

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

RECEIVED
WETZEL COUNTY, WV
SEP 29 11:24 AM '20

**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.;**
Defendants¹,

**BENCH TRIAL ORDER
DAY FIVE: SEPTEMBER 25, 2020**

1. On the 25th 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 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. Mr. Stanley noted that the time for Mr. Stack's testimony had changed from 9:00 a.m. to 10:00 a.m. Mr. Ramsey would testify from 9:00 a.m. to 10:00 a.m., pursuant

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

to an agreement by counsel reached after court yesterday. Otherwise, counsel had no objections and the Court then entered the Order.

3. Mr. Colosimo re-called Mr. Ramsey to the stand for continuance of his direct examination.

4. Following Mr. Ramsey's direct examination, the Court recessed for a brief break. Mr. Ramsey's testimony will conclude today, due to travel accommodations, and his testimony will resume at a later date.

5. Thereafter, Plaintiff called the following witness, duly sworn and subject to direct examination: Tom Stack, who testified remotely via Zoom video.

6. Following the direct examination of Mr. Stack, the Court recessed for a lunch break.

7. After the lunch break, Mr. McConnell conducted cross-examination of Mr. Stack. During cross-examination, the Court recessed for a brief break. Following the break, the cross-examination of Mr. Stack resumed. During the testimony of Mr. Stack, Plaintiff objected to Mr. McConnell playing a recording of a telephone conference (**Amec Exhibit 151**). The Court heard argument from counsel, which discussion and rulings are more fully set forth on the record. The Court overruled the objection and allowed the recording to be played, for the purpose of determining whether Mr. Stack could identify his voice on the recording and for the Court to hear what Mr. Stack said; the Court did not rule at this time on the admissibility of the recording into evidence.

8. Following cross-examination by Mr. McConnell, Mr. Stack was subject to cross-examination by Mr. Jacks.

9. After cross-examination by Mr. Jacks, the Court recessed for a brief break at the request of the witness. Following the break, Mr. Stack was subject to cross-examination by Mr. LaSota.

10. After cross-examination, Mr. Stack was subject to re-direct examination by Mr. Colosimo.

11. Thereafter, Mr. Stack was dismissed as a witness and is not subject to re-call.

12. Thereafter, Mr. Stanley expressed a concern about the available time remaining for the trial. The Court and counsel engaged in a discussion regarding the time needed.

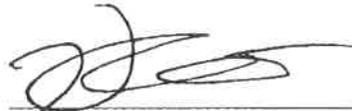
13. At 4:43 p.m. the proceedings adjourned for the day.

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 28 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 MASTERS FILE
ATTEST [Signature] CIRCUIT CLERK
WETZEL CO. WEST VIRGINIA
BY: _____ DEPUTY CLERK