

**ORDER DENYING MOTION TO RECONSIDER CONSOLIDATION ORDER,
DENYING MOTION TO RECONSIDER ORDER LIFTING STAY, AND GRANTING IN
PART AND DENYING IN PART AXIALL CORPORATION'S RULE 12 MOTION TO
DISMISS OR IN THE ALTERNATIVE FOR A MORE DEFINITE STATEMENT**

CAME the parties for a motions hearing held pursuant to this Court's prior Order Setting Hearing, on August 30, 2019, commencing at 10:00 a.m. in the Marshall County Courthouse, 600 7th Street, Moundsville, West Virginia.

Oral argument was heard on Plaintiff Axiall Corporation and Plaintiff Covestro, LLC's Joint Motion of Axiall Corporation and Covestro, LLC to Reconsider Consolidation Order filed March 20, 2019; Plaintiff Axiall Corporation's Motion to Reconsider Order Lifting Stay filed March 1, 2019; Plaintiff Axiall Corporation's Rule 12 Motion to Dismiss Counterclaim of Defendants AllTranstek LLC and Rescar Companies or, in the Alternative for More Definite Statement filed April 15, 2019; and a status hearing in the matter was had. In appearance was Covestro, LLC, by counsel, Axiall Corporation, by counsel, AllTranstek, LLC, and Rescar, Inc., t/b/d/a Rescar Companies, by counsel, and Superheat FGH Services, Inc., by counsel.

Upon consideration of the Motion for Reconsideration of Consolidation Order filed on behalf of Axiall Corporation ("Axiall"), the parties' briefing and argument, it is hereby **ORDERED** that said motion be **DENIED**. The Court finds and considers that the claims arise of a single incident, judicial economy will not be adversely affected by allowing the cases to remain consolidated and going forward is necessary as to ensure that Covestro, which is not a party in the Pennsylvania actions, has the safeguards necessary to prosecute their case in a timely manner.

Likewise, upon consideration of the Motion for Reconsideration of Order Lifting Stay filed on behalf of Axiall, the parties' briefing and argument, it is hereby **ORDERED** that said motion be **DENIED**.

Upon consideration of the Rule 12 Motion to Dismiss Counterclaim of Defendants AllTranstek LLC and Rescar Companies or, in the Alternative for More Definite Statement filed on behalf of Axiall, the parties' briefing and argument, it is hereby **ORDERED** that said motion be **GRANTED** in part and **DENIED** in part. Axiall's request to dismiss the Counterclaim of Defendants' AllTranstek, LLC ("AllTranstek") and Rescar Companies ("Rescar") is **DENIED**. Axiall's request for AllTranstek and Rescar to file a more definite statement of their Counterclaims is **GRANTED**. AllTranstek and Rescar are **ORDERED** to file a more definite statement of their Counterclaims within thirty (30) days of the entry of this Order.

The Motion to Dismiss in Response to Plaintiff's Complaint filed by Defendant Superheat FGH Services, Inc. ("Superheat") is hereby withdrawn. The Court notes that Superheat filed its Answer and Affirmative Defenses to Axiall's Complaint on April 8, 2019.

The objections and exceptions of the non-prevailing party are hereby noted and saved.

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 4th day of September 2019.



JUDGE CHRISTOPHER C. WILKES
JUDGE OF THE WEST VIRGINIA
BUSINESS COURT DIVISION

FILED

2019 SEP -4 AM 10: 39

IN THE CIRCUIT COURT OF MARSHALL COUNTY, WEST VIRGINIA
BUSINESS COURT DIVISION

JOSEPH M. RUCKI

COVESTRO, LLC,

Plaintiff,

Civil Action No. 18-C-202

Presiding Judge: Wilkes

Resolution Judge: Carl and Nines

v.

AXIALL CORPORATION,
ALLTRANSTEK LLC, and RESCAR, INC.
t/d/b/a RESCAR COMPANIES,

Defendants,

AXIALL CORPORATION,

Third-Party Plaintiff,

v.

SUPERHEAT FGH SERVICES, INC.,

Third-Party Defendant.

-----CONSOLIDATED WITH-----

AXIALL CORPORATION,

Plaintiff,

Civil Action No. 18-C-203

Presiding Judge: Wilkes

Resolution Judges: Carl and Nines

v.

ALLTRANSTEK LLC, RESCAR, INC.
t/d/b/a RESCAR COMPANIES, and
SUPERHEAT FGH SERVICES, INC.,

Defendants.