

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 HOLDING MOTION IN ABEYANCE

This matter came before the Court upon Defendants' Motion for Summary Judgment of Defendants, AllTranstek LLC and Rescar, Inc. T/D/B/A Rescar Companies, to Plaintiff's Complaint. The Court is in receipt of the motion. Considering the motion's averment that discovery is not complete and request to supplement the motion "up until September 15, 2020", the Court finds and informs the parties that it shall hold the abeyance until a time period closer September 15, 2020. *See* Defs' Mot., p. 2.

The Court grants the request for leave to supplement the instant motion. The Court advises counsel for AllTranstek and Rescar to advise the Court when the motion is ripe to be ruled on, considering and understanding this will need to be well in advance of the trial date at least sixty (60) days to enable briefing and decision time. At which time, the Court shall enter a Briefing Order regarding the instant motion.

For all of these reasons, the Court hereby **ADJUDGES** and **ORDERS** that Defendants' Motion for Summary Judgment of Defendants, AllTranstek LLC and Rescar, Inc. T/D/B/A Rescar Companies, to Plaintiff's Complaint is hereby **HELD IN ABEYANCE**. The Court notes any 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.

July 2, 2020
date of entry



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