

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

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

Plaintiff,

v.

**CIVIL ACTION NO. 16-C-82
JUDGE H. CHARLES CARL, III**

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

Defendants,

v.

**THE LANE CONSTRUCTION
CORPORATION,**

Additional Defendant.

DAY ORDER FROM AUGUST 6, 2020 HEARING

Came the parties, in a Pretrial teleconference hearing, on August 6, 2020, commencing at 9:00 a.m. via telephone conference.

1. Joseph M. Ward, Kevin L. Colosimo, and Jonathan G. Brill appeared for Plaintiff MarkWest Liberty Midstream & Resources, L.L.C., Douglas C. LaSota appeared for Defendant J. F. Allen Company, Vic L. McConnell appeared for AMEC Foster Wheeler Environment & Infrastructure, Inc., Bruce E. Stanley, Alicia M. Schmitt, and Michael A. Jacks appeared for Defendant Redstone International, Inc., Stephen F. Gandee appeared for Defendant Coastal Drilling East, LLC, Damon R. Thomas appeared for Defendant Civil & Environmental

Consultants, Inc., and Traci L. Wiley appeared for Third-Party Defendant The Lane Construction Corporation.

2. The Court heard oral argument by counsel from all parties regarding Defendants' Joint Motion to Strike Plaintiffs' Amended Witness List filed July 13, 2020.

3. The parties stipulated to the authenticity and use of the drone footage of the retaining wall site completed in April 2020.

4. After conference, counsel for Defendants withdrew the pending Joint Motion for the Court to View the Wall Pretrial in light of the drone footage being stipulated to.

5. The parties stipulated to the authenticity of the EQT contract, as testified to by Dan Rowland.

6. The parties agreed that Mr. Jackson would be withdrawn as a witness on the basis that the EQT contract has now been authenticated/stipulated.

7. Conference was had regarding the other witnesses at issue in Defendants' Joint Motion to Strike Plaintiffs' Amended Witness List. The Court ordered counsels to try to resolve their differences on the other witnesses. If they cannot come to agreement, the parties were directed to submit proposed orders, with findings of fact and conclusions of law, to the Court within ten (10) days of the entry of this Order. These proposed orders shall be submitted in Word format to the Court by email to jamie.ketterman@courtswv.gov and tessa.bowers@courtswv.gov.

8. Finally, conference was had regarding trial logistics and COVID-19 protocols. The Court instructed counsels that any counsel or witness coming from a "red" or hot spot area, as defined on the website utilized by the West Virginia Supreme Court of Appeals accessible at <https://globalepidemics.org/key-metrics-for-covid-suppression/>, must arrive in Hampshire

County and self-quarantine for fourteen days or obtain a negative COVID test result before such person can participate at trial. Further, masks must be worn for the duration of trial.

9. The Pre-Trial Conference was then adjourned.

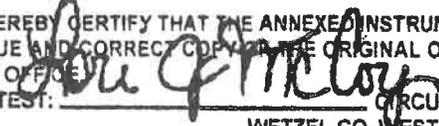
The Clerk shall enter the foregoing and forward attested copies hereof to all counsel, to any *pro se* parties of record, and to the Business Court Central Office at Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401.

8/7/20

date of entry

JUDGE H. CHARLES CARL, III
JUDGE OF THE WEST VIRGINIA
BUSINESS COURT DIVISION



I HEREBY CERTIFY THAT THE ANNEXED INSTRUMENT IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE.
ATTEST:  CIRCUIT CLERK
WETZEL CO. WEST VIRGINIA
BY: _____ DEPUTY CLERK