



IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

IN RE: LPG LAND LITIGATION

Civil Action No. 15-C-4000

THIS DOCUMENT APPLIES TO ALL CASES

CASE MANAGEMENT ORDER

APPOINTMENT OF LIAISON COUNSEL

Robert M. Bastress, III is hereby appointed to serve as Liaison Counsel for Plaintiffs.

Keith C. Gamble is hereby appointed to serve as Liaison Counsel for Defendants.

FACT DISCOVERY

PLAINTIFF FACT SHEETS

Plaintiffs and Defendants shall confer and file a proposed, agreed Plaintiff Fact Sheet in Rich Text Format **no later than June 15, 2015**. Once approved, all Plaintiff Fact Sheets shall be completed by the Plaintiffs, filed and served **no later than July 30, 2015**.

FACT WITNESS DISCLOSURE DEADLINE: August 14, 2015.

FACT DISCOVERY COMPLETION DEADLINE: October 2, 2015.

All responses and objections to discovery shall be completed and all motions to compel discovery shall be filed by the fact discovery completion deadline. The fact discovery completion deadline established in this scheduling order does not excuse failure to comply with the provisions of Rule 26(e) requiring supplementation of responses to discovery.

EXPERT DISCOVERY

DEADLINE FOR PLAINTIFFS' EXPERT WITNESS DISCLOSURES: June 15, 2015.

DEADLINE FOR DEFENDANTS' EXPERT WITNESS DISCLOSURES: August 14, 2015.

EXPERT DISCOVERY COMPLETION DEADLINE: November 6, 2015.

Any party desiring to use an expert witness must furnish opposing counsel with the specialty of such expert and copies of all reports submitted by such witness, or, if no reports have been

submitted, a summary of the substance of such expert's contemplated testimony, in accordance with WVRCP 26(b)(4). If the name, reports or 26(b)(4) material are not timely provided, a motion to continue, motion to exclude, or other sanction motion on this basis will not be considered unless opposing counsel has filed such motion prior to the pretrial conference.

ALL DISCOVERY IS CLOSED: December 4, 2015.

MEDIATION: February 24, 25 and 26, 2016, in Morgantown, West Virginia. Time and Location are to be determined.

PRE-MEDIATION CONFERENCE CALL: at 12:00 p.m. on February 10, 2016.

DEADLINE FOR FILING MOTIONS IN LIMINE: March 4, 2016.

DEADLINE FOR RESPONSES TO MOTIONS IN LIMINE: March 18, 2016.

WVRE 103(c) requires that all motions in limine should be determined prior to trial, where practicable. This Court will not consider motions in limine on the day of trial without good cause shown.

DEADLINE FOR DISPOSITIVE MOTIONS: April 1, 2016.

DEADLINE FOR RESPONSES TO DISPOSITIVE MOTIONS: April 15, 2016.

DEADLINE FOR REPLIES TO DISPOSITIVE MOTIONS: April 22, 2016.

If a discovery deposition is scheduled within 30 days of the close of discovery, counsel must request an expedited copy of the transcript of such deposition. The Court will not permit supplementation of dispositive motions or responses to dispositive motions with deposition testimony received after the briefing deadlines set forth above.

HEARING ON DISPOSITIVE MOTIONS: May 20, 2016, in Morgantown, West Virginia.

Time and location are to be determined.

WITNESS AND EXHIBIT LISTS, PROPOSED VOIR DIRE, AND PROPOSED JURY

INSTRUCTIONS: April 26, 2016.

Parties shall electronically file and serve their witness and exhibit lists, proposed voir dire, and proposed jury instructions on one another, the Presiding Judges and the Mass Litigation Manager. Parties shall also provide the Mass Litigation Manager with their proposed voir dire and proposed jury instructions in Microsoft WORD format via electronic mail **by no later than 12:00 noon on April 26, 2016.** The Mass Litigation Manager's electronic mail address is kim.fields@courtsv.gov The witness list shall be a bona fide list of intended trial witnesses and any recently discovered fact or condition witness. Names of witnesses must be specified and must include contact information for each witness and a statement of intended testimony. Unnamed/unlisted witness reservations are not authorized.

EXHIBITS AND DEPOSITION DESIGNATIONS EXCHANGED: April 26, 2016.

Parties shall exchange full and complete copies of all exhibits intended to be introduced into evidence at trial and all deposition designations. All exhibits shall be pre-marked.

OBJECTIONS TO EXHIBITS, WITNESSES AND DEPOSITION DESIGNATIONS: May 2, 2016.

All parties are to meet and confer by **no later than May 9, 2016**, to resolve objections to witnesses, exhibits and deposition designations.

PRETRIAL CONFERENCE MEMORANDA: May 12, 2016.

All parties are directed to exchange their pretrial conference memoranda, and to deliver their pretrial conference memoranda to the Presiding Judges and the Mass Litigation Manager, **by no later than May 12, 2016.**

The pretrial conference memoranda shall contain the following:

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| a. Statement of the Case | f. Specific List of Witnesses
(NO reservations authorized) |
| b. Issues of Fact | g. Pending Motions |
| c. Issues of Law | h. Motions in Limine |
| d. Proposed Stipulations | i. Proposed Verdict Form |
| e. Specific Schedule of Exhibits
(NO reservations authorized) | j. Deposition Designation Objections |

PRETRIAL CONFERENCE: May 20, 2016, in Morgantown, West Virginia. Time and location are to be determined.

LEAD COUNSEL TRYING THE CASE MUST APPEAR AT THE PRE-TRIAL CONFERENCE.

TRIAL: June 13, 2016, in Morgantown, West Virginia. Time and location are to be determined.

MODIFICATION: In accordance with WVRCP 16(b) and 29(b), this Case Management Order shall not be modified, except by leave of the Court.

SANCTIONS: In accordance with WVRCP 16(f), the Court will impose the full spectrum of sanctions authorized by the WVRCP if a party or party's counsel fails to obey this order or other orders of this Court. Unless authorized by the Court, the above dates and requirements of this Case Management Order are **FINAL**. **NO** additional evidence developed as a result of deviations from this Case Management Order will be admissible at trial.

It is to **ORDERED**.

ENTER: May 15, 2015

/s/ David W. Hummel, Jr.
Lead Presiding Judge
LPG Land Litigation