or stayed, but if it is denied, the case will progress, and to keep the case expeditiously moving in conformance with Trial Court Rule 29, conference was had regarding a briefing schedule regarding dispositive motions. See W. Va. Tr. Ct. R. 29.08(g).
4. Dispositive motions shall be filed by both parties on or before August 5, 2025. Said motions are to be accompanied by proposed findings of fact and conclusions of law. Any

responses are thereafter due August 25, 2025. Replies are due September 8, 2025.

5. Courtesy copies and Word versions of proposed orders (including proposed findings of fact and conclusions of law) should be emailed to Tessa.Bowers@courtsww.gov.
6. Thereafter, the Court will rule upon the motions on the pleadings and record or schedule a hearing if the Court deems it necessary.
7. Counsel proffered they had no other matters to take up today.
8. 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: July 2, 2025

/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.courtsww.gov/e-file/ for more details.