

IN CIRCUIT COURT OF WETZEL COUNTY WEST VIRGINIA
BUSINESS COURT DIVISION

MARKWEST LIBERTY MIDSTREAM &
RESOURCES, L.L.C.

Plaintiff,

v.

J.F. ALLEN COMPANY; AMEC FOSTER
WHEELER ENVIRONMENT &
INFRASTRUCTURE, INC.; REDSTONE
INTERNATIONAL INC.; COASTAL
DRILLING, EAST, LLC; and CIVIL &
ENVIRONMENTAL CONSULTANTS, INC.,

Defendants,

and

J.F. ALLEN COMPANY,

Defendant/Third-Party Plaintiff,

v.

THE LANE CONSTRUCTION
CORPORATION

Third-Party Defendant.

ORDER OF COURT

AND NOW, to wit, this 19 day of May, 2020, upon due consideration of MarkWest's Motion in Limine to Exclude the Statement of Paul Kress and Other Evidence Purporting to Show that MarkWest was Not Entitled to Revenue from Minimum Volume Commitments and all supporting materials, responses, arguments thereto, it is hereby ORDERED, ADJUDGED and DECREED as follows: The statement of Paul Kress shall be excluded from the evidentiary record at the trial of this matter as it was not a properly executed affidavit. However, Mr. Kress may be called as a witness and the Court, as trier of fact, may consider the evidence proffered.

In all other respects, the Motion is DENIED, including the preclusion of evidence of minimum volume. For these reasons, the Court ADJUDGES and ORDERS said motion is DENIED IN PART AND GRANTED IN PART.

It is so ORDERED.



JUDGE H. CHARLES CARL, III

FILED
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