

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MIDWEST ENERGY EMISSIONS CORP.)	
and MES Inc.,)	
)	C.A. No. 19-1334 (CJB)
Plaintiffs,)	
)	
v.)	
)	
ARTHUR J. GALLAGHER & CO., <i>et al.</i> ,)	
)	
Defendants.)	

STATUS REPORT AND JOINT STIPULATION

In response to the Court’s Oral Order at D.I. 696, Plaintiffs Midwest Energy Emissions Corp. and MES Inc. (“ME2C” or “Plaintiffs”) and CERT Operations II LLC, CERT Operations IV LLC, CERT Operations V LLC, CERT Operations RCB LLC, Senescence Energy Products LLC, Bascobert (A) Holdings LLC, Buffington Partners LLC, Larkwood Energy LLC, Rutledge Products LLC, Cottbus Associates LLC, Springhill Resources LLC, and Marquis Industrial Company LLC (“CERT Defendants” or “Defendants”), hereby file this Status Report and Joint Stipulation as follows:

1. Status report on issues to be tried in the bench trial.

The trial of Defendants’ non-jury defenses, scheduled for a one-day bench trial May 30, 2024 (D.I. 696), will go forward only as to Defendants’ defense of implied license.

2. Stipulated Deadlines for Pretrial Disclosures:

WHEREAS, the Court has set a one-day bench trial on May 30, 2024 (D.I. 696);

WHEREAS, the Court has set a pretrial conference on May 23, 2024 at 11:00 a.m. (D.I. 696);

WHEREAS, the Court ordered the parties to supply “any other information about the

expected scope or content of that trial they think the Court needs to consider at this point” (D.I. 696);

WHEREAS, the parties to the above-captioned action have negotiated dates for exchange of pretrial documents and disclosures for the scheduled bench trial; and

WHEREAS, the proposed schedule for disclosure of pretrial documents does not alter any deadlines set by the Court;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the parties to the above-captioned action, subject to the approval of the Court, that the schedule for pretrial exchanges is as follows:

Events	Proposed Date
Defendants to serve their disclosure of Defendants’ witness list, exhibit list, designations of deposition/trial transcript testimony to be used at trial; statement of issues of fact; and statement of issues of law.	April 22, 2024
Plaintiffs to serve their responsive disclosures of Plaintiffs’ witness list, exhibit list, designations of deposition/trial transcript testimony to be used at trial; statement of issues of fact; and statement of issues of law.	May 9, 2024
Defendants to serve their rebuttal disclosures.	May 16, 2024
Deadline for Parties to finalize and Defendants to file Parties’ pretrial disclosures.	May 17, 2024
Pre-Trial Conference	May 23, 2024
Trial	May 30, 2024

3. Pretrial Conference:

The parties will make themselves available for a Pretrial Conference on May 23, 2024, but

jointly propose that the Pretrial Conference be held by video conference at the time scheduled by the Court (11:00 a.m. on May 23, 2024).

Dated: April 1, 2024

DEVLIN LAW FIRM LLC

/s/ James M. Lennon

James M. Lennon (#4570)
1526 Gilpin Avenue
Wilmington, DE 19806
(302) 449-9010
jlennon@devlinlawfirm.com

*Attorneys for Plaintiffs Midwest
Energy Emissions Corp. and MES Inc.*

OF COUNSEL:

Bradley W. Caldwell
Texas Bar No. 24040630
Jason D. Cassady
Texas Bar No. 24045625
John Austin Curry
Texas Bar No. 24059636
Justin T. Nemunaitis
Texas Bar No. 24065815
Adrienne R. Dellinger
Texas Bar No. 24116275
CALDWELL CASSADY CURRY PC
2121 N. Pearl Street, Suite 1200
Dallas, Texas 75201
Phone: (214) 888-4848
Fax: (214) 888-4849
bcaldwell@caldwellcc.com
jcassady@caldwellcc.com
acurry@caldwellcc.com
jnemunaitis@caldwellcc.com
adellinger@caldwellcc.com

MORRIS JAMES LLP

/s/ Kenneth L. Dorsney

Kenneth L. Dorsney (#3726)
Cortlan S. Hitch (#6720)
500 Delaware Avenue, Suite 1500
Wilmington, DE 19801
(302) 888-6800
kdorsney@morrisjames.com
chitch@morrisjames.com

OF COUNSEL:

Jeff Dyess
Paul Sykes
Benn Wilson
Ashley M. Robinson
BRADLEY ARANT BOULT CUMMINGS LLP
1819 Fifth Avenue North
Birmingham, AL 35203
Telephone: (205) 521-8000
Facsimile: (205) 521-8800
Email: jdyess@bradley.com
psykes@bradley.com
bcwilson@bradley.com
amrobinson@bradley.com

Jessica Zurlo
BRADLEY ARANT BOULT CUMMINGS LLP
1615 L Street NW
Ste 1350
Washington, D.C. 20036
Telephone: (202) 393-7150
Facsimile: (202) 347-1684
Email: jzurlo@bradley.com

*Attorneys for Defendants CERT Operations II LLC,
CERT Operations IV LLC, CERT Operations V LLC,
CERT Operations RCB LLC, Senescene Energy
Products, LLC, Springhill Resources LLC, Buffington
Partners LLC, Bascobert (A) Holdings LLC,
Larkwood Energy LLC, Cottbus Associates LLC,
Marquis Industrial Company, LLC, Rutledge
Products, LLC*

SO ORDERED this ___ day of April, 2024.

The Honorable Christopher J. Burke