

In the Circuit Court of Marion County, West Virginia

American Bituminous Power Partners,)
LP,)
Plaintiff,)
vs.))
Horizon Ventures of West Virginia, Inc.,)
Defendant)

Case No. CC-24-2018-C-130

Order Granting Motion for Protective Order

On the 28th day of January, 2019, came the Defendant, American Bituminous Power Partners, L.P. (AMBIT), by and through its counsel, John F. McCuskey, Esquire, Roberta F. Green, Esquire, Dominick R. Pellegrin, Esquire and Shuman McCuskey & Slicer, PLLC, and, pursuant to West Virginia Rules of Civil Procedure Rule 26(c), placed before this Court AMBIT's *Motion for Protective Order And Certification of Good Faith Effort to Confer (Request for Expedited Relief)*, seeking relief from pending discovery during the pendency of AMBIT's Motion to Dismiss, or, in the alternative, to Strike Counterclaim (1 24 19).

AMBIT understands that its duty to respond fully and fairly to discovery would remain, depending on the Court's rulings. However, given the nature of the pending dispositive motion, AMBIT seeks leave to await the ruling before proceeding.

WHEREUPON, upon consideration of the Motion for Protective Order and for good cause shown, it is hereby ORDERED, ADJUDGED and DECREED that AMBIT's discovery responses shall be due, if ever, thirty (30) days after entry of the order resolving the Motion to Dismiss.

The exceptions and objections of any aggrieved party are noted and preserved.

Prepared by:

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/s/ James H Young Jr.
Circuit Court Judge
16th 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.