



**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:**

**NEW MILTON / ERWIN TRIAL GROUP  
(Doddridge County)**

Irene T. Busch v. Antero Resources Corporation, et al.	Civil Action No. 15-C-87 KAN
Michael G. Busch v. Antero Resources Corporation, et al.	Civil Action No. 15-C-85 KAN
Robert G. Conrad v. Antero Resources Corporation, et al.	Civil Action No. 15-C-88 KAN
Mark Daggett, et al. v. Antero Resources Corporation, et al.	Civil Action No. 15-C-274 KAN
John F. Pitcock, et al. v. Antero Resources Corporation, et al.	Civil Action No. 14-C-45 DOD
William L. Trent, et al. v. Antero Resources Corporation, et al.	Civil Action No. 14-C-27 DOD

**CASE MANAGEMENT ORDER**

**FACT DISCOVERY**

**FACT WITNESS DISCLOSURE DEADLINE: January 8, 2021**

**FACT DISCOVERY COMPLETION DEADLINE: July 9, 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: July 9, 2021**

**DEFENDANTS' EXPERT WITNESS REPORTS ARE DUE: September 10, 2021**

**EXPERT DISCOVERY COMPLETION DEADLINE: November 5, 2021**

**ALL DISCOVERY IS CLOSED: November 5, 2021**

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

**DISPOSITIVE MOTIONS**

**DEADLINE FOR DISPOSITIVE MOTIONS: December 9, 2021**

**DEADLINE FOR RESPONSES TO DISPOSITIVE MOTIONS: December 23, 2021**

**DEADLINE FOR REPLIES TO DISPOSITIVE MOTIONS: December 30, 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: December 9, 2021**

**DEADLINE FOR RESPONSES TO MOTIONS IN LIMINE: December 23, 2021**

**DEADLINE FOR REPLIES TO MOTIONS IN LIMINE: December 30, 2021**

**HEARING ON DISPOSITIVE MOTIONS AND MOTIONS IN LIMINE:** during the pretrial conference at **10:00 a.m. on January 14, 2022.**

**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 December 16, 2021.**

**EXHIBITS, WITNESS LISTS, AND DEPOSITION DESIGNATIONS EXCHANGED:**  
**December 16, 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: December 23, 2021**

All parties shall meet and confer **no later than December 30, 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 January 7, 2022**. 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. List of 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 January 14, 2022.**

**TRIAL: 9:00 a.m. on January 24, 2022.** 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