



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, husband
and wife,

Plaintiffs,

v.

Civil Action No. 15-C-1074 KAN

CENTRAL REGIONAL WEST
VIRGINIA AIRPORT AUTHORITY, et al.,

Defendants.

ORDER

Pending before the Court is *Plaintiffs' Motion for Clarification of Scheduling Order* (Transaction ID 60885516). The Presiding Judges have reviewed Plaintiffs' motion and Defendant Nationwide Mutual Fire Insurance Company's ("Nationwide") *Response* (Transaction ID 60901723). Having conferred with one another to insure uniformity of their decision, as contemplated by Rule 26.07(a) of the West Virginia Trial Court Rules, the Presiding Judges unanimously FIND Plaintiffs' motion is without merit and is, therefore, DENIED.

The Court clearly and unambiguously identified the factual issues necessary for resolution of the pending coverage issues in its *Scheduling Order for Bifurcated Trial on Declaratory Judgment* (Transaction ID 60834714) entered on July 11, 2017. On July 12, 2017, the Court further instructed the parties that,

The scope of the parties' discovery at this juncture is confined to the factual issues related to the "earth movement" and "government acts" exclusions as set forth in the Court's Scheduling Order. Discovery or action on any other claim by the Carters against Nationwide is STAYED and no discovery on any other claim will be permitted.

Order (Transaction ID 60844018). Accordingly, the parties are directed to proceed with discovery forthwith in strict compliance with the directions in the Court's *Scheduling Order for Bifurcated Trial on Declaratory Judgment* (Transaction ID 60834714) entered on July 11, 2017, and *Order* entered on July 12, 2017 (Transaction ID 60844018).

It is so ORDERED.

ENTER: July 28, 2017.

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