



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

**IN RE: YEAGER AIRPORT LITIGATION**

**Civil Action No. 16-C-7000**

**THIS DOCUMENT APPLIES TO:**

Theodore Carter and Rebecca Carter  
v. Civil Action No. 15-C-1074 KAN  
Central Regional West Virginia Airport Authority, et al.

Kenneth W. Carter  
v. Civil Action No. 15-C-1791 KAN  
Cast & Baker Corporation, et al.

Robert L. Harrah II  
v. Civil Action No. 15-C-1792 KAN  
Cast & Baker Corporation, et al.

Terry Letart, et al.  
v. Civil Action No. 15-C-1793 KAN  
Cast & Baker Corporation, et al.

Deborah K. Harrah  
v. Civil Action No. 15-C-1794 KAN  
Cast & Baker Corporation, et al.

Patricia A. Wolfe, et al.  
v. Civil Action No. 16-C-1815 KAN  
Cast & Baker Corporation, et al.

James Johnson, et al.  
v. Civil Action No. 16-C-1826 KAN  
Cast & Baker Corporation, et al.

Brotherhood Mutual Insurance Co.  
v. Civil Action No. 16-C-293 KAN  
Central West Virginia Regional Airport Authority, Inc., et al.

**CASE MANAGEMENT ORDER REGARDING DAMAGES ONLY TRIAL**

This case management order shall govern all pre-trial and trial activities for the damages only trial of the above-captioned property damage cases. Issues of liability, whether plaintiffs

are entitled to punitive damages, and what, if any, punitive damages multiplier is appropriate, shall be determined in the liability trial of all cases in the Yeager Airport Litigation.

**FACT DISCOVERY:**

**FACT WITNESS DISCLOSURE DEADLINE: December 1, 2017**

**FACT DISCOVERY COMPLETION DEADLINE: January 2, 2018**

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:**

**PLAINTIFFS' EXPERT WITNESS DISCLOSURE DEADLINE: December 15, 2017**

**DEFENDANTS' EXPERT WITNESS DISCLOSURE DEADLINE: January 2, 2018**

**EXPERT DISCOVERY COMPLETION DEADLINE: January 16, 2018**

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 WVRCPC 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.

**ALL DISCOVERY IS CLOSED: January 30, 2018**

**MEDIATION: The Resolution Judges will conduct mediation on or before February 1, 2018.**

An order scheduling mediation, governing mediation procedure and mediation statements will be entered by Lead Resolution Judge Booker T. Stephens.

**DEADLINE FOR DISPOSITIVE MOTIONS: February 1, 2018**

**DEADLINE FOR RESPONSES TO DISPOSITIVE MOTIONS: February 15, 2018**

**DEADLINE FOR REPLIES TO DISPOSITIVE MOTIONS: February 22, 2018**

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.

**DEADLINE FOR FILING MOTIONS IN LIMINE: February 8, 2018**

**DEADLINE FOR RESPONSES TO MOTIONS IN LIMINE: February 22, 2018**

**DEADLINE FOR REPLIES TO MOTIONS IN LIMINE: March 1, 2018**

WVRE 103(c) requires that all motions in limine should be determined prior to trial, where practicable. This Court will not consider motions in limine on the day of trial without good cause shown.

**EXHIBITS, WITNESS LISTS AND DEPOSITION DESIGNATIONS EXCHANGED: No later than January 8, 2018.** Parties shall exchange full and complete copies of all exhibits intended to be introduced into evidence at trial, all witness lists, and all deposition designations. All exhibits shall be pre-marked.

**OBJECTIONS TO EXHIBITS, WITNESSES AND DEPOSITION DESIGNATIONS: no later than January 22, 2018.** All parties shall meet and confer **no later than January 26, 2018**, to resolve objections to witnesses, exhibits and deposition designations.

**PRETRIAL CONFERENCE MEMORANDA: March 1, 2018**

All parties shall exchange 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 the following:**

- a. Statement of the Case
- b. Issues of Fact
- c. Issues of Law
- d. Proposed Stipulations
- e. Specific Schedule of Exhibits
- f. Specific List of Witnesses (NO reservations authorized)
- g. Pending Motions
- h. Proposed Verdict Form (NO reservations authorized)
- i. Unresolved Deposition Designation Objections
- j. Proposed Voir Dire
- k. Proposed Jury Instructions

The witness list shall be a bona fide list of intended trial witnesses and any recently discovered fact or condition witness. 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.

Parties shall also provide the Mass Litigation Manager with their proposed voir dire and proposed jury instructions in Microsoft WORD format via electronic mail on **March 1, 2018**. The Mass Litigation Manager's electronic mail address is [kim.fields@courtswv.gov](mailto:kim.fields@courtswv.gov)

**PRETRIAL CONFERENCE AND HEARING OF DISPOSITIVE MOTIONS AND MOTIONS IN LIMINE:** at **10:00 a.m. on March 12, 2018**, 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 AT THE PRE-TRIAL CONFERENCE.**

**TRIAL:** at **9:00 a.m. on March 19, 2018**, 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 has allotted one week to try damages in the above referenced property damage cases.

**MODIFICATION:** In accordance with WVRCP 16(b) and 29(b), 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.

Unless authorized by the Court, the above 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.

It is so **ORDERED.**

**ENTER:** November 9, 2017.

/s/ John A. Hutchison  
Lead Presiding Judge  
Yeager Airport Litigation