



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: ZOLOFT LITIGATION

Civil Action No. 14-C-7000

THIS DOCUMENT APPLIES TO ALL CASES

CASE MANAGEMENT ORDER

DEADLINE FOR FILING RULE 12 MOTIONS: **July 9, 2014.**

DEADLINE FOR FILING RESPONSES TO RULE 12 MOTIONS: **July 23, 2014.**

DEADLINE FOR FILING REPLIES TO RULE 12 MOTIONS: **July 30, 2014.**

HEARING ON RULE 12 MOTIONS: **10:00 a.m. on September 11, 2014** in Courtroom Four, also known as the Ceremonial Courtroom, on the Second Floor of the Kanawha County Courthouse, at 409 Virginia Street, East, in **Charleston, West Virginia.**

DEADLINE TO FILE JOINDERS, CROSS CLAIMS AND THIRD-PARTY CLAIMS:

September 4, 2014.

FACT DISCOVERY

FACT DISCOVERY COMPLETION DEADLINE: **January 30, 2015.**

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: **August 15, 2014.**

DEFENDANTS' EXPERT WITNESS DISCLOSURE DEADLINE: **October 1, 2014.**

EXPERT DISCOVERY COMPLETION DEADLINE: **February 27, 2015.**

Any party desiring to use an expert witness must 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 WVRCP 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.

DEADLINE FOR MOTIONS RELATED TO DISCOVERY: **September 4, 2014.**

DEADLINE FOR RESPONSES TO DISCOVERY MOTIONS: **September 18, 2014.**

DEADLINE FOR REPLIES TO DISCOVERY MOTIONS: **September 25, 2014.**

HEARING ON DISCOVERY MOTIONS: **1:00 p.m. on September 29, 2014**, in the courtroom located on the first floor of the W. Kent Carper Justice and Public Safety Complex, 301 Virginia Street, East, **Charleston, West Virginia.**

DEADLINE FOR FILING MOTIONS IN LIMINE: **March 27, 2015.**

DEADLINE FOR RESPONSES TO MOTIONS IN LIMINE: **April 10, 2015.**

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.

DEADLINE FOR DISPOSITIVE MOTIONS: **May 8, 2015.**

DEADLINE FOR RESPONSES TO DISPOSITIVE MOTIONS: **May 22, 2015.**

DEADLINE FOR REPLIES TO DISPOSITIVE MOTIONS: **May 29, 2015.**

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 received after the briefing deadlines set forth above.

HEARING ON DISPOSITIVE MOTIONS: 10:00 a.m. on June 18, 2015, in Judge Mazzone's Courtroom, Ohio County Courthouse, 1500 Chapline Street, **Wheeling, West Virginia.**

WITNESS AND EXHIBIT LISTS, PROPOSED JURY QUESTIONNAIRE, PROPOSED VOIR DIRE, AND PROPOSED JURY INSTRUCTIONS: June 18, 2015.

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 Lead Presiding Judge James P. Mazzone with a disk containing their proposed voir dire and proposed jury instructions in Microsoft WORD format **by no later than June 18, 2015.**

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.

EXHIBITS AND DEPOSITION DESIGNATIONS EXCHANGED: June 25, 2015.

Parties shall exchange full and complete copies of all exhibits intended to be introduced into evidence at trial and all deposition designations. All exhibits shall be pre-marked.

OBJECTIONS TO EXHIBITS, WITNESSES AND DEPOSITION DESIGNATIONS: July 6, 2015.

All parties are to meet and confer by no later than **July 10, 2015**, to resolve objections to witnesses, exhibits and deposition designations.

PRETRIAL CONFERENCE MEMORANDA: July 20, 2015.

All parties are directed to exchange and deliver their pretrial conference memoranda to

the Presiding Judges and the Mass Litigation Manager, which shall contain the following:

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

PRETRIAL CONFERENCE: 10:00 a.m. on July 23, 2015, in Judge Mazzone's Courtroom, Ohio County Courthouse, 1500 Chapline Street, **Wheeling, West Virginia.**

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

TRIAL: 9:00 a.m. on August 3, 2015, in Judge Mazzone's Courtroom, Ohio County Courthouse, 1500 Chapline Street, **Wheeling, West Virginia.** The Court has set aside three weeks.

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: June 25, 2014

/s/ James P. Mazzone
Lead Presiding Judge
Zoloft Litigation