

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
Clarksburg Division

DOMINION ENERGY TRANSMISSION, INC., F/k/a  
DOMINION TRANSMISSION, INC.,

*Plaintiff,*

v.

Case No. 1:19CV182  
(Judge Keeley)

0.11 ACRE, MORE OR LESS, IN DODDRIDGE  
COUNTY, WEST VIRGINIA, et al.,

*Defendants.*

**NOTICE OF FILING OF ROSEBORO NOTICE AND ORDER**

To: Anthony Lake and Any Unknown Owners who may own an interest in that certain tract of land described as Parcel Identification No. 09-04-10-0032-0001-0000, composed of 19.04 acres, more or less, located in Doddridge County, West Virginia and being more particularly described in General Warranty Deed in Book 320, Page 80, of the public records of said County.

PLEASE TAKE NOTICE that on May 21, 2020, the United States District Court for the Northern District of West Virginia in the above-captioned matter entered the following "Roseboro Notice and Order" [Dkt. No. 33]:

On May 21, 2020, the plaintiff, Dominion Energy Transmission Inc. ("Dominion"), filed a motion for summary judgment as to just compensation owed to the remaining defendants and its supporting memorandum of law and exhibit (Dkt. Nos. 31, 32). Because the remaining defendants are proceeding pro se, the Court has a duty to advise them of their right to file a response to Dominion's motion for summary judgment and that failing to respond could result in the entry of summary judgment against them. See *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 1975).

**I. MOTION FOR SUMMARY JUDGMENT**

Summary judgment is appropriate only "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(c). When ruling on a motion for summary judgment, the Court reviews all the evidence "in the light most favorable" to the nonmoving party. *Providence Square*, 211 F.3d at 850. The Court must avoid weighing the evidence or determining its truth and limit its inquiry solely to a determination of whether genuine issues of triable fact exist. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249 (1986).

The moving party bears the initial burden of informing the Court of the basis for the motion and of establishing the nonexistence of genuine issues of fact. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). Once the moving party has made the necessary showing, the non-moving party "must set forth specific facts showing that there is a genuine issue for trial." *Anderson*, 477 U.S. at 256 (internal quotation marks and citation omitted). The "mere existence of a scintilla of evidence" favoring the non-moving party will not prevent the entry of summary judgment; the evidence must be such that a rational trier of fact could reasonably find for the nonmoving party. *Id.* at 248-52.

**II. CONCLUSION**

Accordingly, the defendants are NOTIFIED of their right to file a response to Dominion's motion for summary judgment. The Court ORDERS the defendants to file their opposition to Dominion's motion, if any, by June 11, 2020. Any response shall not exceed 25 pages. It further ORDERS Dominion to file its reply, if any, by October June 25, 2020. It is so ORDERED.

The Court DIRECTS the Clerk of Court to transmit copies of this Order to counsel of record. It further DIRECTS Dominion to provide a copy of this Order to the remaining defendants and file proof of service with the Court.

DATED: May 21, 2020

*/s/ Irene M. Keeley*  
IRENE M. KEELEY

UNITED STATES DISTRICT JUDGE

By counsel for Dominion Energy Transmission, Inc. f/k/a Dominion Transmission, Inc.: William J. O'Brien (WV Bar #10549), Steptoe & Johnson PLLC, william.obrien@steptoe-johnson.com, 400 White Oaks Boulevard, Bridgeport, West Virginia 26330, (304) 933-8000; Lauren K. Turner (WV Bar #11942), Steptoe & Johnson PLLC, lauren.turner@steptoe-johnson.com, 400 White Oaks Boulevard, Bridgeport, West Virginia 26330, (304) 933-8000; and Brooks Spears (WV Bar #12820), McGuireWoods LLP, bspears@mcguirewoods.com, 1750 Tysons Boulevard, Suite 1800, Tysons, Virginia 22102, (304) (703) 712-5000.

5-27-3xb

**"NOTICE OF PUBLIC COMMENT"**

**Public Test for Express Voting Machines and Election Ware Tabulation Program**

The West Virginia Department of Environmental Protection has scheduled a public comment period for the ***Draft Fiscal Year 2021*** Intended Use Plan for the Clean Water State Revolving Fund Program (CWSRF). A part of the Intended Use Plan is the Fiscal Year 2021 Priority List. All written comments submitted to this notice must be received by the CWSRF by June 27, 2020. A copy of the draft Fiscal Year 2021 Intended Use Plan is available, and may be requested by calling, writing or sending an email request to the address below. The Intended Use Plan can also be viewed on DEP's web site at <https://dep.wv.gov/WWE/Programs/SRF/Pages/default.aspx>

The Doddridge County Commission has scheduled a public test of the Express Voting Machines and Election Ware Tabulation Program to be held Tuesday, June 2, 2020, after the Commission Meeting, at the Doddridge County Courthouse, in preparation for Election Day voting for Tuesday, June 9, 303 Primary Election. It is required that one machine per ballot style be tested for each voting period.

Lorena "Catee" Slater,  
Doddridge County Clerk

5-27-1xb

**Contact**

Katheryn Emery  
WV Department of Environmental Protection  
Division of Water & Waste Management  
Clean Water State Revolving Fund  
601 57th Street, SE  
Charleston, WV 25304  
(304) 926-0499 Ext. 43830  
Katheryn.D.Emery@wv.gov

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