



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

**IN RE: RALEIGH HEART CLINIC LITIGATION      CIVIL ACTION NO. 18-C-5000**

**THIS DOCUMENT APPLIES TO ALL CASES**

**FIRST AMENDED CASE MANAGEMENT AND SCHEDULING ORDER**

**I.      DISCOVERY**

**ALL DISCOVERY SHALL BE COMPLETED BY: May 1, 2020.** All written discovery requests must be served at least sixty (60) days prior to May 1, 2020. Discovery responded to must be supplemented, if necessary, by May 1, 2020.

**EXPERT WITNESS DISCLOSURES**

Each party shall produce expert disclosures containing the requirements of Rule 26(b)(4)(A)(1) by the deadlines set forth below:

**Plaintiffs' Experts: February 7, 2020**

**Defendants' Experts: March 9, 2020**

All objections or motions related to expert witnesses shall be filed **no later than April 15, 2020.**

**II.      PRETRIAL AND TRIAL SCHEDULE**

**THE PARTIES SHALL BE READY TO CONDUCT MEDIATION BY: May 15, 2020.**

The Resolution Judges will enter a separate order regarding scheduling of mediation.

**DEADLINE FOR DISPOSITIVE MOTIONS: June 5, 2020.**

**DEADLINE FOR RESPONSES TO DISPOSITIVE MOTIONS: June 19, 2020.**

**DEADLINE FOR REPLIES TO DISPOSITIVE MOTIONS: June 26, 2020.**

Dispositive motions will be heard during the pretrial conference **on July 31, 2020.**

**DEADLINE FOR MOTIONS IN LIMINE: June 12, 2020.**

**DEADLINE FOR RESPONSES TO MOTIONS IN LIMINE: June 26, 2020.**

**DEADLINE FOR REPLIES TO MOTIONS IN LIMINE: July 3, 2020.**

Motions in limine will be heard during the pretrial conference **on July 31, 2020.**

**EXHIBITS AND DEPOSITION DESIGNATIONS EXCHANGED: June 12, 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.

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

**June 19, 2020.** All parties shall meet and confer **no later than June 26, 2020,** to resolve objections to witnesses, exhibits and deposition designations.

**DEADLINE FOR PRETRIAL CONFERENCE MEMORANDA: July 17, 2020.**

All parties shall file and serve their pretrial conference memoranda and deliver their pretrial conference memoranda to the Presiding Judges and the Mass Litigation Manager. The pretrial conference memoranda shall contain:

- |                                                                  |                                      |
|------------------------------------------------------------------|--------------------------------------|
| a. Statement of the Case                                         | f. Specific List of Witnesses        |
| b. Issues of Fact                                                | (No reservations authorized)         |
| c. Issues of Law                                                 | g. Pending Motions                   |
| d. Proposed Stipulations                                         | h. Proposed Verdict Form             |
| e. Specific Schedule of Exhibits<br>(No reservations authorized) | i. Deposition Designation Objections |

The witness list shall be a bona fide list of intended trial 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.

**DEADLINE FOR PROPOSED JURY INSTRUCTIONS AND VOIR DIRE: July 17, 2020.**

All parties shall file and serve their proposed jury instructions and voir dire and shall deliver their proposed jury instructions and voir dire to the Presiding Judges and the Mass Litigation Manager.

Parties shall also provide the Mass Litigation Manager with their proposed jury instructions and voir dire in Microsoft Word format via electronic mail **on July 17, 2020**. The Mass Litigation Manager's electronic mail address is [kim.fields@courtswv.gov](mailto:kim.fields@courtswv.gov) .

**PRETRIAL CONFERENCE:** At **9:00 a.m. on July 31, 2020**, in Courtroom Four, also known as the Ceremonial Courtroom, on the Second Floor of the Kanawha County Courthouse, at 407 Virginia Street, East, Charleston, West Virginia. **LEAD COUNSEL TRYING THE CASE SHALL APPEAR.**

**TRIAL DATE AND STRUCTURE**

There will be an all-issues trial of six (6) cases, beginning at **9:00 a.m. on August 24, 2020**, in Courtroom Four, also known as the Ceremonial Courtroom, on the Second Floor of the Kanawha County Courthouse, at 407 Virginia Street, East, Charleston, West Virginia. The Court expects trial to take no more than two (2) weeks. Plaintiffs shall select three (3) cases for trial and Defendants shall select three (3) cases for trial. The parties shall file and serve one list identifying all six (6) cases to be tried no later than **January 10, 2020**.

**MODIFICATION:** The dates and requirements of this Scheduling Order are **FINAL**. No additional evidence developed as a result of deviations from this Scheduling Order will be admissible at trial. The Scheduling Order shall not be modified, except by leave of the Court.

**SANCTIONS:** In accordance with Rule 16(f) of the West Virginia Rules of Civil Procedure, the Court will impose the full spectrum of sanctions by the West Virginia Rules of Civil Procedure if a party or party's counsel fails to obey this order or other orders of this Court.

It is so **ORDERED**.

**ENTERED:** July 9, 2019.

/s/ Jay M. Hoke  
Lead Presiding Judge  
Raleigh Heart Clinic Litigation