



3IN 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

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

CASE MANAGEMENT ORDER

FACT DISCOVERY

FACT WITNESS DISCLOSURE DEADLINE: June 1, 2020

FACT DISCOVERY COMPLETION DEADLINE: October 1, 2020

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 6, 2020

DEFENDANTS' EXPERT WITNESS REPORTS ARE DUE: August 3, 2020

EXPERT DISCOVERY COMPLETION DEADLINE: September 28, 2020

ALL DISCOVERY IS CLOSED: October 1, 2020

MEDIATION: Mediation will be conducted in **the first week of November 2020**. A separate Order scheduling mediation will be entered by the Resolution Judges.

DISPOSITIVE MOTIONS

DEADLINE FOR DISPOSITIVE MOTIONS: October 30, 2020

DEADLINE FOR RESPONSES TO DISPOSITIVE MOTIONS: November 13, 2020

DEADLINE FOR REPLIES TO DISPOSITIVE MOTIONS: November 20, 2020

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: October 30, 2020

DEADLINE FOR RESPONSES TO MOTIONS IN LIMINE: November 13, 2020

DEADLINE FOR REPLIES TO MOTIONS IN LIMINE: November 20, 2020

HEARING ON DISPOSITIVE MOTIONS AND MOTIONS IN LIMINE: during the pretrial conference at **10:00 a.m. on December 11, 2020**, in the Courtroom on the Second Floor of the Marshall County Courthouse, 600 Seventh Street, Moundsville, West Virginia 26041.

JOINT PROPOSED JUROR QUESTIONNAIRE: The parties shall file and serve their joint proposed juror questionnaire in **Rich Text Format** on the Presiding Judges and the Mass Litigation Manager **no later than 12:00 p.m. on November 23, 2020**.

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 November 13, 2020.**

EXHIBITS, WITNESS LISTS, AND DEPOSITION DESIGNATIONS EXCHANGED:

November 6, 2020

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: November 13, 2020

All parties shall meet and confer **no later than November 18, 2020**, 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 November 20, 2020.** The pretrial conference memoranda shall contain the following:

- | | |
|--------------------------|---|
| a. Statement of the Case | f. Specific List of Witnesses
(NO reservations authorized) |
| b. Issues of Fact | g. Pending Motions |
| c. Issues of Law | h. Motions in Limine |

d. Proposed Stipulations

i. Unresolved Objections to Deposition Designations

e. Specific Schedule of Exhibits
(NO reservations authorized)

PRETRIAL CONFERENCE: 10:00 a.m. on December 11, 2020, in the Courtroom on the Second Floor of the Marshall County Courthouse, 600 Seventh Street, Moundsville, West Virginia 26041. **LEAD COUNSEL TRYING THE CASE SHALL APPEAR.**

TRIAL: 9:00 a.m. on January 11, 2021, in the Courtroom on the Second Floor of the Marshall County Courthouse, 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.

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: May 6, 2020.

/s/ Derek C. Swope
Lead Presiding Judge
Marcellus Shale Litigation
Midstream Cases