

IN THE CIRCUIT COURT OF PRESTON COUNTY, WEST VIRGINIA

DOMENICK MARRARA, JR.,  
Individually and as co-Trustee of the  
Sandra Jean Marrara Trust, SANDRA  
JEAN MARRARA, as co-Trustee of the  
Sandra Jean Marrara Trust, and  
SANDRA JEAN MARRARA TRUST,  
Plaintiffs,

vs.

CIVIL ACTION NO. 13-C-198

ROCCO S. MARRARA, JR., individually  
and as Trustee of the Mary Jane Marrara Irrevocable  
Trust, and as Trustee of the Rocco S. Marrara, Sr. Credit  
Shelter Trust, MARY JANE MARRARA  
IRREVOCABLE TRUST, ROCCO S. MARRARA, SR.  
CREDIT SHELTER TRUST, FIREBIRD CO., D & R  
DISTRIBUTORS, INC., and PURE LAND, CO.,  
Defendants.

**SCHEDULING ORDER**

On the 2nd day of December, 2013, came the Plaintiffs, Domenick Marrara, Jr., Sandra Jean Marrara, and Sandra Jean Marrara Trust, by their counsel, William C. Brewer and J. Tyler Slavey, and the Defendants, Rocco S. Marrara, Jr., Mary Jane Marrara Irrevocable Trust, Rocco S. Marrara, Sr., Credit Shelter Trust, Firebird Co., D. & R Distributors, Inc., and Pure Land, Co., by their counsel, William J. Leon, respectively, for a scheduling conference with regard to further proceedings herein. Having met with the Court and pursuant to Rule 16(b) of the West Virginia Rules of Civil Procedure, the following schedule and procedures were adopted and ORDERED by the Court:

1. All inspections, if any, shall be completed by the Plaintiffs on or before the 1<sup>st</sup> day of May, 2014, and by the Defendants on or before the 1<sup>st</sup> day of July, 2014.
2. The Plaintiffs shall disclose the names of all of the Plaintiffs' expert trial witnesses on or before the 1<sup>st</sup> day of May, 2014. The Defendants shall disclose the

names of all the Defendants' expert trial witnesses on or before the 1<sup>st</sup> day of July, 2014. At the time of identifying such expert witness, the party shall disclose the specialty of such expert and furnish the opposing party with copies of all reports with regard to this case which have been submitted by such expert witness, or, if no such reports have been submitted, a detailed summary of the substance of the contemplated testimony of such expert witness.

3. An objection to any interrogatory, notice of deposition, request for admission, or production of documents and/or reports shall be filed within thirty (30) days after service of the same. Any such objection not filed within thirty (30) days shall be waived. Any such objection shall not extend the time in which the objecting party must otherwise appear or respond to any discovery matters to which no objection was filed. If a party fails to answer an interrogatory or a request for admission, or fails to produce a document or disclose anything required herein and does not file an objection thereto, then the person seeking such information shall timely file a motion to compel and shall schedule a hearing thereon with the Court. If the party seeking such information fails to file and schedule a hearing on a motion to compel, the request for such information from the other party shall be deemed waived.

4. In any event, all discovery shall be completed on or before the 2<sup>nd</sup> day of September, 2014.

5. All pre-trial motions including, but not limited to, motions to dismiss, motions for summary judgment or motions in limine shall be filed on or before the 9<sup>th</sup> day of September, 2014. Hearing on all such motions shall be set with the Court with notice of hearing thereon served on opposing counsel at the time of filing of the motion. WVRE 103(c) contemplates that all motions in limine should be determined prior to trial. Accordingly, unless a matter could not have been reasonably anticipated by a party, the Court will not as a

general rule consider motions in limine at or during the time of trial. All dispositive motions shall be scheduled so that they can be heard and resolved well in advance of the trial.

6. The parties' counsel shall submit this case to mediation pursuant to Rule 25 of the West Virginia Trial Court Rules. Mediation shall be completed by the final pre-trial conference.

7. A pre-trial conference shall be held with the Court on the 3rd day of October, 2014, at 11:30 o'clock a.m. at which time lead trial counsel shall appear fully prepared to discuss all aspects of the case. At least two (2) days prior to the pre-trial hearing the parties shall prepare and provide the Court and opposing counsel with a pre-trial memoranda to include at least the following:

- (a) Statement of the case including a brief summary of the material facts and theory of liability or defense;
- (b) Itemized statement of damages;
- (c) Stipulation of uncontested facts;
- (d) General statement of contested issues of law and in particular, those contested issues of law requiring court ruling before commencement of trial;
- (e) List of the names and addresses of all witnesses, and, if any expert witness, the purpose of the testimony and whether the qualifications of the expert are to be stipulated;
- (f) Legal authorities to be relied upon;
- (g) For each party, a list of depositions and exhibits to be offered as evidence at trial, indicating as to each whether there are objections to either authenticity or relevancy (if there are

objections, the lines and pages of depositions being objected to must be identified), and a statement that copies of exhibits have been exchanged by counsel or that opposing counsel have examined the exhibits;

(h) Settlement possibilities.

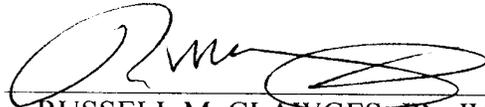
8. In accordance with West Virginia Rules of Civil Procedure 16(f), the Court will impose the full spectrum of sanctions authorized by the West Virginia Rules of Civil Procedure if a party or party's counsel fails to obey this Order.

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WB  
WTL*

The Clerk is directed to forward a copy of this Order to all counsel of record.

ENTER:

*December 2, 2013*



RUSSELL M. CLAWGES, JR., JUDGE

*Entered: December 5, 2013*

*Betsy Cottle, Clerk*

*By: Lew Leichman, Deputy*