



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

**IN RE: MARCELLUS SHALE LITIGATION  
WELL PAD CASES**

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

**THIS DOCUMENT APPLIES TO:**

**LOST CREEK TRIAL GROUP  
(Harrison County)**

|   |                                |
|---|--------------------------------|
| Robert D. Adams<br>v.<br>Antero Resources Corporation, et al.           | Civil Action No. 15-C-86 KAN   |
| John V. Barbina, et al.<br>v.<br>Antero Resources Corporation, et al.   | Civil Action No. 15-C-187 KAN  |
| Matt E. Bowyer, et al.<br>v.<br>Antero Resources Corporation, et al.    | Civil Action No. 15-C-29 KAN   |
| William W. Bowyer, et al.<br>v.<br>Antero Resources Corporation, et al. | Civil Action No. 15-C-30 KAN   |
| Crystal Bunch<br>v.<br>Antero Resources Corporation, et al.             | Civil Action No. 15-C-174 KAN  |
| Doug Bunch<br>v.<br>Antero Resources Corporation, et al.                | Civil Action No. 15-C-176 KAN  |
| James R. Bunch, et al.<br>v.<br>Antero Resources Corporation, et al.    | Civil Action No. 15-C-175 KAN  |
| Roberta J. Bunch<br>v.<br>Antero Resources Corporation, et al.          | Civil Action No. 14-C-2215 KAN |
| Beth A. Edgar<br>v.<br>Antero Resources Corporation, et al.             | Civil Action No. 15-C-89 KAN   |

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| Amber B. Gaines<br>v.<br>Antero Resources Corporation, et al.  | Civil Action No. 15-C-289 KAN  |
| Calvin L. Gaines, et al.<br>v.<br>Antero Resources Corporation, et al.   | Civil Action No. 15-C-90 KAN   |
| Homer D. Gaines, et al.<br>v.<br>Antero Resources Corporation, et al.  | Civil Action No. 15-C-31 KAN   |
| Keith Gaines, et al.<br>v.<br>Antero Resources Corporation, et al.   | Civil Action No. 15-C-183 KAN  |
| Zachary Gaines<br>v.<br>Antero Resources Corporation, et al.   | Civil Action No. 15-C-184 KAN  |
| Randy L. Gray<br>v.<br>Antero Resources Corporation, et al.  | Civil Action No. 15-C-91 KAN   |
| Georgette B. Griffith, Executrix of the<br>Estate of James R. Griffith, et al.<br>v.<br>Antero Resources Corporation, et al. | Civil Action No. 14-C-668 MON  |
| James B. Heffinger, et al.<br>v.<br>Antero Resources Corporation, et al.   | Civil Action No. 14-C-250 MNR  |
| Kenneth L. Jones, et al.<br>v.<br>Antero Resources Corporation, et al.   | Civil Action No. 14-C-21 PLE   |
| Donnie W. Metheny<br>v.<br>Antero Resources Corporation, et al.  | Civil Action No. 15-C-173 KAN  |
| Judith K. Metheny<br>v.<br>Antero Resources Corporation, et al.  | Civil Action No. 14-C-1548 KAN |

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| Donald L. Moore, et al.<br>v.<br>Antero Resources Corporation, et al.  | Civil Action No. 15-C-237 KAN  |
| Robert W.N. Moore<br>v.<br>Antero Resources Corporation, et al.  | Civil Action No. 15-C-233 KAN  |
| Peggy L. Payton<br>v.<br>Antero Resources Corporation, et al.  | Civil Action No. 15-C-177 KAN  |
| Sharon M. Perry<br>v.<br>Antero Resources Corporation, et al.  | Civil Action No. 14-C-2214 KAN |
| James A. Reich, et al.<br>v.<br>Antero Resources Corporation, et al.   | Civil Action No. 15-C-235 KAN  |
| Ron Russell, et al.<br>v.<br>Antero Resources Corporation, et al.  | Civil Action No. 15-C-180 KAN  |
| Brenda L. Stutler<br>v.<br>Antero Resources Corporation, et al.  | Civil Action No. 15-C-231 KAN  |
| David W. Stutler, et al.<br>v.<br>Antero Resources Corporation, et al.   | Civil Action No. 14-C-242 KAN  |
| Worthy L. Stutler<br>v.<br>Antero Resources Corporation, et al.  | Civil Action No. 15-C-226 KAN  |
| Thomas N. Turner, et al.<br>v.<br>Antero Resources Corporation, et al.   | Civil Action No. 15-C-95 KAN   |
| Tina Louise Ward, Administratrix of the<br>Estate of John D. Ward, Jr,<br>v.<br>Antero Resources Corporation, et al. | Civil Action No. 14-C-2216 KAN |

Bobby Lee Woodard, et al.  
v. Civil Action No. 14-C-1503 KAN  
Antero Resources Corporation, et al.

Nathan W. Woodard, et al.  
v. Civil Action No. 14-C-1500 KAN  
Antero Resources Corporation, et al.

David E. Wright  
v. Civil Action No. 15-C-182 KAN  
Antero Resources Corporation, et al.

Charles E. Yeager, Jr., et al.  
v. Civil Action No. 15-C-1006 KAN  
Antero Resources Corporation, et al.

**CASE MANAGEMENT ORDER**

**FACT DISCOVERY**

**FACT WITNESS DISCLOSURE DEADLINE: September 3, 2020**

**FACT DISCOVERY COMPLETION DEADLINE: March 5, 2021.**

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: March 5, 2021**

**DEFENDANTS' EXPERT WITNESS REPORTS ARE DUE: May 7, 2021**

**EXPERT DISCOVERY COMPLETION DEADLINE: July 2, 2021**

**ALL DISCOVERY IS CLOSED: July 2, 2021**

**MEDIATION:** Mediation will be conducted in **mid- to late July 2021**. A separate Order scheduling mediation will be entered by the Resolution Judges.

**DISPOSITIVE MOTIONS**

**DEADLINE FOR DISPOSITIVE MOTIONS: August 6, 2021**

**DEADLINE FOR RESPONSES TO DISPOSITIVE MOTIONS: August 20, 2021**

**DEADLINE FOR REPLIES TO DISPOSITIVE MOTIONS: August 27, 2021**

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: August 6, 2021**

**DEADLINE FOR RESPONSES TO MOTIONS IN LIMINE: August 20, 2021**

**DEADLINE FOR REPLIES TO MOTIONS IN LIMINE: August 27, 2021**

**HEARING ON DISPOSITIVE MOTIONS AND MOTIONS IN LIMINE:** during the pretrial conference at **10:00 a.m. on September 10, 2021**.

**JOINT PROPOSED VOIR DIRE, JOINT PROPOSED JURY INSTRUCTIONS, AND**

**JOINT PROPOSED VERDICT FORM:** The Parties shall electronically file and serve their

joint proposed voir dire, joint proposed jury instructions, and joint proposed verdict form in **Rich Text Format** on the Presiding Judges and the Mass Litigation Manager **on August 6, 2021**.

**EXHIBITS, WITNESS LISTS, AND DEPOSITION DESIGNATIONS EXCHANGED:**

**August 6, 2021**

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. Witness lists shall be bona fide lists of intended trial witnesses and any recently discovered fact or condition witnesses. 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.

**OBJECTIONS TO EXHIBITS, WITNESSES AND DEPOSITION DESIGNATIONS**

**EXCHANGED: August 13, 2021**

All parties shall meet and confer **no later than August 20, 2021**, to resolve objections to witnesses, exhibits and deposition designations.

**PRETRIAL CONFERENCE MEMORANDA:**

All parties shall exchange their pretrial conference memoranda, and deliver their pretrial conference memoranda to the Presiding Judges and the Mass Litigation Manager **on August 27, 2021**. The pretrial conference memoranda shall contain the following:

- a. Statement of the Case
- b. Issues of Fact
- c. Issues of Law
- d. Proposed Stipulations
- e. Specific Schedule of Exhibits (NO reservations authorized)
- f. Specific List of Witnesses (NO reservations authorized)
- g. Pending Motions, including Dispositive Motions and Motions *in Limine*
- h. Unresolved Objections to Witnesses, Exhibits and Deposition Designations.

**PRETRIAL CONFERENCE: 10:00 a.m. on September 10, 2021.**

**TRIAL: 9:00 a.m. on September 20, 2021.** 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.

A copy of this Order has this day been electronically served on all counsel of record via File & Serve*Xpress*.

It is to **ORDERED**.

**ENTER:** June 10, 2020.

/s/ Jack Alsop  
Lead Presiding Judge  
Marcellus Shale Litigation  
Well Pad Cases