



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:

Timothy Dulaney and Shirley Dulaney
v.
Williams Ohio Valley Midstream, LLC

Civil Action No. 15-C-96 MSH

Betty J. Bird, Administratrix of the
Estate of Judith McGary
v.
Williams Ohio Valley Midstream, LLC

Civil Action No. 15-C-95 MSH

Rickey McGary and Lisa McGary
v.
Williams Ohio Valley Midstream, LLC

Civil Action No. 15-C-97 MSH

James Stern and Roberta Stern
v.
Williams Ohio Valley Midstream, LLC

Civil Action No. 16-C-98 MSH

Harold S. Young and Charlene Young
v.
Williams Ohio Valley Midstream, LLC

Civil Action No. 18-C-245 MSH

**ORDER REGARDING DEFENDANT WILLIAMS OHIO VALLEY
MIDSTREAM, LLC'S MOTION FOR PROTECTIVE ORDER**

Pending before the Court is *Defendant Williams Ohio Valley Midstream LLC's Motion for Protective Order as it Relates to the Deposition of a Representative of Williams Ohio Valley Midstream, LLC, on July 21, 2021* (Transaction ID 66783690) filed at 5:03 p.m. on July 20, 2021. Having reviewed WOVN's motion and Plaintiffs' response, and having heard the parties' arguments, the Court **DENIES** WOVN's motion for protective order as **MOOT** because WOVN Representative Ben Kittka did not appear at the deposition scheduled on July 21, 2021.

The Court **DENIES** Plaintiffs' request for "all relief which might be necessary in the event that WOVN's designated witness does not appear." Resp. p. 2. Plaintiffs' counsel was placed on notice that WOVN Representative Ben Kittka and counsel for WOVN would not be attending the

deposition scheduled on July 21, 2021 yet chose to appear at the July 21, 2021 deposition anyway.
Mot. Exh. 1, p.2.

The Court **ORDERS** the parties to cooperate in rescheduling and completing the deposition of WOVM Representative Ben Kittka **no later than July 28, 2021**.

It is so **ORDERED**.

ENTERED: July 21, 2021.

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