



IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

IN RE: MARCELLUS SHALE LITIGATION

CIVIL ACTION NO. 14-C-3000

THIS DOCUMENT APPLIES TO:

Mark Tennant, et al.

v.

Williams Ohio Valley Midstream, LLC

Civil Action No. 16-C-39 MSH

CASE MANAGEMENT ORDER FOR THE BIRCH RIDGE TRIAL GROUP

The Presiding Judges schedule trial in the above-captioned trial group at **9:00 a.m. on August 20, 2018**, in the Courtroom on the Second Floor of the Marshall County Courthouse, at 600 Seventh Street, Moundsville, West Virginia 26041. The following deadlines shall govern trial of this case.

FACT DISCOVERY

FACT WITNESS DISCLOSURE DEADLINE: October 16, 2017

FACT DISCOVERY COMPLETION DEADLINE: February 12, 2018

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

Any party desiring to use an expert witness shall 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.

PLAINTIFFS' EXPERT WITNESS REPORTS ARE DUE: November 6, 2017

DEFENDANTS' EXPERT WITNESS REPORTS ARE DUE: January 8, 2018

EXPERT DISCOVERY COMPLETION DEADLINE: March 9, 2018

ALL DISCOVERY IS CLOSED: April 9, 2018

MEDIATION: The Resolution Judges will conduct mediation on or before **March 30, 2018.**

MOTIONS IN LIMINE

Pursuant to West Virginia Rule of Evidence 103(c), all motions in limine should be determined prior to trial, where practicable. The Presiding Judges will not consider motions in limine on the day of trial without good cause shown.

DEADLINE FOR FILING MOTIONS IN LIMINE: June 15, 2018

DEADLINE FOR RESPONSES TO MOTIONS IN LIMINE: June 29, 2018

DEADLINE FOR REPLIES TO MOTIONS IN LIMINE: July 6, 2018

DEADLINE FOR DISPOSITIVE MOTIONS: May 16, 2018

DEADLINE FOR RESPONSES TO DISPOSITIVE MOTIONS: May 30, 2018

DEADLINE FOR REPLIES TO DISPOSITIVE MOTIONS: June 6, 2018

If a discovery deposition is scheduled within 30 days of the close of discovery, counsel shall 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 AND MOTIONS IN LIMINE: at **10:00 a.m. on June 22, 2018 at a location to be determined.**

PROPOSED JURY QUESTIONNAIRE, PROPOSED VOIR DIRE, PROPOSED JURY INSTRUCTIONS, AND PROPOSED VERDICT FORM: July 6, 2018

Parties shall electronically file and serve their 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 Mass Litigation Manager with their proposed voir dire, and proposed jury instructions in Microsoft WORD format via electronic mail **on July 6, 2018**. The Mass Litigation Manager's electronic mail address is kim.fields@courtsvw.gov

The witness list shall be a bona fide list of intended trial witnesses and any recently discovered fact or condition witness. Names of witnesses shall be specified and shall include contact information for each witness and a statement of intended testimony. Unnamed/unlisted witness reservations are not authorized.

EXHIBITS AND DEPOSITION DESIGNATIONS EXCHANGED: July 6, 2018

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

EXCHANGED: July 20, 2018. All parties shall meet and confer **no later than July 27, 2018**, to resolve objections to witnesses, exhibits and deposition designations.

PRETRIAL CONFERENCE MEMORANDA: August 3, 2018

All parties shall exchange their pretrial conference memoranda, and deliver their pretrial conference memoranda to the Presiding Judges and the Mass Litigation Manager. 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
- d. Proposed Stipulations
- e. Specific Schedule of Exhibits
- (NO reservations authorized)
- g. Pending Motions
- h. Motions in Limine
- i. Proposed Verdict Form
- j. Unresolved Objections to Deposition Designations

PRETRIAL CONFERENCE: 10:00 a.m. on August 10, 2018, at a location to be determined.

LEAD COUNSEL TRYING THE CASE SHALL APPEAR.

TRIAL: 9:00 a.m. on August 20, 2018, in the Courtroom on the Second Floor of the Marshall County Courthouse, at 600 Seventh Street, Moundsville, West Virginia 26041.

MODIFICATION: The 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. 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.

It is to **ORDERED**.

ENTER: August 22, 2017, 2017.

/s/ Alan D. Moats
Lead Presiding Judge
Marcellus Shale Litigation