



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

**IN RE: MARCELLUS SHALE LITIGATION**

**CIVIL ACTION NO. 14-C-3000**

**THIS DOCUMENT APPLIES TO ALL CASES**

**CASE MANAGEMENT ORDER FOR  
HARRISON COUNTY CHERRY CAMP TRIAL GROUP**

**FACT DISCOVERY**

**FACT WITNESS DISCLOSURE DEADLINE: February 27, 2015**

**RULE 34 PROPERTY INSPECTIONS DEADLINE: July 31, 2015**

**FACT DISCOVERY COMPLETION DEADLINE: September 30, 2015**

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**

**PLAINTIFFS' EXPERT WITNESS DISCLOSURE DEADLINE: March 6, 2015**

**DEFENDANTS' EXPERT WITNESS DISCLOSURE DEADLINE: April 3, 2015**

**RULE 35 MEDICAL EXAMINATIONS DEADLINE: August 21, 2015**

**EXPERT DISCOVERY COMPLETION DEADLINE: October 30, 2015**

Any party desiring to use an expert witness must 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) materials 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.

MEDIATION: **August 26, 27 and 28, 2015**

DEADLINE MOTIONS IN LIMINE: **December 1, 2015**

DEADLINE FOR RESPONSES TO MOTIONS MOTIONS IN LIMINE: **December 15, 2015**

DEADLINE FOR REPLIES TO MOTIONS MOTIONS IN LIMINE: **December 22, 2015**

WVRE 103(c) requires that all motions in limine should be determined prior to trial, where practicable. This Court will not consider motions in limine on the day of trial without good cause shown.

DEADLINE FOR DISPOSITIVE MOTIONS: **January 15, 2016**

DEADLINE FOR RESPONSES TO DISPOSITIVE MOTIONS: **January 29, 2016**

DEADLINE FOR REPLIES TO DISPOSITIVE MOTIONS: **February 5, 2016**

If a discovery deposition is scheduled within 30 days of the close of discovery, counsel must 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: **10:00 a.m. on February 26, 2016**

WITNESS AND EXHIBIT LISTS, PROPOSED JURY QUESTIONNAIRE, PROPOSED VOIR DIRE, AND PROPOSED JURY INSTRUCTIONS: **March 11, 2016**

Parties shall electronically file and serve their witness and exhibit lists, 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 **by no later than**

**12:00 noon on March 11, 2016.** The Mass Litigation Manager’s electronic mail address is [kim.fields@courtswv.gov](mailto:kim.fields@courtswv.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 must be specified and must include contact information for each witness and a statement of intended testimony. Unnamed/unlisted witness reservations are not authorized.

**EXHIBITS AND DEPOSITION DESIGNATIONS EXCHANGED: March 11, 2016**

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: March 25, 2016**

All parties are to meet and confer by **no later than March 29, 2016**, to resolve objections to witnesses, exhibits and deposition designations.

**PRE-TRIAL CONFERENCE MEMORANDA: April 8, 2016**

All parties are directed to exchange their pretrial conference memoranda, and to deliver their pretrial memoranda to the Presiding Judges and the Mass Litigation Manager, which memoranda shall contain the following:

- |                          |                                      |
|--------------------------|--------------------------------------|
| a. Statement of the Case | f. Specific List of Witnesses        |
| b. Issues of Fact        | g. Pending Motions                   |
| c. Issues of Law         | h. Motions in Limine                 |
| d. Proposed Stipulations | i. Proposed Verdict Form             |
| e. Schedule of Exhibits  | j. Deposition Designation Objections |

**PRETRIAL CONFERENCE: 10:00 a.m. on April 22, 2016**

**LEAD COUNSEL TRYING THE CASE MUST APPEAR AT THE PRE-TRIAL CONFERENCE.**

**TRIAL: 9:00 a.m. on May 16, 2016.**

**MODIFICATION:**

In accordance with WVRCP 16(b) and 29(b), 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.

Unless authorized by the Court, the above 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.

It is to **ORDERED**.

ENTER: January 16, 2015

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