



IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

IN RE: FLOAT-SINK LITIGATION CIVIL ACTION NO. 11-C-5000000

THIS DOCUMENT APPLIES TO:

Allyson Townsend

v.

Commercial Coal Testing, Inc., et al.

Civil Action No. 11-C-5200015

SECOND CASE MANAGEMENT ORDER

FACT DISCOVERY

FACT WITNESS IDENTIFICATION DEADLINE FOR UEC TECHNOLOGIES, LLC

("UEC"): 06/02/2014.

FACT DISCOVERY COMPLETION DEADLINE FOR UEC: 07/03/2014.

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 WITNESS DISCLOSURE DEADLINE FOR UEC: 06/30/2014.

EXPERT WITNESS DISCOVERY DEADLINE: 07/31/2014.

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.

DEADLINE FOR MOTIONS RELATED TO DISCOVERY: 08/15/2014.

RESPONSES TO DISCOVERY MOTIONS: 08/29/2014.

DEADLINE FOR FILING MOTIONS IN LIMINE: 09/29/2014.

RESPONSES TO MOTIONS IN LIMINE: 10/15/2014.

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: 08/29/2014.

RESPONSES TO DISPOSITIVE MOTIONS: 09/15/2014.

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: 9:00 a.m. 09/29/2014 in the courtroom located on the first floor of the W. Kent Carper Justice and Public Safety Complex, 301 Virginia Street, East, Charleston, West Virginia.

MEDIATION: 9:00 a.m. on 09/30/2014 in the conference rooms on the first floor of the W. Kent Carper Justice and Public Safety Complex, 301 Virginia Street, East, Charleston, West Virginia.

WITNESS AND EXHIBIT LISTS, PROPOSED JURY QUESTIONNAIRE,

PROPOSED VOIR DIRE, AND PROPOSED JURY INSTRUCTIONS: 10/08/2014.

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 Lead Presiding Judge John A. Hutchison with a disk containing their proposed voir dire and proposed jury instructions in Microsoft WORD format by no later than **10/08/2014**.

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: 10/08/2014.

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:

10/17/2014.

All parties are to meet and confer by no later than **10/22/2014**, to resolve objections to witnesses, exhibits and deposition designations.

PRETRIAL CONFERENCE MEMORANDA: 10/24/2014 by 4:00 p.m.

All parties are directed to exchange and deliver their pretrial conference memoranda to the Presiding Judges and the Mass Litigation Manager, which 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 (NO reservations authorized)
- i. All Proposed Jury Voir Dire
- j. Proposed Verdict Form
- k. Deposition Designation Objections

PRETRIAL CONFERENCE: 9:00 a.m. on 10/29/2014 in the courtroom located on the first floor of the W. Kent Carper Justice and Public Safety Complex, 301 Virginia Street, East, Charleston, West Virginia. **LEAD COUNSEL TRYING THE CASE MUST APPEAR AT THE PRE-TRIAL CONFERENCE.**

TRIAL: 9:00 a.m. on 11/12/2014. Trial will take place in the Courtroom Number 2, the Courtroom of the Honorable John A. Hutchison, Raleigh County Judicial Center, 222 Main Street, Beckley, West Virginia 25801.

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: May 19, 2014

/s/ John A. Hutchison
Lead Presiding Judge
Float-Sink Litigation