



**IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA**

**IN RE: MARCELLUS SHALE LITIGATION  
MIDSTREAM CASES**

**CIVIL ACTION NO. 14-C-3001**

**THIS DOCUMENT APPLIES TO THE OAK GROVE TRIAL GROUP:**

Abby Aston v. Williams Ohio Valley Midstream, LLC	Civil Action No. 19-C-275 MSH
Lewis A. Aston, Jr. and Cathy Aston v. Williams Ohio Valley Midstream, LLC	Civil Action No. 19-C-275 MSH
Betty J. Bird, Administratrix of the Estate of Judith McGary v. Williams Ohio Valley Midstream, LLC	Civil Action No. 15-C-95 MSH
Andrew T. Blakemore and Amanda Blakemore v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-42 MSH
David E. Blakemore and Donna Blakemore v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-42 MSH
James Robert Buchanan, Jr. v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-42 MSH
Terry Derrow and Lisa Derrow v. Williams Ohio Valley Midstream, LLC	Civil Action No. 19-C-275 MSH
Timothy Dulaney and Shirley Dulaney v. Williams Ohio Valley Midstream, LLC	Civil Action No. 15-C-96 MSH
Frank J. Elza, Jr. and Tina J. Elza v. Williams Ohio Valley Midstream, LLC	Civil Action No. 19-C-275 MSH

Miranda Friede v. Williams Ohio Valley Midstream, LLC	Civil Action No. 19-C-275 MSH
Daniel C. Gatts v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-42 MSH
Harley L. Gatts, II and Patricia L. Gatts v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-42 MSH
Kevin Gornik v. Williams Ohio Valley Midstream, LLC	Civil Action No. 14-C-160 MSH
Dale E. Hall v. Williams Ohio Valley Midstream, LLC	Civil Action No. 19-C-275 MSH
Jade D. Henderson and Joel Henderson v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-42 MSH
Todd Kettler and Dawn Kettler v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-42 MSH
Betty Kidd v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-42 MSH
Roger W. Losh and Jody L. Losh v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-42 MSH
Christina S. Lyons v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-42 MSH
Rickey McGary and Lisa McGary v. Williams Ohio Valley Midstream, LLC	Civil Action No. 15-C-97 MSH

John H. Och, III and Sharon Och v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-42 MSH
William Standiford and Linda Standiford v. Williams Ohio Valley Midstream, LLC	Civil Action No. 19-C-275 MSH
James Stern and Roberta Stern v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-98 MSH
David Stoffel and Rebecca Innocenti v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-42 MSH
Richard E. Vargo and Jade L. Goodnight v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-42 MSH
Harold S. Young and Charlene S. Young v. Williams Ohio Valley Midstream, LLC	Civil Action No. 18-C-245 MSH

### **ORDER REGARDING DISCOVERY MOTIONS**

**1. *Motion to Permit Participation in 30(b)(7) Deposition of Williams Ohio Valley Midstream, LLC and/or Alternatively to Take Separate 30(b)(7) Deposition (Transaction ID 66563859).***

There are two groups of Plaintiffs in the Oak Grove Trial Group. One group of Plaintiffs is represented by the Fitzsimmons Law Firm PLLC and the law firm of Berry, Kessler, Crutchfield, Taylor & Gordon (“the Fitzsimmons/Gordon Plaintiffs”). The other group of Plaintiffs is represented by the law firm of Bordas & Bordas (“the Bordas Plaintiffs”). The motion to permit participation in the Rule 30(b)(7) deposition of Defendant Williams Ohio Valley Midstream, LLC (“WOVM”) is filed on behalf of the Fitzsimmons/Gordon Plaintiffs.

Having reviewed the motion, response and reply, the Court **GRANTS** the motion and **ORDERS** that counsel for the Fitzsimmons/Gordon Plaintiffs are permitted to participate in the 30(b)(7) deposition of WOVM, as scheduled by counsel for the Bordas Plaintiffs. Should the

Bordas Plaintiffs settle their claims against WOVM prior to the scheduled Rule 30(b)(7) deposition of WOVM, the Court further **ORDERS** that counsel for the Fitzsimmons/Gordon Plaintiffs are permitted to conduct the Rule 30(b)(7) deposition of WOVM, as scheduled by counsel for the Bordas Plaintiffs. Any questioning of WOVM's 30(b)(7) witness by Counsel for the Fitzsimmons/Gordon Plaintiffs is limited to the subject areas agreed upon by counsel for the Bordas Plaintiffs and counsel for WOVM.

**2. *Defendant Williams Ohio Valley Midstream, LLC's Motion to Compel Production of Metadata Associated with Photographs and Videos* (Transaction ID 66564146).**

Having reviewed the motion, responses and reply, the Court **DENIES** the motion. Defendant WOVM did not file a request for production of documents requesting metadata associated with photographs and videos. Notwithstanding the fact that Plaintiffs have cooperated and provided metadata to WOVM, metadata is not part of the evidentiary foundation required to introduce photograph and videos into evidence.

**3. *Defendant Williams Ohio Valley Midstream, LLC's Motion to Compel Production of Documents from Plaintiff Abby Aston* (Transaction ID 66563003).**

Having reviewed the motion to compel, response and reply, the Court **HOLDS THE MOTION IN ABEYANCE**. The Court **ORDERS** Plaintiff Abby Aston to produce a privilege log in support of her claim of attorney-client privilege for her notes regarding her claims against WOVM within 10 days of the entry of this Order.

**4. *Defendant Williams Ohio Valley Midstream, LLC's Motion to Compel Production of Documents from Plaintiffs Lewis A., Jr., and Cathy Aston* (Transaction ID 66562942).**

Having reviewed the motion to compel, response and reply, the Court **DENIES** the motion as moot. Defendant WOVM's motion for attorney fees and expenses is **DENIED**.

5. *Defendant Williams Ohio Valley Midstream, LLC's Motion to Compel Production of Documents from Plaintiff Betty J. Bird, Administratrix of the Estate of Judith McGary (Transaction ID 66562271).*

Having reviewed the motion to compel, response and reply, the Court **DENIES** the motion as moot. Defendant WOVM's motion for attorney fees and expenses is **DENIED**.

6. *Defendant Williams Ohio Valley Midstream, LLC's Motion to Compel Production of Documents from Plaintiffs David E. Blakemore and Donna Blakemore (Transaction ID 66562544).*

Having reviewed the motion to compel, response and reply, the Court **DENIES** the motion as moot. Defendant WOVM's motion for attorney fees and expenses is **DENIED**.

7. *Defendant Williams Ohio Valley Midstream, LLC's Motion to Compel Production of Documents from Plaintiffs Timothy Dulaney and Shirley Dulaney (Transaction ID 66562059).*

Having reviewed the motion to compel, response and reply, the Court **DENIES** the motion as moot. Defendant WOVM's motion for attorney fees and expenses is **DENIED**.

8. *Defendant Williams Ohio Valley Midstream, LLC's Motion to Compel Production of Documents from Plaintiffs Frank J. Elza, Jr. and Tina J. Elza (Transaction ID 66563687).*

Having reviewed the motion to compel, response and reply, the Court **DENIES** the motion as moot. Defendant WOVM's motion for attorney fees and expenses is **DENIED**.

9. *Defendant Williams Ohio Valley Midstream, LLC's Motion to Compel Production of Documents from Plaintiffs Harley L., II and Patricia Gatts (Transaction ID 66564066).*

Having reviewed the motion to compel, response and reply, the Court **DENIES** the motion as moot. Defendant WOVM's motion for attorney fees and expenses is **DENIED**.

10. *Defendant Williams Ohio Valley Midstream, LLC's Motion to Compel Production of Documents from Plaintiff Jade Goodnight (Transaction ID 66562715).*

Having reviewed the motion to compel, response and reply, the Court **DENIES** the motion as moot. Defendant WOVM's motion for attorney fees and expenses is **DENIED**.

**11. Defendant Williams Ohio Valley Midstream, LLC's Motion to Compel Production of Documents from Plaintiff Kevin Gornik (Transaction ID 66563944).**

Having reviewed the motion to compel, response and reply, the Court **DENIES** the motion as moot. Defendant WOVM's motion for attorney fees and expenses is **DENIED**.

**12. Defendant Williams Ohio Valley Midstream, LLC's Motion to Compel Production of Documents from Plaintiff Dale Hall (Transaction ID 66563348).**

Having reviewed the motion to compel, response and reply, the motion to compel is **GRANTED**, in part. Plaintiff Dale Hall is **ORDERED** to produce the additional photographs identified in his deposition and outlined in the motion to compel within 10 days of the entry of this Order. The motion to compel is otherwise **DENIED** as moot. Defendant WOVM's motion for attorney fees and expense is **DENIED**.

**13. Defendant Williams Ohio Valley Midstream, LLC's Motion to Compel Production of Documents from Plaintiffs Joel and Jade Henderson (Transaction ID 66564242).**

Having reviewed the motion to compel, response and reply, the Court **DENIES** the motion as moot. To the extent Defendant WOVM moves to compel metadata for a movie either taken or sent on February 9, 2018, a screenshot of which was included in the Hendersons' supplemental responses served on May 12, 2021, the Court **DENIES** the motion for the same reasons set forth in the Court's ruling regarding Defendants' motion to compel metadata in Paragraph 2 of this Order. Defendant WOVM's motion for attorney fees and expenses is **DENIED**.

**14. Defendant Williams Ohio Valley Midstream, LLC's Motion to Compel Production of Documents from Plaintiffs Todd Kettler and Dawn Kettler (Transaction ID 66561720).**

Having reviewed the motion to compel, response and reply, the Court **DENIES** the motion as moot. Defendant WOVM's motion for attorney fees and expenses is **DENIED**.

**15. Defendant Williams Ohio Valley Midstream, LLC's Motion to Compel Production of Documents from Plaintiff Christina S. Lyons (Transaction ID 66563504).**

Having reviewed the motion to compel, response and reply the Court **DENIES** the motion as moot. Defendant WOVM's motion for attorney fees and expenses is **DENIED**.

**16. Defendant Williams Ohio Valley Midstream, LLC's Motion to Compel Production of Documents from Plaintiffs Linda and William Standiford (Transaction ID 66563821).**

Having reviewed the motion to compel, response and reply the Court **DENIES** the motion as moot. To the extent Defendant WOVM moves to compel metadata for electronic photographs and/or videos produced by the Standifords, the Court **DENIES** the motion for the same reasons set forth in the Court's ruling regarding Defendants' motion to compel metadata in Paragraph 2 of this Order. Defendant WOVM's motion for attorney fees and expenses is **DENIED**.

**17. Defendant Williams Ohio Valley Midstream, LLC's Motion to Compel Production of Documents from Plaintiffs David Stoffel and Rebecca Stoffel (Transaction ID 66562108).**

Having reviewed the motion to compel, response and reply the Court **DENIES** the motion as moot. Defendant WOVM's motion for attorney fees and expenses is **DENIED**.

**18. Defendant Williams Ohio Valley Midstream, LLC's Motion to Compel Production of Documents from Plaintiff Richard Vargo (Transaction ID 66562881).**

Having reviewed the motion to compel, response and reply the Court **DENIES** the motion as moot. Defendant WOVM's motion for attorney fees and expenses is **DENIED**.

**19. Defendant Williams Ohio Valley Midstream, LLC's Motion to Compel Production of Documents from Plaintiffs Harold and Charlene Young (Transaction ID 66562449).**

Having reviewed the motion to compel, response and reply the Court **GRANTS** the motion, in part. Plaintiffs' are **ORDERED** to produce copies of oil and gas related payment documents within 10 days of the entry of this Order. The motion is otherwise, **DENIED**. Defendant WOVM's motion for attorney fees and expenses is **DENIED**.

A copy of this Order is electronically served this day on counsel or record via File and Serve*Xpress*.

It is so **ORDERED**.

**ENTERED:** June 4, 2021.

/s/ Derek C. Swope  
Lead Presiding Judge  
Marcellus Shale Litigation  
Midstream Cases