



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:

James Conner and Patricia Conner v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-9 MSH
Raymond Durig and Carrie Durig v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-10 MSH
Robert Lemasters and Brittany Lemasters v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-11 MSH
Samuel Martin and Denise Martin v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-12 MSH
Thomas Martin, Sr. and Jennifer Martin v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-13 MSH
William R. Mcilvain and Kimberly A. Mcilvain v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-14 MSH
James Myers and Linda Myers v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-15 MSH
Janet Peck v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-16 MSH
Linda Sing v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-17 MSH
Robin Sloan v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-18 MSH

CASE MANAGEMENT ORDER FOR THE PINECONE TRIAL GROUP

Having reviewed the *Status Report of the Parties* (Transaction ID 60737690) filed June 15, 2017, and the parties' correspondence to the Court dated October 10, 2018, and having conferred with one another, the Presiding Judges have determined the above-captioned trial group is scheduled for trial at **9:00 a.m. on October 28, 2019**, 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: December 28, 2018

FACT DISCOVERY COMPLETION DEADLINE: June 28, 2019

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: January 11, 2019

DEFENDANTS' EXPERT WITNESS REPORTS ARE DUE: March 8, 2019

EXPERT DISCOVERY COMPLETION DEADLINE: July 5, 2019

ALL DISCOVERY IS CLOSED: August 2, 2019

MEDIATION: The Resolution Judges will conduct mediation **on or before September 30, 2019.**

DISPOSITIVE MOTIONS

DEADLINE FOR DISPOSITIVE MOTIONS: August 30, 2019

DEADLINE FOR RESPONSES TO DISPOSITIVE MOTIONS: September 13, 2019

DEADLINE FOR REPLIES TO DISPOSITIVE MOTIONS: September 20, 2019

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.

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: September 6, 2019

DEADLINE FOR RESPONSES TO MOTIONS IN LIMINE: September 20, 2019

DEADLINE FOR REPLIES TO MOTIONS IN LIMINE: September 27, 2019

HEARING ON DISPOSITIVE MOTIONS AND MOTIONS IN LIMINE: during the pretrial conference at **10:00 a.m. on October 4, 2019**, at a location to be determined.

PROPOSED JURY QUESTIONNAIRE, PROPOSED VOIR DIRE, PROPOSED JURY INSTRUCTIONS, AND PROPOSED VERDICT FORM: September 20, 2019

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 September 20, 2019**. The Mass Litigation Manager's electronic mail address is kim.fields@courtsv.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: August 30, 2019

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: September 6, 2019. All parties shall meet and confer **no later than September 13, 2019**, to resolve objections to witnesses, exhibits and deposition designations.

PRETRIAL CONFERENCE MEMORANDA: September 20, 2019

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 | g. Pending Motions |
| d. Proposed Stipulations | h. Motions in Limine |

e. Specific Schedule of Exhibits i. Proposed Verdict Form

(NO reservations authorized) j. Unresolved Objections to Deposition Designations

PRETRIAL CONFERENCE: 10:00 a.m. on October 4, 2019, at a location to be determined.

LEAD COUNSEL TRYING THE CASE SHALL APPEAR.

TRIAL: 9:00 a.m. on October 28, 2019, in the Courtroom on the Second Floor of the Marshall County Courthouse, at 600 Seventh Street, Moundsville, West Virginia 26041. The Court has allotted two weeks for the trial of this group of cases.

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: October 30, 2018.

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