



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: YEAGER AIRPORT LITIGATION

Civil Action No. 16-C-7000

THIS DOCUMENT APPLIES TO ALL CASES

**ORDER REGARDING PROTOCOLS FOR THE PRODUCTION OF
ELECTRONICALLY STORED INFORMATION**

In accordance with Rule 29 of the of the West Virginia Code of Civil Procedure, the undersigned parties jointly, by and through their counsel, having expressed their mutual intent to seek the discovery of electronically stored information (“ESI”), hereby stipulate and agree that the following terms and conditions shall govern and supplement any local rules regarding the search, retrieval and production of ESI in this matter (hereinafter, the “Protocol”).

Based on the foregoing, **IT IS HEREBY ORDERED:**

**I.
DEFINITIONS**

A. “ESI” (electronically stored information) is defined as files, documents, or other data that are stored on computers, file servers, discs, tapes, smart phones, the internet, or any other devices or media.

B. “Document(s)” is defined to be synonymous in meaning and equal in scope to the usage of the term in Rule 34(a) of the West Virginia Rules of Civil Procedure and includes ESI existing in any medium from which information can be translated into reasonably usable form, including but not limited to email and attachments, word processing documents, spreadsheets, graphics, presentations, images, text files, databases, instant messages, transaction logs, audio and video files, voicemail, internet data, computer logs, text messages, or backup materials.

C. “Extracted Text” means the text extracted from a Native File and includes all header, footer, and document body information.

D. “Load File” means an electronic file containing information identifying a set of paper-scanned images or processed ESI and indicating where individual pages or files belong together as documents, including attachments, and where each document begins and ends. A Load File will also contain data relevant to the individual Documents, including extracted and user-created Metadata, coded data, as well as OCR or Extracted Text. A separate load file linking corresponding images will also be provided if productions are made in Static Image format.

E. “Metadata” means: (i) information embedded in a Native File that is not ordinarily viewable or printable from the application that generated, edited, or modified such Native File; (ii) information generated automatically by the operation of a computer or other information technology system when a Native File is created, modified, transmitted, deleted or otherwise manipulated by a user of such system, and (iii) information from emails such as author, recipient, cc, bcc, sent date and subject.

F. “Native File” means ESI in the original file format of the application in which such ESI is normally created, viewed or modified.

G. “OCR” means the optical character recognition text that is generated by software used in conjunction with a scanner that is capable of reading image-based documents and making such documents searchable.

H. “Static Image” means a representation of ESI produced by converting a Native File into a standard image format capable of being viewed and printed on standard computer systems. A Tagged Image File Format (TIFF) image is an example of a Static Image.

I. “Requesting Party” means the party serving requests for documents pursuant to Rule 34 of the West Virginia Rules of Civil Procedure (“Document Requests”).

J. “Producing Party” means and the party producing documents.

II. **GENERAL PROVISIONS**

A. The Parties will identify, collect, review for responsiveness, and produce as required pursuant to this Protocol certain ESI that includes, but is not limited to, electronically stored documents, images, diagrams, e-mails, spreadsheets, databases, and attachments to any of the foregoing, which may be stored on electronic media.

B. This Protocol will in no way limit each party's responsibility to search for physical paper files or tangible items in their possession, custody, or control that may be responsive or that may contain information responsive to Document Requests and any future discovery requests, regardless of who possesses those files or items. Furthermore, this Protocol will in no way extend or alter the time for responding in writing to Document Requests or for producing physical paper files or tangible items in response to Document Requests. However, nothing in this protocol shall prohibit or restrict the right of the Requesting Party and Producing Party to enter into agreements as between them that extend the time for responding in writing to discovery requests or for producing physical paper files or tangible items in response to said discovery requests.

C. Nothing in this Protocol alters, amends, modifies, supersedes, or replaces any party's rights or obligations to seek a protective order or cost-sharing under Rule 26 of the West Virginia Rules of Civil Procedure.

D. Nothing in this Protocol alters or replaces any provision of any Protective Order in this case.

E. Nothing in this Protocol shall be construed to waive any party's rights to assert any form of privilege or other discovery objection permitted by law.

F. The Parties may only alter this Protocol, including the deadlines provided herein, by mutual agreement in writing between the relevant Parties or by Court approval.

G. Compliance with the terms of this Protocol eliminates a Party's obligation to identify, collect, apply search terms to, and review ESI of custodians other than those identified herein (i.e., compliance eliminates any further obligation, absent court order or agreement of the Parties, to collect all potentially discoverable ESI of other individuals who have or are likely to have discoverable information).

III. **CUSTODIANS**

A. Upon entry of this Protocol, each Party shall, in good faith, conduct a reasonable investigation to determine which custodians under its control are most likely to have information relevant to the litigation ("Custodians"). For purposes of this Protocol, and all paragraphs contained herein, Custodians include individuals, such as current and former board members, directors, officers, employees, volunteers, agents and/or other representatives, for whom responsive ESI is housed on hardware or contained within software that is owned or controlled by a Producing Party, and ESI repositories housed on hardware or contained within software owned or controlled by a Producing Party if the repositories have no designated individual custodian but otherwise contain responsive ESI. The Producing Party shall not be responsible for seeking or searching ESI that is maintained on hardware or contained within software or webmail accounts that are not owned or controlled by the Producing Party or its current board members, directors, officers, or employees. The Producing Party shall, however, be responsible for seeking and searching ESI that is maintained on hardware or contained within software or webmail accounts that are not owned or controlled by the Producing Party, such as personal email accounts (e.g., gmail, yahoo, hotmail, aol, etc.), and personal computers, if the hardware,

software or webmail account is owned or controlled by one of the Producing Party's current board members, directors, officers, or employees and evidence is discovered by the Producing Party or presented by another Party indicating the presence of responsive ESI.

B. Within thirty (30) days from entry of this Order,¹ each Party shall provide the other Parties with:

1. A list of the Custodians it reasonably determines in good faith are most likely to possess, control, or have custody of any non-privileged and non-work product ESI relevant to the litigation, along with each Custodian's relationship to or title(s) within the Party's company and a short description of the Custodian's relevance to the facts and circumstances alleged in the Complaint.

2. If a Party has already conducted electronic searches for certain custodians, the Party shall specify the individuals for whom the search was conducted.

C. Within twenty one (21) days of receipt of the list set forth in paragraph III.B of this Protocol, a Party may request another Party add Custodians to that Party's Initial Custodian list by serving a list of additional Custodians ("Additional Custodian(s)") on the relevant Party ("Relevant Party"). The Relevant Party will then be obligated to search the ESI of the Additional Custodians, unless the Relevant Party believes in good faith that a search of the Additional Custodians' ESI will be unduly burdensome, unlikely to lead to the discovery of relevant information, or otherwise inappropriate under the West Virginia Rules of Civil Procedure. If so, the Relevant Party must notify the Party requesting Additional Custodians of any such objection

¹ If the last day of any period established by this Protocol is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday. For purposes of computation of time, Rule 6(d) of the West Virginia Rules of Civil Procedure shall not apply. Further, "receipt" may include any customary form of physical or electronic delivery to counsel for the Parties.

within fourteen (14) days of receipt of the proposed Additional Custodians, and the Parties shall thereafter confer in good faith in an effort to resolve the objection.

D. Any search under this section will necessarily include, without limitation, any and all emails of a Custodian (including relevant personal email accounts as determined pursuant to Section III.A. above), personal and network folders, network and non-network drives, files or file locations that a Custodian may share with other non-identified custodians, and relevant personal computers as determined pursuant to Section III.A. above, so long as said email, folders, drives, and files are housed on hardware or contained within software that is owned or controlled by the Producing Party or by one of the Producing Party's current board members, directors, officers, or employees. The fact that a file was created or edited by a non-identified custodian will not preclude its production if it is found in the possession (constructive or otherwise) of a Custodian, or if it is found in a repository that a Custodian shares with one or more non-identified Custodians. If a Party contends, pursuant to Section III.A., that the personal email and/or computer of another Party's Custodian(s) contains relevant ESI, it may request verification from that Party that the personal email and/or computer will be/was searched. If such verification is not provided, for whatever reason, the Parties shall thereafter confer in good faith in an effort to resolve the issue. If the issue is not resolved within fourteen (14) days of receipt of the request for verification, then the Party seeking verification has an additional fourteen (14) days to file a motion with the Court.

IV **SEARCH TERMS**

A. The Parties agree that search terms shall be used to identify the ESI of the Custodians identified pursuant to this Order that is to be reviewed for responsiveness (as well as for confidentiality and privilege). In the event a Party conducts a search for responsive ESI

without using search terms, it must provide an explanation of the mechanism used to conduct the search. If the Requesting Party reasonably believes that the method of searching did not uncover all ESI responsive to the Document Requests served on that Party, it may request that a search be conducted using search terms, which request shall be subject to a meet and confer process outlined in subparagraph B below.

B. Within twenty one (21) days from entry of this Order, each Party shall provide the other Parties with a list of search terms/combinations² (“Initial Search Terms”), to be run or previously run on its ESI repository that the Party reasonably believes will uncover all ESI responsive to the Document Requests served on that Party. Within twenty one (21) days of receipt of the Initial Search Terms, a Party may request another Party add additional search terms/combinations and/or modify search terms/combinations on that Party’s list of Initial Search Terms by serving a list of search terms/combinations (“Additional Search Terms”) it reasonably believes are necessary to uncover all information responsive to its Document Requests on the relevant Party (“Relevant Party”). The Relevant Party will then be obligated to conduct its search using the Additional Search Terms, unless the Relevant Party believes in good faith that a search using the Additional Search Terms will be unduly burdensome, unlikely to lead to the discovery of relevant information, or otherwise inappropriate under the West Virginia Rules of Civil Procedure. If so, the Relevant Party must notify the Party requesting Additional Search Terms of any such objection within fourteen (14) days of receipt of the proposed Additional Search Terms, and the Parties shall thereafter confer in good faith in an effort to

² In developing the search terms/combinations, the * in the terms is a wildcard indicator in which all derivatives of the root word is captured in all ESI that contains the root word. The + in the terms is a symbol for the word “and” that is typically used in a Boolean search and will link words together to ensure that relevant/responsive documents are captured in all ESI containing the root word and any other word(s) contained in the parentheses following the + sign.

resolve the objection. Even if the Relevant Party raises an objection or files a motion pursuant to this paragraph, the Relevant Party is nonetheless obligated to proceed with a search using agreed-upon Initial Search Terms and Additional Search Terms pursuant to this Protocol.

C. The Parties further agree that if search terms beyond the Additional Search Terms appear to be necessary to obtain discoverable information, the Parties will discuss the running of further search terms (“Supplemental Search Terms”). The Parties agree to work in good faith to negotiate and agree on appropriate Supplemental Search Terms, if any. To the extent the Parties reach agreement on or the Court enters an order requiring Supplemental Search Terms, if any, ESI containing one or more of these agreed upon Supplemental Search Terms will be captured, preserved, reviewed for responsiveness (as well as confidentiality and privilege) and produced, if appropriate, pursuant to this Protocol.

D. Notwithstanding the preceding paragraphs, nothing in this Protocol shall require any party to produce ESI not otherwise responsive to Document Requests simply because ESI was identified by the application of the Initial Search Terms, Additional Search Terms, or Supplemental Search Terms. A Producing Party shall make a good faith effort to only produce ESI identified by the application of the Initial Search Terms, Additional Search Terms, or Supplemental Search Terms that is responsive to document requests. Any Party that feels another Party has produced a substantial amount of non-relevant ESI may petition the Court for costs associated with review of the non-relevant ESI.

E. If, after a Party has fully searched all ESI associated with its Custodians using the Additional Search Terms and Supplemental Search Terms, and the majority of the data identified is largely irrelevant and unrelated to the Document Requests, and the review of such would be unduly burdensome and costly, the Producing Party shall so advise the Requesting Party. The

Parties will then negotiate in good faith to further limit the identified ESI. The Producing Party retains the right to seek to require the Requesting Party to narrow the Additional Search Terms and/or Supplemental Search Terms in order to reduce the amount of data generated or to require the costs of review and production resulting from not narrowing the Additional Search Terms and/or Supplemental Search Terms to be shared.

F. Unless good cause shown or otherwise agreed to by all Parties, the time period to be used for all searches is January 1, 2002 until May 22, 2015.

V.
PROCESSING AND PRODUCTION PROTOCOL

A. ESI Production. With respect to processing and production of ESI, the Parties will comply with the following protocol:

1. Tiff Files to Be Standard Production

a. The Parties will produce all ESI in Group IV compressed single-page TIFF image format, with associated load files for Relativity or similar programs, which shall include a .dat file and a .dll file for native documents and metadata, .jpeg for all images (all pictures/photographs shall be produced in color.) The Parties shall produce full extracted text (as available) in document-level text files that are appropriately identified with the TIFF images, or for those documents that do not have extracted text, OCR will be produced. The Parties may make reasonable requests for documents, such as spreadsheets, databases, or text files larger than 300 pages in size, to be produced in Native Format pursuant to paragraph VI(A)(6).

b. The load file shall contain the following categories of metadata: (1) Production BegBates, (2) Production EndBates, (3) Attachment Range, (4)

Custodian, (5) Sent Date, (6) Author or From, (7) Recipient or To, (8) Copyee (CC or BCC), (9) Title or Email Subject, (10) Application Create Date, (11) Application Date Modified, (12) Confidentiality, (13) File Path for the native file, and (14) File Path for the document-level text file.

c. The parties shall meet and confer with respect to the form of production for any audio and video files in non-standard formats.

d. Files will be named with consecutive numbers.

e. The metadata load file will contain the name of the file as it was saved in the ordinary course of business.

f. For emails with attachments and other container files such as .ZIP files, the metadata load file will contain “begin-attachment” and “end-attachment” values representing the low and the high consecutive numbers representing the names of the files in that attachment range or container file.

g. The Parties agree to exchange with their document productions information electronically identifying the confidentiality designation given to, and the custodians of, the ESI pursuant to any Protective Order entered in this case.

2. Production of Load Files

a. A load file compatible with loading to the kCura Relativity litigation support platform (.dat file) and platforms using .dll files (such as Summation) will be produced. The load file will contain links to extracted full text files, TIFF files, and where they occur, Native files.

b. Before the time of production of responsive data, the parties and their e-discovery vendor shall meet and confer as necessary to discuss and share

samples of load files so that each party receives a predictable and compliant load file format.

c. The list of fields does not create any obligation to create or manually code fields that are not automatically generated by the processing of the ESI or that do not exist as part of the original metadata of a document.

3. Processing Specifications. The preferred time zone of processing ESI is GMT. Care should be taken, however, that any alteration of time zone during processing does not interfere with or alter original metadata of that ESI. To the extent that a Party has already processed ESI using a different time zone, the Producing Party will note the time zone used in its processing. The Producing Party shall consistently produce all ESI processed using the same time zone.

4. Encrypted or Password-Protected ESI. For any ESI that exists in encrypted format or is password-protected, the Producing Party shall undertake reasonable efforts to provide the Parties a means to gain access to the files.

5. For archive files (zip, jar, rar, gzip, TAR, etc.), all contents should be extracted from the archive with source pathing and family relationships maintained/captured. The archive container file does not need to be included in the production.

6. Native Files. Absent special circumstances, PowerPoint presentations, source code, large diagrams, Excel files and/or .csv files, autocad files or other large engineering specific files should be produced in native format (“Native Files”), unless they have redactions. Native Files should be provided in a self-identified “Natives” directory. Each Native File should be produced with a corresponding single-page TIFF

placeholder image, which will contain language indicating that the document is being produced as a Native File. Native Files should be named with the beginning Bates number that is assigned to that specific record in the production. A “NativeLink” entry for each Native File should be included in the .DAT load file indicating the relative file path to each Native File on the production media. Native Files should be produced with extracted text and applicable metadata fields. Redacted documents may be produced with TIFF image files and OCR in lieu of a Native File, TIFF placeholder image and extracted text file. Any metadata fields for redacted documents that would reveal privileged information shall be excluded. The producing party must make reasonable efforts to ensure that its ediscovery vendor, prior to conversion to TIFF, reveals hidden data from redacted Native Files that are produced as TIFF image files and ensures that redacted Native Files will be formatted so as to be readable. (For example, column widths should be formatted so that numbers do not appear as “#####”.)

B. Hard-Copy (or Paper) Documents. In the event some documents exist in hard copy format only and are not available as ESI consistent with the definitions above, with respect to the production of these hard copy documents, the parties shall produce the documents as follows:

1. Hard Copy Documents Will Be Produced in Electronic Format: Hard-copy documents shall be produced as image files with corresponding OCR text to the extent such documents are converted into electronic format. The Parties shall meet and confer to discuss documents that present imaging or formatting problems. To the extent exceptions to the foregoing are made, the Parties will meet and confer to discuss alternative production requirements, concerns and/or formats.

2. **Document Unitization:** To the extent possible and on an ongoing basis, the Parties will endeavor to apply unitization practices consistent with the following description.

a. Each page of a hard copy document shall be scanned into an image and, if a document is more than one page, the unitization of the document and any attachments shall be maintained as it existed in the original when creating the image file.

b. For documents that contain affixed notes, the pages will be scanned once with the note(s) as they appear on the page and once without the notes so all content is captured. These pages will be treated as part of the same document.

c. The relationship of documents in a document collection (e.g., cover letter and enclosures, e-mail and attachments, binder containing multiple documents, folder or other documents where a parent-child relationship exists between the documents) shall be maintained through the scanning or conversion process. If more than one level of parent-child relationship exists, documents will be kept in order, but all will be treated as children of the initial parent document. Such information shall be captured and produced in the metadata/coding load file in a manner that will allow the parent-child relationship among documents to be reconstituted by the receiving party in commercially available document management or litigation review software.

C. Control/Bates Numbering. The Parties will produce native files and static images with a legible, unique control number. For native files, the Control/Bates Number will be

provided in the file name. For static images, the Control/Bates Number will be electronically “burned” onto the image at a location that does not obliterate, conceal, or interfere with any information from the source document. No other legend or stamp will be placed on the static image other than a confidentiality legend (where applicable), redactions (consistent with any protective order entered in this matter), and the control number identified above. Confidentiality legends shall be “burned” onto the static image at a location that does not obliterate or obscure any information from the source document. The Parties shall identify native files that are produced. Confidential designations can be added to the file name for native files identified as confidential.

D. File Naming Conventions. For Static Image productions, each page/image file shall be named with the unique control/bates number of the page of the Document, followed by the extension “.TIF”. The Control/Bates numbering convention shall not contain any spaces, special characters or symbols other than a hyphen (-) or underscore (_).

E. Time for Producing Documents. Each Producing Party agrees to start producing on a rolling basis to the Requesting Party any and all responsive, non-privileged or otherwise non-objectionable ESI with respect to all Custodians, no later than sixty (60) days after the complete list of Custodians is completed or sixty (60) days after the service of document request, whichever is later. Production of all ESI shall be completed by all Producing Parties no later than one hundred-twenty (120) days after the complete list of Custodians is completed or one hundred twenty (120) days after the service of Document Requests, whichever is later. The Parties may seek additional time to complete the production of ESI due to the number of documents retrieved by the ESI searches on a party’s respective ESI repository.

F. The Parties will make reasonable efforts to de-duplicate ESI across all of its Custodians, including, but not limited to de-duplication by MD5 or SHA-1 hash values.

VI.
INADVERTENT PRODUCTION AND CLAWBACK

No Party shall be deemed to have waived its right to assert the attorney-client privilege and/or attorney work-product privilege (collectively “Privilege”) due to inadvertent production. Any party who produces material or information without intending to waive a claim of Privilege does not waive that claim if, within five business (5) days after counsel for the Producing Party actually discovers that privileged material or information has been produced, the Producing Party identifies the material or information produced (e.g., by beginning and ending Bates Number) and states the Privilege asserted and basis therefore. In such an event, the Party receiving the materials protected by Privilege will return or destroy all copies of the identified materials and treat those materials as if they had been initially excluded from production. To the extent that, prior to such notice, a Party receiving the materials protected by Privilege may have disclosed or otherwise disseminated the materials, the receiving party shall make good faith efforts to retrieve the materials protected by Privilege and/or ensure such materials have been destroyed.

VII.
DISPUTES

The Parties shall make good faith attempts to resolve all of their disputes arising out of this Protocol promptly and without the need for Court intervention consistent with the requirements of the applicable rules and orders of the Court.

VIII.
COSTS

Notwithstanding anything to the contrary contained in this Protocol, no Producing Party shall be permitted to seek cost-shifting unless the costs at issue were incurred by that Party only

after it: (i) gave notice to the Requesting Party of its intent to seek cost-shifting, and (ii) provided the Requesting Party with a reasonable opportunity to modify its demands or to utilize the dispute resolution procedures set forth in this Protocol to resolve any dispute at issue.

IX.
SUBSEQUENT DOCUMENT REQUESTS

Subject to any limitations imposed by the Court or any other applicable rule, the Parties may serve additional document requests and/or interrogatories (“Subsequent Document Requests”) subsequent to the initial Documents Requests. Unless the Parties mutually agree to dispense with these provisions, ESI shall be searched, collected, and produced in response to the Subsequent Document Requests in accordance with this Protocol, except that the applicable deadlines related to identification of custodians, search terms, and production of ESI shall be negotiated by the Parties with consideration given to all the facts and circumstances then existing, including the scope of the Subsequent Document Requests and the timing of discovery.

X.
CONFIDENTIALITY

This order will be subject to the terms of any protective order entered either prior or subsequent to the entering of this order.

It is so ORDERED.

ENTER: March 1, 2017

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

Jointly Submitted by:

/s/ Anthony Majestro
Scott S. Segal, Esq.
The Segal Law Firm
810 Kanawha Blvd., East
Charleston, WV 25301
scott.segal@segal-law.com

Anthony J. Majestro, Esq.
James C. Powell, Esq.
Powell & Majestro, PLLC
405 Capitol Street, Suite P 1200
Charleston, WV 25301
amajestro@powellmajestro.com
jcpowell@powellmajestro.com

Timothy C. Bailey, Esq.
Bailey, Javins, & Carter, LC
213 Hale Street
P.O. Box 3712
Charleston, WV 25337
timbailey@bjc4u.com

Charles R. Bailey, Esq.
Justin C. Taylor, Esq.
Jay M. Potter, Esq.
BAILEY & Wyant, PLLC
500 Virginia Street E., Ste. 600
P.O. Box 3710
Charleston, WV 25337-3710
cbailey@baileywyant.com
jtaylor@baileywyant.com
jpotter@baileywyant.com
Counsel for Airport

/s/ Matthew Nelson
Matthew Nelson, Esq.
Lewis Brisbois Bisgaard & Smith LLP
222 Capitol St., 5th Floor
Charleston, WV 25301
matt.nelson@lewisbrisbois.com
Counsel for Airport as Defendant

/s/ Teresa J. Dumire
Teresa J. Dumire, Esq.
John D. "Jack" Hoblitzell, Esq.
KAY CASTO & CHANEY PLLC
1085 Van Voorhis Rd., Suite 100
Morgantown, WV 26505
tdumire@kaycasto.com
jdhoblitzell@kaycasto.com

Kevin A. Nelson, Esq.
Kelby Thomas Gray, Esq.
DINSMORE & SHOHL LLP
P.O. Box 11887
707 Virginia Street, East, Suite 1300
Charleston, WV 25339-1887
kevin.nelson@dinsmore.com
kelby.gray@dinsmore.com

John C. Palmer, Esq.
ROBINSON & MCELWEE PLLC
PO Box 1791
Charleston, WV 25326
jcp@ramlaw.com
Counsel for Triad Engineering, Inc.

Mark A. Barney, Esq.
BARNEY LAW, PLLC
P.O. Box 505
Hurricane, WV 25526
mbarney@barneylawwv.com

/s/ Michael P. Markins
Michael P. Markins, Esq.
Jennifer Lynch, Esq.
Cipriani & Werner, P.C.
Laidley Tower, Suite 900
500 Lee Street E.
Charleston, WV 25301
mmarkins@mansiongray.com
jlynch@mansiongray.com
Counsel for Cast & Baker Corporation

/s/ Kristen Moritz
Kristen Moritz, Esq.
Gesk Moritz, LLC
14 East Main Street
Carnegie, PA 15106
kmoritz@gesklaw.com
Counsel for Michael Baker International, Inc.,

/s/ Nicholas R. Stuchell
Norman T. Daniels, Jr., Esq.
Nicholas R. Stuchell, Esq.
Daniels Law Firm, PLLC
300 Summers St., Ste. 1270
P.O. Box 1433
Charleston, WV 25325
normdaniels@danielslawfirm.com
nstuchell@danielslawfirm.com
Counsel for West Virginia Paving, Inc.

/s/ John J. Meadows
John J. Meadows, Esq.
W. Randolph Fife, Esq.
Steptoe & Johnson PLLC
P.O. Box 1588
Charleston, WV 25326
John.Meadows@Steptoe-Johnson.com
Randy.Fife@Steptoe-Johnson.com
**Counsel for Engineered Arresting
Systems Corporation d/b/a Zodiac
Arresting Systems America**

/s/ Jeffrey W. Morof

Jeffrey W. Morof, Esq.
Bryan Cave LLP
161 North Clark Street, Suite 4300
Chicago, IL 60601-3315
jwmorof@bryancave.com

Shalem A. Massey, Esq.
Bryan Cave LLP
3161 Michelson Drive, Ste. 1500
Irvine, CA 92612-4414
shalem.massey@bryancave.com
**Counsel for Engineered Arresting
Systems Corporation d/b/a Zodiac
Arresting Systems America**

/s/ Jessica K. Burnett

Jessica K. Burnett, Esq.
William J. Cremer, Esq.
Thomas R. Pender, Esq.
Cremer Spina Shaughnessy Jansen & Siegert
1 North Franklin Street, 10th Floor
Chicago, IL 60606
**Counsel for Nicolon Corporation d/b/a TenCate
Geosynthetics Americas**

/s/ John Andrew "Jack" Smith

John Andrew "Jack" Smith, Esq.
Michael Bonasso, Esq.
Russell A. Williams, Esq.
Flaherty Sensabaugh Bonasso, PLLC
200 Capitol Street
Charleston, WV 25301
jsmith@fsblaw.com
mbonasso@fsblaw.com
rwilliams@flahertylegal.com
**Counsel for Nicolon Corporation d/b/a TenCate
Geosynthetics Americas.**

/s/ Chad L. Taylor

Frank E. Simmerman, Jr., Esq.
Chad L. Taylor, Esq.
Frank E. Simmerman III, Esq.
Simmerman Law Office, PLLC
254 East Main Street
Clarksburg, WV 26301
Counsel for Novel Geo-Environmental, LLC

/s/ Randall L. Trautwein

Randall L. Trautwein, Esq.
Jill E. Lansden, Esq.
James D. Lamp, Esq.
Lamp Bartram Levy Trautwein & Perry PLLC
PO Box 2488
Huntington, WV 25725-2488
rtrautwein@lbtplaw.com
jlansden@lbtplaw.com
jlamp@lbtplaw.com
**Counsel for Johnston-Morehouse-Dickey
Company d/b/a JMD**

/s/ Gene W. Bailey

Gene W. Bailey II, Esq.
Carl Fletcher, Esq.
Hendrickson & Long, PLLC
P.O. Box 11070
214 Capitol Street
Charleston, WV 25301
gbailey@handl.com
cfletcher@handl.com
Counsel for Ohio Farmers Insurance Co.

/s/ Brent Kesner

Brent Kesner, Esq.
Tanya Kesner, Esq.
Kesner & Kesner, PLLC
112 Capitol Street
P.O. Box 2587
Charleston, WV 25329
bknesner@kesnerlaw.com
tkesner@kesnerlaw.com
Counsel for Westfield Insurance Co.

/s/ Don C.A. Parker

Don C.A. Parker, Esq.
Laura E. Hayes, Esq.
Glen A. Murphy, Esq.
Spilman Thomas & Battle, PLLC
300 Kanawha Blvd., E.
PO Box 273
Charleston, WV 25321-0273
dparker@spilmanlaw.com
lhayes@spilmanlaw.com
gmurphy@spilmanlaw.com
Counsel for New Hampshire Insurance Co.

/s/ Adam M. Barnes
Adam M. Barnes, Esq.
Walsh, Barnes, Collis & Zumpella, P.C.
707 Grant Street
Gulf Tower, Suite 1400
Pittsburgh, PA 15219
abarnes@walshlegal.net
Defendant Cincinnati Insurance Company

/s/ Alan S. Miller
Alan S. Miller, Esq.
Picadio Sneath Miller & Norton, P.C.
Four Gateway Center
444 Liberty Avenue, Suite 1105
Pittsburgh, PA 15222
amiller@psmn.com

/s/ Peter G. Zurbuch
Peter G. Zurbuch, Esq.
Jeffrey Zurbuch, Esq.
Busch, Zurbuch & Thompson PLLC
1 High Street
Elkins, WV 26253
pzurbuch@bztlaw.com
jzurbuch@bztlaw.com
Counsel for Travelers Insurance

/s/ Jeffrey D. Van Volkenburg
Jeffrey D. Van Volkenburg, Esq.
Allison S. McClure, Esq.
McNeer, Highland, McMunn and Varner, L.C.
400 W. Main Street, Empire Building
P.O. Drawer 2040
Clarksburg, WV 26302-2040
jdvandvolkenburg@wvlawyers.com
asmcclure@wvlawyers.com
Counsel for Brotherhood Mutual Ins. Co.

/s/ Stephen S. Burchett
Stephen S. Burchett, Esq.
S. Taylor Hood, Esq.
Offutt Nord Burchett PLLC
P.O. Box 2868
Huntington, WV 25728
ssburchett@onblaw.com
sthood@onblaw.com
Counsel for The Keystone Apostolic Church

/s/ James D. McQueen
James D. McQueen, Jr., Esq.
Amanda J. Davis, Esq.
Anthony E. Nortz, Esq.
McQueen Davis, PLLC
Century Bldg., Suite 200
314 Ninth Street
Huntington, WV 25701
jmcqueen@mcqueendavis.com
anortz@mcqueendavis.com
**Counsel for Theodore & Rebecca Carter and
Counsel for Regina Adkins**

Christopher J. Heavens
Heavens Law Firm, PLLC
2438 Kanawha Boulevard East
PO Box 3711
Charleston, WV 25337-3711
chris@heavenslawfirm.com
**Counsel for Theodore & Rebecca Carter and
Counsel for Regina Adkins**

/s/ Ronda L. Harvey
Ronda L. Harvey, Esq.
Ashley Hardesty Odell, Esq.
Bowles Rice LLP
600 Quarrier Street
Charleston WV 25301
rharvey@bowlesrice.com
ahardestyodell@bowlesrice.com
Counsel for Nationwide Mutual Fire Ins. Co.

/s/ Marvin W. Masters
Marvin W. Masters, Esq.
Roger A. Decanio, Esq.
The Masters Law Firm LC
181 Summers Street
Charleston, WV 25301
mwm@themasterslawfirm.com
rad@themasterslawfirm.com
**Counsel for Kenneth Carter, Terry &
Rosemary Letart, Deborah Harrah, Robert
Harrah, Patricia Wolfe, and James & Donna
Johnson**