

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

COVESTRO, LLC
Plaintiff,

v.

Civil Action No.: 18-C-202
Presiding Judge: Wilkes
Resolution Judges: Carl and Nines

AXIALL CORPORATION,
ALLTRANSTEK, LLC, and
RESCAR COMPANIES,
Defendants,

and

AXIALL CORPORATION,
Third-Party Plaintiff,

v.

SUPERHEAT FGH SERVICES, INC.,
Third-Party Defendant.

---CONSOLIDATED WITH-----

AXIALL CORPORATION,
Plaintiff,

v.

Civil Action No. 18-C-203
Presiding Judge: Wilkes
Resolution Judges: Carl and Nines

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

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**ORDER GRANTING IN PART JOINT MOTION
TO EXTEND CASE MANAGEMENT DEADLINES AND TO CHANGE TRIAL DATE**

This matter came before the Court upon Defendants' Joint Motion to Extend Case Management Deadlines and to Change Trial Date. The Court, considering the motion, Axiall's Response and Memorandum in Opposition to Motion to Extend Case Management Deadlines and to Change Trial Date Filed by Alltranstek, LLC, Rescar Companies and Superheat FGH Services, Inc., Plaintiff Covestro, LLC's Response to the Joint Motion to Extend Case Management Deadlines and to Change Trial Date, and the Joint Reply in Support of Motion to Extend Case Management Deadlines and to Change Trial Date, as well as the April 3, 2020 Amended Order Regarding Judicial Emergency entered by the Supreme Court of Appeals, the Court finds it appropriate to CONTINUE most pretrial deadlines in the current scheduling order by thirty (30) days. At this time, the Court will not order a continuance of the pretrial conference and trial dates in this matter.

The Court hereby makes the following findings: The April 3, 2020 Amended Order Regarding Judicial Emergency entered by the Supreme Court of Appeals specifically finds that in addition to all non-emergency judicial proceedings being ordered to be stayed and continued until after May 1, 2020 due to the public health crisis associated with the COVID-19 pandemic, "[d]eadlines set forth in....scheduling orders....set to expire between March 23, 2020, and May 1, 2020, are hereby extended to May 4, 2020".

Additionally, the Court notes Plaintiff Axiall has averred that it does not oppose extension of pretrial deadlines; however, it does not agree with the Defendants' assertion that a continuance of the trial date is necessary at this time. *See* Pl's Resp., p. 2. Instead, Axiall argues this request is "premature and unnecessary". *Id.*

The Court further notes that Plaintiff Covestro does not oppose “an extension of discovery deadlines”. *See* Pl’s Resp., p. 2.

Accordingly, the following amended schedule is ORDERED and shall not be modified except by leave of Court:

1. Final Witness List Exchanged: May 4, 2020
2. Fact Liability Discovery Completion Date: May 15, 2020
3. Damage Liability Discovery Completion Date: June 15, 2020
4. Plaintiff’s Experts Disclosed: July 1, 2020
5. Defendant’s Experts Disclosed: July 15, 2020
6. Expert Evidentiary Inspections: August 31, 2020
7. Dispositive Motions to be filed on or before: July 31, 2020
8. Any responses to the dispositive motions are due within fifteen (15) days of the date of filing of the motion. Any reply is due ten (10) days thereafter.
9. The pretrial conference and trial dates remain as docketed by this Court.

The Court notes that all other requirements of the Court’s June 24, 2019 Scheduling Order shall remain in full force and effect. The Court may further extend deadlines contained in this order, as well as the scheduling order, at a future date – including the pretrial and trial dates – in the event the public health crisis continues.

For all of these reasons, the Court hereby **ADJUDGES** and **ORDERS** that Defendants’ Joint Motion to Extend Case Management Deadlines and to Change Trial Date is hereby **GRANTED IN PART**. The Court notes the objections 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.

4/9/2020
date of entry

/s/ Christopher C. Wilkes
JUDGE CHRISTOPHER C. WILKES
JUDGE OF THE WEST VIRGINIA
BUSINESS COURT DIVISION