

**IN CIRCUIT COURT OF WETZEL COUNTY WEST VIRGINIA
BUSINESS COURT DIVISION**

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

Case No. 16-C-82

Plaintiff,

HON. H CHARLES CARL, III

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 SETTING NEW TRIAL DATES

On May 8, 2020, the parties came before this Court for a hearing on Plaintiff MarkWest Liberty Midstream & Resources, L.L.C.'s ("MarkWest") *Motion to Continue Trial* and Defendant Redstone International Inc.'s ("Redstone") *Motion for Trial to be Conducted Remotely Via Video Technology*. Upon consideration of said motions and the arguments of the parties stated on the record, the Court found that, due to the current Coronavirus pandemic and the associated public health protocols in place to stop the spread of the virus, including various travel restrictions, an in-person trial beginning the week of June 8, 2020 was neither logistically practicable or advisable from a public health standpoint. Furthermore, as there was no consensus

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among the parties as to the whether the trial of this matter could be conducted effectively via video technology, the Court found conducting the trial remotely was not an option. Therefore, an Order was issued vacating the scheduled trial date of June 8, 2020.

Subsequently, an additional telephone conference was conducted between the Court and counsel on May 20, 2020, wherein the parties agreed to reschedule the trial for September 21, 2020. Accordingly, it is hereby ORDERED, ADJUDGED and DECREED that the trial of this matter will begin on September 21, 2020 and continue through October 9, 2020, unless completed earlier. Further, the Court FINDS that parties may need to take witnesses out of order during the course of the trial to accommodate witnesses' prior commitments and/or conflicts and parties will be permitted to do so provided it does not unfairly prejudice another party or parties. Additionally, it is ORDERED that the parties may be excused from the obligation of having a party representative present during the entire trial if said representative is unable to do so because of other commitments, however party representatives shall be present and available when called as witnesses.

AND IT IS SO ORDERED.

ENTERED this 26 day of May, 2020.



Judge H. Charles Carl, III

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