



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 OAK GROVE TRIAL GROUP

Andy T. Blakemore and Amanda Blakemore
v.
Williams Ohio Valley Midstream, LLC

Civil Action No. 16-C-42 MSH

David E. Blakemore and Donna Blakemore
v.
Williams Ohio Valley Midstream, LLC

Civil Action No. 16-C-42 MSH

James Buchanan, Jr.
v.
Williams Ohio Valley Midstream, LLC

Civil Action No. 16-C-42 MSH

Timothy Dulaney and Shirley Dulaney
v.
Williams Ohio Valley Midstream, LLC

Civil Action No. 15-C-96 MSH

Daniel Cresap Gatts
v.
Williams Ohio Valley Midstream, LLC

Civil Action No. 16-C-42 MSH

Harley Lloyd Gatts and Patricia Lynn Gatts
v.
Williams Ohio Valley Midstream, LLC

Civil Action No. 16-C-42 MSH

Jade Goodnight
v.
Williams Ohio Valley Midstream, LLC

Civil Action No. 16-C-42 MSH

Kevin Gornik
v.
Williams Ohio Valley Midstream, LLC

Civil Action No. 14-C-160 MSH

Joel Henderson and Jade Henderson
v.
Williams Ohio Valley Midstream, LLC

Civil Action No. 16-C-42 MSH

Minnie Henry
v.
Williams Ohio Valley Midstream, LLC

Civil Action No. 16-C-42 MSH

Todd Richard Kettler and Dawn Renee Kettler v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-42 MSH
Betty Kidd v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-42 MSH
Roger Wayne Losh and Jody Lynn Losh v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-42 MSH
Christina Sharon Lyons v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-42 MSH
Judith McGary v. Williams Ohio Valley Midstream, LLC	Civil Action No. 15-C-95 MSH
Rickey McGary and Lisa McGary v. Williams Ohio Valley Midstream, LLC	Civil Action No. 15-C-97 MSH
John Henry Och, III and Sharon Ann Och v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-42 MSH
James Stern and Roberta Stern v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-98 MSH
David John Stoffel and Rebecca Ann Stoffel v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-42 MSH
Richard Frank Vargo v. Williams Ohio Valley Midstream, LLC	Civil Action No. 16-C-42 MSH
Harold S. Young and Charlene Young v. Williams Ohio Valley Midstream, LLC	Civil Action No. 18-C-245 MSH

CASE MANAGEMENT ORDER

FACT DISCOVERY

FACT WITNESS DISCLOSURE DEADLINE: August 1, 2020

FACT DISCOVERY COMPLETION DEADLINE: February 1, 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: September 30, 2020

DEFENDANTS' EXPERT WITNESS REPORTS ARE DUE: November 30, 2020

EXPERT DISCOVERY COMPLETION DEADLINE: January 29, 2021

ALL DISCOVERY IS CLOSED: February 1, 2021

MEDIATION: Mediation will be conducted in **the second week of March 2021**. A separate Order scheduling mediation will be entered by the Resolution Judges.

DISPOSITIVE MOTIONS

DEADLINE FOR DISPOSITIVE MOTIONS: June 25, 2021

DEADLINE FOR RESPONSES TO DISPOSITIVE MOTIONS: July 9, 2021

DEADLINE FOR REPLIES TO DISPOSITIVE MOTIONS: July 16, 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: June 25, 2021

DEADLINE FOR RESPONSES TO MOTIONS IN LIMINE: July 9, 2021

DEADLINE FOR REPLIES TO MOTIONS IN LIMINE: July 16, 2021

HEARING ON DISPOSITIVE MOTIONS AND MOTIONS IN LIMINE: during the pretrial conference at **10:00 a.m. on July 30, 2021**, 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 June 28, 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 July 9, 2021.**

EXHIBITS, WITNESS LISTS, AND DEPOSITION DESIGNATIONS EXCHANGED:

June 25, 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: July 2, 2021

All parties shall meet and confer **no later than July 9, 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 July 16, 2021**.

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 July 30, 2021, 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 August 16, 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