



**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**

**SCHEDULING ORDER**

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**

Plaintiffs' Expert Disclosure Deadline: .....**March 1, 2018**

On or before this date, any Plaintiff desiring to use an expert witness must furnish opposing counsel with the specialty of such expert and copies of all reports submitted by such expert, or, if no reports have been submitted, a summary of the substance of such expert's contemplated testimony in compliance with WVRCP 26(b)(4). If the name, reports or 26(b)(4) materials 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.

Defendants' Expert Disclosure Deadline: .....**April 3, 2018**

On or before this date, any Defendant desiring to use an expert witness must furnish opposing counsel with the specialty of such expert and copies of all reports submitted by such expert, or, if no reports have been submitted, a summary of the substance of such expert's contemplated testimony in compliance with WVRCP 26(b)(4). If the name, reports or 26(b)(4) materials 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.

Rebuttal Expert Disclosure Deadline.....**April 17, 2018**

On or before this date, all parties shall provide the disclosures required by WVRCP 26(b)(4) if the evidence is intended solely to contradict or rebut evidence on the same issue identified by another party in its expert witness disclosure.

Preliminary Fact Witness Disclosure Deadline: .....**February 15, 2018**

Deadline for discovery related solely to insurance coverage issues: **February 28, 2018**

Discovery deadline for all other matters: .....**September 4, 2018**

### **MOTIONS**

Deadline for Declaratory Judgment Motions: .....**March 1, 2018**

Deadline for Responses: .....**March 15, 2018**

Deadline for Replies: .....**March 22, 2018**

Deadline for Dispositive Motions: .....**August 3, 2018**

Deadline for Responses: .....**August 17, 2018**

Deadline for Replies: .....**August 24, 2018**

If a discovery deposition is scheduled within 30 days of the close of discovery, counsel must 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 taken after the briefing deadlines set forth above.

### **PRE-TRIAL MOTIONS AND FILINGS**

Final Fact Witness and Exhibit Lists and Designation of discovery/depositions to be used at trial: ..... **July 5, 2018**

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: .....**August 6, 2018**

All parties are to meet and confer by no later than 30 days prior to the Final Pre-Trial Hearing to resolve objections to witnesses, exhibits and deposition designations.

Motions in Limine:.....**August 20, 2018**

Responses:.....**September 4 2018**

Replies:.....**September 11, 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.

**JURY INSTRUCTIONS/VERDICT FORMS**

Parties to submit joint proposed jury questionnaire: ..... **August 1, 2018**

Plaintiffs' deadline to submit proposed jury instructions, verdict form, and voir dire to Defendants' counsel: .....**August 21, 2018**

Defendants' deadline to respond to Plaintiffs regarding Plaintiffs' proposed jury instructions, verdict form, and voir dire: ....**September 4, 2018**

Deadline for counsel conference to discuss jury instructions, verdict form and voir dire: ..... **September 17, 2018**

Joint submission of agreed upon jury instructions, verdict forms, voir dire, and separate submissions of items not agreed upon: .....**October 1, 2018**

Parties shall electronically file and serve their witness and exhibit lists, proposed jury questionnaire, 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](mailto:kim.fields@courtswv.gov) **no later than October 1, 2018.**

Stipulations: .....**October 1, 2018**

**PRE-TRIAL CONFERENCE**

Pre-Trial Conference Memoranda: .....**October 1, 2018**

All 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
- k. A realistic estimate of the number of trial days needed

The parties will confer and notify the Court no later than October 1, 2018, of the parties' realistic estimate of the number of trial days  
Pre-Trial Conference.....**November 2, 2018**

**LEAD TRIAL COUNSEL MUST APPEAR AT THE PRE-TRIAL CONFERENCE.**

**TRIALS**

Damages only trials and schedules associated therewith shall be entered under a separate order

Liability Trial (all cases): .....**December 3, 2018**

Damages Trial (Airport): .....**December 3, 2018**

It is so **ORDERED**.

**ENTER:** January 26, 2018.

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