

**IN THE CIRCUIT COURT OF TYLER COUNTY, WEST VIRGINIA
BUSINESS COURT DIVISION**

**DIRECTIONAL ONE SERVICES, INC. USA,
a foreign corporation authorized to do business
in the State of West Virginia,**

Plaintiff,

vs.

**Civil Action No. 18-C-14
Presiding Judge: H. Charles Carl, III
Resolution Judge: Christopher C. Wilkes**

**ANTERO RESOURCES CORPORATION,
a foreign corporation authorized to do business
in the State of West Virginia,**

Defendant.

FILED

JUN 13 2019

Candy L. Warner
Tyler Co. Circuit Clerk

ORDER GRANTING PLAINTIFF'S MOTION TO FILE RESPONSE OUT OF TIME

This matter came before the Court this 13 day of June 2019, upon Plaintiff's Motion to File Response Out of Time. The Plaintiff, Directional One Services Inc. USA, by counsel, Sean P. McGinley, Esq., has requested an extension of time to file a response brief to Defendant's Second Motion to Compel, outside of the deadline set forth in this court's briefing order on said motion. Plaintiff avers this request is due to a miscommunication within his office. It appears Defendant has no objection as to this request, as the Court notes Plaintiff proffered counsel for Defendant took no position on this motion. Attached to the instant motion was Defendant's proposed Response in Opposition to Defendant's Second Motion to Compel.

Trial Court Rule 22 governs civil motions practice. This Court issued its briefing order on Defendant's Second Motion to Compel pursuant to Trial Court Rule 22. The Court also considers Rule 6(d) of the West Virginia Rules of Civil Procedure, which governs time in relation to motions. The Court notes that in this case, there exist no issues as to Rule 6

compliance regarding the filing of a response or supporting brief too close in time to a hearing, as there is not currently a hearing on Defendant's Second Motion to Compel scheduled. *See* W. Va. R. Civ. P. 6(d)(3)(...any response to a motion and supporting briefs or affidavits shall be filed at least 2 days before the hearing).

Upon the full consideration of the issues, the rules, and the record, and the fact that Defendant did not object, the Court considers Plaintiff's request and hereby GRANTS the same. The Court finds good cause has been shown to extend the deadlines set forth in this Court's Rule 22 Scheduling Order, which is the Briefing Order on Defendant's Second Motion to Compel. Therefore, the Court finds Plaintiff's Motion to File Response Out of Time shall be GRANTED.

The proposed Response in Opposition to Defendant's Second Motion to Compel, which was attached to the instant motion, shall be deemed filed. Further, the Court finds counsel for Defendant shall have an additional ten (10) days from the entry of this Order to file a reply memorandum, if it chooses.

CONCLUSION

Accordingly, it is hereby ADJUDGED and ORDERED that Plaintiff's Motion to File Response Out of Time is hereby GRANTED. The proposed Response in Opposition to Defendant's Second Motion to Compel, attached to Plaintiff's Motion to File Response Out of Time, shall be deemed filed as of the date of the entry of this Order. Further, it is ORDERED that Defendant shall have an additional ten (10) days from the entry of this Order to file a reply memorandum, if it chooses. The Court notes the objections and exceptions, if any, of the parties 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 at Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401.

ENTERED this 13 day of June 2019.



JUDGE H. CHARLES CARL, III
West Virginia Business Court Division

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office.

Attest: Candice Warner Clerk

Circuit Court of Tyler County, West Virginia

By: Camela H. Wesley Deputy