

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

FILED IN Circuit Clerk's Office  
this 26<sup>th</sup> day of  
August 2020 at 11:56  
Joseph M. Rucki, Clerk

**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,

Civil Action No. 18-C-203  
Presiding Judge: Wilkes  
Resolution Judges: Carl and Nines

v.

**ALLTRANSTEK LLC, RESCAR, INC.  
t/d/b/a RESCAR COMPANIES, and  
SUPERHEAT FGH SERVICES, INC.,**  
Defendants.

**BRIEFING ORDER**

IT APPEARING that Defendants, AllTranstek LLC and Rescar, Inc. T/D/B/A Rescar Companies, by counsel, have filed Defendants' Motion for Summary Judgment of Defendants, AllTranstek LLC and Rescar, Inc. T/D/B/A Rescar Companies, to Plaintiff's Complaint, it is ORDERED pursuant to Rule 22 of the West Virginia Trial Court Rules as follows:

On a prior day, the instant motion was filed. At that time, the Court entered an Order Holding Motion in Abeyance, considering the motion's averment that discovery is not complete and request to supplement the motion "up until September 15, 2020", and finding the motion shall be held in abeyance until a time period closer September 15, 2020. *See* Defs' Mot., p. 2.

The Court granted the request for leave to supplement the instant motion. The Court advised 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. *See* Ord., 7/2/20.

Defendants, AllTranstek LLC and Rescar, Inc. T/D/B/A Rescar Companies, have now provided a supplement to the instant motion and provided notice to the Court that the instant motion is now ripe for briefing and a ruling.

Now, the Court finds and orders that movant will provide a proposed order (if not already done) and serve a copy upon all non-moving parties. Non-moving parties shall file written responses and proposed orders within 10 days of entry of this order and serve copies of the same on the moving party. The moving party shall thereafter have 5 days to file a rebuttal memorandum, if desired. Thereafter, the Court will rule upon the motion on the pleadings and record or schedule a hearing if the Court deems it necessary.

All original proposed orders and copies of motions and/or memoranda shall be sent directly to the Judge via Carol.Miller@courtswv.gov with a courtesy copy to both Business.Court@courtswv.gov and Tessa.Bowers@courtswv.gov. Copies of the proposed orders and the original motions and memoranda shall be filed with the Clerk of the Circuit Court.

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.

August 24<sup>th</sup> 2020  
date of entry

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