

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

ANTERO RESOURCES CORPORATION,  
a foreign corporation authorized to do business  
in the State of West Virginia

*Plaintiff<sup>1</sup>,*

v.

DIRECTIONAL ONE SERVICES, INC., USA,  
a foreign corporation authorized to do business  
in the State of West Virginia.

*Defendant.*

FILED

AUG 27 2020

Candy L. Warner  
Tyler Co. Circuit Clerk

Civil Action No. 18-C-14  
Honorable H. Charles Carl, III

---

TRIAL ORDER  
DAY ONE: AUGUST 26, 2020

---

1. On the 26th day of August, 2020, this matter came on before the Court for a jury trial. The Plaintiff was present by its in-house counsel, Jamie Chapman, and attorneys W. Henry Lawrence and John D. Pizzo; and Defendant was present by its corporate representative Kevin Onishenko and attorneys Christopher Kamper and Sean P. McGinley.

2. The Court conducted jury selection at the Tyler Consolidated High School pursuant to an *Order In Re: Use of Alternative Facility for Jury Proceedings on August 26, 2020* entered by the County Commission of Tyler County.

3. Prior to beginning jury selection, the Court reviewed its voir dire questions with counsel, who had no objection to the voir dire questions, and which discussion is more fully set forth on the record. The Court also reviewed the proposed Statement of the Case with counsel,

---

<sup>1</sup> Pursuant to the *Day Order from March 19, 2020 Pretrial Conference*, to avoid juror confusion due to the remaining claims to be tried, Antero is now designated the "Plaintiff" and Directional One is now designated the "Defendant"

and made a few changes pursuant to suggestions by counsel, which discussion is more fully set forth on the record.

4. Thereafter, the jury panel was brought into the courtroom and the panel was sworn in by the Clerk. Following the qualification questions, the Court found the members of the jury panel were qualified to serve at this term of court.

5. The following jury pool was called by the Clerk: (1) Barbara J. Anderson; (2) Jacqueline J. Long; (3) Sheron L. Miller; (4) Jay S. Dotson; (5) Patricia A. Smith; (6) Kari A. Huffman; (7) Dana M. Hornbeck; (8) Mary C. Bohrer; (9) Crystal L. Strother; (10) Steven W. Canfield; (11) Craig A. Frum; (12) Mark A. Klages; (13) Gary L. Nichols; and (14) Rodney C. Dennis. The Court explained that two alternate jurors would be selected, but they would not be identified as alternates until it was time for the jury to deliberate.

6. The entire jury panel was sworn and voir dire by the Court and counsel commenced. Following voir dire with the entire jury pool in the auditorium, the Court and counsel conducted individual voir dire in the band room of the Tyler Consolidated High School.

7. Based upon the information presented, the Plaintiff moved to dismiss potential juror Kari A. Huffman for cause and the Court DENIED the Motion.

8. Based upon further information presented, the Plaintiff moved to dismiss potential juror Crystal L. Strother for cause, without objection, and the Court GRANTED the Motion. Thereafter, David A. Palmer was called to the jury pool, in place of Ms. Strother.

9. After the completion of voir dire, the following comprised the jury pool: (1) Barbara J. Anderson; (2) Jacqueline J. Long; (3) Sheron L. Miller; (4) Jay S. Dotson; (5) Patricia A. Smith; (6) Kari A. Huffman; (7) Dana M. Hornbeck; (8) Mary C. Bohrer; (9) David A. Palmer; (10) Steven W. Canfield; (11) Craig A. Frum; (12) Mark A. Klages; (13) Gary L.

Nichols; and (14) Rodney C. Dennis. Jurors numbered one through ten comprised the regular panel and jurors eleven through fourteen comprised the alternate panel.

10. The Court reviewed the strike process with counsel, outside the presence of the jury panel. The Court clarified that, of the two alternate jurors selected, the lowest number will be alternate juror number one and the highest number will be alternate juror number two.

11. Thereafter, counsel exercised their strikes and the following jurors were seated: (1) Barbara J. Anderson; (2) Sheron L. Miller; (3) Jay S. Dotson; (4) Dana M. Hornbeck; (5) Mary C. Bohrer; (6) David A. Palmer; (7) Mark A. Klages; and (8) Gary L. Nichols.

12. The Clerk swore the jury to try the case. Thereafter, the Court excused the remainder of the jury panel who were not selected as jurors to try the case. The Court then gave the pretrial instructions to the jurors. Following the pretrial instructions, the Court excused the jurors for a lunch break.

13. Outside the presence of the jury, the Court inquired whether or not the parties had a *Motion for Witness Sequestration* and each side indicated they did not have a *Motion*. Therefore, the witnesses will not be required to be sequestered.

14. Antero made a *Motion in Limine* regarding summary judgment rulings and the other claims in this case. After hearing argument from counsel, the Court granted the *Motion* and indicated the information can be used for background context.

15. Thereafter, the Court recessed for a lunch break and to adjourn to the Tyler County Courthouse for the remainder of the trial.

16. After the lunch break, Mr. Pizzo and Mr. Kamper presented opening statements to the jury.

17. Following opening statements, this matter proceeded with the Plaintiff's case-in-chief.

18. The following witness was called by the Plaintiff, duly sworn: Kevin Kilstrom. During the testimony of Mr. Kilstrom, the Court recessed to chambers to consider an objection with regard to a previously ruled upon *Motion in Limine*, and the Court heard argument from counsel, which discussion and ruling is more fully set forth on the record. Following the recess, the testimony of Mr. Kilstrom resumed.

19. Thereafter, during the testimony of Mr. Kilstrom, the Court recessed to chambers to consider an objection with regard to Section 9 of the Master Services Agreement and a previously ruled upon *Motion to Compel*, and the Court heard argument from counsel, which discussion and ruling is more fully set forth on the record. Following the recess, the testimony of Mr. Kilstrom resumed.

20. Thereafter, during the testimony of Mr. Kilstrom, the Court admitted the following exhibits into evidence, without objection: Plaintiff's Exhibit 1 (Master Services Agreement "MSA"); Plaintiff's Exhibit 2 (Rate Sheet dated August 25); and Plaintiff's Exhibit 3 (Rate Sheet dated May 2).

21. At 4:32 p.m. the Plaintiff finished its direct examination of Mr. Kilstrom.

22. The Court dismissed the jury at 4:34 p.m.


23. Thereafter, the Court and counsel discussed stipulations to the exhibits. Counsel stipulated to: Directional One's Exhibits # 2, 3, 92, 95, 99, 121, 122, 126, 128, and 129; Antero's Exhibits # 1, 2, 6, 7, 8, 9, 10, 11, and 12.

24. At this point, 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 27<sup>th</sup> day of August, 2020.

  
\_\_\_\_\_  
H. CHARLES CARL, III, JUDGE  
BUSINESS COURT DIVISION