

FILED

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

JAN 14 2021 11:55

JEFFERSON COUNTY FOUNDATION, INC.
a West Virginia non-profit corporation,

GRANT S. CITSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

Plaintiff,

vs.

**Civil Action No.: 20-C-332
Presiding: Judge Wilkes**

WEST VIRGINIA ECONOMIC DEVELOPMENT AUTHORITY,
a Public Corporation of the State of West Virginia,
and **ROXUL USA, INC. D/B/A ROCKWOOL,**
a Delaware corporation,

Defendants.

DAY ORDER FROM JANUARY 14, 2021 HEARING AND BRIEFING ORDER

Came the parties, for a status conference, on January 14, 2021, commencing at 10:00 a.m. via telephone.

1. Christopher P. Stroech and Robert M. Bastress appeared for Plaintiff Jefferson County Foundation, Inc., Joseph V. Schaeffer appeared for Defendant Roxul USA, d/b/a Rockwool, and Peter G. Markham, Robert S. Kiss, and Michael E. Caryl appeared for Defendant the West Virginia Economic Development Authority.

2. The parties opined as to the status of the case. The parties proffered that the pending Motion to Dismiss filed by Defendant Roxul USA, d/b/a Rockwool is now fully briefed.

3. With regard to the pending motion to dismiss filed by the West Virginia Economic Development Authority, it is ORDERED pursuant to Rule 22 of the West Virginia Trial Court Rules as follows:

4. Non-moving parties shall file written responses by **January 29, 2021** and serve copies of the same on the moving party. The moving party shall thereafter until **February 5, 2021** to file a rebuttal memorandum, if desired. All proposed orders, including findings of fact and conclusions of law, shall be provided (if not already done) by February 5, 2021. Thereafter, the Court will rule upon the motion on the pleadings and record or schedule a remote hearing if the Court deems it necessary.

5. All original proposed orders and copies of motions and/or memoranda shall be sent directly to the Judge via Carol.Miller@courtswv.gov, 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.

6. The status was then adjourned.

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.

1-14-21

date of entry



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

Date: 1/14/2021

Certified copies sent to:
 counsel of record
 parties
 other (please indicate)

By:
 Certified; 1st class mail
 fax
 hand delivery
 interdepartmental
 Other directives accomplished:
None
 Deputy Circuit Clerk

Bus Co
M. Carey
J. Simon
J. Walls
G. Schaffer

STATE OF WEST VIRGINIA
 COUNTY OF KANAWHA, SS
 I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY FROM THE RECORDS OF SAID COURT GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 14 DAY OF Jan 2021
Cathy S. Gatson CLERK
 CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

380 West South Street
Martinsburg, WV 25401
304264-1992
304-264-2163

**Business Court
Division**

Fax

To:	Cathy S. Gatson	From:	Tessa Bowers, Law Clerk
Fax:	304-357-0473	Pages:	3 (incl. cover sheet)
Phone:	304-357-0440	Date:	1/14/2021
Re:	Business Court Order to be filed	cc:	n/a

Urgent For Review Please Comment Please Reply Please Recycle

Comments:

This is an Order signed by Judge Christopher Wilkes, Circuit Judge in Berkeley County, who is Presiding Judge in 20-C-332 (Kanawha County) as this case has been referred to the Business Court Division. This Order is to be entered in Kanawha County 20-C-332.

Please file and send attested copies to all counsels of record, as well as to the Business Court Central Office at 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401.