



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 FORT BEELER TRIAL GROUP

**Curtis Allen and Karen Allen
v.
Williams Ohio Valley Midstream, LLC**

Civil Action No. 14-C-199 MSH

**Kenneth Allen and Mary Lou Allen
v.
Williams Ohio Valley Midstream, LLC**

Civil Action No. 14-C-200 MSH

**Randall Clark and Wendy Clark
v.
Williams Ohio Valley Midstream, LLC**

Civil Action No. 14-C-201 MSH

**Robert Conner and Janet Conner
v.
Williams Ohio Valley Midstream, LLC**

Civil Action No. 14-C-202 MSH

**Robert Conner and Rosemary Conner
v.
Williams Ohio Valley Midstream, LLC**

Civil Action No. 14-C-203 MSH

**Ronnie Goodrich
v.
Williams Ohio Valley Midstream, LLC**

Civil Action No. 14-C-204 MSH

**Ellen Harness
v.
Williams Ohio Valley Midstream, LLC**

Civil Action No. 15-C-111 MSH

**James Marsh and Helen Marsh
v.
Williams Ohio Valley Midstream, LLC**

Civil Action No. 14-C-205 MSH

**Calvin Monniger
v.
Williams Ohio Valley Midstream, LLC**

Civil Action No. 14-C-206 MSH

**David Poling and Kimberly Poling
v.
Williams Ohio Valley Midstream, LLC**

Civil Action No. 15-C-93 MSH

Granted Judge Derek C Swope Oct 06, 2020

Charles Sheedy, Jr. and Tracylynn Sheedy
v.
Williams Ohio Valley Midstream, LLC

Civil Action No. 14-C-207 MSH

Charles Sheedy, Sr. and Debbie Sheedy
v.
Williams Ohio Valley Midstream, LLC

Civil Action No. 14-C-208 MSH

DEFENDANT’S MOTION TO EXCLUDE PLAINTIFFS’ EXPERT WITNESSES

Defendant, Williams Ohio Valley Midstream, LLC (“WOVM”), by counsel, moves pursuant to W. Va. R. Civ. P. 26 and the Parties’ Agreed Amended Case Management Order for the Fort Beeler Trial Group (“Agreed Amended CMO”) for an order that excludes the Plaintiffs’ from calling expert witnesses to testify at the trial of this matter. As grounds for this Motion, WOVM states as follows:

1. The Plaintiffs initially filed their respective Complaints on December 18, 2014, December 19, 2014, May 27, 2015 and June 18, 2015, in which they alleged nuisance claims related to the construction and operation of a natural gas processing facility near their homes known as the Fort Beeler Facility. Each of the Plaintiffs were made a part of the Fort Beeler Trial Group.

2. On May 6, 2020, the Panel entered its initial Case Management Order, under which the Panel ordered that, by July 6, 2020, Plaintiffs “shall furnish opposing counsel with the specialty of [any expert Plaintiffs intended to use] 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).” Initial CMO at 2.

Granted Judge Derek C Swope Oct 06, 2020

3. The Parties requests certain extensions to deadlines contained in the initial CMO, and the Panel entered the Agreed Amended CMO on May 26, 2020. In the Agreed Amended CMO, the Plaintiffs' expert witness disclosure and report deadline was extended to August 7, 2020.

4. As of the date of this Motion, Plaintiffs have not filed any expert witness disclosure or report.

5. Per the express terms of this Panel's Initial Agreed CMO, 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." Initial CMO at

5. This provision was explicitly incorporated into the Agreed Amended CMO. Agreed Amended CMO at 3.

WHEREFORE, WOVM asks that the Court enter an Order that excludes Plaintiffs from introducing any expert witness testimony at the trial of this matter.

WILLIAMS OHIO VALLEY MIDSTREAM, LLC

By Counsel

/s/ Mychal S. Schulz

Matthew S. Casto (WVSB ID No. 8174)

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IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

IN RE: MARCELLUS SHALE LITIGATION

CIVIL ACTION NO. 14-C-3000

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CERTIFICATE OF SERVICE

I, Mychal S. Schulz, counsel for Defendant, hereby certify that on this 19th day of August, 2020, I caused the foregoing **Defendant's Motion to Exclude Plaintiffs' Expert Witnesses** to be uploaded to File & Serve which will send an electronic notification of the same to the following counsel of record:

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/s/ Mychal S. Schulz

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