



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: ZOLOFT LITIGATION

Civil Action No. 14-C-7000

THIS DOCUMENT APPLIES TO:

*J.C., a minor by and through his mother and
next friend Michelle C*

Civil Action No. 12-C-146 WNE

*I.H., a minor by and through his mother and
next friend Angela H*

Civil Action No. 13-C-229 WNE

ORDER CONTINUING OCTOBER 24, 2016, TRIAL DATE

On September 9, 2016, the Court granted Defendants' motion to exclude Plaintiffs' expert, Adam C. Urato, M.D., granted Plaintiffs' motion seeking leave to designate a replacement expert for Dr. Urato, and ordered Plaintiffs to designate a replacement expert for Dr. Urato no later than September 16, 2016. See *Order Excluding Plaintiffs' Expert, Adam C. Urato, MD* (Transaction ID 59537225). Plaintiffs designated David A. Kessler, M.D. as their expert on failure to warn issues in the _____ and _____ cases on September 16, 2016. *Plaintiffs' Supplemental Disclosure of Experts* (Transaction ID 59574134).

During the September 19, 2016 hearing, the Court ordered Plaintiffs' to file the exhibits referenced in their September 16, 2016, *Supplemental Disclosure*, and to provide a summary of the substance of Dr. Kessler's contemplated testimony, in accordance with Rule 26(b)(4) of the Rules of Civil Procedure. Thereafter, counsel for Defendants' moved for a continuance of the October 24, 2016, trial date in order to give Defendants sufficient time to obtain Dr. Kessler's expert report in the _____ and _____ cases, and to prepare for and take the deposition of Dr. Kessler. Plaintiffs have no position with regard to Defendants' motion for continuance.

Having maturely considered Defendants' motion and 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 GRANT Defendants' motion for continuance of the October 24, 2016, trial date. The October 11, 2016, Pretrial Conference and the trial scheduled to commence on October 24, 2016, are hereby cancelled.

The *Pretrial Conference* is hereby rescheduled to commence at **9:00 a.m. on January 5, 2017**, in the courtroom located on the Second Floor of the Circuit Court of Ohio County, 1500 Chapline Street, Wheeling, West Virginia 26003. *Trial* is hereby rescheduled to commence at **9:00 a.m. on January 17, 2017**, in the courtroom located on the Second Floor of the Circuit Court of Ohio County, 1500 Chapline Street, Wheeling, West Virginia 26003. ***Trial will be conducted from January 17, 2017, through January 28, 2017, including Saturdays.***

The Court reminds the parties that all motion practice is now closed, except by leave of Court, with the exception of *Daubert/Wilt* motions related to Dr. Kessler, and with respect to any motion related to Dr. Cabrera's study documents. Deadlines for such motions will be forthcoming. The Resolution Judges will schedule a conference call with the parties to determine whether reconvening mediation in this litigation would be beneficial.

It is so ORDERED.

ENTER: September 21, 2016.

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