

FILED

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

2019 AUG 28 P 3:50

CLERK OF COURT
KANAWHA COUNTY CIRCUIT COURT *rc*

WW CONSULTANTS, INC.,
a Virginia Corporation,

CIVIL ACTION NO. 18-C-115

Presiding: Judge Wilkes

Resolution: Judge Lorensen

Plaintiff,

v.

POCAHONTAS COUNTY PUBLIC SERVICE DISTRICT, a public corporation and local political subdivision of the State of West Virginia, MARK SMITH, DAVID GANDEE, and DAVID DRAGAN, in their official capacity as board members of Pocahontas County Public Service District, and the WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, a Department of the State of West Virginia,

Defendants.

ORDER OF TRIAL DATE CONTINUANCE

On a previous day came the Plaintiff/Counter-Claim Defendant, WW Consultants, Inc., The Pocahontas County Public Service District and its individual board members, and the West Virginia Department of Environmental Protection, by and through their respective counsel, and jointly agreed to continue the October 1, 2019 trial date and modify the August 9, 2018 Scheduling Order with the following dates:


1. **Final Witness List Exchanged: November 22, 2019**
2. **Discovery Completed: September 13, 2019**
3. **Dispositive Motions: September 27, 2019; Responses to be filed on October 14, 2019; Replies to be filed on October 24, 2019**
4. **Motions in Limine: November 12, 2019**

THEREFORE, it is hereby **ORDERED** that the current scheduling order be continued to the aforementioned dates.

Further, the parties have discussed the potential of a bench trial and an agreement could not be reached to move the case from a jury trial to a bench trial. Therefore, the parties have requested an opportunity to discuss scheduling of a jury trial with the Court and a conference will be scheduled in the near future.

The Clerk is hereby **DIRECTED** to send certified copies of this Order to counsel of record.

ENTERED this 28th day of August, 2019.



Honorable Christopher C. Wilkes

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT.
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 28th
DAY OF August 2019
Cathy S. Gatson CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

Date: 8/28/19
Certified copies sent to:
 counsel of record
 parties
 other Bus. Court
(please indicate)
By:
 certified/1st class mail
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Other directives accomplished:
ACW/MSK
Deputy Circuit Clerk