



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

**IN RE: MOUNTAIN STATE UNIVERSITY LITIGATION      Civil Action No. 12-C-9000**

**THIS DOCUMENT APPLIES TO ALL CASES**

**JOINT MOTION TO EXTEND DEADLINES**

All Plaintiffs and all Defendants jointly move the Mass Litigation Panel for an Order which extends the class certification discovery and general discovery deadlines set forth in the Court's *Order Memorializing The Court's Rulings During The December 23, 2013 Status Conference* (Transaction ID 54922405). The parties further jointly move the Mass Litigation Panel for an Order which extends all deadlines set forth in the Court's *Briefing Schedule For Class Certification* (Transaction ID 55003488). These deadlines include dates for (1) motions for class certification; (2) responses and replies to any motions for class certification; and (3) the July 18, 2014, oral argument hearing regarding motions for class certification. The grounds for this motion are set forth below:

1. The parties have engaged in lengthy mediation sessions in an effort to resolve all matters in dispute in the Mountain State University ("MSU") litigation. To date, there have been a total of ten (10) days of mediation. Six (6) of these days took place before the Mass Resolution Panel and involved all parties. Four (4) of these days involved the use of a private mediator, Donald O'Dell, and involved some of the parties.

2. The last seven (7) days of mediation, both with the Mass Resolution Panel and with Mr. O'Dell, have been spent working towards an agreement that would potentially resolve all of the cases. Significant progress towards reaching this agreement has been achieved, with relatively few issues remaining outstanding.

**Granted** Judge Moats, Alan D May 07, 2014

3. The work required to reach this point has consumed a great deal of the parties' time, both during mediation sessions and outside of those sessions. The parties believe and, therefore, represent to the Court that the remaining time available before the current deadlines expire will best be spent attempting to finalize the agreements between the parties.

4. As indicated by their below signatures, Plaintiffs' Liaison Counsel and Defendants' Liaison Counsel have obtained permission from all parties to file this Joint Motion to Extend Deadlines with the Court.

WHEREFORE, the parties respectfully request that this Court enter an Order which extends the deadlines as follows:

1. Discovery on all class certification issues: Completed by **June 30, 2014**
2. All remaining discovery: Completed by **August 29, 2014**
3. In the Cernuto case (Civil Action No. 11-C-245 RAL), and in the Burger case (Civil Action No. 12-C-1293 KAN):
  - a. Motions for class certification shall be filed on or before **July 14, 2014**.
  - b. Responses shall be filed on or before **August 11, 2014**.
  - c. Replies shall be filed on or before **August 25, 2014**.
  - d. The oral argument hearing on motions for class certification will be moved from July 18, 2014, to a date sometime in September, 2014, that works best with the Court's schedule.

Dated this the 6<sup>th</sup> day of May, 2014.

Jointly submitted by,

**STEPTOE & JOHNSON PLLC**  
**Of Counsel**

/s/ Jeffrey M. Cropp

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*Plaintiffs' Liaison Counsel*

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 6<sup>th</sup> day of May, 2014, I electronically served an exact and true copy of the foregoing “**Joint Motion To Extend Deadlines**,” on all counsel of record in the Mountain State University Litigation, via File & ServeXpress.

/s/ Jeffrey M. Cropp

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*Defendants' Liaison Counsel*

**This document constitutes a ruling of the court and should be treated as such.**

**Court:** WV Kanawha County Circuit Court

**Current Date:** May 07, 2014

**Case Number:** MC 12-C-9000

**Case Name:** Mountain State University Litigation 12-C-9000 Master Case

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**/s/ Judge Moats, Alan D**