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COURT REPORTER  
WETZEL COUNTY, WV

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

**BENCH TRIAL ORDER  
DAY SIX: SEPTEMBER 28, 2020**

1. On the 28th 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 Jonathan Allen. 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 Paul Sabatini of Geosyntec Consultants. 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. Counsel had no objections and the Court then entered the Order.

3. Thereafter, Mr. Colosimo called Dr. Jon Wren to the stand and he was duly sworn and subject to direct examination. Following qualification questioning, the Court recognized Dr.

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

Wren as an Expert in Civil and Geotechnical Engineering, without objection. Thereafter, Dr. Wren primarily presented narrative testimony, pursuant to agreement of counsel, with some questioning by Mr. Colosimo. During the testimony of Dr. Wren, the Court recessed for a brief break. Following the break, the testimony of Dr. Wren resumed.

4. After direct examination, Dr. Wren was subject to cross-examination by Mr. Lasota.

5. Thereafter, the Court recessed for a lunch break. After the lunch break, Chris Ramsey, Engineer, also appeared on behalf of Amec.

6. Following the lunch break, Dr. Wren was subject to cross-examination by Mr. McConnell. Mr. McConnell marked the following Exhibits, as they were not marked prior to trial: **Amec 272** (AASHTO Task Force 27 Report); **Amec 273** (GEC Circular #4 Excerpt); **Amec 274** (Figure 38); and **Amec 275** (Enlarged version of Figure 14 from Dr. Wren's Report). After cross-examination, the Court recessed for a brief break.

7. Following the break, Dr. Wren was subject to cross-examination by Mr. Jacks.

8. After cross-examination, Dr. Wren was subject to re-direct examination by Mr. Colosimo.

9. Thereafter, Dr. Wren was subject to re-cross examination by Mr. McConnell and by Mr. Jacks.

10. Thereafter, Dr. Wren was subject to re-re-direct examination by Mr. Colosimo.

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

12. Thereafter, Mr. Colosimo called Dr. Jeffrey Hunt to the stand and he was duly sworn and subject to direct examination. Following qualification questioning, the Court

recognized Dr. Hunt as an Expert in Civil and Structural Engineering, without objection.

Thereafter, Dr. Hunt presented narrative testimony, pursuant to agreement of counsel.

13. At 4:30 p.m. the proceedings adjourned for the day. The Court and counsel agreed to start testimony tomorrow at 8:30 a.m.

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 29 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