



N THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

IN RE: GAVIN LANDFILL LITIGATION

CIVIL ACTION NO. 16-C-8000

THIS DOCUMENT RELATES TO ALL CASES

**ORDER REGARDING THIRD RECOMMENDED
DECISION OF DISCOVERY COMMISSIONER**

The Presiding Judges have reviewed the *Third Recommended Decision* of the Discovery Commissioner filed on January 8, 2018 (Transaction ID 61537836) regarding *Defendants' Motion to Compel Plaintiffs to Produce Itemizations of Damages Claimed by Each Plaintiff and For Sanctions and Request for Expedited Briefing Schedule* (Transaction ID 61502279).

The Court adopts the Findings of Fact and Conclusions of Law set forth in the *Third Recommended Decision*, and **GRANTS** *Defendants' Motion to Compel Plaintiffs to Produce Itemizations of Damages Claimed by Each Plaintiff and For Sanctions and Request for Expedited Briefing Schedule*. For each time the term "TBD" appears in Plaintiffs' itemization of damages filed on December 22, 2017, for items such as lost wages, medical monitoring and medical bills, it shall be replaced with a numerical value specifying the amount claimed by each Plaintiff. To the extent there are any quantifiable claims for loss of consortium, those numerical values shall be provided to Defendants as well. The Court **ORDERS** Plaintiffs to produce the amended itemized individual damages disclosures for each Plaintiff, on a rolling basis, beginning January 10, 2018, and to be completed by January 12, 2018.

The Court further **ORDERS** Plaintiffs to pay the Defendants' attorney fees and costs to file the motion to compel and to attend the January 5, 2018, hearing before the Discovery Commissioner as a sanction to Plaintiffs. Defendants shall provide a detailed statement to the Discovery Commissioner of the attorney fees incurred by Defendants with regard to the motion to compel and the January 5, 2018, hearing no later than January 17, 2018. Plaintiffs may object

to Defendants' detailed statement by January 26, 2018. The Discovery Commissioner will make a determination of the proper sanction award to be made at that time.

The Court further **ORDERS** Plaintiffs to pay the total amount of \$2,400.00 for the Discovery Commissioner's costs in this matter. Plaintiffs' payment of the sanction award to be determined by the Discovery Commissioner, as well as the sum of \$2,400.00 for the Discovery Commissioner's costs in this matter shall be delivered to the Discovery Commissioner for receipt **no later than February 9, 2018.**

It is so **ORDERED.**

ENTER: January 10, 2018.

/s/ Derek C. Swope
Lead Presiding Judge
Gavin Landfill Litigation