

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

FILED
2013 JAN 17 8:45
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**CASTO TECHNICAL SERVICES, INC.,
Plaintiff,**

v.

**Civil Case No.: 12-C-1954
BCD No.: 12-C-1954KAN
Honorable James H. Young, Jr., Judge**

**OMEGA FACILITY SOLUTIONS,
SERVICES & SURETY, LLC,
Defendant.**

AGREED AMENDED SCHEDULING ORDER

The following shall apply to and govern the above-captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to trial and prior to any scheduled activity which should logically proceed it. The parties may not amend, modify or adjust any provision of this order, except by leave of Court.

- 1. Trial date: **February 18, 2014** Time: **9:00 a.m.**
- 2. Pre-trial Conference: **January 21, 2014** Time: **9:00 a.m.**

(Lead counsel and principals and persons of authority to settle the case must attend pre-trial.)

(Any pre-trial motions, except motions in limine, must be filed before pre-trial date.)

(Proposed voir dire must be submitted at pre-trial.)

(Pre-trial memoranda must be submitted two business days before pre-trial.)

(Proposed instructions must be exchanged one week before trial. Thereafter, parties must meet and confer and submit, to the extent possible, agreed instructions not later than 4:00 p.m. Friday before trial. Instructions are to be submitted on a Word disk and hard copy.)

(Trial witness lists and copies of exhibits shall be exchanged ten (10) calendar days before the pre-trial date, and objections to the witnesses and exhibits shall be filed two (2) calendar days before the pre-trial date.)

(Motions in limine shall be served and filed fourteen (14) calendar days before trial, and responses shall be served and filed seven (7) calendar days before trial.)

- 3. Motions to Amend/Amended Complaint to be filed by: **February 8, 2013**
- 4. Answer to Amended Complaint and Amended Counterclaim to be filed by: **February 28, 2013**

69

5. Dispositive Motions to be filed by **November 20, 2013**; Responses to Dispositive Motions to be filed by **December 20, 2013**; and Replies to Responses to Dispositive Motions to be filed by **January 6, 2014**.

(Counsel, please be advised that the deadline for filing dispositive motions and briefs in support thereof must be at least 45 days before pre-trial. All briefs in response to dispositive motions must be filed at least fifteen days prior to the pre-trial. Dispositive motions made outside of this time frame will be deemed waived. Briefs filed less than fifteen (15) days before hearing on dispositive motions will not be considered.)

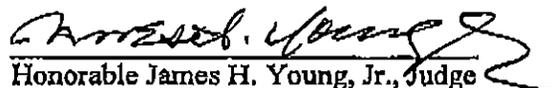
6. Plaintiff to identify expert witnesses by: **June 3, 2013**
7. Defendant to identify expert witnesses by: **July 3, 2013**
8. Any party desiring to use an expert witness must serve and file, by no later than the respective dates set forth in paragraphs 6 and 7 above, all W.Va. R. Civ. P. 26(b)(4)(A)(1) information.
9. All parties to identify fact witnesses by: **April 5, 2013**
10. Discovery completed on or before: **September 16, 2013** ("Completed" means that any discovery requiring a response or action shall be filed in sufficient time to permit such response or action by the above date.)
11. All independent medical examinations, physical or scientific tests or similar examinations, tests or studies shall be conducted by: **April 19, 2013**
12. Third Party Complaints to be filed and served on or before: **March 8, 2013**
13. Mediation deadline: **September 30, 2013**

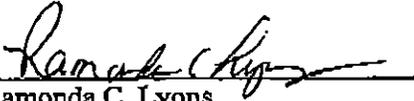
(MANDATORY – to be completed at least 30 days in advance of trial.) (Costs to be split between the parties.)

ANY AND ALL ORDERS SUBMITTED FOR ENTRY MUST BE INSPECTED BY ALL COUNSEL OF RECORD.

DO NOT FAX DOCUMENTS IN EXCESS OF 10 PAGES TO THE JUDGE.

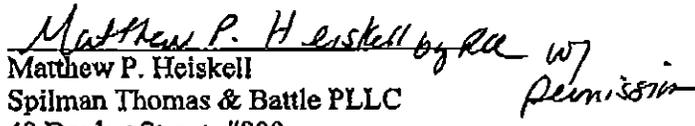
Entered this 15 day of MAY, 2013


Honorable James H. Young, Jr., Judge



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