



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: YEAGER AIRPORT LITIGATION

CIVIL ACTION NO. 16-C-7000

THIS DOCUMENT APPLIES TO:

**CENTRAL WEST VIRGINIA REGIONAL
AIRPORT AUTHORITY, INC.,**

Plaintiff,

Civil Action No. 15-C-1022 KAN

v.

TRIAD ENGINEERING, INC., et al.,

Defendants.

**SCHEDULING ORDER FOR TRIAD ENGINEERING, INC'S
CROSS-CLAIM AGAINST THE TRAVELERS INDEMNITY COMPANY**

The following schedule is **ORDERED** by the Court in the above-styled civil action and shall not be modified except by leave of Court.

DISCOVERY

Preliminary Fact Witness Disclosure Deadline:May 17, 2019****

Triad's Preliminary expert witness disclosure:June 14, 2019****

On or before this date, Triad must furnish Travelers' counsel with the name and resume of each person whom it expects to call as an expert witness at trial and to state the subject matter on which the expert is expected to testify.

Travelers' Preliminary expert witness disclosure:July 12, 2019****

On or before this date, Travelers must furnish Triad's counsel with the name and resume of each person whom it expects to call as an expert witness at trial and to state the subject matter on which the expert is expected to testify.

Fact Discovery deadline:July 31, 2019****

Triad's expert witness disclosure:August 9, 2019****

On or before this date, Triad must furnish Travelers' counsel the information required under WVRCP 26(b)(4), including the a report of all each person whom it expects to call as an expert witness at trial that contains the information required under WVRCP 26(b)(4). The report also shall include a list of all other matters in which the person has provided an expert report and/or testimony.

Traveler's expert witness disclosure:**September 4, 2019**

On or before this date, Triad must furnish Travelers' counsel the information required under WVRCP 26(b)(4), including the a report of all each person whom it expects to call as an expert witness at trial that contains the information required under WVRCP 26(b)(4). The report also shall include a list of all other matters in which the person has provided an expert report and/or testimony.

Deadline for Expert depositions:.....**September 20, 2019**

MEDIATION

The parties shall be prepared to conduct mediation by September 13, 2019. The Resolution Judges will enter a separate order scheduling mediation.

DISPOSITIVE MOTIONS

Deadline for Dispositive Motions:**October 1, 2019**

Deadline for Responses:**October 15, 2019**

Deadline for Replies:**October 22, 2019**

Argument on dispositive motion and status conference 10:00 a.m. on November 22, 2019, in Courtroom Four, also known as the Ceremonial Courtroom, on the second floor of the Kanawha County Courthouse, located at 409 Virginia Street, East, in Charleston, West Virginia.

PRE-TRIAL MOTIONS AND FILINGS

Final Fact Witness and Exhibit Lists and Designation of discovery/depositions to be used at trial:**November 20, 2019**

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

contact information for each witness and a statement of intended testimony. Unnamed/unlisted witness reservations are not authorized.

Parties shall exchange full and complete copies of all exhibits (or identification of same by Bates Number designation) to be introduced into evidence at trial and all deposition designations. All exhibits shall be pre-marked.

Objections/Responses:**December 2, 2019**

All parties are to meet and confer by no later than 20 days prior to the Final Pre-Trial Hearing to resolve objections to witnesses, exhibits and deposition designations.

Motions in Limine:**December 4, 2019**

Responses:.....**December 11, 2019**

Replies:**December 18, 2019**

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.

JURY INSTRUCTIONS/VERDICT FORMS/VOIR DIRE

Triad's deadline to submit proposed jury instructions, verdict form, and voir dire to Travelers' counsel:.....**December 2, 2019**

Travelers' deadline to respond to Triad regarding Triad's proposed jury instructions, verdict form, and voir dire:**December 9, 2019**

Deadline for counsel conference to discuss jury instructions, verdict form, and voir dire:**December 16 , 2019**

Joint submission of agreed upon jury instructions, verdict forms, and voir dire and separate submissions of items not agreed upon:.....**December 20, 2019**

Parties shall electronically file and serve their witness and exhibit lists, proposed voir dire, and proposed jury instructions on one another, the Presiding Judges and the Mass Litigation Manager.

Parties shall also provide the Mass Litigation Manager with their proposed voir dire and proposed jury instructions in Microsoft WORD format via e-mail to kim.fields@courtswv.gov by no later than December 20, 2019.

Stipulations:December 20, 2019

PRE-TRIAL CONFERENCE

10:00 a.m. on January 10, 2020, in Courtroom Four, also known as the Ceremonial Courtroom, on the second floor of the Kanawha County Courthouse, located at 409 Virginia Street, East, in Charleston, West Virginia.

**LEAD COUNSEL TRYING THE CASE MUST
APPEAR AT THE PRE-TRIAL CONFERENCE**

Pre-Trial Conference Memoranda:December 23, 2019

Parties are directed to exchange their pretrial conference memoranda, and to deliver their pretrial memoranda to the Presiding Judges and the Mass Litigation Manager, which memoranda shall contain the following:

- a. Statement of the case
- b. Issues of Fact
- c. Issues of Law
- d. Proposed Stipulations
- e. Schedule of Exhibits
- f. Final Witness List
- g. Pending Motions
- h. Motions in Limine
- i. Proposed Verdict Form
- j. Deposition Designation Objections

TRIAL

9:00 a.m. on January 20, 2020 in Courtroom Four, also known as the Ceremonial Courtroom, on the second floor of the Kanawha County Courthouse, located at 409 Virginia Street, East, in Charleston, West Virginia. The Court has allotted one week for the trial of this matter.

TRIAD’S MOTION FOR ATTORNEYS’ FEES AND HEARING

Triad shall submit its motion for attorneys’ fees in accordance with Syl. Pt. 4, *Aetna Cas. & Sur. Co. v. Pitrolo*, 176 W.Va. 190, 432 S.E. 2d 156 (1986): **February 5, 2020**

Travelers’ deadline to respond to Triad’s motion for attorneys’ fees: **February 14, 2020**

Pitrolo hearing with the Court: **10:00 a.m. on February 28, 2020**

in Courtroom Four, also known as the Ceremonial Courtroom, on the second floor of the Kanawha County Courthouse, located at 409 Virginia Street, East, in Charleston, West Virginia.

It is so **ORDERED**.

ENTER: March 26, 2019.

/s/ Derek C. Swope
Lead Presiding Judge
Yeager Airport Litigation