



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: CARBON MONOXIDE EXPOSURE LITIGATION Civil Action No. 14-C-8000

THIS DOCUMENT APPLIES TO ALL CASES

CASE MANAGEMENT ORDER

FACT DISCOVERY

FACT DISCOVERY COMPLETION DEADLINE: October 1, 2014.

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

EXPERT DISCOVERY COMPLETION DEADLINE: November 3, 2014.

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 31, 2014.

DEADLINE FOR FILING MOTIONS IN LIMINE: March 27, 2015.

DEADLINE FOR RESPONSES TO MOTIONS IN LIMINE: April 10, 2015.

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: **January 30, 2015.**

DEADLINE FOR RESPONSES TO DISPOSITIVE MOTIONS: **February 13, 2015.**

DEADLINE FOR REPLIES TO DISPOSITIVE MOTIONS: **February 20, 2015.**

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: **10:00 a.m. on March 6, 2015,** in **Courtroom Four**, also known as the Ceremonial Courtroom, on the Second Floor of the Kanawha County Courthouse, at 409 Virginia Street, East, in **Charleston, West Virginia.**

WITNESS AND EXHIBIT LISTS, PROPOSED JURY QUESTIONNAIRE, PROPOSED VOIR DIRE, AND PROPOSED JURY INSTRUCTIONS: **March 6, 2015.**

Parties shall electronically file and serve their witness and exhibit lists, proposed jury questionnaire, proposed voir dire, and proposed jury instructions on one another, the Presiding Judges and the Mass Litigation Manager. Parties shall also provide the Presiding Judges and the Mass Litigation Manager with a disk containing their proposed voir dire and proposed jury instructions in Microsoft WORD format **by no later than March 6, 2015.**

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: **March 13, 2015.**

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: March 18, 2015.

All parties are to meet and confer by no later than **March 23, 2015**, to resolve objections to witnesses, exhibits and deposition designations.

PRETRIAL CONFERENCE MEMORANDA: March 25, 2015.

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 March 25, 2015**. The pretrial conference memoranda shall contain the following:

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

PRETRIAL CONFERENCE: 9:00 a.m. on March 27, 2015, in Courtroom Four, also known as the Ceremonial Courtroom, on the Second Floor of the Kanawha County Courthouse, at 409 Virginia Street, East, in **Charleston, West Virginia**.

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

TRIAL ON ALL LIABILITY ISSUES: 9:00 a.m. on April 27, 2015, in Courtroom Four, also

known as the Ceremonial Courtroom, on the Second Floor of the Kanawha County Courthouse, at 409 Virginia Street, East, in **Charleston, West Virginia**.

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 so **ORDERED**.

ENTER: July 2, 2014

/s/ John A. Hutchison
Lead Presiding Judge
Carbon Monoxide Exposure Litigation