

IN THE CIRCUIT COURT OF MONONGALIA COUNTY, WEST VIRGINIA

WEST VIRGINIA UNIVERSITY  
BOARD OF GOVERNORS, for and on  
behalf of WEST VIRGINIA UNIVERSITY,

Plaintiff,

v.

CIVIL ACTION NO. 07-C-851  
(Judge Stone)

RICHARD RODRIGUEZ,

Defendant,

v.

WEST VIRGINIA UNIVERSITY  
FOUNDATION, INC., a West Virginia corporation,

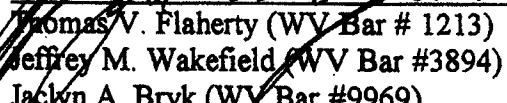
Third-Party Defendant.

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that the undersigned will, by counsel, proceed to bring its Motion for Scheduling Conference and Entry of Scheduling Order Expediting Disposition of Action on for hearing before the Honorable Robert B. Stone, Circuit Judge, at such time and place as the Court may deem proper.

**WEST VIRGINIA UNIVERSITY  
BOARD OF GOVERNORS for  
and on behalf of WEST VIRGINIA  
UNIVERSITY,**

**By Counsel,**



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Plaintiff,

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(Judge Stone)

RICHARD RODRIGUEZ,

Defendant/  
Third-Party Plaintiff,

v.

WEST VIRGINIA UNIVERSITY  
FOUNDATION, INC., a West Virginia  
corporation,

Third-Party Defendant.

**PLAINTIFF'S MOTION FOR SCHEDULING CONFERENCE  
AND ENTRY OF SCHEDULING ORDER EXPEDITING  
DISPOSITION OF ACTION**

COMES NOW the plaintiff, West Virginia University Board of Governors for and on behalf of West Virginia University ["the University"], by counsel, and moves the Court, pursuant to the provisions of Rule 16 of the West Virginia Rules of Civil Procedure, for the entry of an order setting a scheduling conference as well as the entry of a scheduling order expediting the disposition of this action on the ground that expedited resolution of this case is warranted in order to accommodate anticipated time constraints of the defendant, Richard Rodriguez ["Rodriguez"], which would otherwise impede the prompt disposition of this action.

In further support of said motion, the University states:

1. The University initiated this civil action on December 27, 2007. Service of the Complaint was made upon Rodriguez on December 29, 2007. The University filed and served

its First Amended Complaint on January 20, 2008. Rodriguez filed Defendant's Answer to the Amended Complaint, with Affirmative Defenses, Counterclaim and Third-party Complaint with Jury Demand on February 1, 2008. The University served its Motion for Partial Dismissal of Defendant Richard Rodriguez's Counterclaim, Memorandum of Law in Support of Motion for Partial Dismissal of Defendant Richard Rodriguez's Counterclaim and Reply to the Counterclaim of the Defendant on February 21, 2008.

2. This action involves the determination of whether Rodriguez is obligated to pay the University Four Million Dollars (\$4,000.00.00) as set forth in the Second Amendment to the Employment Agreement for Richard Rodriguez entered into on or about August 24, 2007. The action arises from Rodriguez's resignation as the head football coach at the University to accept the position of head football coach at the University of Michigan.

3. It is anticipated that Rodriguez's schedule as the head football coach at the University of Michigan will provide little or no time for Rodriguez to defend or otherwise represent his interests in this litigation once preseason football practice and the 2008 football season commence.

4. The University desires to have the claims asserted in this action resolved in an expeditious fashion and not be needlessly delayed by any time constraints possessed by Rodriguez. Entry of a scheduling order which calls for the resolution of this action no later than the summer of 2008 will accommodate the interests of the University and not interfere with Rodriguez's duties.

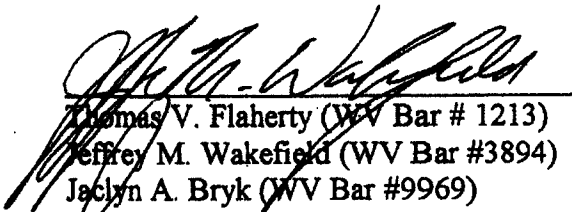
5. The University represents that it will dedicate the necessary time and resources to place this action in a posture for resolution in the summer of 2008.

WHEREFORE, for the reasons set forth above, the plaintiff, West Virginia University Board of Governors for and on behalf of West Virginia University, prays that its Motion for

Scheduling Conference and Entry of Scheduling Order Expediting Disposition of Action be granted together with such other and further relief as the Court may deem proper.

**WEST VIRGINIA UNIVERSITY  
BOARD OF GOVERNORS for  
and on behalf of WEST VIRGINIA  
UNIVERSITY,**

**By Counsel,**



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WEST VIRGINIA UNIVERSITY  
FOUNDATION, INC., a West Virginia corporation,

Third-Party Defendant.

**CERTIFICATE OF SERVICE**

I, Jeffrey M. Wakefield, counsel for plaintiff, do hereby certify that plaintiff's "NOTICE OF MOTION" and "PLAINTIFF'S MOTION FOR SCHEDULING CONFERENCE AND ENTRY OF SCHEDULING ORDER EXPEDITING DISPOSITION OF ACTION" was served upon the following counsel of record by placing true copies thereof in the United States Mail, first class, postage prepaid, this 22nd day of February, 2008:

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