IN THE CIRCUIT COURT OF WETZEL COUNTY, WEST VIRGINIA

FILED
FEB 26 2018
EDYTHE NASH GAISER, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

MARKWEST LIBERTY MIDSTREAM
& RESOURCES, L.L.C.,

Plaintiff,

v.

Civil Action No. 16-C-82
Judge Cramer

J. F. ALLEN COMPANY; AMEC
FOSTER WHEELER ENVIRONMENT
& INFRASTRUCTURE, INC.;
REDSTONE INTERNATIONAL INC.;
CIVIL & ENVIRONMENTAL
CONSULTANTS, INC.; and COASTAL
DRILLING EAST, LLC,

Defendants.

J. F. ALLEN COMPANY,

Defendant and Third-Party Plaintiff,

v.

THE LANE CONSTRUCTION CORPORATION,

Third-Party Defendant.

DEFENDANT COASTAL DRILLING EAST, LLC'S
REPLY MEMORANDUM IN SUPPORT OF JUDICIAL MOTION
TO REFER TO BUSINESS COURT DIVISION

The defendant Coastal Drilling East, LLC's (hereinafter "Coastal"), pursuant to the Notice of Filing of Motion to Refer to the Business Court Division of February 7, 2018, and pursuant to Trial Court Rule 29.06 (a)(4), replies as follows:

1. Coastal is in agreement with the Wetzel County Circuit Court's February 2, 2018 referral of this matter to the West Virginia Business Court Division, pursuant to Rule 29.06(a)(1) of the West Virginia Trial Court Rules.

2. Coastal, however, takes the position that, with recent developments in the underlying action currently pending in the Circuit Court of Wetzel, West Virginia, including the recent disclosure of expert witnesses by the plaintiff, MarkWest, whether the matter is referred to the Business Court Division or the referral is denied and the matter continues in the Circuit Court of Wetzel County, West Virginia, that, pursuant to the Order Granting AMEC Foster Wheeler Environment & Infrastructure Inc.'s Motion to Modify Scheduling Conference Order and Motion to Continue Trial entered by the Circuit Court of Wetzel County on January 30, 2018, additional time is necessary for discovery to ensure that all defendants have the opportunity to present a proper defense to the complex claims and a revised scheduling order revisiting the expert disclosure deadlines to allow for supplementation should remain in effect.

WHEREFORE, Coastal Drilling East, LLC respectfully requests that the Chief Justice accept the referral to the West Virginia Business Court Division.

Dated this 23rd day of February, 2018.

ROBINSON & McELWEE PLLC

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(W. Va. State Bar I.D.: 5204)

Attorney for Defendant Coastal Drilling East, LLC

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CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of February, 2018, I served the foregoing **Defendant Coastal Drilling East, LLC's Reply Memorandum in Support of Judicial Motion to Refer to Business Court Division** upon the following counsel, by depositing true copies thereof in the United States mail, postage prepaid, in envelopes addressed to them as follows:

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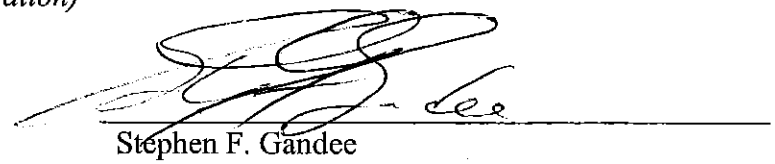

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