

In the Circuit Court of Kanawha County, West Virginia

WW CONSULTANTS, INC.,
Plaintiff,

v.

**POCAHONTAS COUNTY PUBLIC
SERVICE DISTRICT,**
Defendant

Case No. CC-20-2018-C-115
Judge Christopher C. Wilkes

ORDER GRANTING JOINT MOTION TO SCHEDULE A TRIAL DATE

This matter came before the Court this 14th day of July 2025, upon the parties Joint Motion to Set a Trial Date.

On December 2, 2024, the parties filed their Joint Motion to Set a Trial Date. Courtroom coordination occurred, details were fleshed out with counsel via email and dispositive motions were briefed and ruled upon. (The Court notes discovery and dispositive motions deadlines were extended at the request of the parties. See Joint Motion, 1/22/25; see *also* Mot., 2/21/25). The Court also notes during this time, parties negotiated a settlement with Third-Party Defendant Orders Construction and on March 27, 2025 a partial dismissal order was entered. On June 12, 2025, after dispositive motions were ruled upon, the parties filed their Renewed Joint Motion to Set a Trial Date.

Upon consideration of the motion and the procedural posture of this action, the Court GRANTS the motion to set a trial date for good cause shown and ADJUDGES and ORDERS as follows:

1. Pre-Trial Conference Date: November 17, 2025 at 9:00 a.m. – Courtroom Four, also known as the Ceremonial Courtroom, on the second floor of the Kanawha County Courthouse, 409 Virginia Street, East, Charleston, West Virginia 25301

2. Trial Date: November 18, 2025 at 9:00 a.m. – Courtroom Four, also known as the Ceremonial Courtroom, on the second floor of the Kanawha County Courthouse, 409 Virginia Street, East, Charleston, West Virginia 25301

The Court notes the deadline for motions *in limine*, as well as other pretrial filings, is ten (10) days prior to the November 17, 2025 pretrial conference.

Continuance motions must be heard prior to the pre-trial conference or they will not be considered. All parties are **ORDERED** to exchange and deliver their respective **PRE-TRIAL CONFERENCE MEMORANDA** to the Judge's Chambers **NO LATER THAN TEN (10) BUSINESS DAYS BEFORE** the conference. **FAILURE TO COMPLY MAY RESULT IN CONTINUANCE OF TRIAL OR MONETARY SANCTIONS BEING IMPOSED.** Said memoranda are to contain at a minimum, the following:

- | | |
|--------------------------|------------------------------------------------------------------------------------------------|
| 1. Statement of the Case | 7. Pending Motions |
| 2. Issues of Fact | 8. Motions <i>in Limine</i> |
| 3. Issues of Law | 9. All Proposed Instructions of Law |
| 4. Proposed Stipulations | (Digital media storage (i.e. thumbdrive, as well as hard copy shall be provided to the Court.) |
| 5. Schedule of Exhibits | |
| 6. List of Witnesses | 10. Proposed Voir Dire |

Parties are to confer and provide a joint instruction charge to the Court.

Further, the Court orders as follows regarding the SCHEDULE OF EXHIBITS:

The parties shall exchange a list of all proposed exhibits (including demonstrative) and shall make the exhibits available for viewing by counsel at least **5** work days prior to the pre-trial conference. By the time of the pre-trial conference counsel shall have stipulated as to which exhibits shall be admitted without objection and provide a list to the Court and Clerk. The parties shall mark all exhibits by use of

standard exhibit stickers and provide a list to the Court and counsel.

Further, the Court orders as follows regarding VIDEO DEPOSITION TO BE USED AT TRIAL:

If a video deposition is to be used, all parties must be prepared to argue objections at the pre-trial conference. Thereafter, the proponent of the video deposition shall have the video edited to reflect the court's rulings. In addition, the proponent of the video deposition must have a videographer at trial.

Further, the Court finds as follows with regard to JURY INSTRUCTIONS:

The Court desires that all counsel read all parties' proposed jury instructions prior to the conference and be prepared to discuss them at the conference. The Court will not be inclined to receive instructions after the pre-trial conference.

The Court notes the objections and exceptions of the parties, if any, to any adverse ruling herein. The Clerk shall enter the foregoing and forward attested copies hereof to all counsel, and to the Business Court Central Office, electronically.

ENTERED this 14th day of July, 2025.

/s/ Christopher C. Wilkes
Circuit Court Judge
8th 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/ for more details.