

**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA**

**DD OIL COMPANY,
A WEST VIRGINIA CORPORATION,**

Appellant,

v.

22-01-EQB

**STATE OF WEST VIRGINIA, EX REL.,
HAROLD D. WARD, CABINET SECRETARY,
WEST VIRGINIA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,**

Appellee.

**ORDER GRANTING MOTION
IN LIMINE AND MOTION TO STRIKE**

The Appellee, Harold D. Ward, Cabinet Secretary, West Virginia Department of Environmental Protection ("WVDEP"), by counsel, previously moved the Board for entry of an Order excluding the Appellant, DD Oil Company, from introducing evidence regarding privileged communications between WVDEP and its counsel, and further striking from the record any material regarding such communications. WVDEP so moved pursuant to Rule 1.6 and 3.7 of the West Virginia Rules of Professional Responsibility, Rules 103 and 501 of the West Virginia Rules of Evidence, and Rule 12 of the West Virginia Rules of Civil Procedure.

Upon consideration of the record and the pleadings in this matter, the Board hereby grants WVDEP's Motion in Limine and Motion to Strike and ORDERS that evidence regarding privileged communications between WVDEP and its counsel may not be introduced. The Board further ORDERS that Exhibit 10 to the Appellant's Notice of Appeal and on the Appellant's exhibit list be stricken from the record and barred from introduction or consideration.

It is so ORDERED and ENTERED this 13th day of July, 2022.


Edward M. Snyder, Chairman

Prepared by:



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DD OIL COMPANY,
A WEST VIRGINIA CORPORATION,

Appellant,

v.

Appeal No. 22-01-EQB

STATE OF WEST VIRGINIA, EX REL.,
HAROLD D. WARD, CABINET SECRETARY,
WEST VIRGINIA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Appellee.

CERTIFICATE OF SERVICE

I hereby certify that I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board, have this day, the 13th day of July, 2022, served a true copy of the foregoing **ORDER GRANTING MOTION IN LIMINE AND MOTION TO STRIKE** upon the following:

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Kenna M. DeRaimo, Clerk