

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

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WETZEL COUNTY, WV

**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.; and  
REDSTONE INTERNATIONAL, INC.;  
*Defendants<sup>1</sup>,***

**BENCH TRIAL ORDER  
DAY THREE: SEPTEMBER 23, 2020**

1. On the 23rd day of September, 2020, this matter came on before the Court for a bench trial. By prior agreement of the parties, the Court conducted the bench trial in Hampshire County, West Virginia. The Plaintiff was present by its counsel Kevin L. Colosimo, Joseph M. Ward, and Jonathan G. Brill, and its in-house counsel Natalie Lien. Defendant J.F. Allen Company was present by its counsel Douglas C. LaSota and by its President, Greg Hadjis. Defendant Amec Foster Wheeler Environment & Infrastructure, Inc. was present by its counsel Vic L. McConnell and William Fitts, and by its Lead Engineer, Chris Ramsey. Defendant Redstone International, Inc. was present by its counsel Bruce E. Stanley and Michael A. Jacks, and by its President, Heath Kefover.

2. The Court then inquired as to whether counsel had any objections to the Day Order from yesterday. A correction was made regarding admission of exhibits, and the Court then entered the Order.

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<sup>1</sup> The remaining Defendants were dismissed, by agreement of the parties, prior to the bench trial.

3. Thereafter, Mr. Rowlands was re-called to the stand and subject to cross-examination by Mr. LaSota.

4. Thereafter, Mr. Rowlands was subject to cross-examination by Mr. McConnell. During Mr. Rowland's testimony, Amec moved to make J.F. Allen's Exhibit 8A (a Table produced by CEC) the second page of Amec's Exhibit 5, to which counsel did not object.

5. During the cross-examination of Mr. Rowlands, the Court took a brief break.

6. At this point, counsel reported they had reached an agreement regarding J.F. Allen Exhibit Number 229.

7. Following the break, the cross-examination of Mr. Rowlands by Mr. McConnell resumed. After the cross-examination of Mr. Rowlands by Mr. McConnell, the Court recessed for a lunch break.

8. Following the lunch break, the cross-examination of Mr. Rowlands by Mr. Stanley began.

9. After the cross-examination of Mr. Rowlands by Mr. Stanley, Mr. Rowlands was subject to redirect examination by Mr. Colosimo, and re-cross examination by Mr. LaSota and by Mr. McConnell. Thereafter, Mr. Rowlands was excused as a witness and is not subject to recall.

10. Thereafter, Plaintiff called Tyler Adams as a witness and he was subject to direct examination by Joseph Ward. During the testimony of Mr. Adams, the Court recessed for a brief break.

11. After the break, the testimony of Mr. Adams resumed.

12. After the direct examination of Mr. Adams concluded, the Court and counsel discussed the amount of time remaining for Mr. Adams' testimony. Counsel agreed that Mr.

Adams would be cross-examined by Mr. LaSota today, and then Mr. Adams would continue his testimony tomorrow via video.

13. Thereafter, Mr. Adams was subject to cross-examination by Mr. LaSota.

14. At 4:53 p.m. the proceedings adjourned for the day.

It is **ORDERED**:

❖ The Circuit Clerk shall send this Order to all counsel of record.

❖ The Court notes the objections and exception of the parties to any adverse findings or rulings herein.

ENTERED this 24 day of September, 2020.



H. CHARLES CARL, III, JUDGE  
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: *[Signature]* CIRCUIT CLERK  
WETZEL CO. WEST VIRGINIA  
BY: \_\_\_\_\_ DEPUTY CLERK