



IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

IN RE: MINGO COUNTY
COAL SLURRY LITIGATION

CIVIL ACTION NO. 10-C-5000

THIS DOCUMENT APPLIES TO ALL CASES

**ORDER GRANTING DEFENDANTS' MOTION FOR PHYSICAL AND
MENTAL EXAMINATIONS and GRANTING DEFENDANTS' MOTION TO
EXTEND DEADLINES RELATED TO EXPERT DISCLOSURES**

On a previous day came Defendants with a Motion for Mental and Physical Examinations, and with a Motion to Extend Deadlines Related to Discovery Disclosures. After having reviewed Defendants' motions and supporting memoranda, Plaintiffs' responses to the same, and after having conferred with one another to ensure uniformity of their decision as contemplated by West Virginia Trial Court Rule 26.07(a), the Presiding Judges are satisfied that good cause exists for conducting physical and mental examinations of Plaintiffs because Plaintiffs' alleged physical and mental injuries are one of the central issues in this case. Therefore, the Presiding Judges unanimously rule that Defendants' Motion for Mental and Physical Examinations is **GRANTED** and Defendants are permitted to conduct non-invasive physical and/or mental examinations for all Plaintiffs listed in Defendants' List of Plaintiffs Requested to Undergo Physical and/or Mental Examinations.

The Presiding Judges further rule that Defendants' Motion to Extend Deadlines Related to Expert Disclosures is **GRANTED**. Insofar as expert deadlines are concerned, the Case Management Order will be conformed to the deadlines as proposed in Defendants' Motion to Extend Deadlines related to Expert Disclosures. Accordingly, the deadline for expert disclosure is now April 29, 2011; the deadline for disclosure of rebuttal experts is now May 6, 2011; and the deadline for the completion of expert

witness discovery is now May 10, 2011. The remainder of the Case Management Order continues to be in full force and effect.

It is so **ORDERED**.

All exceptions and objections are noted and preserved for the record.

ENTER: April 25, 2011

/s/ James P. Mazzone
Lead Presiding Judge,
Mingo County Coal Slurry Litigation