

**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.**

FILED
2020 JUL 20 PM 3:08
MARSHALL COUNTY CLERK

**ORDER CANCELLING PRETRIAL CONFERENCE
AND EXTENDING PRETRIAL DEADLINE**

This matter came before the Court this 20th day of July, 2020. The Court, considering the April 9, 2020 Order Granting in Part Joint Motion to Extend Case Management Deadlines and to Change Trial Date, the pretrial filing deadline, the discovery deadline, and the Order which modified the Scheduling Order in this matter entered October 15, 2019, the Court finds it appropriate to CANCEL the Pretrial Conference docketed for August 10, 2020 in the Marshall County Courthouse, Moundsville, West Virginia. Further, the Court finds is appropriate to extend the deadline for motions *in limine*, as well as other pretrial filings, for **October 6, 2020**, which is 10 days prior to the October 16, 2020 Pretrial Conference set in this matter.

The Court hereby makes the following findings: As an initial matter, the trial in this matter is set for November 2020, and Pretrial Conferences are set for August 10, 2020¹ and October 16, 2020².

Further, certain pretrial discovery deadlines in this civil action were extended by this Court's Order Entered April 9, 2020 in light of the COVID-19 pandemic and the April 3, 2020 Amended Order Regarding Judicial Emergency entered by the West Virginia Supreme Court of Appeals. In pertinent part, expert evidentiary inspections became due August 31, 2020 pursuant to said Order. *See Ord., 4/9/20, p. 3.* The Court notes the trial date remained unchanged.

However, motions *in limine*, as well as other pretrial filings, remained due 10 days prior to the first pretrial conference in this matter, which was set for August 10, 2020 by Order Setting Hearing entered August 2, 2019.

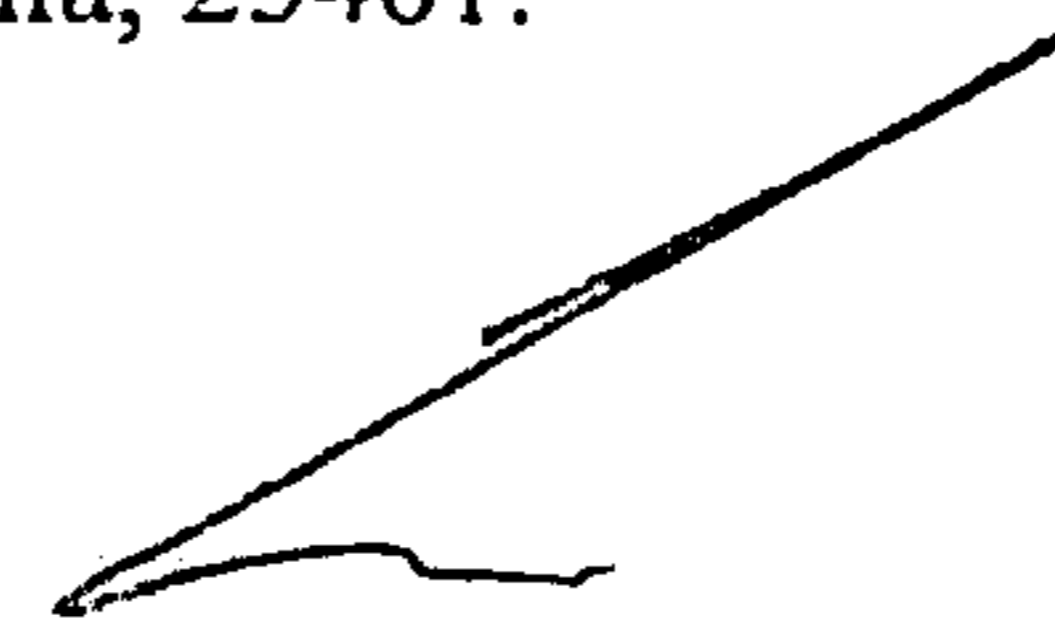
¹ See Order Setting Hearing entered August 2, 2019.

² See Order dated February 20, 2020.

Accordingly, the Court finds and concludes that the first Pretrial Conference docketed for August 10, 2020 is hereby CANCELLED. Further, the Court finds and concludes that the following pretrial deadline is amended and ORDERED: the deadline for motions *in limine*, as well as other pretrial filings, is **October 6, 2020**, which is 10 days prior to the scheduled October 16, 2020 Pretrial Conference set in this matter.

The Court notes that all other requirements of the Court's Scheduling Orders and prior orders shall remain in full force and effect. 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.

July 20, 2020
date of entry



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